UN environment programme

Climate change in the courtroom

Trends, impacts and emerging lessons

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Climate Litigation Report 2025

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List of abbreviations and acronyms

AfCHPR	African Court on Human and Peoples' Rights
BIT	Australia-Poland Bilateral Investment Treaty
CBAM	Carbon Border Adjustment Mechanism
CJEU	Court of Justice of the European Union
CO_2	Carbon dioxide
CRC	United Nations Committee on the Rights of the Child
DAPL	Dakota Access Pipeline
DETEC	Switzerland Department of Environment, Transport, Energy and Communication
EACJ	East African Court of Justice
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ECT	Energy Charter Treaty
EFTA	European Free Trade Association
EIA	environmental impact assessment
EPA	Environmental Protection Agency
ESG	Environmental, Social and Governance
FCA	Financial Conduct Authority
GHG	Greenhouse gas
IACHR	Inter-American Commission of Human Rights
IACtHR	Inter-American Court of Human Rights
ICC	International Criminal Court
ICJ	International Court of Justice
ICSID	International Centre for Settlement of Investment Disputes
IPCC	Intergovernmental Panel on Climate Change
IRA	United States of America Inflation Reduction Act
ISDS	Investor-State Dispute Settlements
ITLOS	International Tribunal for the Law of the Sea
L&D	loss and damage
MFN	most-favoured nation
MINAE	Costa Rica Ministry of Environment and Energy
MPF	Brazil Federal Public Prosecutor's Office
NAP3	National Adaptation Programme 3
NCQG	New Collective Quantified Goal
NDC	Nationally Determined Contribution
NECPs	National Energy and Climate Plans
NEPA	United States National Environmental Policy Act
NGO	non-governmental organization
NHRC	National Human Rights Commission
OECD	Organisation for Economic Co-operation and Development
PAICC	Paris Agreement Implementation and Compliance Committee

PALU	Pan African Lawyers Union
PSG	particular social group
SCC	Special Criminal Court
SLAPPs	Strategic Lawsuits Against Public Participation
UNCLOS	United Nations Convention on the Law of the Sea
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNGA	United Nations General Assembly
UNHRC	United Nations Human Rights Council
UNSG	United Nations Secretary-General
WTO	World Trade Organization

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Foreword

The climate crisis is now a lived reality for many. We continue to witness climate impacts in all parts of the world, and particularly for those experiencing vulnerability—including women and girls, Indigenous Peoples, older persons, children and youth, and persons with disabilities, leading to a human rights catastrophe, as the UN Secretary-General has recently called it. Since the most recent *Global Climate Litigation Report* released in 2023, the Inter-American Court of Human Rights' affirmation that States and corporations are obligated under international law to address the climate crisis as a human rights emergency or the International Court of Justice's Advisory Opinion reinforcing State's legal obligations in respect of climate change has left little doubt about the call to action: a global climate response needs to be faster, fairer, and more ambitious.

Against this backdrop, courts and adjudicatory bodies across the world are being regularly called upon to clarify the obligations of governments, businesses and public institutions while seeking accountability and justice. This growing body of jurisprudence is enabling climate harms to be increasingly viewed as breaches of rights, duties, and laws.

What stands out is not only the rising number of cases, now spanning 55 jurisdictions and multiple international tribunals, but also the increasing legal sophistication of the arguments and the breadth of issues at stake. Building on the foundations laid in previous reports of this institutional series, this fourth edition of the Global *Climate Litigation Report* offers a critical update on how courts are shaping climate ambition and accountability. Amidst the ever-evolving environmental challenges—transboundary, complex, and interdisciplinary—the development of innovative legal arguments and frameworks is essential to safeguarding both present and future generations. Significantly, through this documentation, the report underscores the importance of strengthening the environmental rule of law and access to justice as core pillars of an effective climate response.

I express my appreciation for our partners at the Sabin Center for their expertise and support, without whom this report would not have been possible. I also acknowledge the contributors from around the world who have helped document this evolving field, and to the lawyers, judges and legal practitioners, whose work is at the heart of this report.

Patricia Kameri-Mbote
Director, Law Division
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Executive summary

Climate ambition around the world remains inadequate to meet the challenge of our climate crisis. Despite improvement in countries' mitigation and adaptation targets, and numerous corporate pledges to achieve net-zero emissions in the future, the international community is still a long way from achieving the goals and objectives of the Paris Agreement. In response, individuals, children and youth, women, human rights groups, communities, Indigenous Peoples' groups, non-governmental organizations (NGOs), business entities, and national and subnational governments have turned to courts, tribunals, quasi-judicial bodies, or other adjudicatory bodies, including Special Procedures at the United Nations and arbitration tribunals. Through these bodies and institutions, they have sought relief through (i) the enforcement of existing climate laws; (ii) integration of climate action into existing environmental, energy, and natural resources laws; (iii) orders to legislators, policymakers, and business enterprises to be more ambitious and thorough in their approaches to climate change; (iv) establishment of clear definitions of human rights and obligations affected by climate change; and (v) compensation for climate harms. As these cases become more frequent and numerous, the body of legal precedent grows, forming an increasingly well-defined field of law.

This *Climate change in the courtroom: Trends, impacts and emerging lessons* updates previous United Nations Environment Programme (UNEP) reports published in 2017, 2020 and 2023 (Litigation Reports). It provides judges, lawyers, advocates, policy makers, researchers, environmental defenders (including child and women defenders), NGOs, businesses and the international community with an essential resource to understand the current state of global climate litigation. The report includes descriptions of the key trends in climate litigation and the most important issues that courts have faced in the course of climate change cases.

While the legal arguments and the adjudicative fora in which they are brought vary greatly, climate change cases have typically addressed similar issues. Like previous Litigation Reports, this report summarizes those issues, which include determining whether the court has the power to resolve the dispute, identifying the source of an enforceable climate-related right or obligation, crafting a remedy that will lessen the plaintiffs' injuries, and, importantly, marshalling the science of climate attribution.

Part 1 provides an overview of global climate litigation through an analysis of the number of gathered cases and their geographic distribution. As described in more detail elsewhere in this report, the cases analysed here were collected by the Sabin Center for Climate Change Law at Columbia Law School in its Climate Change Litigation Databases. Part 2 provides a survey of the state of climate change litigation and a discussion of evident and emerging trends. Part 3 reflects on key lessons from climate litigation.

As of 30 June 2025, the cumulative number of cases tracked in the Sabin Center's databases includes 3,099 climate change cases filed in 55 jurisdictions and 24 international or regional courts, tribunals, quasi-judicial bodies or other adjudicatory bodies. This number comprises 1,936 cases in the United States of America and 1,113 cases in all other jurisdictions combined, which includes 611 cases filed in countries in the Global North, 305 cases filed in countries in the Global South, and 216 cases filed before international or regional courts, tribunals, quasi-judicial bodies or other adjudicatory bodies.

Climate change litigation has continued to grow, both in volume and in geographical scope, while the range of legal theories and actors involved has also expanded. This growth reflects the increasing use of courts as venues for addressing the multifaceted legal dimensions of climate change. As the field evolves, it has become clear—as recognized by the Intergovernmental Panel on Climate Change—that climate litigation may play a role in accelerating the adoption of mitigation and adaptation strategies and may lead to an increase in the ambition of such efforts.

Court decisions may not only be drivers of forward-looking climate ambition but also mechanisms to deter backsliding. Decisions by courts may hold governments accountable for climate commitments already made under various instruments, including multilateral environmental agreements. Importantly, courts may at times impose limits on climate regulation or recognize the limits of their own power to provide a remedy.

At the same time, courts are increasingly serving as forums for adjudicating a wide array of disputes arising under the evolving legal architecture of climate change. As more climate-related laws are codified and new systems for mitigation and adaptation are implemented, the number, type and legal character of disputes continue to diversify. Not all cases push in the same direction. For example, litigation regarding carbon offsets and credits often resembles commercial contract disputes, and climate-washing cases aim to police misleading speech in consumer and investor markets about the climate change-related performance of products—often without directly addressing the substantive ambition of climate action. In addition, lawsuits filed by regulated entities frequently challenge the stringency of climate regulations or contest other regulatory choices governments make in their implementation and application of climate-related laws. Courts also may be asked to adjudicate trade-offs between climate change and other environmental, economic and social interests. These cases underscore that the terrain of climate litigation is not uniform, and the interests of plaintiffs are not unidirectional. Rather, climate litigation is a complex and diverse field that shapes and contests the global response to climate change. The field involves a multiplicity of actors, forums, legal strategies and outcomes. Significantly, climate litigation as a field is becoming a model for other climate-adjacent fields such as plastics and biodiversity litigation.

Introduction

The United Nations Environment Programme (UNEP) published the first survey of global climate change litigation in 2017 (UNEP 2017), the second installment in 2020 (UNEP 2020) and the third in 2023 (UNEP 2023). These reports identified key developments, profiled significant cases, described then—current and emerging trends and outlined critical legal issues in climate change cases. This 2025 report represents the fourth instalment of the global survey on climate litigation. It discusses new cases that have since been filed, updates the status of cases that were still pending when they were featured in previous reports, follows up on trends that have continued in intervening years, and outlines legal changes, new trends and emerging issues in climate litigation. The report analyses pending cases, decisions and trends in the 2023-2025 period, based on the Climate Change Litigation Databases maintained by the Sabin Center for Climate Change Law at Columbia Law School. Except where otherwise noted, the report contains information as of 30 June 2025.

Box 1: Defining "climate change litigation" and methodology

In the context of this report, "climate change litigation" (also referred to as "climate litigation") is understood to include cases that raise material issues of law or fact relating to climate change mitigation, adaptation or the science of climate change.[1] Such cases are brought before a range of administrative, judicial and other adjudicatory bodies. Climate cases are typically identified by the Sabin Center with keywords like "climate change", "global warming", "global change", "greenhouse gas", "greenhouse gases" or "GHGs", and "sea-level rise". Cases that raise material issues of law or fact related to climate change but do not use those or other specific terms are also included.

Under this definition, climate change litigation includes cases before judicial and quasi-judicial bodies that involve material issues of climate change science, policy or law. Thus, cases must satisfy two key criteria for inclusion. First, cases must generally be brought before judicial bodies, though in some exemplary instances, matters brought before administrative or investigatory bodies are also included. Second, climate change law, policy or science must be a material issue of law or fact in the case.

This report excludes cases where the discussion of climate change is incidental, or a non-climate legal theory would guide the substantive outcome of the case. Thus, when climate change keywords are only used as a passing reference to the fact of climate change and those issues are not related to the laws, policies or actions actually at issue, the case is excluded.[2]

Similarly, this report excludes cases that seek to accomplish goals arguably related to climate change adaptation or mitigation, but their resolution does not depend on the climate change dimensions of those goals. For example, lawsuits seeking to use human health regulations to limit air pollution from coal-fired power plants may incidentally cause a court to compel that power plant to emit a lower level of GHGs. Such cases are not considered climate change litigation for the purposes of this study.

1 This definition guides the collection of cases included in Climate Change Litigation Databases, developed and maintained by the Sabin Center for Climate Change Law at Columbia Law School, available at http://climatecasechart.com.
2 For some cases in the database, initial pleadings or briefing indicated that the case falls within the definition of "climate change litigation" and so they remain in the database, even if ultimately the case's outcome is guided by non-climate legal theories or factors.

The database and this report refer to international or regional courts, tribunals, quasi-judicial bodies or other adjudicatory bodies in addition to specific jurisdictions.[3] These include complaints submitted to Special Procedures at the United Nations Human Rights Council (UNHRC), the United Nations Secretary-General (UNSG), the United Nations Framework Convention on Climate Change (UNFCCC) and other United Nations bodies (including the United Nations Human Rights Committee and the United Nations Committee on the Rights of the Child (CRC), arbitration tribunals (International Centre for Settlement of Investment Disputes, Stockholm Chamber of Commerce and the Permanent Court of Arbitration), and complaints before the Organisation for Economic Co-operation and Development (OECD).

As part of its continual effort to update and maintain the Global Climate Change Litigation database, the Sabin Center launched the Peer Review Network of Global Climate Litigation ("the Network") in December 2021. As of 30 June 2025, the Network includes 175 practitioners and scholars who act as "national rapporteurs" for 198 jurisdictions or international or regional courts, tribunals, quasi-judicial bodies or other adjudicatory bodies (Sabin Center for Climate Change Law 2025). In addition, a number of researchers and academic institutions have established national or regional climate litigation databases, including in Latin America and the Caribbean (Interamerican Association for Environmental Defense [AIDA] 2025), Brazil (JUMA 2025), Australia (Melbourne Climate Futures 2025) and Southeast Asia (Litigasia 2022). While the definitions of relevant litigation and the methodologies for case collection differ among the databases, the Sabin Center has partnered with some of them to share information about cases using the Sabin Center's definition where applicable.[4]

As indicated above, unless otherwise noted, cases were updated until 30 June 2025. This report deals with a fast-moving field and the subject matter may become quickly outdated. Readers are advised to check the main sources cited for updates and new materials. However, UNEP considers the fundamentals of climate change litigation as discussed in this report to be more durable and likely to remain relevant in the immediate future.

This report adopts a qualitative approach to surveying global climate litigation, informed by quantitative information where relevant. In identifying trends and cases as significant, the report considers the potential impact of the litigation within a jurisdiction and beyond the case itself, the novelty and complexity of the legal theories and issues involved, and the likelihood of the litigation influencing future cases and climate policy.

3 Throughout the report, these different types of dispute settlement bodies can be jointly referred to as "courts."
4 The Sabin Center has partnered with AIDA (for rights-based cases in Latin America and the Caribbean), as well as with national databases in Brazil and Australia.

It is estimated that the world is currently between 1.34 and 1.41 °C above preindustrial levels relative to the 1850–1900 baseline (WMO 2024) while in 2024, scientists recorded an annual global average of 1.5 °C above pre-industrial levels.[5] It is also estimated that the projected carbon dioxide (CO_2) emissions from existing fossil fuel infrastructure will exceed the remaining carbon budget for the 1.5 °C threshold (IPCC 2018; Masson-Delmotte *et al*. 2018, p. 24; IPCC 2023).[6] Where there is sustained annual averages over 1.5 °C—this is a reference point in the Paris Agreement—to "hold well below 2 °C" and "pursue efforts to limit to 1.5 °C" and serve as a clarion call for increased ambition to reduce GHG emissions

5 A single year above 1.5 °C, however, does not constitute exceedance of the Paris Agreement threshold, which is defined in terms of sustained multi-decadal averages (typically 20–30 years).

6 Total carbon budget is defined by the IPCC as "Estimated cumulative net global anthropogenic CO_2 emissions from a given start date to the time that anthropogenic CO_2 emissions reach net zero that would result, at some probability, in limiting global warming to a given level, accounting for the impact of other anthropogenic emissions."

(Tollefson 2025). Crucially, to limit warming to 1.5 °C with no or limited overshoot, GHGs need to be reduced by 43 per cent from 2019 emission levels by 2030 (IPCC 2023). This emission reduction needs to be rapid, deep and immediate, since the window of opportunity to secure a liveable and sustainable future is rapidly closing (IPCC 2023). Yet progress towards achieving the goals of the Paris Agreement has been slow and insufficient. Nationally Determined Contributions (NDCs) alone are projected to limit warming to 2.6 °C (Climate Action Tracker 2024). Still, projected GHG emission levels analysed in the *2024 NDC Synthesis Report* estimate that global GHG emissions (without land use, land-use change and forestry), considering implementation of the latest NDCs, will be 11.3 per cent higher than in 2010 (UNFCCC 2024).

In its *2024 Emissions Gap Report*, UNEP noted that countries remained largely off track for meeting the Paris Agreement goals, needing to deliver a "quantum leap in ambition" to have a chance at the 1.5 °C goal (UNEP 2024). The biggest challenge, the report notes, is overcoming policy, governance, institutional and technical barriers, as well as providing support to developing countries and redesigning the international financial architecture (UNEP 2024). Implementation of policies to achieve NDCs is also lacking ambition since the initial NDCs plateaued and countries are off track to deliver mitigation pledges for 2030 (UNEP 2024). UNEP estimates that there is a 97 per cent probability of exceeding the 2 °C under current policies (UNEP 2024). Still, governments plan to produce more than double the amount of fossil fuels in 2030 than would be consistent with a 1.5 °C scenario (Stockholm Environment Institute *et al.* 2023).

Methane emissions, which are responsible for almost half of warming, are still increasing at record rates. Crucially, immediate methane reduction must be implemented alongside net-zero CO_2 efforts (UNEP and Climate and Clean Air Coalition 2022).

At the same time, as climate change intensifies, both the cost of adapting and the risks of losses and damages increase, disproportionately affecting groups experiencing vulnerability. Effective and equitable adaptation is now more urgent than ever. UNEP's *Adaptation Gap Report 2024* highlights that although adaptation planning has progressed, implementation lags due to a significant gap in adaptation finance (UNEP 2024).

Climate litigation has emerged as a tool for individuals, civil society and governments to challenge inadequate action on climate change by both public institutions and private entities. Plaintiffs across national, regional and international forums employ diverse legal approaches to push for stronger mitigation and adaptation efforts—though in some cases, litigation is also used to resist or weaken existing climate policies. Simultaneously, courts are becoming arenas for resolving a wide spectrum of legal disputes tied to the evolving climate governance framework. As climate legislation grows and implementation systems mature, litigation now spans enforcement of commitments and challenges to environmental impact assessment to emerging issues like greenwashing[7] and carbon offset disputes. Not all cases promote stronger climate action—some reflect commercial or regulatory concerns that complicate the landscape. Climate litigation is therefore a dynamic, multifaceted field that reflects—and helps shape—the global climate response in varied and sometimes contradictory ways.

This report proceeds in three parts:

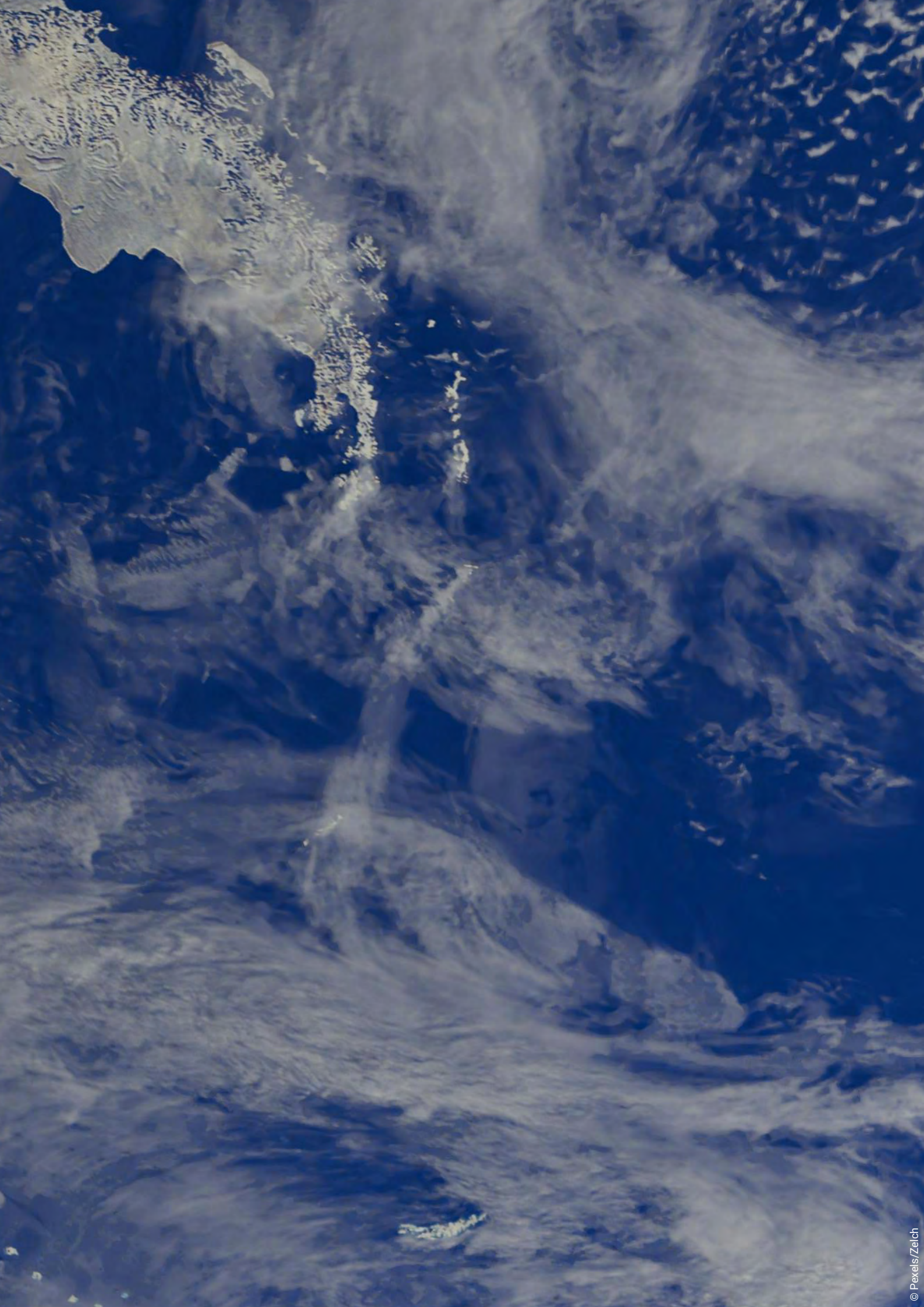
Part 1 surveys the current status of global climate change litigation and provides a broad overview of the data on global climate litigation, including a regional analysis.

