



REPORT

From Climate Change to Climate Action

Next steps for policy and practice

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From Climate Change to Climate Action: Next Steps for Policy and Practice

On 27 November 2025, the Asser Institute, in cooperation with SEVEN, the University of Amsterdam's interdisciplinary climate institute, brought together a group of lawyers, consultants, NGOs, youth representatives, former policy makers and academics for an exchange on how to take Professor Joyeeta Gupta's ideas on climate justice forward in policy and legal practice.¹ The day before, Professor Gupta had given the Asser Annual Lecture, titled 'Protecting the public interest in times of climate change: from abandoning fossil fuel to sharing our Earth'. The goal of the workshop was to take more time to reflect on how those who are concerned about climate change can use Gupta's research to influence policy makers and climate litigation. After a brief recap of Professor Gupta's lecture, the workshop began with reflections by Professor Andre Nollkaemper on the urgency of Professor Gupta's message and the imperative of organisations and institutions to work together on these complex problems. The first session, facilitated by Dr Stephanie Triefus, prompted participants to reflect on how governments can phase out fossil fuel extraction while safeguarding energy security and affordability, and on concrete measures for a just transition that does not disproportionately impact vulnerable communities at home or in partner countries. The second session, facilitated by Dr Natasa Nedeski, examined the strategic challenges climate litigators face in developing legal pathways to phase out fossil fuels, and how collaboration and recent developments, including the ICJ advisory opinion, can strengthen cases at domestic, regional, and international levels. This report aims to capture and disseminate some of the ideas exchanged during this workshop. It is not a comprehensive report, and does not reveal the sources of the comments, as the meeting was conducted under the Chatham House Rule. It first briefly recaps Professor Gupta's annual lecture, then explores

strategies of policy and legal practice that were discussed by participants of the workshop. We are grateful to the Municipality of The Hague for their support in enabling both the Asser Annual Lecture and the workshop the day after.

Protecting the public interest in times of climate change: from abandoning fossil fuel to sharing our Earth

Gupta's lecture on protecting the public interest in times of climate change draws on her extensive research on climate justice and is worth reading in its entirety, but for the purposes of this report, some key ideas are recapped below. A video of the lecture can be found [here](#) and the full essay based on the lecture has been published by T.M.C. Asser Press (see [here](#)).

Gupta [argues](#) that a stable climate is in the public interest, and that climate injustice violates the public interest. A focus on the phasing out of fossil fuels is warranted, as climate change is caused primarily by the use of fossil fuels in our energy systems, there are massive reserves of fossil fuels left underground, and the current 'overshoot' and 'net-zero' narratives undermine the goal of zero emissions. A public interest approach therefore requires a 'climate system justice' approach. The delay in setting a global warming target to 2015 has reduced the remaining carbon budget, making it impossible to share it equitably. If climate action is not approached justly, it will not be supported by the Global South, where most reserves of fossil fuels remain to be exploited.

¹ I am grateful to Dr Christophe Paulussen, Marianna Peroni and Koko Christiaanse for their assistance with drafting and editing this report. Any errors remain my own.



Gupta therefore proposes the concept of climate system justice, co-developed with the [Earth Commission](#), that conceptualises different forms of justice that should be incorporated into climate action. These include, for example, recognising human rights and different knowledge systems, justice between generations, access to information and decision-making, and addressing the drivers of climate change and inequality. Based on this conceptualisation of justice, the Earth Commission argues that a 1-degree warming target is a just target, as it reduces significant harm to the environment, humans and other species. Meeting this target while staying within a boundary that ensures enough resources are made available to meet the basic needs of people to enjoy these human rights requires rich countries to significantly change their behaviour and stop emitting entirely.

The challenges to moving forward with climate system justice are many. The economic, legal and political drivers are locked into the fossil fuel system by fixation on GDP growth, legal architecture that increases the cost of changing the system and petroculture ideology, among other things. This is exacerbated by disinformation and misinformation perpetuated by fossil fuel interests and the silencing of science through intimidation and lawsuits. In terms of solutions to these complex challenges, Gupta emphasises the need for deepened multilateralism and a different kind of economy that guarantees basic needs and human rights, enhances democracy, incentivises sustainability and invests in long-term inter-state cooperation.

