
CONTENTS

EDITORIAL

Guest editorial: Courts as an arena for societal change: An appraisal in the age of “environmental democracy”; In this issue 258

ASMAA KHADIM, MARGARETHA WEWERINKE-SINGH, JANNEMIEKE OUWERKERK
AND MIRANDA BOONE

ORIGINAL ARTICLES

Access to justice and strategic climate litigation in the EU: Curing the incurable? 265

ANGELIKA KREŻEL

Does the European Court of Justice induce societal change? The record so far—with a green future in mind 281

HENRI DE WAELE

Courts as an arena for socioenvironmental change: Lessons from the Argentine courts 294

ASMAA KHADIM

What climate litigation reveals about judicial competence 312

DOUWE DE LANGE

Courts as an arena of societal change? The Italian Constitutional Court’s self-restraint facing the legislator’s uncertain discretion in seabed mining: A concrete counter-example 326

GIORGIO CATALDO

‘Foot in the Door’ or ‘Door in the Face’? The development of legal strategies in European climate litigation between structure and agency 340

CARLOTTA GAROFALO

A rights-based approach to the choice of forum in climate displacement litigation: Lessons from the Americas 362

ARMELLE GOURITIN

Judicial approaches to science and the procedural legitimacy of climate rulings: Comparative insights from the Netherlands and Germany 378

JULIANA DE AUGUSTINIS

The necessity defence in (the Swiss) climate protest cases: Democratic contestation in the age of climate activism 393

PAOLO MAZZOTTI

Beyond OPOSA: Courts reinforcing intergenerational equity as customary international law 422

JOSIAH DAVID F. QUISING

Recognising the rights of nature: How have the courts fared? 445

TOLUPE N. OGBORU

EPILOGUE

A Whisper from Mother Earth 459

JENNA ROBERTSON