Part 2 examines the state of climate change litigation, categorizing cases into international and domestic disputes. The section on international climate litigation explores advisory opinions, human rights cases, Investor-State Dispute Settlement (ISDS) cases, European Union cases and transnational cases. The domestic litigation segment is divided into cases against states and corporations.

Part 3 reflects on key lessons from climate litigation, examining emerging trends and future outlooks. As in the 2020 and 2023 Litigation Reports, this part concludes that litigation is an evolving field central to efforts to compel governments and corporate actors to undertake more ambitious climate change mitigation and adaptation goals.

Throughout the report, case summaries illustrate key issues and trends, providing concrete examples of the evolving legal landscape.

7 Greenwashing refers to misleading representations about the environmental benefits of an entity's products, services, policies or other actions.



Part 1: Overview of global climate litigation

I. Global survey of climate litigation

Climate litigation continues to show a steady expansion, both in the number of cases filed and the number of jurisdictions within which they have been brought.

As of 30 June 2025, the cumulative number of cases tracked in the Sabin Center's databases includes 3,099 climate change cases filed in 55 jurisdictions and 24 international or regional courts, tribunals, quasi-judicial bodies or other adjudicatory bodies.

This number comprises 1,986 cases in the United States of America and 1,113 cases in all other jurisdictions combined, which includes 611 cases filed in countries in the Global North, 305 cases filed in countries in the Global South, and 216 cases filed before international or regional courts, tribunals, quasi-judicial bodies, or other adjudicatory bodies. While the definition of Global South remains contested, the term is widely used in the context of multilateral debate about the transformation of the global order, in particular with reference to emerging economies (Gary and Gills 2016).

Figure 1 shows the evolution of filings of cases since 1986, when the first climate case was recorded.[8] **New case filings began to proliferate after 2015, due to the advent of the Paris Agreement.** For the global database, 2019 marked the first time that more than 50 cases were filed in a year. The year 2021 had the largest number of new case filings, surpassing 150 cases. A steady stream has followed since. In the United States of America, 2016 marked the first year when over 100 cases were filed. After 2019, close to 150 cases were filed each year.

Notably, the data gathering process is imperfect. In some instances, the Sabin Center's database is updated with new filings once a decision is reached, rather than when a case is filed. As such, the lower number of cases filed in 2024 does not necessarily mean that there is a decline in the number of cases. There are countries in which there is still limited information on climate litigation; consequently, more cases may come to be reported after this report. The research conducted by the Sabin Center for the database is an ongoing process. While this research has significantly expanded in geographical scope, its coverage of jurisdictions is not yet exhaustive.[9]

As observed in previous reports, the absence or limited number of climate litigation cases in some jurisdictions does not indicate a lack of public interest in climate change issues. Instead, it may reflect a complex array of factors that shape the emergence, framing, and recognition of climate cases. For example, strategic considerations shape how claims are brought, and some plaintiffs may choose to avoid a climate argument because climate law is still underdeveloped (Tigre 2024). Moreover, structural and procedural barriers may restrict access to justice in some jurisdictions (Murcott and Tigre 2024). These barriers include limited standing, high litigation costs, weak institutional enforcement and a lack of judicial capacity or independence. In some countries, alternative approaches to climate governance outside the courtroom, including legal and policy reform efforts, administrative complaints, alternative dispute resolution methods and social mobilization, may be more culturally resonant or perceived as more effective than judicial proceedings. Lastly, climate litigation is influenced by momentum-building factors such as strong civil society networks, a tradition of public interest litigation, the presence of legal NGOs with litigation expertise, the availability of financial resources or international support and the existence of favourable precedents. Where these factors converge, litigation may rapidly expand.

8 The first climate case record in the Sabin Center's Climate Change Litigation Databases is *City of Los Angeles v. National Highway Traffic Safety Administration*, which was decided in 1990. 912 F.2d 478 (D.C. Cir. 1990) (United States of America). The case consolidated three cases filed in 1986 and two cases filed in 1989. The climate change-related claims were included in one of the 1989 cases.

9 For the countries where the Sabin Center's network does not yet have rapporteurs, the Sabin Center relies on other sources of data, including cases mentioned in the media and in scholarship, among others.

Figure 1: Filings of climate litigation cases per year

Global and United States of America climate change litigation cases filed by year (1986-2025)

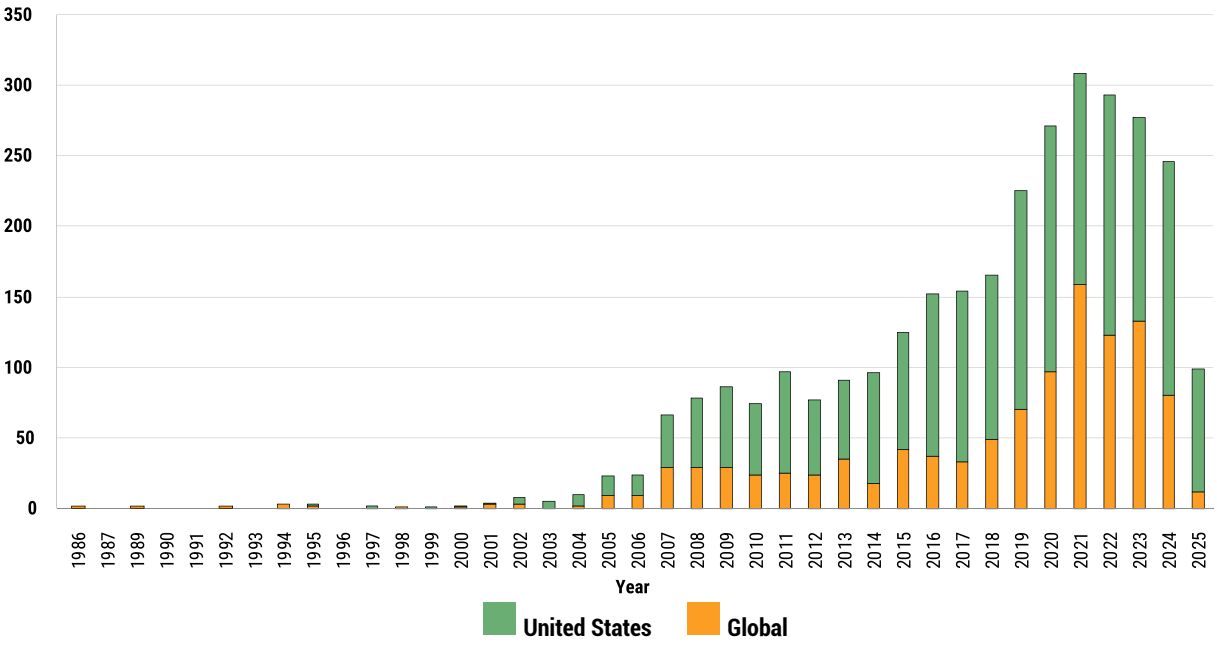


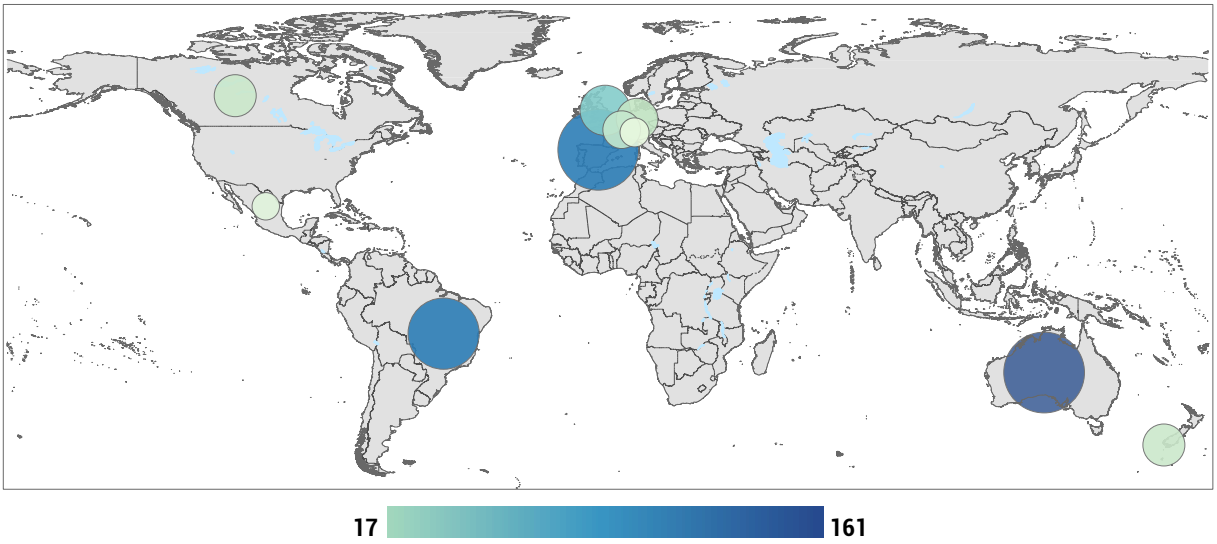
Table 1: Cumulative number of cases by jurisdiction (including all cases in the Sabin Center's databases as of 30 June 2025)

Jurisdiction	Number of cases
United States of America	1986
Australia	161
Brazil	135
United Kingdom of Great Britain and Northern Ireland	132
Germany	66
Canada	38
New Zealand	36
France	33
Mexico	26
Switzerland	22
Spain	17
Colombia	16
Indonesia	15
Argentina, India, Netherlands	14 each
Chile, South Korea	12 each
South Africa	11
Ireland	10
Austria, Poland	9 each
Peru, Turkey	8 each
Belgium, Italy	7 each
Estonia, Pakistan, **Romania**	6 each
China, Japan, Kenya, Nigeria	5 each
Guyana, Nepal, Papua New Guinea	4 each
Czech Republic, Ecuador, Norway, Philippines	3 each
Costa Rica, Denmark, Finland, **Portugal,** Sweden, Uganda, Ukraine	2 each
Bulgaria, Grenada, Hungary, Luxembourg, Namibia, Panama, Russian Federation, Thailand	1 each

While there are 55 jurisdictions with climate cases, climate litigation remains concentrated in a handful of jurisdictions, with most countries having only a small number of cases. Notably, 27 countries have just 1-5 cases. Another 10 countries have 6-10 cases. A moderate number of countries—14 in total—fall within the range of 11-50 cases. Meanwhile, only five countries—the United States of America, Australia, Brazil, the United Kingdom and Germany—have more than 51 climate litigation cases each.

"12 countries saw their first climate case since the 2023 Litigation Report. These include Bulgaria, Costa Rica, Grenada, Hungary, Luxembourg, Namibia, Panama, Portugal, Romania, Thailand and the Russian Federation (bolded in Table 1). Figure 2 shows the 10 jurisdictions, excluding the United States of America, with the highest number of cases."

Figure 2: **Top 10 jurisdictions with the highest number of cumulative cases (excluding the United States of America)**



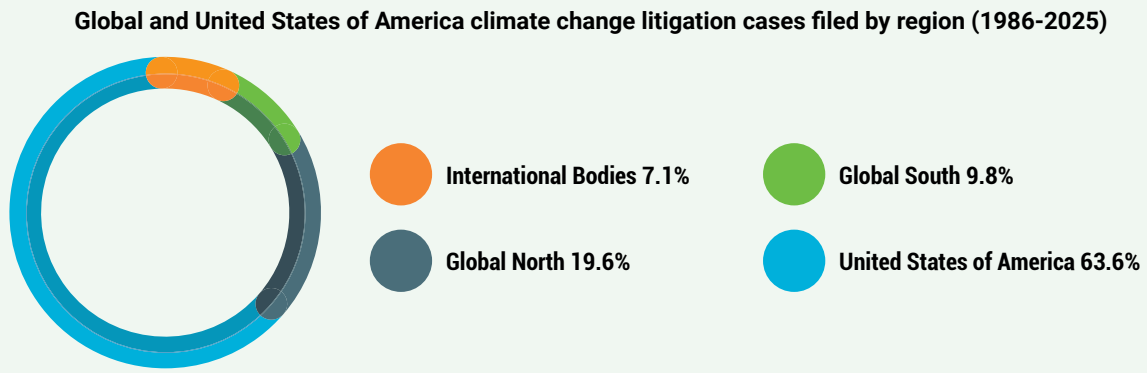
The map shows the top ten countries in the Sabin Center climate litigation database by case number from 1994 to 2025, excluding the United States of America. In descending order, the countries are Australia, Brazil, the United Kingdom, Germany, Canada, New Zealand, France, Mexico, Switzerland, and Spain.

II. Regional representation of climate change litigation

Climate litigation in the Global South represents a small but growing percentage of cases (Tigre 2024). "According to the Climate Change Litigation Databases, there are 305 cases in the Global South, 611 in the Global North (or 2,595 cases, including the United States of America); and 216 in international and regional courts, tribunals and adjudicatory bodies (which can include plaintiffs from the Global North and Global South)."

As depicted in Figure 3, if considering the cases in the United States of America, cases in the Global North represent 83.2 per cent of the total number of climate litigation cases. Cases in the Global South amount to 9.8 per cent, while international and regional cases amount to 7.1 per cent.

Figure 3: Cumulative percentage of cases according to geographical representation (cases in the Global South vs. cases in the Global North, including cases from the United States of America), through 30 June 2025 (Finance Centre for South-South Cooperation 2022)



As shown in Figure 4, excluding the United States of America, the Global South accounts for 26.8 per cent of cases, the Global North accounts for 53.7 per cent of cases, and international and regional courts, tribunals, and adjudicatory bodies account for 19.5 per cent.

Figure 4: Cumulative percentage of cases according to geographical representation (cases in the Global South vs. cases in the Global North, excluding the United States of America), through 30 June 2025

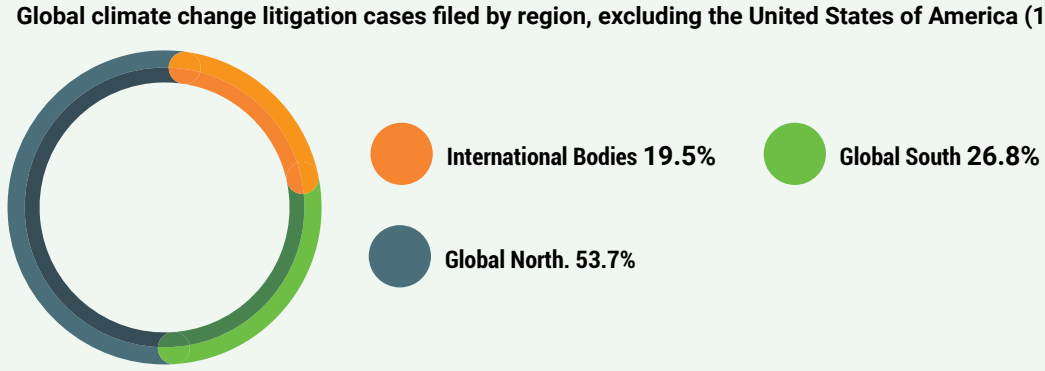
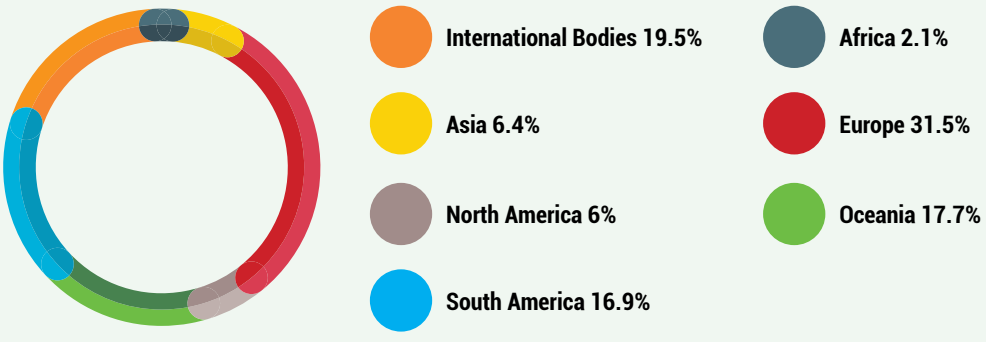


Figure 5 illustrates that, excluding cases in the United States of America, Europe, as a region, has the highest percentage of cases, with 31.5 per cent. Oceania represents 17.7 per cent of the cases. South America has 16.9 per cent of the cases, while North America has six per cent of the cases. Asia and Africa still have the lowest representation, with 6.4 and 2.1 per cent, respectively.

Figure 5: Global distribution of all cases according to geographical representation (excluding cases in the United States), through 30 June 2025 (Our World in Data 2015)



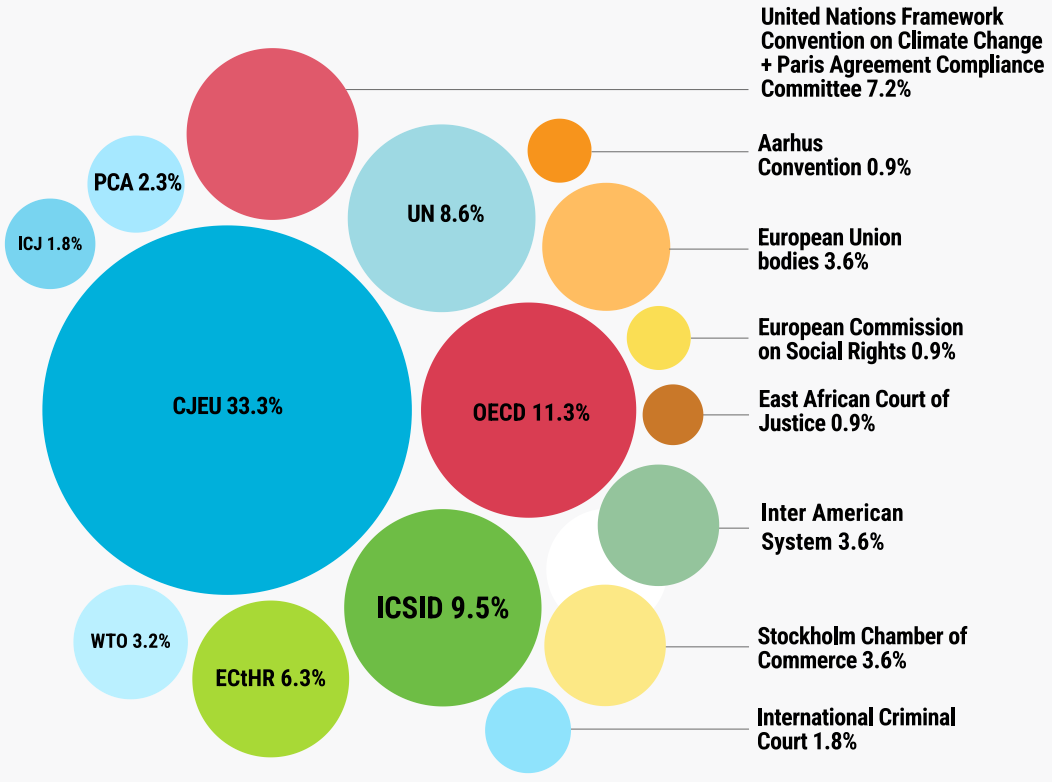
Part 2: The state of climate change litigation

This section summarizes the status of climate change litigation globally. It discusses key cases and their thematic connections to broader categories. As international climate litigation has grown, it has become increasingly important to separate the analyses of international and domestic cases, moving away from the joint analysis done in prior reports. However, international cases do influence domestic cases, and vice versa. **Section I** focuses on international climate litigation, while **Sections II, III and IV** focus on domestic climate litigation. The section on domestic climate cases is divided into (1) cases against states and (2) cases against corporations.

I. International climate litigation

As the global and transboundary effects of climate change become more pronounced, the number of claims before and decisions by international adjudicative bodies continues to grow. Figure 6 showcases this distribution of climate litigation cases before International and Regional Bodies. While these still represent a relatively small sample of cases, they clarify aspects of international law and can significantly impact domestic cases. This section includes (1) advisory opinions before international courts and tribunals, (2) cases before United Nations bodies, (3) cases before international and regional courts, tribunals and other bodies, (4) Investor-State Dispute Settlement cases, (5) cases before World Trade Organization (WTO) dispute settlement mechanisms and (6) transnational cases.

Figure 6: Cases before international bodies, through 30 June 2025



A. Advisory opinions before international courts and tribunals

In December 2022, the Co-Chairs of the Commission of Small Island States on Climate Change and International Law—Antigua, Barbuda and Tuvalu—submitted the *Request for an Advisory Opinion on Climate Change and International Law* to the International Tribunal for the Law of the Sea (ITLOS). On 21 May 2024, ITLOS issued its Advisory Opinion (ITLOS 2024) on the interpretation of the United Nations Convention on the Law of the Sea (UNCLOS) regarding obligations to prevent, reduce, and control marine pollution caused by anthropogenic GHG emissions. ITLOS emphasised the due diligence standard for states, requiring them to implement national systems to regulate polluting activities and ensure the effectiveness of these measures, with particular attention to the high risks posed by GHG emissions to the marine environment.

The Advisory Opinion included several key conclusions: (i) anthropogenic GHGs constitute pollution of the marine environment; (ii) Article 192 of UNCLOS obligates states to protect and preserve the marine environment, including by combating the impacts of climate change; (iii) the obligations under UNCLOS are separate and distinct from those under the Paris Agreement, and these impose separate obligations on States; and (iv) States must take action guided by the best available science—reflected in the work of the Intergovernmental Panel on Climate Change (IPCC)—to address marine pollution from GHG emissions.

