

Climate change related insurance decisions being made around the world

08 December 2023

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D&O: Australian Courts consider the meaning of 'personal advantage'

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London, England: ClientEarth v Shell

[AI Mana Lifestyle Trading L.L.C. & Others v United Fidelity Insurance Company PSC & Others \[2023\] EW](#)

In the latest development in ClientEarth v Shell, the High Court has ruled that ClientEarth must pay Shell's costs, including their attendance at the initial refusal hearing.

Derivative actions are usually determined without submissions or attendance by the parties but Mr Justice Trower found that the allegations in this case were so serious that Shell had no choice but to take steps to respond and its attendance was appropriate and proportionate.

Montana, US: Right to a “clean and healthful environment”

A judge ruled in favour of a group of young people that had accused state officials of violating their constitutional rights by promoting fossil fuels and failing to combat climate change.

The judge found that a stable climate is included in a right to a “clean and healthful environment” which is guaranteed in the state's constitution.

Melbourne, Australia: Risk to government bonds

In 2020, a 23-year-old student launched a class action lawsuit against the Commonwealth Government alleging the Government had failed to disclose how climate change could impact their investments in Australian-backed bonds.

Pursuant to the terms of a recent settlement agreement, the Government has now publicly acknowledged the systemic risk that climate change poses to government bonds.

Dublin, Ireland: Greenhouse gas emissions

Friends of the Irish Environment has been given leave by the High Court to pursue its case arguing that the Dublin Government has breached its duties under legislation designed to reduce emissions of greenhouse gases.

United Nations: Rights of the Child

The UN Committee on the Rights of the Child stated that children have the right to seek legal recourse in the event that their governments fail to take urgent action on climate change.

International Court of Justice: State obligations

The International Court of Justice is to deliver an advisory opinion on States' obligations concerning climate change. This step was taken following the adoption of a resolution by the UN General Assembly that was initially led by Vanuatu but gained support from multiple members.

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