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## *Editorial Note*



# Environmental Protection and Human Rights: Recent Developments and Recurring Questions

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This issue of *JEEPL* is dedicated to the relationship among climate change, sustainability and human rights. First, we provide a first legal analysis of the Green Deal of the European Commission. *Ludwig Krämer's* legal analysis is surely a welcome aid to digest this comprehensive plan and develop new research agenda's.

Then, we turn to the specific issue of climate change mitigation, to which we dedicate three publications. First, Chris Backes and Gerrit van der Veen provide a critical reading to the Dutch Supreme Court's judgment in the *Urgenda* case, in which Dutch tort law helped public interest litigants in forcing the Dutch government to take additional measures to reduce greenhouse gases emissions in the Netherlands, as well known to the readers of this journal.<sup>1</sup> This manuscript is well paired by *Thomas Schomerus's* analysis of the *German Family Farmers* ruling in which German tort law led to a different outcome than in the *Urgenda* ruling. A close look at these manuscripts will surely feed

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1 See in particular, B. Wegener, *Urgenda – World Rescue by Court Order?* *JEEPL*, 2019, 16(2), 125 ff.; L. Krämer, *Climate Change, Human Rights and Access to Justice*, *JEEPL*, 2019, 16(1), 21–34; A.-S. Tabau and C. Courmil, *New Perspectives for Climate Justice: District Court of The Hague, 24 June 2015, Urgenda Foundation versus the Netherlands*, *JEEPL*, 2015, 12(3–4), 221–240; and L. Bergkamp, *A Dutch Court's 'Revolutionary' Climate Policy Judgment: The Perversion of Judicial Power, the State's Duties of Care, and Science*, *JEEPL*, 2015, 12(3–4), 241–263.

thoughts for comparative research as to the reasons for such different outcomes. More generally, *Lenine Tigelaar's* manuscript shows that Dutch tort law can actually be used to halt the development of renewable energy sources project, such as wind mills farms. These three manuscripts help therefore to appreciate better the pros and contra of tort-based public interest litigation and climate change, a topic dear to this journal.<sup>2</sup>

Finally, *Kleoniki Pouikli's* manuscript about the right to clean water and sanitation across Europe, focuses on another topic dear to this journal, that of environmental protection and equal treatment. Indeed, the European Court of Human Rights' ruling in *Hudorovic and Others v. Slovenia* highlights the importance of focusing on social minorities when considering environmental measures in order to avoid discriminatory outcomes.<sup>3</sup>

We wish the reader a pleasant reading!<sup>4</sup>

2 In general terms, L. Squintani, Tort-Law based Environmental Litigation: A Victory or Warning?, *JEEPL* 2018 15(3-4), 277-280. More specifically Wegener (at note 1). Outside of this journal, see also in particular, A. Graser, Vermeintliche Fesseln der Demokratie: Warum die Klimaklagen ein vielversprechender Weg sind, *ZUR* 2019, 271 ff. and G. Winter, G. Armando Carvalho et alii versus Europäische Union, *ZUR* 2019, 259 ff; and P. Gillaerts, Instrumentalisation of Tort Law: Widespread yet Fundamentally Limited, *Utrecht Law Review* 2019 15(3), 27-43.

3 L. Squintani, The Aarhus Paradox: Time to Speak about Equal Opportunities in Environmental Governance, *JEEPL* 2017 14(1), 3-5; see also the more articulated analysis in L. Squintani & H. Schoukens, Towards equal opportunities in public participation in environmental matters in the European Union, in L. Squintani and others (Eds.), *Managing Facts and Feelings in Environmental Governance*, *EE* 2019 22-52.

4 Due to length constrains, the case law report will not be published in this issue.