While non-binding, the ITLOS Advisory Opinion provides guidance on UNCLOS to all of its 170 States Parties, and its key findings may influence customary international law, impacting even non-Parties.

On 1 March 2023, the 77th session of the United Nations General Assembly (UNGA) adopted the resolution A/77/276, requesting an advisory opinion from the International Court of Justice (ICJ) on the obligations of States with respect to climate change (*Request for an advisory opinion on the obligations of States with respect to climate change*) (UNGA 2023). The resolution was adopted by consensus. This initiative was largely led by the Government of Vanuatu, with the support of a coalition of countries (Tigre and Carrillo Bañuelos 2023).

The UNGA requested the ICJ render an opinion on the following questions:

> (a) What are the obligations of States under international law to ensure the protection of the climate system and other parts of the environment from anthropogenic emissions of greenhouse gasses (GHG) for States and for present and future generations?
>
> (b) What are the legal consequences under these obligations for States where they, by their acts and omissions, have caused significant harm to the climate system and other parts of the environment, with respect to:
>
> (i) States, including, in particular, small island developing States, which due to their geographical circumstances and level of development, are injured or specially affected by or are particularly vulnerable to the adverse effects of climate change?
>
> (ii) Peoples and individuals of the present and future generations affected by the adverse effects of climate change?

The ICJ held extensive hearings in December 2024 concerning the request (Int'l Ct. Just. 2025, Carrillo Bañuelos and Tigre 2025a, Carrillo Bañuelos and Tigre 2025b, Carrillo Bañuelos and Tigre 2025c). Central to the ICJ hearings were debates regarding the scope of international law applicable to climate obligations. Two major viewpoints emerged: a narrow interpretation limited to specialized climate treaties, primarily the UNFCCC and the Paris Agreement, and a broader interpretation encompassing customary international law and human rights obligations. A few countries argued for a narrower interpretation, asserting that the existing climate treaties constitute a complete and specific legal regime addressing climate change. They emphasised that the treaties explicitly exclude the basis for liability or compensation.

In contrast, several States, primarily from regions disproportionally affected by climate change, advocated for a broader interpretation, arguing that States have obligations under customary international law and human rights frameworks. These States emphasised duties of due diligence, prevention of environmental harm and protection of human

“The ICJ unequivocally affirmed that States have binding legal duties under customary international law, treaty law and international human rights law to prevent climate-related harm, protect the climate system and cooperate in the face of escalating risks.”

rights. They stressed that climate change threatens fundamental human rights and disproportionately affects Small Island Developing States (SIDS) and vulnerable populations. The submissions debated the applicability of the customary international law principle known as the 'no-harm rule', with diverse views presented regarding its relevance to global-scale, multi-source harms like climate change.

Another prominent theme of the hearings was the legal consequences and responsibilities of States whose actions or omissions significantly harm the climate system. Submissions addressed the complexities involved in applying principles of state responsibility, including reparations and compensation for climate-induced damages. Arguments ranged from assertions that international obligations clearly mandate States to cease harmful activities, reduce emissions and provide compensation, to counter arguments highlighting the difficulty of attributing liability and establishing causation due to the collective nature of climate change impacts.

The issue of historical responsibility was also a significant area of contention. Vulnerable countries emphasised that States should be held accountable for both historical and current emissions, arguing that scientific evidence clearly demonstrates the cumulative impact of emissions over decades. Conversely, some States argued that responsibility should be limited to emissions occurring after international recognition of climate change risks, notably post-1990, following the first IPCC report.

Box 2: Participation in the advisory proceedings

The advisory opinion proceedings before the ITLOS and the ICJ saw unprecedented participation of States and international organizations. The ICJ received 91 written statements from 12 international organizations and 71 countries during the first round and 62 written comments from eight international organizations and 44 countries during the second round. During the two-week hearings held in December 2024, 79 States and 12 international organizations presented oral submissions. Several States, especially SIDS, appeared before the ICJ for the first time. Twelve out of 18 Pacific Island States made written submissions, comprising over 20 per cent of the submissions made to the Court. All regions of the world participated. Of the countries that participated in the ICJ advisory opinion (either in the written or oral phases), 61 have no domestic climate change litigation.

In the ITLOS advisory proceedings, 30 countries and nine international organizations participated.

The international organizations that participated, either in the oral proceedings or by written statement, in both climate change advisory opinions, listed in alphabetical order, include the African Union; the Alliance of Small Island States; the Commission of Small Island States on Climate Change and International Law; the European Union; the Food and Agriculture Organization of the United Nations; the International Maritime Organization; the International Seabed Authority; the International Union for Conservation of Nature; the Melanesian Spearhead Group (included in a joint statement with Vanuatu); the Organisation of African, Caribbean and Pacific States; the Organization of the Petroleum Exporting Countries; the Pacific Community; the Pacific Islands Forum; the Pacific Islands Forum Fisheries Agency; the United Nations; UNEP; and the World Health Organization.

On 24 July 2025, the ICJ issued its Advisory Opinion on the obligations of States in respect of climate change (Int'l Ct. Just. 2025). The ICJ unequivocally affirmed that States have binding legal duties under customary international law, treaty law and international human rights law to prevent climate-related harm, protect the climate system and cooperate in the face of escalating risks.[10] The ICJ emphasised that climate change treaties do not displace other applicable international legal rules. Rejecting arguments based on *lex specialis*, the ICJ affirmed that international environmental

10 For further background and analysis, see the symposium launched by the Sabin Center for Climate Change Law and Verfassungsblog, beginning with: *Tigre, M.A., Bönnemann, M. & De Spiegeleir, A. (2025), 'The ICJ's Advisory Opinion on Climate Change: An Introduction', Climate Law Blog, Columbia Law School, 24 July 2025.*

law, human rights law and the law of the sea remain concurrently applicable. States' discretion in setting their NDCs is limited by a duty to exercise due diligence in line with the 1.5°C temperature goal and best available science.

The ICJ underscored the intrinsic link between climate and human rights, describing a clean, healthy and sustainable environment as a precondition for the enjoyment of rights to life, health, food and housing. Special protections were recognized for vulnerable groups and future generations, and the ICJ affirmed that human rights treaties apply extraterritorially in the climate context. The ICJ also confirmed that rising sea levels do not automatically undermine statehood or maritime entitlements, offering legal reassurance to small island nations.

In particular, the ICJ clarified that States must adopt and update ambitious climate mitigation and adaptation measures, regulate private actors, support vulnerable nations, and prevent transboundary harm. Inaction or insufficient action—such as failure to regulate emissions, fossil fuel subsidies or environmental licensing—may constitute internationally wrongful acts. In such cases, States may incur responsibility and be required to provide cessation, guarantees of non-repetition and full reparations, including compensation and satisfaction. Crucially, these obligations are *erga omnes*, meaning they are owed to the international community as a whole.

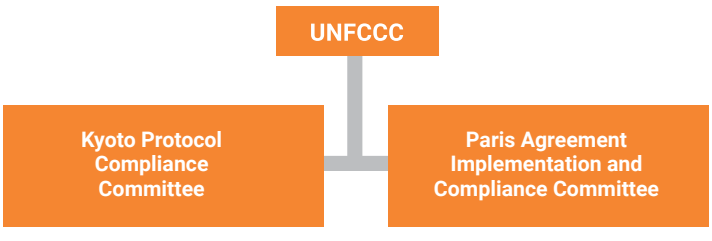
B. Cases before United Nations bodies

Climate cases within the United Nations system have increasingly been brought before various adjudicatory and quasi-adjudicatory mechanisms. While these procedures are not technically litigation in the conventional sense, they nonetheless carry considerable normative weight and symbolic significance. Currently, 30 climate cases are recorded across various bodies within the United Nations system.

Cases have been submitted to bodies such as the CRC, the UNHRC and the UNSG, as highlighted in the 2023 report. Additionally, UN Special Procedures, including special rapporteurs, receive communications and provide influential thematic reports and recommendations that guide international and national policymaking. Lastly, complaint mechanisms under the UNFCCC allow states and stakeholders to raise concerns about compliance with climate commitments. To date, eleven communications have been issued by UN special rapporteurs. These address a wide range of human rights concerns linked to climate change involving multiple countries. Communications were issued to Australia, Bosnia and Herzegovina, China, Colombia, France, Japan, Pakistan, Saudi Arabia, Thailand, the United States of America and the United Kingdom of Great Britain and Northern Ireland. A total of 18 special rapporteurs have been involved in these climate-related communications. These include the special rapporteurs on business and human rights, climate change, environment, toxic wastes (hazardous wastes), water and sanitation, cultural rights, Indigenous Peoples, the right to food, freedom of assembly, human rights defenders, adequate housing, the right to health, rights of internally displaced persons, discrimination against Afro-descendants, extreme poverty, discrimination against women and girls, minority issues, and contemporary forms of racism. Issues addressed range from human rights impacts from fossil fuel activities and other energy projects, post-hurricane efforts, forced evictions due to mitigation and adaptation projects, climate-forced displacement, and arrests of climate protesters.

Box 3: Procedures in the context of UNFCCC: The Kyoto Protocol Compliance Committee and the Paris Agreement Implementation and Compliance Committee (PAICC)

Compliance mechanisms before the UNFCCC



The database includes 13 non-compliance procedures under the UNFCCC, specifically concerning non-compliance with the Kyoto Protocol (11) and the Paris Agreement (2). Eleven early cases relate to the Kyoto Protocol's Compliance Mechanism, which was designed to ensure that parties met their emission reduction targets. The mechanism consisted of a facilitative branch, which provided advice and assistance to parties in meeting their commitments, and an enforcement branch, which could apply consequences for non-compliance, such as requiring a country to make up for its shortfall in the next commitment period. However, with the expiration of the Kyoto Protocol and the shift to the Paris Agreement framework, which relies on transparency and voluntary national commitments rather than a strict compliance regime, these procedures are now obsolete.

The Paris Agreement Implementation and Compliance Committee (PAICC) was established to facilitate the implementation of and promote compliance with the Paris Agreement. It is an expert-based, facilitative body composed of 12 members and 12 alternate members, elected by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement based on equitable geographical representation. Unlike enforcement mechanisms under the Kyoto Protocol, the PAICC operates in a non-punitive and non-adversarial manner, focusing on assisting parties in meeting their commitments. The committee can take various measures to support implementation and compliance, including helping countries engage with relevant bodies on finance, technology and capacity-building or assisting in the development of action plans. Its rules of procedure were adopted in 2022 (UNFCCC Secretariat 2022).

In 2023, the PAICC notified two Parties of the initiation of consideration of issues (UNFCCC 2023). First, the Committee found that the Holy See had not communicated an NDC, as per Article 4, paragraph 2, of the Paris Agreement. The Committee found that Iceland had not submitted a mandatory biennial communication of information under Article 9, paragraph 5, of the Paris Agreement. Both issues were quickly resolved.

C. Cases before international and regional courts, tribunals and other bodies

Climate cases have also increasingly reached international and regional courts and tribunals. As of June 2025, there are seven recorded cases before international courts and tribunals: the International Criminal Court (ICC) (3 cases), the ICJ (3 cases) and the ITLOS (1 case). As of June 2025, there are 107 recorded cases before regional courts. These include 99 cases before European forums, including the Court of Justice of the European Union (CJEU) (74 cases), the European Court of Human Rights (ECtHR) (14 cases), the European Commission (six cases), the European Ombudsman (one case), the European Committee on Social Rights (one case), the Aarhus Convention Compliance Committee (two cases) and the European Free Trade Association (EFTA) Court (one case). Additionally, six cases are before the Inter-American System of Human Rights, including the Inter-American Court of Human Rights (IACtHR) (two cases) and the Inter-American Commission of Human Rights (IACHR) (four cases). Finally, there are two cases before African regional courts, including the East African Court of Justice (one case) and the African Court on Human and Peoples' Rights (AfCHPR) (one case).

a. Cases before the Inter-American System of Human Rights

The 2023 Litigation Report mentioned the *Petition to the Inter-American Commission on Human Rights Seeking to Redress Violations of the Rights of Children in Cité Soleil, Haiti*,[11] before the IACHR, which was still pending at the time of writing. The petition includes a discussion of climate change's intensification of harms to children through environmental displacement and exacerbation of waterborne diseases.

On 9 January 2023, Chile and Colombia requested an advisory opinion from the IACtHR to clarify state obligations in addressing the climate emergency under international human rights law, particularly the American Convention on Human Rights[12] (Tigre, Urzola and Castellanos 2025). **The request builds upon the IACtHR's 2017 Advisory Opinion on the Environment and Human Rights, which first recognized the autonomous**

11 Petition to the Inter-American Commission on Human Rights Seeking to Redress Violations of the Rights of Children in Cité Soleil, Inter-American Commission on Human Rights, (pending 2021) (Haiti)
12 SOC-1/2023, Inter-American Court of Human Rights, 9 January 2023 (Inter-American Court of Human Rights)

right to a healthy environment and determined the scope of extraterritorial jurisdiction[13] (Tigre and Urzola 2021). The request reflects a call for stronger regional standards to promote equitable, rights-based climate action and seeks the Court's interpretation of obligations under human rights law and agreements like the Escazú Agreement on access to information, public participation and access to justice in environmental matters, the UNFCCC and the Paris Agreement.

The hearings for the IACtHR's advisory opinion marked an unprecedented moment in the evolution of climate-related human rights jurisprudence. Conducted over seven days across three locations—Bridgetown, Barbados (22–25 April 2024) and Brasilia and Manaus, Brazil (24–29 May 2024)—the hearings brought together a diverse array of voices[14]. The IACtHR received 265 written submissions and more than 150 oral interventions from states, international and national organizations, academics, civil society, Indigenous and Afro-descendant communities, rural populations, children and adolescents. In Barbados, a six-judge panel dedicated three full days to hearing testimony from scientists, legal experts, youth, and community representatives directly impacted by climate change. In Brazil, the hearings continued with 116 delegations. In total, over 600 individuals participated through written or oral submissions.

Advisory Opinion OC-32/25 was issued on 3 July 2025.[15] Framing climate change as a global emergency, the IACtHR clarified that the right to a healthy climate is protected under the American Convention on Human Rights. This right, the IACtHR emphasised, is both individual and collective in nature and essential to the enjoyment of a broad spectrum of rights, including life, health, water, food, housing and a dignified existence. The opinion also recognized the rights of nature, affirming that ecosystems must be preserved not only for human well-being but as rights-bearing entities in themselves.

The IACtHR elaborated a robust legal framework that requires States to adopt ambitious, science-based mitigation targets aligned with the 1.5°C threshold. These targets must reflect each country's historic responsibility, current emissions and capabilities, with greater demands on wealthier, higher-emitting States. The opinion identified failure to implement effective mitigation or adaptation policies as a potential violation of human rights, particularly when it disproportionately affects vulnerable populations. It further recognized that the duties to prevent, regulate and cooperate are interconnected and continuous, grounded in principles of precaution, non-regression and progressivity.

Procedural rights play a central role in the IACtHR's reasoning. States must ensure access to climate-related information, support meaningful public participation (especially by Indigenous and tribal peoples) and provide access to effective judicial and administrative remedies. The IACtHR called for expanded legal standing, tailored evidentiary standards and full reparations for victims of climate-related human rights harms—including restitution, compensation, rehabilitation and guarantees of non-repetition.

Special obligations were set out for the protection of children, Indigenous peoples and others in situations of heightened vulnerability. The opinion also stressed the importance of intergenerational equity and required States to adopt and update national adaptation plans that are inclusive, rights-based and informed by science and traditional knowledge. Crucially, the IACtHR affirmed that States must regulate corporate actors—particularly large emitters—to prevent human rights harms and combat disinformation, greenwashing and undue political influence.

b. Cases before the East African Court of Justice

The 2023 Litigation Report mentioned a case brought by four civil society organizations against the governments of the United Republic of Tanzania and Uganda in the East African Court of Justice seeking an injunction to stop the construction of the East African Crude Oil

13 Maria Antonia Tigre and Natalia Urzola, *The 2017 Inter-American Court's Advisory Opinion: changing the paradigm for international environmental law in the Anthropocene,* 12(1) J. Hum. Rts. & Env't 24 (2021), https://www.elgaronline.com/view/journals/jhre/12-1/jhre.2021.01.02.xml...
14 Order of the President, OC-32, Inter-American Court of Human Rights, 2024 (Inter-American Court of Human Rights).
15 Advisory Opinion OC-32/25, Inter-American Court of Human Rights, 2025 (Inter-American Court of Human Rights).

Pipeline.[16] In that case, *Center for Food and Adequate Living Rights et al. v. Tanzania and Uganda*, plaintiffs alleged that the governments, without objection from the Secretary-General of the East African Community, who is responsible for oversight of the East African Community Treaty, signed agreements to build the pipeline without proper environmental, social, human rights, and climate impact assessments. In November 2023, the East African Court of Justice dismissed the case on procedural grounds.[17] Following the dismissal, the NGOs filed an appeal. At the time of writing, a decision on the appeal was pending.

c. Cases before the African Court on Human and Peoples' Rights

On May 2, 2025, the Pan African Lawyers Union (PALU), backed by civil society organizations including the African Climate Platform, Natural Justice, Resilient40, and the Environmental Lawyers Collective for Africa, filed a petition with the AfCHPR seeking an *Advisory Opinion on African states' human rights obligations in the context of climate change*.[18] Drawing on Article 4 of the Protocol to the African Charter on Human and Peoples' Rights, the petition argues that climate change poses severe risks to a wide range of rights protected under regional instruments such as the African Charter, the Maputo Protocol, the Kampala Convention and the African Charter on the Rights and Welfare of the Child. **The request details disproportionate impacts of climate change across Africa, ranging from droughts and water scarcity to coastal erosion and internal displacement, and emphasizes the particular vulnerability of women, children, Indigenous peoples, people with disabilities and environmental defenders.** It urges the Court to clarify states' obligations regarding climate mitigation and adaptation, protection of environmental human rights defenders, just transitions and the regulation of multinational corporations and natural resource governance frameworks.

The petition also presses the AfCHPR to consider whether African states must advocate internationally for more ambitious global climate action, including emissions reductions and equitable climate finance. It raises fundamental legal questions about states' duties to protect both present and future generations from the harmful effects of climate change and to provide remedies and reparations for loss and damage, including potential claims for compensation from high-emitting countries. Additionally, the petition invites the AfCHPR to address African states' responsibilities to regulate third-party actors and to ensure participation, transparency and accountability in climate decision-making. Positioned alongside similar global advisory proceedings at the ICJ, ITLOS and IACtHR, this request represents a significant step in seeking an articulation of African states' human rights obligations under both regional and international law in confronting the escalating climate crisis (Tigre and Ann Samuel 2025).

d. Cases before European regional courts and bodies

European regional courts have also registered high-profile climate cases in recent years. The ECtHR ruled on three significant cases in 2024, while other cases are pending at the time of writing before the European Commission and the CJEU.

European Court of Human Rights

Twelve climate cases have been brought before the ECtHR. In these, applicants argue that the Member States of the Council of Europe have violated some of the provisions of the European Convention on Human Rights (ECHR) when considered in light of the Paris Agreement. All cases rely on the respondent States' positive obligations concerning the right to life (Article 2) and the right to respect for private and family life (Article 8). The cases further make discrimination claims (Article 14), alleging that the characteristics of their group or their personal circumstances are such that they will suffer disproportionately from the impacts of climate change.

In 2024, the Grand Chamber of the ECtHR handed down its decision on three climate cases: *Verein*

16 *Center for Food & Adequate Living Rights et al. v. Tanzania & Uganda*, Application for First Instance Division, East African Court of Justice, Arusha, Nov. 6, 2020 (Tanzania & Uganda).
17 East African Court of Justice, First Instance Division, Reference No. 39 of 2021, Judgment of 29 November 2023 (East African Community).
18 Pan African Lawyers Union, Request for Advisory Opinion on the Obligations of States with Respect to the Climate Change Crisis, African Court on Human and Peoples' Rights, 2 May 2025 (African Union).

KlimasSeniorinnen Schweiz and Others v. Switzerland,[19] *Carême v. France* and *Duarte Agostinho and Others v. Portugal and 32 Others*. In 2023, the Grand Chamber had noted that the cases were considered "impact cases" and were to be decided by seven judges since they raised a serious question affecting the interpretation of the ECHR.

In *KlimaSeniorinnen*, the ECtHR held in a landmark ruling that Switzerland violated Article 8 of the ECHR by failing to implement sufficient climate change mitigation measures.[20] The case was brought by four elderly women and the Senior Women for Climate Protection Switzerland association, who argued that inadequate Swiss climate policy exposed them to life-threatening heatwaves, especially affecting older women. While the ECtHR dismissed the individual women's claims due to a lack of victim status, it took a historic step in recognizing the standing of the NGO under Article 34. The ECtHR emphasised climate change as a "common concern of humankind" and acknowledged the importance of intergenerational burden-sharing.

Substantively, **the ECtHR clarified that Article 8 of the ECHR requires States to undertake effective regulatory measures aimed at mitigating the adverse and potentially irreversible effects of climate change.** This includes setting binding emission reduction targets and actively working toward carbon neutrality within approximately the next 30 years. The ECtHR introduced a five-step test to evaluate whether States act within their margin of appreciation, assessing not only whether general and intermediate targets are adopted, but also their implementation, regular updating and consistency with scientific evidence. The judgment establishes a clear human rights-based obligation on States to mitigate climate change, marking a milestone for both European and global climate litigation.