The harm caused by climate change to vulnerable populations and the harm caused by the transition away from fossil fuels to workers along the fossil fuel chain must be compensated by those causing the harm. The Global North needs to help the Global South keep fossil fuels underground, without generating more debt. There should be a norm of no new fossil projects, states must educate the public about climate justice and prevent the spreading of false information, regulate CO₂ as a pollutant, decommission fossil fuel infrastructure and address legal barriers such as investment treaties. As many of these measures are beyond the scope of the current climate law regime, they require us to think about a broader framework. Gupta is therefore working on crowd-drafting a [global constitution](#) that promotes

egalitarian values that can protect the public interest over liberal and utilitarian ones.

Beyond mandates: Challenges and opportunities in translating climate system justice into policy and legal practice

This report summarises four interconnected themes that emerged from participants' discussions on Gupta's vision of climate system justice. First, it reflects on ideas regarding engagement with policymakers and multilateral negotiations. Second, it captures suggestions raised about the role of innovative municipalities and their citizens. Third, it outlines reflections on how academia might contribute to advancing climate system justice. Finally, it highlights participants' discussions on the role of climate lawyering and litigation in shaping and enforcing climate system justice.

Engaging with policy makers and multilateral negotiations

Policy makers have many competing tasks, priorities and stakeholders and it can be challenging to get climate justice messages across. When engaging with policy makers, it is important to present scientific and legal information in a way that is actionable and tangible. The focus should be on the 'how', using concrete arguments – how can policy makers use the information, and in which forums? Information should be nuanced and precise, for example differentiating between gas, oil and coal (rather than fossil fuels more generally), as each of these fossil fuels have different markets, contexts and barriers. Both short- and long-term solutions should form part of the picture. For example, reducing methane through reduction in meat consumption can reduce emissions in the short term. However, short term reductions should not be used as an excuse to justify or delay longer term reductions. In dealing with policy makers, it is important to acknowledge their context. For example, councillors must deal with opposition parties that oppose climate action.

An interconnecting theme brought forward in the workshop was the recognition that climate action is



restricted by the limited mandates of individual institutions and organisations. For example, the [International Court of Justice \(ICJ\) advisory opinion](#) could have gone further, but it was constrained by the mandate given to it by the UN General Assembly. The [latest COP report](#) hardly referred to the advisory opinion, as COP also remains within its limited mandate. However, the urgency of the climate crisis requires institutions and organisations to work beyond their mandate, to cooperate with one another and find creative solutions. The [First Conference on Transitioning Away from Fossil Fuels](#) is a good example of how states can work around the limited COP mandate and have more freedom to build a coalition of like-minded states. The 2016 [Kigali Amendment of the Montreal Protocol](#), whereby states agreed to phase out hydrofluorocarbons, is another good example of working outside the COP system to achieve climate goals.

Mobilising cities and their citizens

The municipal level of government has a lot of potential for implementing climate policy as it is smaller and more dynamic, closer to citizen initiatives and does not have to deal with the more rigid aspects of national government. Cities are becoming increasingly active in relation to climate justice and the rule of law, particularly in the context of national governments turning to populism and reversing climate measures. In the Global South, some cities are larger than some small European countries, and so their efforts at implementing climate justice can have a relatively big impact. Moreover, the fossil fuel lobby does not operate as intensively at this level of government.

Several participants of the closed workshop were Hague-based and have been involved with The Hague's efforts to reduce its carbon emissions and pursue a goal of zero emissions. Active civil society organisations in The Hague are working together with the municipal government to translate international law such as the ICJ advisory opinion into local policy and initiatives. Cities with the resources and support to take climate action, such as The Hague, can also be effective by influencing and mentoring other cities that are less active.

In engaging in climate justice policy at the city level, it is important to engage with disadvantaged

neighbourhoods and support them to transition away from fossil fuels. Most renewable energy subsidies currently go to the wealthy, who can afford things like solar panels and electric cars, while the poor bear the brunt of high energy prices. Similarly, one of the pitfalls of focusing on cities is that this can alienate the periphery. Alienation of communities outside of cities is one of the causes of the rise of far-right populism, such as in France. It is therefore important to also ensure that climate initiatives are accessible and relevant to people living outside of cities.

Role of academia

Academia has an important role to play in influencing climate policy. If academics wish to inform or influence policy makers, they should ensure that they communicate their research in a way that policy makers can make use of it, as academic policy briefs do not often reach policy makers. Research should therefore be translated into practical tools that policy makers can use to make decisions, and academics should meet with policy makers to ask what they need and how they can help. However, this is not to say that academics should only focus on making practical tools – the value of academic work is in the deep-thinking, rigorous nature of research. Engaging with policy makers is one way of ensuring academic work has impact, but not its main purpose.