In March 2025, the Committee of Ministers of the Council of Europe decided that Switzerland had not yet complied with the requirements of the ECtHR judgment. Switzerland had yet to prove that it is doing enough to align its policy with a maximum global warming limit of 1.5°C. Specifically, the Committee of Ministers invited the authorities to further demonstrate that the methodology used to devise, develop and implement the relevant legislative and administrative framework responds to the EHCR requirements as detailed by the ECtHR and relies on a quantification, through a carbon budget or otherwise, of national GHG emissions limitations.[21]

In *Carême v. France*, the ECtHR declared the case inadmissible on the grounds of lack of victim status.[22] The applicant, a former mayor and resident of the coastal town of Grande-Synthe, filed the complaint alleging that France's insufficient action on climate change violated his rights under Articles 2 and 8 of the ECHR due to the threat of flooding and coastal erosion. However, by the time of the hearing, the applicant no longer lived in France or maintained property in the affected area, undermining his claim to personal harm. In reaching its decision, the ECtHR reaffirmed the principles of victim status laid out in *KlimaSeniorinnen*, finding that Carême did not demonstrate the required "high intensity of exposure" to climate-related harm, or a pressing need for individual protection (Torre-Schaub 2024). It also ruled that he could not bring the claim in his former capacity as mayor, since municipalities are considered governmental bodies without standing under the ECHR.

The *Duarte Agostinho* case was brought by six Portuguese children and youth against Portugal and 32 other European states, alleging that their failure to take adequate climate action violated their rights to life, privacy and non-discrimination under Articles 2, 8 and 14 of the ECHR. The applicants sought to hold not only their home country but also other major emitters accountable for contributing to climate change and its transboundary harms.

The ECtHR dismissed the application as inadmissible on two key grounds.[23] First, the ECtHR found no basis in the ECHR to extend extraterritorial jurisdiction to the 32 other respondent states. While acknowledging the global and interconnected nature of climate change, it concluded that accepting such claims would create untenable uncertainty for states and potentially lead to a limitless expansion of the ECtHR's jurisdiction

19 *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, European Court of Human Rights, App. No. 53600/20, 9 April 2024 (Switzerland).
20 *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, European Court of Human Rights, App. No. 53600/20, 9 April 2024 (Switzerland).
21 Council of Europe, Committee of Ministers, Decision CM/Del/Dec (2025)1521/H46-30, 1521st Meeting, 6 March 2025 (Europe).
22 Carême v. France, European Court of Human Rights, Application No. 7189/21, Judgment of 9 April 2024 (France).
23 *Duarte Agostinho and Others v. Portugal and 32 Other States*, Eur. Ct. H.R., App. No. 39371/20, 9 April 2024 (ECtHR).

(Rocha 2024). Second, the complaint against Portugal was dismissed due to the applicants' failure to exhaust domestic remedies. The ECtHR reiterated its subsidiary role and emphasised that claimants must first pursue all viable legal avenues within their national legal systems before turning to the ECtHR (Heri 2024). Two complaints, Uricchio v. Italy and 32 other States[24] and De Conto v. Italy and 32 other States[25], were filed against Italy, relying on the same legal grounds as *Duarte Agostinho*, and similarly without first exhausting domestic remedies. These were also deemed inadmissible.

Together, these three judgments clarify the procedural thresholds for bringing climate-related human rights claims before the ECtHR and affirm that States have enforceable obligations under Article 8 of the ECHR to protect individuals from the impacts of climate change. While *KlimaSeniorinnen* establishes precedent on states' positive duties, *Carême* and *Duarte Agostinho* underscore the limits of admissibility, jurisdiction and procedural compliance in international climate litigation (See generally Bönnemann and Tigre 2024).

Five other cases were still pending at the time of writing. These include *Müllner v. Austria*, lodged by an individual applicant who suffers from Uhthoff's syndrome, which affects people with multiple sclerosis who suffer when temperatures rise above 25 °C[26]; and *Greenpeace Nordic and Others v. Norway*, filed by several NGOs and six young climate activists alleging that Norway's continued oil exploration breaches their fundamental human rights.[27]

European Commission

In November 2024, a coalition of European NGOs filed coordinated complaints with the European Commission against France, Germany, Ireland, Italy and Sweden, alleging that these Member States failed to meet their legal obligations under EU climate and energy law, particularly concerning the adequacy and timely submission of their National Energy and Climate Plans (NECPs). *Notre Affaire à Tous v. France* highlights significant shortcomings in the country's NECP, including the failure to account for declining carbon sinks, policy regressions in key sectors like transport and building renovations, delays in renewable energy deployment and a lack of meaningful public participation.[28] Notre Affaire à Tous contends that these deficiencies jeopardize France's ability to meet its 2030 climate targets and violate EU requirements for a just and effective energy transition. The coalition calls on the Commission to initiate infringement proceedings, asserting that these failures undermine EU-wide climate objectives and procedural rights enshrined in EU law. These cases were still pending at the time of writing. The European Commission can investigate whether a Member State has breached EU law. If a breach is found, it can start formal infringement proceedings and may ultimately refer the case to the CJEU.

D. Investor-State Dispute Settlement (ISDS) cases

The 2023 Litigation Report observed that ISDS has increasingly become a forum for climate adjudication. These quasi-judicial administrative proceedings are often confidential, hindering a comprehensive assessment of the scope of climate-related cases. Through ISDS tribunals, foreign investors can seek compensation when countries adopt ambitious climate measures that they claim result in stranded assets, particularly within the fossil fuel supply chain, citing violations of investment treaty protections. These cases can hinder achievement of global climate mitigation goals and increase the costs of a transition away from fossil fuels (Columbia Center on Sustainable Investment and International Institute for Environment & Development 2023).

For example, in *GreenX Metals Limited (formerly Prairie Mining Limited) v. Republic of Poland*, the Australian mining company GreenX alleged that Polish regulatory actions effectively blocked the development of two coal mining projects GreenX was developing, destroying the value of its investments. Poland's regulatory measures involved a coal phase-out and tighter regulations on fossil fuel developments as it aligned with EU climate targets and global decarbonization commitments under the Paris Agreement. The Permanent Court of Arbitration found in October 2024 that Poland had breached its obligations under the Australia-Poland Bilateral

24 *Uricchio v. Italy and 32 Other States,* Eur. Ct. H.R., App. No. 14615/21 (ECtHR).
25 *De Conto v. Italy and 32 Other States,* Eur. Ct. H.R., App. No. 14620/21 (ECtHR).
26 *Müllner v. Austria,* Eur. Ct. H.R., 25 March 2021 (ECtHR).
27 *Greenpeace Nordic and Others v. Norway,* Eur. Ct. H.R., App. No. 34068/21, 15 June 2021 (ECtHR).
28 *Notre Affaire à Tous v. France,* CJEU, 28 May 2024 (European Union).

Investment Treaty (BIT) and the Energy Charter Treaty (ECT) concerning one of the projects (the Jan Karski coal project). The tribunal awarded GreenX £252 million under the BIT and £183 million under the ECT. However, to prevent double compensation, any payment made under one award would be set off against the other. Regarding the second project (the Dębieńsko project), the tribunal did not uphold GreenX's claims. While the ECT was originally designed to protect energy investments, it has been criticized for protecting fossil fuel investors against climate-driven regulatory change. In 2024, the European Union announced its withdrawal from the ECT (Council of the European Union 2024; Energy Charter Secretariat 2024; see also E3G 2024).

E. WTO cases

In recent years, the WTO has emerged as a forum for climate-related litigation, both for pro-climate litigation (i.e., disputes that aim to advance climate-friendly measures, such as challenges to fossil fuel subsidies or the absence of climate-friendly trade policies) and anti-climate litigation (i.e., disputes that challenge climate-friendly trade measures for being trade-restrictive, such as disputes against subsidies for renewables or border carbon adjustments).

Since there is no direct WTO legal basis to challenge countries for not adopting climate-friendly measures, it has been suggested that WTO rules are better suited to challenge climate policies that restrict trade rather than enforce climate goals (Asmelash 2023). For example, in *United States – Certain Tax Credits Under the Inflation Reduction Act*, China requested a consultation with the United States of America, asking whether certain provisions in the Inflation Reduction Act (IRA) that condition clean energy tax credits on local content or final assembly in North America violate WTO rules on national treatment and most-favoured nation (MFN) treatment.[29] China argued that the IRA's green subsidies provide discriminatory treatment to foreign products and suppliers, especially in the electric vehicle and battery sectors, violating the 1994 General Agreement on Tariffs and Trade (GATT) and the Agreement on Subsidies and Countervailing Measures. At the time, the United States of America argued that the IRA is a legitimate climate policy designed to accelerate decarbonization and bolster resilient, domestic supply chains critical for national and energy security. The complaint was still pending at the time of writing.

In *European Union and Its Member States – Carbon Border Adjustment Mechanism (CBAM)*, the Russian Federation requested consultations with the European Union on whether the EU's CBAM violates WTO rules by discriminating against foreign producers or undermining the principle of common but differentiated responsibilities.[30] The Russian Federation claims that the CBAM is protectionist in effect, creates de facto trade barriers and disproportionately burdens producers in the Global South, violating national treatment, MFN treatment and the principle of equitable development. The European Union, in turn, defends CBAM as a necessary tool to prevent carbon leakage and ensure the integrity of its emissions trading system, applied equally to domestic and foreign producers based on emissions intensity and in sequence compliant with WTO rules. The case is still pending.

F. Transnational cases

Transnational climate cases, involving parties from two different countries, are still few and far between. At the time of this report's writing, two transnational cases are pending before national courts. These cases aim to remedy harm to citizens in one country due to actions from corporations based in another country. The remedies requested represent a combination of loss and damage, adaptation, and mitigation measures.

In *Lliuya v. RWE AG*,[31] a Peruvian farmer brought a claim, first filed in 2015, against German-based energy company RWE for the melting of Lake Palcacocha, which rests above his hometown, Huaraz. Climate change has triggered a volumetric growth of the glacial lake, with flooding threatening the plaintiff's property and part of the city, endangering 50,000 people. The plaintiff claimed that RWE is partially responsible for the melting of mountain glaciers, and should be held responsible for its proportional contribution to historical GHGs (Heede 2014; Climate Accountability

29 United States – Certain Tax Credits Under the Inflation Reduction Act, Request for Consultations, WTO Doc. WT/DS616/1, 20 December 2023 (WTO).

30 *European Union and Its Member States – Carbon Border Adjustment Mechanism*, Request for Consultations, WTO Doc. WT/DS632/1, 1 December 2023 (WTO).

31 *Lliuya v. RWE AG*, Landgericht [LG] Essen, 2 O 285/15, 15 December 2016 (Germany).

Institute 2025).[32] The remedies requested included (i) RWE's accountability for expenses associated with safety measures, in accordance with RWE's historical emissions, (ii) reimbursement of adaptation expenses that Lliuya and Huarez authorities are projected to incur in flood protection measures, (iii) a declaratory judgment of liability and (iv) compensation for implementing risk measures to mitigate potential future and irreversible risks, "including loss of life stemming from glacial lake outburst flooding linked with high confidence to anthropogenic climate change-induced glacial retreat" (Tigre and Wewerinke-Singh 2023). RWE's share included 0.47 per cent of the total cost, and the lawsuit sought to recover US$21,000.

On 28 May 2025, the Higher Regional Court of Hamm dismissed the case due to a lack of concrete danger to the plaintiff's property.[33] The likelihood of water from the nearby glacier lake reaching his home within the next 30 years was assessed at only about one per cent—a probability the court deemed too low to justify legal intervention. However, the court held that major GHG emitters subject to the court's jurisdiction can, in principle, be held accountable for the impacts of their emissions under German civil law. Specifically, the court found that the plaintiff might potentially have a preventative civil claim if an impairment of property appears imminent. Should the emitter refuse to take action, liability for future costs could be established in advance, based on the emitter's proportional contribution to global emissions. The court further emphasised that the geographical distance between the defendant's power plants and the plaintiff's home in Peru does not, by itself, render the claim unfounded (Bönnemann and Tigre 2025).

In *Asmania v. Holcim*, four fisherwomen from the Indonesian island of Pari brought a claim against the Switzerland-based cement company Holcim for unprecedented flooding effects on the island. Pari is a four-kilometre-long island standing three metres above sea level, of which 11 per cent has already disappeared. The case relies on the Carbon Majors report, as well as a study by the Climate Accountability Institute that estimates Holcim's historic emissions amounting to 0.42 per cent of all global emissions since 1750. In terms of remedies, the petitioners request that Holcim (i) provide proportional compensation for climate-related damages sustained to Pari, (ii) reduce CO_2 emissions by 43 per cent by 2030 compared to 2019 levels and (iii) contribute to flood protection adaptation measures in Pari. This "holistic" approach includes a historical dimension of accountability for past emissions-induced loss and damages, and a forward-looking dimension of accountability for the effects of GHG emissions. The case was still pending at the time of writing.

II. Domestic climate litigation: Cases against governments

The vast majority of climate cases target government actors.

These cases typically seek to compel national or subnational governments to adopt more ambitious climate policies, enforce existing climate laws, or account for the impact of GHG emissions on certain projects or for the harms of inadequate mitigation or adaptation efforts.

The underlying claim in many of these suits is that governments, by failing to act decisively on climate change, are violating certain obligations. These fall into one or more of four categories: (1) "climate rights" litigation; (2) domestic enforcement; (3) keeping fossil fuels—and carbon sinks—in the ground; and (4) climate migration.[34] Although the majority of cases have emerged in the Global North, there are increasingly more examples of cases filed in the Global South (Burri and Duarte Reyes 2023; Murcott and Tigre 2024; Tigre 2024).

A. The use of "climate rights" in climate litigation

A prominent category of climate litigation against states relates to the violation of fundamental and human rights resulting from insufficient or inadequate government action on climate change. Notably, a few rights-based cases have been filed against corporations; these cases are discussed in Section III. Broadly referred to here as "climate rights" cases, these lawsuits assert that individuals and communities are entitled to protection from climate harm through (i) traditional human rights, such as the rights to life, health, food, water, housing, family life or liberty, (ii) the

32 The claim relies on the Carbon Majors Report, which produced a comprehensive dataset of historic corporate GHG emissions, finding that 100 active fossil fuel producers were responsible for 71 per cent of industrial GHG emissions since 1988.
33 *Lliuya v. RWE AG*, Landgericht [LG] Essen, 2 O 285/15, 15 December 2016 (Germany).
34 As the analysis indicates, several cases demonstrate features of more than one trend.

"Broadly referred to here as "climate rights" cases, these lawsuits assert that individuals and communities are entitled to protection from climate harm through (i) traditional human rights, such as the rights to life, health, food, water, housing, family life or liberty, (ii) the right to a clean, healthy and sustainable environment, (iii) the emerging right to a stable climate, and, in some jurisdictions, (iv) rights of nature."

right to a clean, healthy and sustainable environment, (iii) the emerging right to a stable climate, and, in some jurisdictions, (iv) rights of nature. It is increasingly common for claimants to invoke multiple rights, presenting a network of interrelated legal protections and corresponding state duties.

Significantly, rights-based climate litigation assesses the adequacy of state climate policies by invoking international climate law standards and obligations. These rights may derive from national constitutions, human rights instruments, or domestic statutory frameworks, often interpreted in light of states' obligations under the UNFCCC and the Paris Agreement. Many climate rights cases also intersect with other strategies examined throughout this report, reinforcing their broader systemic relevance.

In Europe, cases have been brought before domestic courts alleging violations of Articles 2 and 8 of the ECHR, as highlighted throughout this report.[35] As noted in the 2023 Litigation Report, these cases typically challenge the adequacy of government climate policies by linking insufficient mitigation efforts to breaches of international and domestic human rights obligations and states' commitments under the Paris Agreement. Although recent, the *KlimaSeniorinnen* decision by the ECtHR has already begun to influence ongoing litigation and shape the reasoning of national courts across Europe, reinforcing the legal basis for connecting climate inaction to human rights violations.[36]

In South Korea, the Constitutional Court in *Do-Hyun Kim et al. v. South Korea* found that the State's failure to quantify emissions targets for the 2031-2049 period undermined intergenerational equity and left future generations vulnerable to an excessive climate burden.[37] The court acknowledged that the right to a healthy environment under Article 35 of the Constitution encompasses the harms and risks associated with climate change, and affirmed that the State has a corresponding obligation to protect this right by mitigating the causes of climate change and adapting to its impacts.

The decision built on two opinions from the National Human Rights Commission (NHRC), which interpreted South Korea's domestic and international human rights obligations within the context of climate change. In the 2023 *Opinion of the National Human Rights Commission on the Constitutional Complaints on Constitutionality of Carbon Neutrality Act*, the NHRC found that shifting the burden of reducing carbon emissions unequally to future generations would cause discrimination, violating the constitutional principle of equality.[38] Similarly, in the 2023 *Opinion of the National Human Rights Commission on the climate crisis and human rights*, the NHRC noted that the state should recognize human rights in the context of the climate crisis, as well as a fundamental obligation to improve laws and regulations within that context.

In the United States of America, rights-based cases have been filed against state governments asserting claims under state constitutions. In *Held v. State*, the Montana Supreme Court ruled in December 2024 that the Montana Constitution's right to a clean and healthful environment clearly encompassed a right to a stable climate system and that a state law's prohibition on considering GHG emissions and climate impacts in environmental reviews violated that right.[39] In *Navahine F. v. Hawai'i Department of Transportation*, youth plaintiffs reached a settlement in June 2024 that resolved their claims that Hawai'i's fossil fuel-based transportation system violates the Hawai'i Constitution's public trust doctrine and right to a clean and healthful environment.[40] In the settlement, the Hawai'i Department of Transportation and other State defendants agreed to take actions to achieve a zero-emissions target for transportation sectors by 2045. Other climate change cases brought by youth and other plaintiffs under state constitutions have thus far not been successful.[41]

35 Several cases filed and decided in Europe since 2023 are highlighted in the systemic mitigation section, or in the vulnerabilities box below

36 *See, e.g., VZW Klimaatzaak v. Kingdom of Belgium and Others,* Brussels Ct. of App., Nov. 30, 2023 (Belgium.); Finnish Association for Nature Conservation and others v Finland, Supreme Administrative Court (KHO) of Finland, KHO:2025:2, 17 January 2022 (Finland); Anton Foley and others v Sweden, Swedish Supreme Court, M2022/01028, 25 November 2022 (Sweden).

37 The Constitutional Court of South Korea consolidated four cases since the subject matter was similar: *Do-Hyun Kim et al. v. South Korea*, South Korean Constitutional Court, 13 March 2020 (South Korea); *Byung-In Kim et al. v. South Korea*, South Korean Constitutional Court, 13 June 2023 (South Korea), *Woodpecker v. South Korea*, South Korean Constitutional Court, 13 June 2022 (South Korea), *Min-A Park v. South Korea*, South Korean Constitutional Court, 6 July 2023 (South Korea).

38 Nat'l Hum. Rts. Comm'n of Korea, *Opinion on the Constitutional Complaints on the Constitutionality of the Carbon Neutrality Act*, 2023 (South Korea)

39 *Held v. State,* No. DA 23-0575, 419 Mont. 403, 560 P.3d 1235, Mont. Sup. Ct., Dec. 18, 2024 (United States of America).

40 *Navahine F. v. Hawai'i Dep't of Transp.*, No. 1CCV-22-0000631, Haw. First Cir. Ct., June 20, 2024 (United States of America).

41 Since the 2023 Litigation Report, courts have rejected state constitutional claims in the following climate cases: *Natalie R. v. State*, No. 20230022, 2025 UT 5, 567 P.3d 550 (Utah Mar. 20, 2025); *Atencio v. State*, No. A-1-CA-42006 (N.M. Ct. App. June 3, 2025); *Layla H. v. Commonwealth*, No. 1639-22-2, 81 Va. App. 116, 902 S.E.2d 93 (Va. Ct. App. 2024), *petition for review denied*, No. 240684 (Va. Feb. 25, 2025); *Sagoonick v. State*, No. 3AN-24-06508CI (Alaska Super. Ct. Mar. 10, 2025).

Courts have dismissed rights-based climate cases under the federal constitution in the United States of America. In *Juliana v. United States*—a case filed in 2015 asserting that the government of the United States of America had constitutional obligations to address climate change—the trial court in 2023 allowed the youth plaintiffs to file an amended complaint to attempt to rectify the lack of standing identified by an appellate court.[42] In 2024, however, the appellate court ordered the district court to dismiss the case, and in 2025, the Supreme Court of the United States of America declined to review that order, ending the case almost 10 years after it was filed.[43] In 2025, a trial court dismissed another climate case brought by youth plaintiffs under the Constitution of the United States of America, *Genesis B. v. U.S. Environmental Protection Agency*.[44] The plaintiffs have appealed the dismissal.

42 *See Juliana v. United States*, No. 6:15-CV-01517, D. Or., 1 June 2023 (U.S.); *Juliana v. United States*, 947 F.3d 1159, 9th Cir., 2020 (United States of America).
43 *J Juliana v. United States*, No. 24-645, 145 S. Ct. 1428, U.S. Sup. Ct., 2025 (denying certiorari from *United States v. U.S. District Court for the District of Oregon*, No. 24-684, 9th Cir., 1 May 2024) (United States of America).
44 *Genesis B. v. U.S. Env't Prot. Agency*, No. 2:23-cv-10345, C.D. Cal., 2025 (United States of America).

Box 4: Climate litigation and vulnerabilities

The 2023 Litigation Report highlighted a few cases that specifically addressed the differentiated vulnerabilities of certain groups to the climate crisis. Since then, other cases have been brought that focus specifically on certain groups or highlight climate change's disproportionate impact on groups experiencing vulnerability. These cases, which are still exceptions, directly or indirectly address issues of climate justice and the disproportionate impacts of climate change on certain communities (Tigre *et al*. 2025). Individuals who experience multiple, overlapping forms of discrimination, for example discrimination based on gender, age and disability, are uniquely and directly affected by climate change, in addition to often being excluded from political processes and climate decision-making. As such, their claims raise critical issues of procedural climate justice, giving rise to their role as political agents of change in climate litigation (Murcott, Tigre and Ann Samuel 2025).

In *Acción de Inconstitucionalidad 102/2024,* the Mexican Supreme Court analysed a constitutional challenge to a local water services law, addressing issues of vulnerability and inequality within the context of essential services and environmental rights.[45] The law limited the domestic water supply to 50 litres per day per person when users failed to pay for two consecutive billing periods. The Supreme Court decided the law was constitutional but noted how water scarcity is becoming more frequent in Mexico due to climate change, making access to a clean and continuous water supply a climate adaptation issue. Limiting water access uniformly would undermine resilience and adaptive capacity, especially in communities already at risk or disproportionately affected, such as women, children, Indigenous peoples and low-income families. As such, the limit of 50 litres per person should be increased in areas facing high temperatures.

In *Senior Citizens v. Korea,* still pending at the time of writing, a group of elderly citizens lodged a complaint against the South Korean government to the NHRC, claiming that weak climate policies infringe upon their constitutional rights to life and the pursuit of happiness, particularly from the health impacts of climate change, including heat exposure and air pollution.[46] They claim that senior citizens are disproportionately impacted by climate change, by being more susceptible to worsened health conditions, and facing higher mortality rates from extreme heat, cold, air pollution and other climate-related diseases. Older people face poverty, disability, isolation and inadequate housing, limiting their ability to cope with climate-related disasters, and often live in flood- or fire-prone areas, limiting their ability to evacuate or repair their homes in case of disasters. The country's NDC and adaptation plans lack any specific provisions for older persons, and the failure to take minimum adequate and efficient protective measures constitutes a breach of the country's human rights obligation to protect life and dignity, especially for vulnerable groups.

45 *Access to Minimum Water Volumes in Querétaro*, Supreme Court of Mexico, Acción de Inconstitucionalidad 102/2024, 10 June 2024 (Mexico).
46 *Senior Citizens v. Korea*, National Human Rights Commission, 6 March 2024 (South Korea).

In *Greenpeace Netherlands and 8 citizens of Bonaire v. The Netherlands*, currently pending at the time of writing, Greenpeace and citizens from the Caribbean island of Bonaire challenge the Netherlands' failure to implement adequate climate mitigation and adaptation measures to protect Bonaire—a special municipality of the Netherlands—from the worsening effects of climate change.[47] The plaintiffs argue that this failure violates their rights under international and domestic law, including the right to life, private life, non-discrimination and cultural rights under the ECHR and International Covenant on Civil and Political Rights. Drawing on prior cases in the Netherlands, they assert that the Dutch government has a legal obligation to do its fair share in reducing emissions and protecting vulnerable populations. The plaintiffs provide detailed arguments about historical and ongoing inequalities: while the European part of the Netherlands benefits from extensive adaptation planning and funding, Bonaire remains underprotected. They argue this disparity reflects structural discrimination rooted in colonial legacies, exacerbated by the climate crisis. In a 2024 interim ruling, the court found Greenpeace admissible to represent the interests of Bonaire residents but rejected the standing of the eight individual plaintiffs.[48] Hearings are expected to continue into 2025.

In 2024, nine Swiss farmers and five agricultural associations filed a petition with the Swiss Department of Environment, Transport, Energy and Communication (DETEC), demanding stronger government action to address the worsening impacts of climate-induced droughts (*Uniterre et al. v. Swiss Department of the Environment (Swiss Farmers Case)*). They alleged violations of multiple constitutional and human rights protections, including the rights to life, private life, property and economic liberty, as well as non-compliance with Switzerland's environmental obligations under domestic law and the Paris Agreement. DETEC rejected the petition on the grounds that the petitioners lacked standing, asserting their harm was not sufficiently distinct from that of the general population.[49] The petitioners appealed in October 2024, arguing that DETEC ignored the binding precedent of *KlimaSeniorinnen* from the ECtHR, failed to recognize the unique harms to farmers, and violated their rights to a fair trial and access to justice. The case was pending at the time of writing.

47 *Stichting Greenpeace Nederland et al. v. Staat der Nederlanden*, District Court of the Hague, Case No. 67807 (summons filed Jan. 11, 2024) (Netherlands).
48 *Greenpeace Nederland v. Staat der Nederlanden,* District Court of The Hague, ECLI:NL:RBDHA:2024:14834, (complaint filed Sept. 25, 2024) (Netherlands).
49 Decision on the Request of 5 March 2024, under Article 25a of the Federal Act on Administrative Procedure, Swiss Federal Department of the Environment, Transport, Energy, and Communications (DETEC), 20 September 2024
(Switzerland).

B. Domestic enforcement of international climate change commitments

Following the landmark decision in *Urgenda Foundation v. the Netherlands*, numerous cases have been filed across jurisdictions relying on human rights arguments to establish that the government's failure to mitigate GHG emissions constitutes a breach of fundamental rights.[50] These cases generally fall into two categories: those that push for greater ambition in climate mitigation, often referred to as systemic mitigation cases (Maxwell *et al.* 2022), and those that aim to enforce existing legal commitments. These cases typically rely on innovative interpretations of international and human rights law to contest slow and inadequate efforts to reduce GHG emissions (Vuong 2024). Implementation-focused cases build on commitments made under the Paris Agreement and international human rights frameworks to demand concrete climate action.

The outcomes of systemic mitigation cases have been mixed, reflecting the legal and political complexities of challenging national climate policies. While some courts have recognized a clear link between inadequate climate action and human rights violations, others have dismissed claims on procedural or evidentiary grounds or deferred to the discretion of political branches in setting climate policy.

Systemic mitigation cases

In *VZW Klimaatzaak v. Kingdom of Belgium and Others*, the Belgian Court of Appeals partially reversed the first instance judgment noted in the 2023 Litigation Report, which concluded that the governments had failed to act with sufficient prudence and diligence in breach of their duty of care but declined to set specific binding

50 *Urgenda Found. v. State of the Neth.*, Case No. C/09/456689 / HA ZA 13-1396, Hague District Court, 24 June 2015 (Netherlands).

targets.[51] The Court of Appeals confirmed the finding of a government breach of the duty of care, ruling that the Belgian authorities had failed to adequately participate in the global effort to curb global warming. As a result, the Court of Appeals found a breach of Articles 2 and 8 of the ECHR. Partially reversing the first instance judgment, it ordered the federal government and two regional governments to reduce their GHG emissions by at least 55 per cent (as opposed to the then-target of 47 per cent) compared to 1990 levels by 2030 at the latest (Briegleb and De Spiegeleir 2023).

In the Czech Republic, the Supreme Administrative Court dismissed the case in *Klimatická žaloba ČR v. Czech Republic*, noting that the EU's NDC to reduce emissions by 55 per cent by 2030 is a collective obligation, rather than an individual obligation of the Czech government.[52] The only binding provision regarding the country's climate obligations—since the country still lacks a climate framework law—is the EU Effort Sharing Regulation, which only mandates a 26 per cent reduction by 2030 relative to 2005 levels (Balounová 2025).

In Turkey, young climate activists challenged the adequacy of the country's NDC in two lawsuits. The first one, brought in 2023, noted the lack of transparency in preparing the NDC and claimed that the NDC represented climate inaction—since Turkey still planned to peak emissions by 2038—and violated their human rights.[53] The Council of State dismissed the case without reviewing the claims, stating that the NDC is not an administrative act but merely a pledge within an international treaty, and therefore cannot be annulled through administrative litigation. The second case challenges Turkey's 2023 NDC for failing to protect the rights of children and young people, as well as the 2053 Long-Term Climate Strategy for neglecting the need for a just energy transition and lacking consistent emissions reductions.[54] The case was still pending at the time of writing.

A few cases have been filed following successful challenges to a country's overall mitigation strategy, as seen by examples in Ireland and Germany. In 2020, the Irish Supreme Court concluded that Ireland's mitigation commitments were insufficient in *Friends of the Irish Environment (FIE) v. Ireland* because they were not specific enough to show the pathway to net-zero by 2050.[55] Since then, two cases have been brought. In 2023, FIE challenged the Climate Action Plan 2023 due to inconsistencies with the carbon budget and obligations under the 2015 Climate and Low Carbon Development Act. In February 2025, the High Court determined that FIE had not provided sufficient evidence to show that the plan was inconsistent with the carbon budget.[56] This decision is under appeal. In 2024, an NGO and three plaintiffs claimed that the country's Climate Action Plan 2024 fails to meet the legal standards set by the 2015 Climate and Low Carbon Development Act and is not in compliance with the country's carbon budget.[57] The case was still pending at the time of writing.

In Germany, several cases were brought following the decision in *Neubauer v. Germany*, highlighted in the 2023 Litigation Report. In particular, three complaints challenge the adequacy of the revised climate policy of the federal government.[58] In *Steinmetz, et al. v. Germany I*, plaintiffs argue that the new GHG emissions reduction path continues to infringe fundamental rights, with federal states adopting differing and insufficient climate policies.[59] In *Steinmetz, et al. v. Germany II*, the plaintiffs argue that the government should adopt a climate protection program that immediately formulates concrete measures based on consistent data, ensuring compliance with the reduction path set out in the Climate Protection Act.[60] In *Steinmetz, et al. v. Germany III*, plaintiffs challenged the revised climate policy's methodologies for determining the sufficiency of federal climate protection measures. These cases build on the principle of intergenerational freedom, developed in *Neubauer*, the rights to life and physical integrity.[61] These cases were still pending at the time of writing.

51 *VZW Klimaatzaak v. Kingdom of Belgium & Others*, Brussels Court of First Instance, 17 November 2021 (Belgium).
52 *Klimatická žaloba ČR v. Czech Republic*, No. 9 As 116/2022, Nejvyšší správní soud, 20 February 2023 (Czech Republic).
53 *A.S. & S.A. & E.N.B. v. Presidency of Türkiye & Ministry of Env't, Urb. & Climate Change*, Council of State of Turkey, 8 May 2023 (Turkey).
54 *A.S. & S.A. & E.N.B v. Presidency of the Republic of Türkiye*, Constitutional Court of Turkey, 2024 (Turkey).
55 *Friends of the Irish Env't CLG v. Gov't of Ireland*, [2017] No. 793 JR (H. Ct. 2020) (Ireland).
56 *Friends of the Irish Env't CLG v. Minister for Env't, Climate & Commc'ns*, [2023] H.JR.0000627 (H. Ct. Feb. 7, 2025) (Ireland).
57 *Community Law and Mediation Centre and others v. Ireland*, H. Ct. of Ireland, 2024 (Ireland).
58 *Community Law and Mediation Centre and others v. Ireland*, High Court of Ireland, 2024 (Ireland).
59 *Steinmetz, et al. v. Germany*, Federal Constitutional Court of Germany, 24 January 2022 (Germany).
60 *Steinmetz, et al. v. Germany II*, Federal Constitutional Court of Germany, 1 BvR 2047/23, 24 October 2023 (Germany).
61 *Steinmetz, et al. v. Germany III*, Federal Constitutional Court of Germany, 8 O 1373/21, 16 July 2024 (Germany).

Implementation cases

Several cases have been brought related to the implementation of climate laws. For example, two cases brought before the Supreme Administrative Court of Finland challenged the adequacy of the country's implementation of the 2022 Climate Change Act. In *Finnish Association for Nature Conservation and Greenpeace v. Finland*, the plaintiffs argued that the government had failed to adopt the necessary additional measures to meet carbon neutrality targets, especially considering the collapse of Finland's carbon sinks due to intensive forest logging and slower forest growth.[62] The court dismissed the case on procedural grounds, holding that inaction could not form the basis for an administrative appeal.[63] In *Finnish Association for Nature Conservation and others v Finland*, brought by a broader coalition, including Sámi youth organizations, plaintiffs argued that the country's insufficient climate action violated the traditional ways of life of the Sámi people and several human rights.[64] While acknowledging the unique impact of climate change on Sámi culture, the court again dismissed the case, concluding it was premature to judge the adequacy of government measures, but leaving open the possibility of future challenges if the state fails to meet its targets.

In Costa Rica, an NGO representing youth plaintiffs brought a case against the country's Ministry of Environment and Energy (MINAE) after the country failed to respond to a public information request related to the country's NDC.[65] The plaintiffs claimed the NDC lacked transparency regarding the country's climate commitments between 2021 and 2030 on mitigation and adaptation across eight thematic areas. On 26 January 2024, the Constitutional Chamber ruled in favour of the plaintiffs, recognizing a violation of the right to access environmental information. Although MINAE subsequently released the required information, the youth group deemed it incomplete, citing noncompliance with the principles of progressivity and public participation enshrined in the Escazú Agreement.

The 2023 Litigation Report highlighted key implementation cases that affirmed the enforceability of international climate obligations in domestic courts. In *PSB et al. v. Brazil (on Climate Fund)*, the Brazilian Supreme Court recognized the Paris Agreement as a human rights treaty and held that the executive branch has a constitutional duty to operationalize and allocate funds for climate mitigation.[66] Similar rulings in Brazil and Mexico addressed the implementation of national climate legislation in light of countries' NDCs under the Paris Agreement. These cases were largely triggered by political shifts that led to the rollback or paralysis of existing climate measures. In response, the Supreme Courts in both countries reinforced the principle of non-regression within a human rights framework and reaffirmed binding commitments under the UNFCCC and the Paris Agreement. For instance, in *PSB et al. v. Brazil (on Amazon Fund)*, the Court ordered the government to cease omissive conduct that would hinder the Fund's operations, emphasizing that environmental protection—particularly in the Amazon—is a constitutional and international obligation that limits administrative discretion.[67] In *Greenpeace v. Mexico (on the Climate Change Fund)*, the Mexican Supreme Court similarly ruled that the dissolution of the Climate Change Fund violated constitutional mandates.[68]

C. Keeping fossil fuels—and carbon sinks—in the ground

As governments continue to approve fossil fuel infrastructure despite global climate goals, litigation continues to be used to challenge the expansion of carbon-intensive projects. This section analyses another prominent category of climate litigation, which targets specific resource-extraction and resource-dependent projects, including challenges to environmental permitting and review processes that fail to adequately assess climate change impacts. These cases address both the global, long-term effects of fossil fuel extraction and processing and the local consequences of activities such as mining and drilling on water, land use, air quality and biodiversity.

62 *Finnish Ass'n for Nature Conservation & Greenpeace v. Finland*, KHO:2023:62, Finnish Supreme Administrative Court, 7 June 2023 (Finland).
63 *Suomen luonnonsuojeluliitto ry ja Greenpeace Norden ry v. Valtioneuvosto*, Korkein hallinto-oikeus [KHO], KHO:2023:62, 7 June 2023 (Finland).
64 *Finnish Ass'n for Nature Conservation & others v. Finland*, KHO:2025:2, Finnish Supreme Administrative Court, 5 January 2025 (Finland).
65 *NGOs and Youth v. State of Costa Rica*, Constitutional Chamber of the Supreme Court of Costa Rica, 21 September 2023 (Costa Rica).
66 *PSB et al. v. Brazil (on Climate Fund)*, Federal Supreme Court of Brazil, ADPF 708, 1 July 2022 (Brazil).
67 *PSB et al. v. Brazil (on Amazon Fund)*, Federal Supreme Court of Brazil, ADO 59/DF, 16 August 2023 (Brazil).
68 *Greenpeace v. Mexico (on the Climate Change Fund)*, R.A. 317/2022, District Court for Administrative Matters, Mexico, 30 March 2023 (dismissal for lack of standing) (Mexico).

In parallel, several cases have also focused on protecting carbon sinks—such as forests, peatlands and mangroves—that play a vital role in absorbing GHGs. These lawsuits argue that weakening or destroying these ecosystems, which often happens in the context of infrastructure projects, undermines both national and global mitigation efforts and, therefore, conflicts with climate commitments under the Paris Agreement. By framing deforestation, land-use change or other related permitting decisions as climate-relevant harms, plaintiffs are expanding the scope of climate litigation beyond emissions sources to include the preservation of natural climate solutions.

Increasingly, claimants argue that governments must consider not only a project's direct impacts but also the extent to which the project enables fossil fuel consumption elsewhere and over time. This section focuses on cases that challenge (i) the compatibility of specific projects with the Paris Agreement or national net-zero commitments, and (ii) compliance with environmental impact assessment (EIA) requirements.

These project-based lawsuits serve not only to block or delay individual developments but also to test the legal enforceability of climate commitments and environmental principles. **Many rely on novel arguments, such as the duty of climate-conscious governance, the obligation to prevent foreseeable harm and the need for cumulative and transboundary impact assessments.** In some jurisdictions, courts have ruled that EIAs must incorporate lifecycle emissions and climate scenarios aligned with international obligations. The outcome of these cases may shape how governments and developers integrate climate considerations into planning and infrastructure decisions, potentially raising the bar for climate accountability across the board.

Consistency with the Paris Agreement or net-zero commitments

In *Africa Climate Alliance et. al., v. Minister of Mineral Resources & Energy et. al.* (the "#CancelCoal" case) the South African High Court ruled that the government's plans to procure 1,500 megawatts of coal-fired power plants were unconstitutional, unlawful and invalid.[69] The claim relied on the constitutional right to an environment not harmful to health and well-being; the rights to life, dignity and equality; and the best interests of children.

In *ADPF 746 (fires in the Pantanal and the Amazon Forest)*, the Brazilian Supreme Court recognized structural flaws in the protection of crucial ecosystems such as the Amazon rainforest and the Pantanal, essential carbon sinks to combat climate change.[70] In *Associação SOS Amazônia and others vs. Federal Union and others (BR-364 Road Environmental Licensing)*, several NGOs challenged the construction of a highway connecting Brazil and Peru, which would degrade the Amazon rainforest as an essential carbon sink. The case was still pending at the time of writing.[71]

In *Mayur Renewables Ltd v. Mirisim*, the National Court of Justice of Papua New Guinea quashed the cancellation of permits for a forest-based carbon offset project and permanently restrained the government from interfering with its development.[72] The court found the Minister for Forests acted *ultra vires* and in breach of natural justice when he unilaterally cancelled timber permits issued for a REDD+ project aimed at preserving the Kamula Doso forest. Emphasizing climate change as a real and urgent emergency, the court recognized the government's domestic and international obligations—including those under the 2015 Climate Change (Management) Act, the 2000 Environment Act and the Paris Agreement—to promote mitigation and adaptation measures. It affirmed that the environmental rule of law requires decisions to favour the conservation of ecosystems and highlighted the judiciary's role in enforcing such obligations where legislative frameworks remain incomplete. **The remedies granted—including judicial review, quashing of the cancellation decision, permanent injunctive relief and costs—reinforce the principle that forest conservation for carbon storage is not only environmentally vital but also legally protected under both national and international law.**

Environmental impact assessment requirements

In *Individual v. Government of Costa Rica*, an individual filed an *amparo*—a mechanism to protect fundamental rights—before Costa Rica's Constitutional Chamber,

69 *Afr. Climate All. v. Minister of Mineral Res. & Energy*, Case No. 56901/2021 (High Ct. S. Afr., Gauteng Div. Pretoria December 4, 2024) (South Africa).

70 (Fires in the Pantala and the Amazon Rainforest), Federal Supreme Court of Brazil, ADPF 746, 20 March 2024 (Brazil).
71 *Associação SOS Amazônia and others v. Federal Union and others*, Acre Federal court, ACP 1010226-68.2021.4.01.3000, 6 December 2021 (Brazil).
72 *Mayur Renewables Ltd v. Mirisim*, PGNC 7, N10649, Papua New Guinea National Court, 22 January 2024 (Papua New Guinea).

"By framing deforestation, land-use change or other related permitting decisions as climate-relevant harms, plaintiffs are expanding the scope of climate litigation beyond emissions sources to include the preservation of natural climate solutions."

arguing that the decree regulating environmental impact assessments in Costa Rica fails to require an evaluation of GHG emissions, vulnerability to extreme weather events or mitigation and adaptation measures in development projects.[73] The plaintiff claimed that these omissions violate the constitutional right to a healthy environment and the rights of future generations to a safe climate. Further, they claimed that this omission violated Costa Rica's international commitments under the Paris Agreement, the UNFCCC and the Escazú Agreement, as well as regional and international human rights case law. The case was still pending at the time of writing.

In *Menengai West Stakeholders Forum, and Solomon Manyarkir and 1 Other v National Environment Management Authority and Sosian Energy Ltd*, the Environment and Land Court of Kenya invalidated an EIA license granted for a geothermal energy project, citing multiple procedural and substantive violations in the environmental review process.[74] In particular, the court noted that a climate impact assessment should be completed before project approval to inform decision-making.