Climate litigation and civil society

While climate litigation has been increasingly successful in recent years, there are several challenges faced by litigators of climate cases. A major challenge is countering the disinformation narratives perpetuated by the fossil fuel industry. Judges, too, live in a petroculture, where the prevailing narrative, perpetuated by the fossil fuel industry, is that energy security and affordability require continued fossil fuel use, renewables are unreliable, the threat of climate change is downplayed, and corporations are neither responsible for the situation we are in nor for solving the climate problem. The industry, with its immense resources, is continually able to develop new narratives that litigants must counter. It takes climate lawyers a long time to establish basic facts



about the climate system, time which is scarce and expensive in litigation. Many climate lawyers are acting pro bono, while climate cases require a lot of expertise and time investment. It is hoped that the advisory opinions on climate by the ICJ, the [Inter-American Court of Human Rights](#) and the [International Tribunal for the Law of the Sea](#) will enable litigators to refer to these decisions rather than having to reinvent the wheel in each case. Although organisations such as [Milieudefensie](#) make an effort to translate their legal materials into English so that they can be used by and inspire other climate litigators around the world, there remains a lack of coordination and community building around cases that enables effective transmission of this knowledge. More coordination is needed between political and social movements to prevent fragmentation.

Civic space is shrinking and academic freedom is under threat. Civil society organisations and knowledge centres are losing funding, with particular pressure on the humanities. Fossil fuel companies threaten activists and academics with SLAPP (strategic litigation against public participation) suits, and call climate science into question in their disinformation campaigns via mainstream and social media. It could be explored whether companies that spread disinformation could be sued, and perhaps the human right to science could play a role.

Despite these challenges, civil society remains incredibly resilient and there have been many positive developments in recent years. For example, the [Urgenda v Netherlands](#), [Milieudefensie v Shell](#) and [Klimaseniorinnen v Switzerland](#) cases have been extremely influential and had genuine impact on climate policy. Anecdotally it was shared that law firms in Amsterdam are engaging in processes to cut their emissions despite not being legally required to do so, but because of the guidance and inspiration from these and other cases. Youth-led social movements such as [Fridays for Future](#) have also had a very positive impact and remain influential. Such positive examples are a source for optimism and inspiration and should be highlighted.



List of participants

Siobhan Airey (Erasmus University Rotterdam)
Kanad Bagchi (University of Amsterdam)
Koko Christiaanse (Asser Institute)
Roger Cox (Paulussen Advocaten)
Antoine Duval (Asser Institute)
Maas Goote (Carraway Strategies)
Joyeeta Gupta (University of Amsterdam)
Machiko Kanetake (Asser Institute)
Anneloes Kuiper (Utrecht University)
Kate Mackintosh (Promise Institute)
Jay Navarro (Duurzaam Den Haag)
Nataša Nedeski (University of Amsterdam)
André Nollkaemper (University of Amsterdam)
Christophe Paulussen (Asser Institute)
Marianna Peroni (Asser Institute)
Marija Pop Trajkova (Hague Humanity Hub)
Nadia Sanchez Castillo-Winckels (Climate Legal Consulting)
Fatimah Sultan (Future Generations Tribunal)
Floris Tan (Climate Litigation Network)
Stephanie Triefus (Asser Institute)
Sjoerd de Vries Lentsch (The Hague Municipality)
Kasper Vrolijk (Asser Institute)
Maikel van Wissen (Advocates for the Future)
Daan Zieren (Jonge Klimaatbeweging)

About the Asser Institute, Centre for International and European law

The Asser Institute's mission is to contribute to the development of international and European public and private law. We achieve this by:

- **Independent legal research:** We conduct fundamental, policy-oriented, and applied legal research in international and European public and private law.
- **Knowledge dissemination:** We initiate and facilitate academic and expert meetings, (professional) education, and public events aimed at disseminating knowledge of international and European public and private law. We further share our legal knowledge by adding to the public debate.

About SEVEN, Climate Institute of the University of Amsterdam

SEVEN is the climate institute of the University of Amsterdam. We interweave knowledge and research from all our 7 faculties to combat climate change and make vulnerable societies more resilient.