Several courts have now recognized that EIAs should include an assessment of Scope 3 (combustion-related) emissions. In *Greenpeace Nordic and Nature & Youth v. Norway*, two environmental NGOs challenged the Norwegian government's approval of development plans for three North Sea oil and gas fields—Breidablikk, Yggdrasil and Tyrving—arguing that the absence of Scope 3 emissions in the EIAs violated national and international legal obligations. They grounded their claims in the Norwegian Constitution, the Petroleum Act and Regulations, the European Union's EIA Directive, the ECHR and children's rights under domestic and international law. On 18 January 2024, the Oslo District Court ruled in favour of the plaintiffs, finding the approvals unlawful for omitting Scope 3 emissions, which must be assessed under Norwegian law and the EU directive, particularly given their climate significance.[75] However, it rejected claims related to children's rights and human rights violations more broadly. The court issued a temporary injunction halting further decisions dependent on these approvals. This injunction was later overturned by the Court of Appeal, which emphasised economic and energy security factors and deemed the plaintiffs' concerns too broad. On 11 April 2025, the Norwegian Supreme Court reversed the appellate decision, affirming that courts must enforce EU environmental law effectively, including granting temporary measures to prevent irreversible harm from flawed EIAs.[76] In particular, the Court acknowledged that the EIAs for the projects failed to include an assessment of downstream combustion-related emissions, despite the massive, estimated CO_2 emissions. Significantly, the Court clarified that courts cannot invoke political discretion or defer to parliamentary decisions to avoid their duty to prevent environmental damage, especially when emissions could lead to irreversible harm, as is alleged in this case arising from the large-scale combustion of fossil fuels. The case was remanded for a new assessment of the temporary injunction.

To further clarify this issue, the Court of Appeal requested an advisory opinion to the EFTA Court, asking, among other things, whether GHG emissions from oil combustion and natural gas extracted under a project, and later sold to third parties, constitute "effects" under Article 3(1) of the EIA Directive (2011/92/EU). As noted above, the Court affirmed that downstream GHG emissions are considered "indirect effects" within the meaning of the EIA Directive.[77] This includes emissions from end-user consumption, even if the fuels are burned abroad and refined elsewhere. Therefore, the EIA must assess all likely significant climate impacts, including those downstream, because they are a foreseeable result of extraction (Tigre and Rocha 2025).

In *R (Finch on behalf of the Weald Action Group & Others) v. Surrey County Council (& Others)*, the United Kingdom's Supreme Court held in 2024 that downstream emissions from the combustion of oil produced by new wells must be considered in an EIA.[78] A similar decision was made by the Scottish Court of Sessions in *Greenpeace UK and Uplift v. Secretary of State for Energy Security and Net Zero and the North Sea Transition*

73 *Individual v. Government of Costa Rica*, Constitutional Chamber of the Supreme Court of Costa Rica, December 2024 (Costa Rica).
74 *Menengai W. Stakeholders Forum & Solomon Manyarkir v. Nat'l Env't Mgmt. Auth. & Sosian Energy Ltd.*, ELCLA/E001/2024, Environment & Land Court Nakuru, Kenya, 19 January 2024 (Kenya).
75 *Greenpeace Nordic v. Energy Ministry*, Oslo District Court, Case No. 23-099330TVI-TOSL/05, 18 January 2024 (Norway).
76 *Greenpeace Nordic v. Energy Ministry*, Supreme Court of Norway, HR-2025-677-A, Case No. 24-177617SIV-HRET, 11 April 2025 (Norway).
77 *Greenpeace Nordic v. Energy Ministry*, Supreme Court of Norway, HR-2025-677-A, Case No. 24-177617SIV-HRET, 11 April 2025 (Norway).
78 *R (Finch on behalf of the Weald Action Group & Others) v. Surrey County Council (& Others)*, High Court of Justice of England and Wales, [2020] EWHC (Admin) 3566, 21 December 2020 (UK).

Authority[79] and by the Guyana High Court in *Morris and Marcus v. Environmental Protection Agency*.[80]

In *Seven County Infrastructure Coalition v. Eagle County*, the Supreme Court of the United States of America held that the United States of America' environmental review law, the National Environmental Policy Act (NEPA), does not require consideration of "the environmental effects of upstream and downstream projects that are separate in time or place" from a proposed action, in this case a federal agency's authorization for an 88-mile rail line that would be used to transport waxy crude oil from drilling sites in a remote area to the national rail network and to refining facilities on the Gulf coast.[81] The Court found that the federal agency did not need to consider the impacts of future oil drilling or the environmental effects of refineries. Unlike the cases discussed above in which courts in other jurisdictions held that consideration of downstream emissions was required, this case did not involve the environmental review of new oil or gas wells. Although the Court upheld a NEPA review that limited the consideration of upstream and downstream impacts of infrastructure that would be used to transport oil, the NEPA obligations of agencies conducting reviews of fossil fuel development projects may be different (Wentz 2025).

A few other cases regarding the assessment of Scope 3 emissions were still pending at the time of writing. In *Review Application Against Decision to Grant an Environmental Authorisation to Conduct Exploratory Drillings*, NGOs in South Africa challenged a decision to grant a license for exploratory offshore drilling for oil and gas. The claimants argue that the EIA failed to consider the impacts of the use of the oil and gas subsequently extracted, and the transboundary impacts of an oil spill. In *VU Climate and Sustainability Law Clinic et al. v. One-Dyas*, a complaint was filed against gas company One-Dyas with the Dutch National Contact Point under the OECD Guidelines for Multinational Enterprises concerning the failure to disclose the climate and human rights impact of an offshore gas drilling project in the North Sea, especially its Scope 3 emissions.

D. Pre- and post-disaster cases

Legal actions targeting failures to adequately plan for the impacts of extreme weather events—which are closely linked to States' adaptation obligations—are expected to increase as such events become more frequent and severe. While not all extreme weather events result in disasters, litigation often arises in the aftermath of climate-related disasters, where extreme events have led to significant harm due to societal vulnerability and insufficient preparedness. A growing number of cases in this area seek diverse forms of relief, encompassing claims related to both the occurrence of climate extremes and their escalation into disasters. As noted in the 2020 and 2023 Litigation Reports, courts are increasingly being asked to assess whether defendants acted negligently or failed to act despite clear risks of foreseeable harm to life and property caused by climate extremes. The potential scope of liability in these cases is broad: **any public or private entity that neglects its duty to prepare for or mitigate climate-driven impacts may face litigation following an extreme weather event or prolonged environmental degradation.**

For example, in *Federal Public Prosecutor's Office and ANAB v. Federal Government and others (Structural litigation over climate disaster in Rio Grande do Sul)*, the federal public prosecutor's office (MPF) brought a case against defendants across levels of government (federal, state and municipalities) in the aftermath of a series of extreme weather events, especially major floods, that devastated the Brazilian state of Rio Grande do Sul in 2023 and 2024.[82] The MPF argues that the governments have failed to take adequate preventative and adaptive measures despite known vulnerabilities and scientific warnings about increased climate risks. Invoking Brazil's federal law on disaster risk reduction, which imposes duties to prevent, mitigate and prepare for disasters, the plaintiffs emphasize a series of governance failures to implement necessary policies, leading to increased vulnerabilities to climate hazards. These are grounded in fundamental constitutional rights, including the rights to life, health and housing and the right to an ecologically balanced environment.

79 *Greenpeace UK & Uplift v. Sec'y of State for Energy Sec. & Net Zero & N. Sea Transition Auth.*, Edinburgh Court of Session, 21 December 2023 (UK).
80 Morris and Marcus v. Environmental Protection Agency, Guyana High Court, 18 March 2025 (Guyana).
81 *Seven County Infrastructure Coalition v. Eagle County, Supreme Court of the United States*, No. 23-975, 23 May 2025 (United States of America).
82 *Federal Public Prosecutor's Office and ANAB v. Federal Government and others*, Rio Grande do Sul Federal Court, 11 June 2024 (Brazil).

The plaintiffs request declaratory relief recognizing the liability of federal, state and municipal governments for the damages caused by their failure to adapt and prevent climate-related disasters, a court order mandating preparation and implementation of action plans for the reconstruction of affected areas with a focus on climate adaptation and resilience, and medium- and long-term measures to reduce risk, improve governance and ensure non-repetition. The case was still pending at the time of writing.

In *Valdivia Herrera v. Ministry of the Environment*, an individual claimed that the government had failed to mitigate the retreat of tropical Andean glaciers, which are crucial water sources in Peru, therefore violating the right to a healthy environment. The case was still pending at the time of writing.[83]

In *R (Friends of the Earth, Maughan & Leigh) v. Secretary of State for Environment, Food and Rural Affairs*, the United Kingdom's High Court dismissed a public law challenge to the National Adaptation Programme 3 (NAP3), brought by a care home resident, a coastal homeowner and Friends of the Earth. The claim alleged that NAP3 had failed to comply with section 58 of the 2008 Climate Change Act, which requires the government to set clear objectives and policies for climate adaptation, and breached the claimants' human rights under the ECHR, including the rights to life, home, property and non-discrimination. The court rejected all four grounds of the claim: it found the government's objectives under section 58 were lawful, delivery risks had been adequately considered, and while the initial equality assessment was flawed, a later assessment cured the defect. It also ruled that the claimants' human rights had not been violated.

In the United States of America, a lawsuit filed by community and environmental groups in 2023 alleges that the Federal Emergency Management Agency conducted flawed environmental assessments of plans to use federal disaster aid for the restoration of electric service after hurricanes in Puerto Rico.[84] The plaintiffs contend that the plans focused on continued access to Puerto Rico's "outdated, inefficient and centralized fossil fuel-based electricity infrastructure" and failed to consider options to rebuild the electricity system to rely on more resilient distributed energy, such as solar and microgrids. The lawsuit was still pending at the time of writing.

Climate change is increasingly reshaping global patterns of human mobility, with water-related impacts emerging as a central driver of displacement and migration. From sudden-onset disasters such as floods and cyclones to slow-onset phenomena like droughts and desertification, climate-induced disruptions are eroding the conditions that sustain livelihoods, particularly in vulnerable regions. As a result, millions are being displaced within their own countries, while others are pushed to migrate across borders, often in search of safety and survival. These movements carry profound implications not only for affected communities and states but also for international legal frameworks grappling with how to protect the rights of those displaced. While policy responses remain fragmented, climate litigation is beginning to play a role—albeit a nascent one—in articulating state responsibilities and individual protections (Serraglio, Cavedon-Capdeville and Thornton 2024). **In one case, the Constitutional Court of Colombia acknowledged this gap, recognizing climate-induced migration as a cause of internal forced displacement, mandating Congress to legislate protections and directing environmental authorities to uphold victims' rights despite existing legal gaps.**[85]

In the United States of America, a federal appellate court in 2024 rejected a Guatemalan citizen's claim that he and his family were members of a "particular social group" (PSG) defined as "climate refugees" that was eligible for asylum.[86] The appellate court concluded that there was no basis to overturn an immigration judge's determination that there was insufficient evidence in the record that climate refugees were a "socially distinct" group in Guatemala. The court found that neither the Guatemalan government's acknowledgment of internal displacement by climate change and natural disasters nor "journalistic articles" citing risks to climate refugees, such as malnutrition, compelled the conclusion that climate refugees constituted a PSG.

III. Domestic climate litigation: Cases against corporations

Since the 2023 Litigation Report, a growing number of cases have been brought against private actors, grounded in diverse legal theories and targeting a

83 *Valdivia Herrera v. Ministry of the Environment*, Superior Court of Lima, Exp. 05865-2022-0-1801-JR-DC-01, 1 September 2022 (Peru).
84 Comité Dialogo Ambiental v. Federal Emergency Management Agency, U.S. District Court for the District of Puerto Rico, No. 3:24-cv-01145, filed 11 March 2024 (United States of America)
85 José Noé Mendoza Bohórquez *et al.* v. Department of Arauca *et al*., Constitutional Court of Colombia, 16 April 2024 (Colombia).
86 *Cruz v. Garland*, Court of Appeals for the First Circuit, 106 F.4th 141, 1 July

wide range of industries. Although cases against corporations still represent a smaller share of the global docket, they span from direct claims against companies and their directors or officers to broader sectoral challenges. **Key examples include lawsuits seeking to hold major GHG emitters and fossil fuel companies accountable for climate-related harm, as well as claims against financial institutions for allegedly failing to assess or acting negligently upon known climate risks.** While most of these cases remained pending at the time of writing, a few rulings have established that fossil fuel companies may owe a legal duty to mitigate emissions resulting from their products. Claims involving greenwashing and climate-washing are more advanced, with several courts upholding challenges to misleading corporate messaging about climate action. In parallel with domestic litigation, several climate-related complaints have been filed before National Contact Points (NCPs) established under the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct. In a significant development, the OECD revised its guidelines in 2023 to explicitly incorporate corporate climate responsibilities—now aligned with the goals of the Paris Agreement, including net-zero emissions, just transition and climate adaptation (OECD 2023). Recent complaints—filed in countries such as Australia, Italy, Japan, Germany, Luxembourg, the Netherlands, Norway, Poland, Slovenia, the United Kingdom of Great Britain and the United States of America—have focused on emissions reduction obligations and corporate misinformation related to climate action (OECD 2025).

While these complaints were still pending at the time of writing, they are mentioned in this section whenever relevant.

This section organizes domestic corporate climate cases into six key categories: (1) corporate duty to mitigate emissions; (2) corporate liability for failure to adapt; (3) climate damages litigation; (4) loss and damage claims; (5) responsibility of financial institutions; (6) climate-related disclosures; and (7) greenwashing.

A. Corporate duty to mitigate emissions

A prominent category in corporate climate litigation relates to claims targeting corporations in an attempt to clarify their duty to mitigate GHG emissions. The 2023 Litigation Report noted two prominent cases, *Smith v. Fonterra* and *Milieudefensie v. Royal Dutch Shell*, which have since further developed.

In *Milieudefensie v. Royal Dutch Shell*, the Dutch Court of Appeals confirmed that Shell owes a legally binding duty of care to help prevent dangerous climate change, grounded in Dutch tort law, and interpreted in light of Articles 2 and 8 of the ECHR, the Paris Agreement and other soft law instruments.[87] However, the Court overturned the district court's order that required Shell to reduce emissions by 45 per cent by 2030 compared to 2019 levels. The Court of Appeal concluded that no fixed percentage could be judicially imposed on an individual company due to the absence of clear legal or scientific consensus on what constitutes a fair or proportionate emissions reduction obligation for a corporation (Tigre and Hesselman 2024). With respect to Scope 1 and 2 emissions, the Court found that Shell was already on track to meet its voluntary target of a 50 per cent reduction by 2030 from 2016 levels. For Scope 3 emissions, accounting for 95 per cent of Shell's emissions, the Court recognized Shell's responsibility but declined to order specific reductions, finding insufficient causal linkage to justify judicial intervention (Hernandez 2024). The decision was under appeal at the time of writing. In *Smith v. Fonterra*, a Māori elder sued seven major corporate GHG emitters, claiming their emissions constituted public nuisance, negligence and breach of a novel climate duty. After lower courts struck the claims on a separation of powers argument, the New Zealand Supreme Court unanimously reinstated all three causes of action in 2024, allowing the case to proceed to trial.[88] The Court held that common law torts had not been displaced by climate statutes and that issues like causation, standing and the role of tikanga Māori (Indigenous law) should be examined at trial. This decision marks one of the first instances where a common law court has allowed a climate tort suit against private companies to move forward, signalling a major shift in the legal landscape for climate accountability (Bookman 2024). Significantly, the case has opened a pathway for climate litigation based on tort law, recognizing the intersection of human rights, Indigenous law and climate law. The case was still pending at the time of writing.

In Japan, several cases have been brought against the state and corporations to block thermal power

87 *Milieudefensie v. Royal Dutch Shell*, The Hague Court of Appeal, 200.302.332/01, 11 December 2024 (Netherlands).
88 *Michael John Smith v. Fonterra Co-op. Grp. Ltd.*, Supreme Court of New Zealand, [2024] SC 149/2021 NZSC 5, 7 February 2024 (New Zealand).

companies or coal-fired plants. In a case against the Minister of Economy, Trade and Industry, the Tokyo High Court ruled that the duty to prevent climate harm related to a general public interest and could not be protected through individual rights (*Yokosuka Climate Case*) (Ichihara and Nishikawa 2024). Similarly, the Osaka High Court held in *Citizens' Committee on the Kobe Coal-Fired Power Plant v. Japan* that the interest not to have their health damaged by climate change was a public interest, not an individual right. The court ultimately rejected the challenge to the EIA of two power plants. In *Citizens' Committee on the Kobe Coal-Fired Power Plant v. Kobe Steel Ltd., et al.*, the Osaka High Court found that causation between climate harm and the emissions from the power plant could not be established, despite acknowledging that climate change could violate personal rights to life, bodily integrity and health. The plaintiffs further claimed a violation of the right to a healthy and peaceful life, which included the right to live with clean air and a stable climate. Similarly, the court rejected the claim, and held that the right to a stable climate is not an established right (Nishikawa and Ichihara 2023).
In 2024, 16 youth plaintiffs filed a case against 10 thermal power companies in Japan, arguing that they are particularly vulnerable to climate change, and the continued operation of coal-fired power generation infringes their rights to personal development, to pursue happiness, and to self-determination (*Youth Climate Case Japan for Tomorrow*).

B. Corporate liability for adaptation

In addition to claims against corporate actors related to climate mitigation, a few cases have been brought forward based on companies' adaptation measures in response to the escalating impacts of climate change, including foreseeable climate-related risks such as extreme weather events. **These often focus on the failure to take adequate steps to prepare, damages for maladaptive practices or actions seeking injunctive relief for failing to adapt to unknown risks.** These cases are either brought against corporations, or against states with respect to corporate activities.

For example, in Chile, the Second Environmental Court mandated the Environmental Assessment Service to consider climate change when assessing the water components for cooling systems and their impact on water resources for a data centre. Specifically, the court emphasised the importance of considering the potential effects of climate change under adverse conditions, especially in an ongoing mega-drought that directly affects water resource availability (*Municipality of Cerrillos (Google Data Center) v/ Evaluation Commission of the Metropolitan Region*).[89]

In the ongoing case, *State Defense Council vs. Quiborax S.A.*, the plaintiff seeks to hold a mining company accountable for environmental damage caused by its open-pit extraction of ulexite in the Salar de Surire Natural Monument.[90] The plaintiff emphasizes the role of the Salar as a climate refuge and highlights that climate change has intensified the degradation of the ecosystem, making adaptation measures even more urgent. The case is framed within the broader context of Chile's adaptation obligations under domestic and international law.

The 2023 Litigation Report discussed cases in the United States of America against fossil fuel companies alleging that they failed to prepare certain coastal facilities in New England for the impacts of climate change in violation of federal environmental laws and facility permits. The first such case—*Conservation Law Foundation v. ExxonMobil Corp.*, a suit against ExxonMobil Corporation (Exxon) related to a marine terminal in Everett, Massachusetts—was settled in 2023 after Exxon notified the court that it would permanently close the facility.[91] The plaintiff reported that the settlement included "an enforceable prohibition on the property ever being used for polluting bulk fossil fuel storage" (Conservation Law Foundation 2023). At the time of writing, three other cases were still pending.[92] In October 2023, a Connecticut federal court declined to dismiss claims that were premised on the contention that the facility's Clean Water Act permit required consideration of climate change risks.[93] The court concluded that there were factual questions as to whether the permit's incorporation of "best industry practices" imposed such consideration.

89 *Municipality of Cerrillos (Google Data Center) v. Evaluation Commission of the Metropolitan Region*, Second Environmental Court, 26 February 2024 (Chile).
90 *State Defense Council v. Quiborax S.A*, Segundo Tribunal Ambiental, 2 July 2024 (Chile).
91 *Conservation Law Foundation v. ExxonMobil Corp*., U.S. District Court for the District of Massachusetts, No. 1:16-cv-11950, (United States of America).
92 *Conservation Law Foundation v. Pike Fuels LP*, U.S. District Court for the District of Connecticut, No. 3:21-cv-00932 (United States of America); Conservation Law Foundation v. Shell Oil Co., U.S. District Court for the District of Connecticut, No. 3:21-cv-00933 (United States of America); *Conservation Law Foundation, Inc. v. Shell Oil Products US*, U.S. District Court for the District of Rhode Island, No. 1:17-cv-00396 (United States of America).
93 *Conservation Law Foundation v. Shell Oil Co*., No. 3:21-cv-00933, District Court of Connecticut, 19 October 2023 (United States).

C. Loss and damage cases

A loss and damage (L&D) case in the context of climate litigation refers to legal actions where plaintiffs seek compensation or reparations for the adverse impacts of climate change that cannot be avoided through mitigation or adaptation (Tigre and Wewerinke-Singh 2023). These cases focus on harm that has already occurred (ex post), such as loss of property, livelihoods or ecosystems, and aim to hold specific actors—typically high-emitting corporations or states—legally accountable for their share of climate-related damages. **What sets L&D cases apart from other climate lawsuits is the pursuit of liability and compensation, rather than just seeking emissions reductions or adaptation funding.** While closely related to adaptation and mitigation, L&D cases emphasize redress for irreversible harm, often involving plaintiffs from the Global South seeking accountability from actors in the Global North. These cases are also distinct from climate damages cases, noted below, as they are specifically framed around the injustice of climate impacts and the irreversible harms caused by climate change (including non-economic harms), rather than more specifically on quantifiable financial losses (Da Rosa 2023, pp. 40, 311).[94] L&D cases are still few and far between. As noted in the transnational cases, *Asmania v. Holcim*[95] includes a L&D claim. These cases involve a plaintiff from the Global South and a defendant from the Global North, highlighting the historical emissions gap and global inequality. In parallel, in *Hugues Falys, FIAN, Greenpeace, Ligue des droits humains v. TotalEnergies (The Farmer Case)*, a Belgian farmer and several associations brought an extra-contractual civil liability claim against TotalEnergies asking the company to immediately halt investments in new fossil fuel projects, reduce GHG emissions by 60 per cent by 2030 based on 2023 levels, and compensate for the damages suffered due to climate change, given the extreme weather events that have had a severe impact on the farm yields.[96] These cases were still pending at the time of writing.

94 Rafaela Rosa distinguishes between direct and indirect climate damage. Direct climate damage is based on proof of significant deleterious effects on the climate system and indirect climate damage is based on the deleterious effects of climate change or the losses suffered as a result of the impact on the climate system (i.e., loss and damage).
95 *Asmania et al. v. Holcim*, Cantonal Court of Zug, A1 2023/9, 31 January 2023 (Switzerland).
96 *Hugues Falys, FIAN, Greenpeace, Ligue des droits humains v. TotalEnergies*, Commercial Court of Tournai, 1 March 2024 (Belgium).

D. Climate damages

Climate damages cases are lawsuits in which plaintiffs seek compensation for harms directly caused or exacerbated by climate change. These cases typically invoke tort law or civil liability to recover monetary damages for injuries caused by GHG emissions, such as property destruction, infrastructure damage, public health impacts or increased adaptation costs. These cases may be brought by individuals, municipalities or states against individuals, public authorities or private parties, and are generally filed within domestic legal systems, although they may engage with international climate science and attribution studies to establish causation.

In Brazil, over 50 climate damages cases have been reported, with the majority related to illegal deforestation and cattle ranching within the Amazon rainforest (Moreira *et al.* 2024). These cases have been brought by the Public Prosecutor's Office or the federal environmental protection agency, IBAMA. A group of 22 cases relate to the illegal occupation and illegal deforestation of protected areas, and request compensation for environmental and climate damages specifically. They were brought against individuals and companies.

Several climate damages cases in Brazil have faced motions to dismiss on procedural grounds, particularly relating to land ownership and title. Defendants often argue that plaintiffs lack standing because the property in question is not officially registered in their name under the Rural Environmental Registry (the Cadastro Ambiental Rural or CAR), or because the damage occurred before the plaintiffs acquired the land. In many rural areas, informal land tenure or delays in updating official registries can undermine otherwise legitimate claims. As a result, uncertainties around land title can significantly weaken climate damages cases, even when the environmental harm and causal link to deforestation or illegal activities are well established.

Still, a few cases have been decided, with courts granting climate damages in some instances. For example, in *Federal Public Prosecutor's Office v. José Silva*, the court addressed climate and environmental damages resulting from illegal deforestation within the Antimary Agro-Extractivist Settlement Project (PAE) in Boca do Acre, Amazonas. The Federal Public

Prosecutor's Office (MPF) alleged that the defendant unlawfully occupied and deforested approximately 170 hectares of land designated for traditional extractivist communities and managed by the Instituto Nacional de Colonização e Reforma Agrária (INCRA).[97] In September 2024, the court found the defendant liable under the principle of *propter rem* civil liability, recognizing that he benefited from environmental harm caused by third parties.[98] The court ordered restoration of the degraded area and awarded compensation for material environmental damage (to be quantified later), collective moral damages of BRL 597,905.00, and climate damages totalling BRL 2,705,155.86, based on unauthorized emissions of 98,367.84 tons of CO_2 and a valuation of US$5 per ton in line with CNJ Ordinance 176/2023.[99]

In the United States of America, state, local and Tribal governments have filed more than 30 cases in which they seek damages, abatement and other types of relief from fossil fuel industry defendants for harms allegedly sustained as a result of climate change.[100] In some instances, claims have been brought against other types of defendants, including a consulting company and the parent company of electric utilities.[101] The plaintiffs in these cases generally allege that the defendants' concealment of fossil fuel products' dangers substantially contributed to the plaintiffs' climate change injuries, though in some cases the plaintiffs allege that the production, marketing and sale of the fossil fuels is in itself sufficient to impose liability. In most of these cases, the plaintiffs assert state law claims including nuisance, failure to warn, trespass and/or violations of state or local consumer protection laws. Puerto Rican municipalities have asserted federal claims under the federal Racketeer Influenced and Corrupt Organizations Act (RICO) and federal antitrust law, in addition to their Puerto Rican law claims.[102] Several related cases brought solely under consumer protection laws typically do not seek damages; they are akin to greenwashing claims discussed below and request civil penalties, disgorgement of revenues obtained through unlawful conduct and/or injunctive relief such as disclosures of the role of fossil fuels in climate change at every point of sale.[103] However, the relief sought under the consumer protection laws in at least one case extends to restitution to the State for its expenditures to combat the effects of climate change that are allegedly attributable to the defendant.[104]

Since the publication of the 2023 Litigation Report, courts in the United States of America continued to rule that the state law-based climate change claims in these cases should be heard in state courts where the cases were originally brought.[105]

97 INCRA (Instituto Nacional de Colonização e Reforma Agrária, or National Institute for Colonization and Agrarian Reform), is a federal agency in Brazil, linked to the Ministry of Agrarian Development, responsible for implementing land reform policies, managing public rural lands, and promoting sustainable development in rural areas.

98 *Federal Public Ministry v. Silva*, [7th Federal Environmental and Agrarian Court of the Judicial Section of Amazonas], Federal Court of the 1st Region, No. 1022843-42.2021.4.01.3200, 13 September 2021 (Brazil).

99 Ordinance 176/2023 (published by Brazil's National Council of Justice, CNJ) established a working group to define technical and legal guidelines for quantifying environmental damages, serving as an emerging standard in climate litigation for valuing CO_2 emissions at US$5 per ton in the absence of more contested or precise metrics.

100 The names of most of these cases are found in footnotes in this section.

101 *County of Multnomah v. Exxon Mobil Corp.*, Oregon Circuit Court, No. 23CV25164, 22 June 2023 (United States of America); *Town of Carrboro v. Duke Energy Corp.*, North Carolina Superior Court, No. 24CV003385-670, 4 December 2024 (United States of America).

102 *Municipalities of Puerto Rico v. Exxon Mobil Corp.*, U.S. District Court for the District of Puerto Rico, No. 3:22-cv-01550 (United States of America); *Municipality of San Juan v. Exxon Mobil Corp.*, U.S. District Court for the District of Puerto Rico, No. 3:23-cv-01608 (United States of America). A federal magistrate judge recommended that the court allow the plaintiff municipalities to proceed with their RICO and antitrust claims but not their claims based on Puerto Rico law. *Municipalities of Puerto Rico v. Exxon Mobil Corp.*, U.S. District Court for the District of Puerto Rico, No. 3:22-cv-01550, 20 February 2025 (United States of America).

103 City of New York v. Exxon Mobil Corp., New York Supreme Court, No. 451071/2021 (United States of America); Connecticut v. Exxon Mobil Corp., Connecticut Superior Court, No. HHDCV206132568S (United States of America); District of Columbia v. Exxon Mobil Corp., District of Columbia Superior Court, No. 2020 CA 002892 B (United States of America); Vermont v. Exxon Mobil Corp., Vermont Superior Court, No. 21-CV-02778 (United States of America).

104 *Connecticut v. Exxon Mobil Corp.*, Connecticut Superior Court, No. HHD-CV206132568S (United States of America).

105 *District of Columbia v. Exxon Mobil Corp.*, U.S. Court of Appeals for the District of Columbia Circuit, 89 F.4th 144 (2023) (United States of America); *Connecticut v. Exxon Mobil Corp.*, U.S. Court of Appeals for the Second Circuit, 83 F.4th 122 (2023) (United States of America); *Minnesota v. American Petroleum Institute*, U.S. Court of Appeals for the Eighth Circuit, 63 F.4th 703 (2023) (United States of America); *Rhode Island v. Shell Oil Products Co.*, U.S. Court of Appeals for the First Circuit, 35 F.4th 44 (2022) (United States of America); *City of Hoboken v. Chevron Corp.*, U.S. Court of Appeals for the Third Circuit, 45 F.4th 699 (2022) (United States of America); *Mayor & City Council of Baltimore v. BP p.l.c.*, U.S. Court of Appeals for the Fourth Circuit, 31 F.4th 178 (2022) (United States of America). *County of San Mateo v. Chevron Corp.*, U.S. Court of Appeals for the Ninth Circuit, 32 F.4th 733 (2022) (United States of America); *City & County of Honolulu v. Sunoco LP*, U.S. Court of Appeals for the Ninth Circuit, 39 F.4th 1101 (2022) (United States of America); *Board of County Commissioners of Boulder County v. Suncor Energy* (U.S.A.) Inc., U.S. Court of Appeals for the Tenth Circuit, 25 F.4th 1238 (2022) (United States of America); *City of Chicago v. BP p.l.c.*, U.S. District Court for the Northern District of Illinois, No. 1:24-cv-02496, 16 May 2025 (United States of America); *Makah Indian Tribe v. Exxon Mobil Corp.*, U.S. District Court for the Western District of Washington, No. 2:24-cv-00157, 26 March 2025 (United States of America); *Shoalwater Bay Indian Tribe v. Exxon Mobil Corp.*, U.S. District Court for the Western District of Washington, No. 2:24-cv-00158, 26 March 2025 (United States of America); *County of Multnomah v. Exxon Mobil Corp.*, U.S. District Court for the District of Oregon, No. 3:23-cv-01213, 10 June 2024 (United States of America).

In 2024, the Supreme Court of the United States of America declined to hear appeals from these jurisdictional decisions.[106]

After the return of these cases to state courts, those courts have not ruled uniformly on defenses asserted by the defendants. Trial courts in five states held that federal law pre-empts the state law claims, relying in part on the federal Second Circuit Court of Appeals 2021 decision dismissing state law claims in *City of New York v. Chevron Corp.* (discussed in the 2023 Litigation Report).[107] The high courts of two states—Hawai'i and Colorado—concluded that the state law claims could proceed.[108] Both the Hawai'i and Colorado Supreme Courts rejected the defendants' arguments that because the plaintiffs sought to abate interstate air pollution, the federal Clean Air Act or federal common law preempted the state law claims.[109] In 2025, the Supreme Court of the United States of America declined to hear fossil fuel companies' appeals of the Hawai'i Supreme Court's decision.[110] Other appeals of state court decisions holding that federal law pre-empted state law claims were still pending at the time of writing. In 2025, the Supreme Court of the United States of America also denied a request by 19 states to block five states' climate lawsuits against corporate defendants; the 19 states asserted that the lawsuits contravened principles of federalism and equal sovereignty among the states.[111]

Other issues that the defendants have asked state courts to consider include whether the courts have personal jurisdiction over the defendants,[112] the timeliness of the plaintiffs' claims[113] and whether the defendants can be held liable for out-of-state conduct.[114] In May 2025, Puerto Rico voluntarily dismissed its climate case against fossil fuel industry defendants.[115] In cases asserting claims against fossil fuel industry defendants under state or local consumer protection laws, a trial court dismissed New York City's lawsuit, and trial courts allowed the State of Vermont and the District of Columbia to proceed with their claims. At the end of April 2025, the United States of America filed lawsuits seeking to block anticipated climate lawsuits by the states of Hawai'i and Michigan.[116] (Hawai'i subsequently filed a lawsuit.[117])

The types of climate harms for which damages are sought may be evolving. In May 2025, a plaintiff in the United States of America filed what was reported to be the first wrongful death action seeking to connect fossil fuel companies' actions to an individual's death resulting from the harmful impacts of climate change. The complaint, filed in Washington state court, alleged that the defendant companies' conduct, including failure to warn of their products' contributions to climate change, caused the plaintiff's mother's death from hyperthermia during an extreme heat event in the Pacific Northwest in 2021.[118]

106 *American Petroleum Institute v. Minnesota, Supreme Court of the United States*, 144 S. Ct. 620 (2024) (United States of America); *Suncor Energy (U.S.A.) Inc. v. Board of County Commissioners of Boulder County*, Supreme Court of the United States, 143 S. Ct. 1795 (2023) (United States of America); *BP p.l.c. v. Mayor & City Council of Baltimore*, Supreme Court of the United States, 143 S. Ct. 1795 (2023) (United States of America); *Shell Oil Products Co. v. Rhode Island*, Supreme Court of the United States, 143 S. Ct. 1796 (2023) (United States of America); *Chevron Corp. v. County of San Mateo*, Supreme Court of the United States, 143 S. Ct. 1797 (2023) (United States of America). *Sunoco LP v. City & County of Honolulu*, Supreme Court of the United States, 143 S. Ct. 1795 (2023) (United States of America); *Chevron Corp. v. City of Hoboken*, Supreme Court of the United States, 143 S. Ct. 2483 (2023) (United States of America).

107 *City of Charleston v. Brabham Oil Co.*, Court of Common Pleas of South Carolina, No. 2020CP1003975, 6 August 2025 (United States of America); *Bucks County v. BP p.l.c.*, Court of Common Pleas of Pennsylvania, No. 2024-01836-0000, 16 May 2025 (United States of America).
Platkin v. Exxon Mobil Corp., Superior Court of New Jersey, No. MER-L-001797-22, 5 February 2025 (United States of America); *City of Annapolis v. BP p.l.c.*, Circuit Court of Maryland, No. C-02-CV-21-000250, 23 January 2025 (United States of America); *Mayor & City Council of Baltimore v. BP p.l.c.*, Circuit Court of Maryland, No. 24-C-18-004219, 10 July 2024 (United States of America); *State v. BP America Inc.*, Superior Court of Delaware, No. N20C-09-097, 9 January 2024 (United States of America).

108 *City & County of Honolulu v. Sunoco LP*, 153 Haw. 326, 537 P.3d 1173 (Supreme Court of Hawaii, 2023) (United States of America); *Board of County Commissioners of Boulder County v. Suncor Energy* (U.S.A.) Inc., Supreme Court of Colorado, No. 24SA206, 2025 CO 21 (United States of America). *See also State v. American Petroleum Institute*, Minnesota District Court, No. 62-CV-20-3837, 14 February 2025 (United States of America) (allowing State to proceed with all claims except for a claim under the Minnesota Consumer Fraud Act).

109 The Colorado Supreme Court also rejected the federal foreign affairs power as a basis for pre-emption of the plaintiffs' claims.

110 *Sunoco LP v. City & County of Honolulu*, 145 S. Ct. 1111 (2025) (United States Supreme Court).

111 *Alabama v. California*, 145 S. Ct. 757 (2025) (United States Supreme Court)

112 *See, e.g.*, Fuel Industry Climate Cases, No. CJC-24-005310 (Cal. Super. Ct. Oct. 8, 2024) (United States of America). (denying motion to dismiss for lack of personal jurisdiction), *petition for review denied*, No. S288664 (Cal. Feb. 11, 2025); *Rhode Island v. Chevron Corp.*, No. PC-2018-4716 (R.I. Super. Ct.) (United States of America); *Connecticut v. Exxon Mobil Corp.*, No. HHDCV206132568S (Conn. Super. Ct. July 23, 2024) (United States of America). (denying motion to dismiss for lack of personal jurisdiction); *State v. Exxon Mobil Corp.*, No. 21-CV-02778 (Vt. Super. Ct. Dec. 11, 2024) (United States of America) (finding that Vermont demonstrated prima facie basis for personal, No. 21-CV-02778 (Vt. Super. Ct. Dec. 11, 2024) (finding that Vermont demonstrated prima facie basis for personal jurisdiction).

113 *See, e.g.*, *City of New York v. Exxon Mobil Corp.*, No. 451071/2021 (N.Y. Sup. Ct. Jan. 11, 2025) (United States of America). (dismissing consumer protection violations based on statements made more than three years before City filed its complaint as time-barred); *State v. Exxon Mobil Corp.*, No. 21-CV-02778 (Vt. Super. Ct. Dec. 11, 2024) (United States of America). rejecting argument that Vermont filed its claims well outside the statute of limitations); *City & County of Honolulu v. Sunoco LP*, No. 1CCV-20-0000380 (Haw. Cir. Ct.) (United States of America). (motion for summary judgment filed based on statute of limitations).

114 *See, e.g.*, *City & County of Honolulu v. Sunoco LP*, No. 1CCV-20-0000380 (Haw. Cir. Ct.) (United States). (motion filed for partial summary judgment to the extent claims are based on out-of-state activities).

115 *Commonwealth of Puerto Rico v. Exxon Mobil Corp.*, No. 3:24-cv-01393 (D.P.R. May 2, 2025) (United States of America).

116 *United States v. Hawaii*, No. 1:25-cv-00179 (D. Haw.) (United States of America); United States v. Hawaii, No. 1:25-cv-00179 (D. Haw.) (United States of America)., No. 1:25-cv-00496 (W.D. Mich.).

117 *State of Hawai'i v. BP p.l.c.*, No. 1CCV-25-0000717 (Haw. Cir. Ct.) (United States of America).

118 *Leon v. Exxon Mobil Corp.*, No. 25-2-15986-8 SEA (Wash. Super. Ct.) (United States of America).

E. Responsibility of financial institutions

The 2023 report noted a few cases in which courts had been asked to assess the responsibility of financial institutions for the climate dimensions of their investments. For example, *Conectas Direitos Humanos v. BNDES and BNDESPAR*[119] (Brazil) and *Kang et al. v. KSURE and KEXIM*[120] (South Korea) were still pending at the time of writing. The *Milieudefensie v. ING Bank* lawsuit, filed in March 2025, marks the first Dutch climate case targeting a financial institution for its role in financing fossil fuel projects.[121] Milieudefensie argues that ING Bank breached its duty of care under Dutch tort law by failing to align its lending and investment activities with the goals of the Paris Agreement, despite being aware of the associated climate risks. The case builds on the precedent set in *Milieudefensie v. Royal Dutch Shell*, but shifts the focus from fossil fuel producers to financial actors, seeking court-ordered emissions reductions, restrictions on fossil fuel financing and mandatory climate plans for clients. It also tests the application of climate due diligence and human rights principles to banks, amid evolving EU corporate sustainability rules. The case was still pending at the time of writing.

F. Protection of investors: Climate disclosures

The global effort to shift towards a low-carbon economy has generated an increased amount of investor-focused climate litigation. These cases often seek to hold corporations, financial institutions and their directors accountable for their role in managing, or mismanaging, climate-related financial risks and sustainability commitments. Since the 2023 Litigation Report, these types of cases have continued to advance across multiple jurisdictions, propelled by increased scrutiny of corporate disclosures, environmental, social and governance commitments, and fiduciary responsibilities. **Cases related to the protection of investors generally fall under two categories: (i) climate risk disclosure and transparency cases and (ii) transition risk and fiduciary duty litigation.**

The first category focuses on the adequacy or completeness of climate-related disclosures, especially as they pertain to financial risk. These actions highlight the duty of corporations and financial institutions to assess, disclose and act on material climate risks, including transition risk arising from policy, market and technological shifts related to decarbonization and physical risks related to threats to infrastructure, supply chains or investment portfolios due to climate change.

In *Métamorphose v. TotalEnergies*, the NGO Métamorphose alleged that TotalEnergies failed to adequately disclose climate-related financial risks, particularly by underestimating future carbon prices and Scope 3 emissions. This misrepresentation led to an overvaluation of stranded assets and unlawful dividend distributions. In July 2023, the court rejected the lawsuit, deeming the request for provisional measures as well as the initial lawsuit inadmissible due to insufficient prior notification to TotalEnergies.[122] In *Notre Affaire à Tous, Les Amis de la Terre, and Oxfam France v. BNP Paribas*, several NGOs claimed that BNP Paribas failed to disclose climate-related financial risks and did not implement adequate measures to align its activities with the long-term temperature goals of the Paris Agreement.[123] The case was pending before the Judicial Court of Paris at the time of writing.

The second category centres on the mismanagement of transition risk stemming from a company or financial institutions' alleged failure to adapt to an accelerating global transition towards a decarbonized economy. These cases target corporate directors, trustees or other fiduciaries and typically include claims for breach of fiduciary duty based on failure to act prudently, loyally or in the best interests of shareholders or beneficiaries in light of known climate transition risks, challenges to corporate

119 *Conectas Direitos Humanos v. BNDES and BNDESPAR*, Federal Supreme Court of Brazil, No. 1038657-42.2022.4.01.3400, 19 June 2022 (Brazil).
120 *Kang et al. v. Korea Trade Ins. Corp. (KSURE) & Export-Import Bank of Korea (KEXIM)*, Seoul District Court, 23 March 2022 (South Korea).
121 *Milieudefensie v. Royal Dutch Shell*, The Hague Court of Appeal, 200.302.332/01, 11 December 2024 (Netherlands).

122 *Métamorphose v. TotalEnergies*, Commercial Court of Nanterre, France, filed 6 July 2023 (France). (parties styled "Métamorphose and others" v. TotalEnergies) (pending) (raising claims under art. L.232-12 C. com. on unlawful dividends tied to climate-risk accounting) ; see *Notre Affaire à Tous and Others v. TotalEnergies*, Comm. Ct. Nanterre, Order of July 6, 2023 (pre-trial judge declaring action inadmissible on procedural grounds), appeal pending ; see Reuters, French court declines to hear case brought by environmental NGOs and local authorities to compel TotalEnergies to curb emissions (July 6, 2023) ; see Sherpa/Notre Affaire à Tous, Stage victory in the climate trial against TotalEnergies (June 19, 2024) (Paris Court of Appeal deems case admissible).
123 *Notre Affaire à Tous, Les Amis de la Terre & Oxfam France v. BNP Paribas*, Judicial Court (Tribunal Judiciaire) of Paris, France, filed 23 February 2023 (France). (alleging breach of the French Duty of Vigilance Law, French Com. C. art. L. 225-102-4 & -5; case ongoing).Vigilance Law, French Com. C. art. L. 225-102-4 & -5; case ongoing).

"With the worsening impacts of climate change and advancements in corporate climate litigation, climate litigation claims have started to focus on the fiduciary duties of corporate directors and officers for climate change."

governance and strategic alignment, alleging that board-level decisions insufficiently consider climate policy trends or investment expectations, or demands for divestment or reallocation of assets away from high-risk, high-emission sectors, particularly where continued exposure may reduce portfolio value or contravene legal duties.

With the worsening impacts of climate change and advancements in corporate climate litigation, climate litigation claims have started to focus on the fiduciary duties of corporate directors and officers for climate change. At the core of these cases lies the question of whether corporate fiduciaries owe a duty to preserve the long-term value of firm or portfolio investments through climate mitigation and adaptation, even if not immediately rewarded by the capital markets (Lockman and Hanawalt 2025).

In *Ewan McGaughey et al. v. Universities Superannuation Scheme Limited* plaintiffs in the United Kingdom brought a derivatives claim against the University Superannuation Scheme's directors under the directors' duty to act in the beneficiaries' best interests. Claimants argued that fossil fuels were a risk to the fund, and that the failure to create a divestment plan has prejudiced its success. In July 2023, the Court of Appeal dismissed the case on procedural grounds. Similarly, in *Kim Min et al. v. Kim Tae-Hyun et al*, claimants in South Korea alleged that the director and auditor of the National Pension Service have breached their fiduciary duties and failed to adequately manage climate-related risk by failing to implement a coal phase out. The case was still pending at the time of writing.[124]

In *ClientEarth v. Shell's Board of Directors*, plaintiffs in the United Kingdom argued that Shell's Board of Directors had failed to manage material and foreseeable climate risks (Tigre and Hanawalt 2023). The case sought to hold shareholders personally liable for failing to set appropriate emissions targets and establish a reasonable basis for achieving net zero.[125] However, the High Court dismissed the application due to insufficient evidence. In particular, the Court emphasised the subjective nature of the directors' duty and their business judgment discretion.

In a follow-up to the 2019 decision in *ClientEarth v. Enea*, Polish energy company Enea has filed a civil lawsuit against its former board members and Directors & Officers insurers, seeking over PLN 656 million (approx. US$160 million) in damages over the failed Ostrołęka C coal power plant.[126] In *Enea v. Former Board Members and D&O Insurers*, Enea alleges that the former directors breached their fiduciary duty of due diligence by approving the project despite clear financial and climate-related risks—such as rising carbon prices, tightening EU policy and diminished financing prospects.[127] The project was abandoned mid-construction in 2020 after a court invalidated its shareholder authorization and a 2021 Supreme Audit Office report criticized Enea's risk management. This case builds directly on the arguments first raised by ClientEarth in its 2018 shareholder litigation and is one of the first climate-related damages claims of its kind in Poland. It underscores the growing legal exposure of corporate directors and insurers for climate-related investment decisions, signaling a shift in how fiduciary duties are interpreted in light of transition risks and evolving standards of climate governance. The case was still pending at the time of writing.

A few other cases rely on different theories to protect investors. For example, in *BLOOM and Others v. TotalEnergies*, three NGOs and eight individuals filed a criminal complaint in the Paris Criminal Court against the board of directors and main shareholders of TotalEnergies, alleging they should be held criminally liable for decisions that contributed to climate change, taken despite their knowledge of casualties and climate damage. The public prosecutor dismissed the complaint due to lack of sufficient evidence, noting that a direct causal link between the wrongful act and the environmental harm was not proven.[128]

With several countries undergoing an energy transition and phasing out fossil fuels, questions are starting to arise related to how climate change policies are reshaping economic regulation. For example, due to New Zealand's Zero Carbon Act 2050 net-zero target, demand for gas is expected to decline. The Climate Change Commission recommended ending new gas connections by 2025 and phasing out existing ones by 2050. In *Major Gas Users' Group v Commerce Commission*, the New Zealand High Court addressed

124 *Kim Min et al. v. Kim Tae-Hyun et al.*, Seoul District Court, 22 February 2024 (South Korea).
125 *ClientEarth v. Shell Plc*, High Court of Justice of England and Wales, [2023] EWHC 1897 (Ch), 24 July 2023 (United Kingdom of Great Britain and Northern Ireland).
126 *ClientEarth v. Enea*, Regional Court in Poznań, 1 August 2019 (Poland).
127 *Enea v. Former Board Members and D&O Insurers*, Regional Court in Poznań, 1 May 2021 (Poland).
128 *BLOOM and Others v. TotalEnergies*, Criminal Court of Paris, 7 February 2025 (France).

whether consumers or investors will bear the costs of the transition, and how regulators can act on future-oriented climate risks amid uncertainty.[129] The case concerned a legal challenge to regulatory changes made by New Zealand's Commerce Commission regarding gas pipeline services in the context of anticipated asset stranding due to these climate-related energy transition policies. Consumers argued that the measures unfairly shifted asset stranding risk from suppliers to consumers. However, the High Court dismissed the appeal and found that the Commission was entitled to consider climate policy developments as part of the economic context affecting asset lives. As a result, climate transition risk is formally embedded in New Zealand's infrastructure regulation.

In *ClientEarth v. Financial Conduct Authority (Ithaca Energy plc listing)*, ClientEarth brought a case against the Financial Conduct Authority (FCA), the United Kingdom's financial regulator, arguing it had erred in law by approving Ithaca Energy's prospectus, which allegedly failed to adequately disclose climate-related financial risks. In December 2023, the High Court refused ClientEarth's application for judicial review, stating that the grounds were unarguable and had no realistic prospect of success.[130]

Protection of investors in carbon credit transactions has also been the subject of litigation. In a commercial dispute regarding whether plaintiffs defaulted on an agreement requiring delivery of 3.6 million carbon credits generated by projects in Brazil, a federal district court in the United States of America ruled in *Zero Carbon Holdings, LLC v. Aspiration Partners, Inc.* that the plaintiffs' failure to deliver the credits constituted an "Event of Default" under the parties' agreement.[131] The projects involved reducing emissions compared to a baseline of otherwise planned deforestation and forest degradation on large privately owned farmable properties in Brazil. The projects confronted delays, including delays related to overlaps with public park areas, threats by persons understood to be illegal loggers and lack of access to the land due to social and political unrest related to the 2022 presidential election in Brazil. The court rejected the plaintiffs' claims that they did not have an obligation to deliver carbon credits because a registry had not issued any carbon credits or that they were relieved from performance under the doctrines of impossibility and impracticability, due to political turmoil, low river levels that made travel to the sites impracticable, and delays due to changes in the verification process for credits.

Also in the United States of America, federal criminal charges were brought against two individuals in 2024 in connection with an alleged scheme to commit fraud in the global market for buying and selling carbon credits."[132] The individuals' company ran projects to generate carbon credits, including projects to install cookstoves in rural Africa and Southeast Asia. The individuals allegedly submitted false and misleading data to an issuer of
voluntary carbon credits and deceived an investor into agreeing to invest up to US$250 million in the company. The grand jury charged the defendants with counts of conspiracy to commit wire fraud, wire fraud, conspiracy to commit commodities fraud, commodities fraud, conspiracy to commit securities fraud and securities fraud. The company's chief operations officer pleaded guilty to charges of wire fraud conspiracy, commodities fraud conspiracy and securities fraud conspiracy.[133] The charges against the other two defendants were still pending at the time of writing, and a related civil proceeding brought by the federal Commodity Future Trading Commission had been stayed pending the resolution of the criminal case.[134]

G. Protection of consumers: Greenwashing complaints

Greenwashing, or climate-washing, cases have emerged as one of the fastest-growing areas of climate litigation, with more than 100 cases filed globally since 2009. These cases target misleading or false claims about climate impacts made by corporations, often in violation of advertising, consumer protection or fair competition laws. Greenwashing complaints typically allege that companies have misrepresented the environmental benefits or climate neutrality of their products

129 *Major Gas Users' Group v. Commerce Comm'n*, [2024] NZHC 959 (H.C.) (New Zealand).
130 *R* (on the application of *ClientEarth*) v *Financial Conduct Authority* & *Ithaca Energy plc*, [2023] EWHC 3301 (Admin), Dec. 13, 2023 (permission for judicial review refused); see High Court summaries noting that permission was denied on all grounds as "unarguable" and without realistic prospect of success
131 *Zero Carbon Holdings, LLC v. Aspiration Partners, Inc.*, 732 F. Supp. 3d 326 (S.D.N.Y. 2024) (United States of America).
132 *United States v. Newcombe*, No. 24-cr-567 (S.D.N.Y.) (United States of America)
133 *United States v. Steele*, No. 1:24-cr-00572 (S.D.N.Y.) (United States of America)
134 Commodity Futures Trading Commission v. Newcombe, No. 1:24-cv-07477 (S.D.N.Y.) (United States of America).

or services—especially in sectors like transport, energy and retail—misleading consumers and distorting markets. **Climate-washing cases go further, challenging broader narratives or public messaging about an actor's contribution to climate solutions, including exaggerated claims of alignment with net-zero goals or low-carbon transitions.** As scrutiny intensifies, such litigation is becoming a key mechanism to hold actors accountable for deceptive climate claims and ensure integrity in both public and private sector climate commitments.

Cases have mostly been filed in Australia, Germany and the United Kingdom. The majority of claimants in cases outside of the United States of America have been successful, with companies having to adjust their advertising. For example, in *ASA Ruling on BMW (UK) Ltd.*, the United Kingdom's Advertising Standards Authority ruled that BMW's advertisement stating its electric vehicles had "zero emissions" was misleading due to omission of material information, i.e., that it referred only to tailpipe emissions during driving and did not account for emissions from electricity generation or vehicle production.[135] BMW was instructed to ensure that future advertisements make clear that "zero emissions" claims pertain only to specific aspects of the vehicle's use.

In the United States of America, federal district courts in four states dismissed climate-washing actions against airlines,[136] but a federal district court in California allowed *Berrin v. Delta Air Lines Inc.* to proceed, rejecting federal pre-emption and standing arguments.[137] The plaintiff in *Berrin* alleges that the defendant airline made false carbon-neutrality representations in violation of California laws. Specific allegations include that any representation by the airline that the carbon offsets it purchased had entirely offset its operational emissions were "manifestly and provably false" because of "foundational issues" with the carbon offsets market.

IV. Backlash cases

In parallel with the expansion of pro-climate litigation, anti-climate or backlash cases continue to increase. These cases aim to delay or dismantle regulations, policies or projects that promote climate action, or target specific actors to resist, delay or roll back climate action. **These cases are often brought by actors who perceive climate-related measures as a threat to their interests, with the goal to obstruct regulation, reassert competing priorities or intimidate those advocating for climate justice.** Section IV analyses backlash cases, which include (1) cases against states, (2) cases against corporations and (3) cases against individuals and NGOs. Backlash cases also include ISDS disputes, which were mentioned in Part II.

A. Cases against states

There are typically two types of backlash cases against states: (i) deregulatory suits and (ii) trade-off cases. Deregulatory lawsuits are often brought by companies, trade associations or subnational governments to challenge climate-related regulations and policies. Plaintiffs often argue that these measures are unlawful, too costly or incompatible with existing energy or industrial frameworks.

Deregulatory suits

In *ANVR, TUI, D-reizen, and Prijsvrij v. The Hague*, a trade company and travel operators filed a complaint against The Hague attempting to suspend an ordinance that prohibits advertisement for fossil fuel products and services in public and private spaces throughout the city located in the Netherlands. In April 2025, the Hague District Court upheld the ban, stating that the municipality lawfully exercised its powers under Dutch administrative law.[138] The court further found that the rights under EU law—in this case, consumer protection under the EU Directive on Unfair Commercial Practices (European Parliament and Council 2005)—are not

135 ASA Ruling on BMW (UK) Ltd., Advertising Standards Authority, United Kingdom, April 2023 (United Kingdom).
136 *Long v. Koninklijke Luchtvaart Maatschappij, N.V.,* No. 3:23-cv-00435 (E.D. Va. Aug. 26, 2024) (United States of America)*; Simijanovic v. Koninklijke Luchtvaart Maatschappij N.V.,* No. 2:23-cv-12882 (E.D. Mich. Dec. 10, 2024) (United States of America)*; Zajac v. United Airlines, Inc.,* No. 8:23-cv-03145 (D. Md. Aug. 13, 2024) (United States of America)*; Dakus v. Koninklijke Luchtvaart Maatschappij, N.V.*, No. 1:22-cv-07962 (S.D.N.Y. Sept. 12, 2023) (United States of America).
137 Berrin v. Delta Air Lines Inc., No. 2:23-cv-04150 (C.D. Cal. Mar. 28, 2024 and Dec. 11, 2024) (United States of America).

138 *ANVR, TUI, D-reizen, and Prijsvrij v. The Hague*, District Court of the Hague, 25 April 2025 (Netherlands).

absolute and may be restricted for reasons of public interest. The court also stated that the measure is non-discriminatory and that public interest in combating climate change supersedes the economic interests of advertisers.

In the United States of America, deregulatory suits have challenged federal, state and local climate change policies. Regarding federal policies, in 2024 two district courts determined that the Federal Highway Administration lacked authority to adopt a rule that, among other things, required states to adopt declining carbon dioxide emissions targets for on-road mobile sources.[139] Another district court twice upheld a federal regulation that permitted fiduciaries of retirement benefit plans to consider Environmental, Social and Governance (ESG) factors such as climate change.[140] Other challenges to federal policies—including emissions standards for vehicles and power plants and climate disclosure rules for publicly traded companies—alleged that federal agencies lacked "clear congressional authorization" for their climate actions under the "major questions doctrine" established by the United States of America Supreme Court in its 2022 decision in *West Virginia v. Environmental Protection Agency* (EPA) (discussed in the 2023 Litigation Report).[141] These lawsuits also asserted other arguments that climate policies exceeded agencies' statutory authorities and were arbitrary and capricious and an abuse of discretion, and, in the case of the disclosure rule, violated free speech rights. Many of these suits remained pending at the time of writing.

With respect to state and local climate change-related policies in the United States of America, a federal circuit court of appeal ruled in 2023 in *California Restaurant Association v. City of Berkeley* that a federal energy law preempted a local ordinance banning natural gas infrastructure in new buildings.[142]

Federal district courts subsequently dismissed federal preemption challenges to local and state building electrification requirements in the states of Colorado, New York and Washington.[143] New York State courts dismissed challenges to New York City climate laws and policies in 2025. The state's high court concluded that state law did not preempt the city's carbon emissions limits for existing large buildings,[144] and an intermediate appellate court upheld the dismissal of a lawsuit challenging New York City public pension funds' divestment from fossil fuels.[145] A federal district court in California dismissed preemption and extraterritoriality claims challenging California's laws requiring companies to disclose GHG emissions and climate change risks; a claim that the laws compel speech in violation of the United States of America Constitution's First Amendment remained pending at the time of writing.[146] A challenge to a Clean Air Act preemption waiver for California's Advanced Clean Car Program regulations was still pending at the time of writing after the United States of America Supreme Court in *Diamond Alternative Energy, LLC v. EPA* reversed a determination by the District of Columbia Circuit that the fuel producers challenging the waiver lacked standing.[147]

Trade-off cases

Trade-off cases arise when climate measures are perceived to conflict with other environmental, social or economic priorities. In these types of cases, courts are often asked to weigh perceived trade-offs between these competing interests, and prioritize short-term or local interests over climate action. **There are currently two types of trade-off cases. The first one refers to competing environmental interests, such as when renewable energy projects may impact biodiversity or landscape preservation. The second type refers to just transition, when climate interests may clash with the interests of labour or human rights issues.**

139 *Kentucky v. Federal Highway Administration, No. 5:23-cv-00162 (W.D. Ky. 2024), motion to dismiss appeal with prejudice granted, No. 24-5532 (6th Cir. Feb. 3, 2025) (United States of America); Texas v. U.S. Department of Transportation, No. 5:23-cv-00304, 726 F. Supp. 3d 695 (N.D. Tex. 2024), appeal voluntarily dismissed, No. 24-10470 (5th Cir. Feb. 11, 2025) (United States of America).*
140 *Utah v. Micone, No. 2:23-cv-00016, 766 F. Supp. 3d 669 (N.D. Tex. 2025) (United States of America); Utah v. Walsh, No. 2:23-cv-00016 (N.D. Tex. Sept. 21, 2023), judgment vacated & case remanded, 109 F.4th 313 (5th Cir. 2024) (United States of America).*
141 *West Virginia v. Env't Prot. Agency, 597 U.S. 697 (2022) (United States of America); See Kentucky v. EPA, No. 24-1087 (D.C. Cir.) (vehicle emissions standards) (United States of America); West Virginia v. EPA, No. 24-1120 (D.C. Cir.) (emissions standards and guidelines for power plants) (United States of America); Iowa v. Sec. & Exchange Comm'n, No. 24-1522 (8th Cir.) (climate change disclosure rules) (United States of America).*
142 California Restaurant Association v. City of Berkeley, 65 F.4th 1045 (9th Cir. 2023), opinion modified, 89 F.4th 1094 (9th Cir. 2024), petition for rehearing en banc denied, No. 21-16278 (9th Cir. Jan. 2, 2024) (United States of America).
143 *Association of Contracting Plumbers of the City of New York v. City of New York, No. 1:23-cv-11292 (S.D.N.Y. Mar. 18, 2025) (United States of America); Colorado Apartment Association v. Ryan, No. 1:24-cv-01093 (D. Colo. Mar. 28, 2025) (United States of America); Rivera v. Anderson, No. 2:24-cv-00677 (W.D. Wash. Feb. 25, 2025) (United States of America).*
144 *Glen Oaks Village Owners Inc. v. City of New York*, N.Y. Court of Appeals, No. 42, 22 May 2025 (United States of America).
145 *Wong v. New York City Employees' Retirement System*, N.Y. App. Div., 230 N.Y.S.3d 129, 11 March 2025 (United States of America).
146 *Chamber of Commerce of the United States of America v. California Air Resources Board*, District Court for the Central District of California, 763 F. Supp. 3d 1005, 3 February 2025 (United States of America).
147 *Diamond Alternative Energy, LLC v. EPA*, Supreme Court of the United States, No. 24-7, 20 June 2025 (United States of America).

In *Coolglass Windfarm Limited v. An Bord Pleanala*, developers of a wind farm applied for a judicial review of a decision by the Irish planning authority rejecting planning permission for the project on the basis of visual concerns. The High Court found in favour of the developers, requiring public authorities to perform their functions in a manner consistent with climate plans and objectives.[148] India's Supreme Court recognized the right to a healthy environment and the right to be free from the adverse effects of climate change when balancing the protection of an endangered species threatened by an overhead transmission line connecting to a renewable energy project (*Mk Ranjitsinh & Ors. v. Union Of India & Ors.*).[149] The Court balanced the need for a just energy transition within the context of the long-term emission reduction goals of the Paris Agreement with conservation priorities.

B. Cases against corporations

As companies face increasing pressure to take climate action, cases arise challenging corporate climate policies. These ESG backlash cases may challenge corporate ESG policies as violating fiduciary duties or investor interests or seek to limit the consideration of climate risks in investment or lending decisions.

In the United States of America, plaintiffs filed several cases of this type against defendants in the finance and investment sector. In *State ex rel. Skrmetti v. BlackRock, Inc.*, an investment manager in January 2025 settled claims by the State of Tennessee attorney general that it violated Tennessee's consumer protection law by representing that certain investment funds did not incorporate ESG considerations and also by representing that ESG considerations created financial benefits for investors.[150] In 2024, a group of states filed a lawsuit against three institutional investors, *Texas v. BlackRock, Inc.*, in which the states assert that the defendants violated federal and state antitrust laws by collectively using their shareholdings in domestic coal producers to reduce coal output.[151] In August 2025, the federal district court largely denied the defendants' motions to dismiss. In January 2025, a federal district court ruled in *Spence v. American Airlines* that an airline and its employee retirement plan administrator breached their fiduciary duty of loyalty to beneficiaries under the Employee Retirement Income Security Act of 1974 by allowing corporate interests in ESG objectives (including sustainable aviation fuel and climate change initiatives) and their investment manager's ESG interests to influence their management of employee retirement plans.[152] Shareholders in Exxon withdrew a shareholder proposal supporting accelerated reduction of Exxon's GHG emissions after Exxon filed a lawsuit asking a federal district court to declare that Exxon could exclude the proposal from the company's proxy statement and not present it for a shareholder vote.[153]

C. Claims against climate activists

Finally, cases have been brought against climate advocates, including civil or criminal cases against protesters, and potential Strategic Lawsuits Against Public Participation (SLAPPs) targeting individuals, journalists or NGOs involved in public opposition to fossil fuels or other high-emitting projects. These actions can be defamation or nuisance suits against activists, criminalization of protesters through trespass or vandalism charges or injunctions to prevent demonstrations.

In *Olsen v. Police*, the New Zealand High Court affirmed that the right to peaceful protest, especially over climate change, must be given weight when balancing bail considerations.[154] In *Vatican Prosecutor v. Ultima Generazione Activists*, the Vatican City State Tribunal convicted activists who glued their hands to a 2nd-century statue in the Vatican Museums to protest climate inaction of aggravated damage, imposing fines exceeding €28,000 and suspended prison sentences.[155] The court ruled that even symbolic protest must respect public property and cultural heritage. In Renovate Switzerland Activists, the Cantonal Courts of Geneva and Zurich rejected the necessity defence and found the activists who staged

148 *Coolglass Windfarm Limited v. An Bord Pleanala*, High Court of Ireland, [2025] IEHC 1, 10 January 2025 (Ireland).
149 *Mk Ranjitsingh & Ors. v. Union of India & Ors.*, Supreme Ct. of India, 21 March 2024 (India).
150 *State ex rel. Skrmetti v. Blackrock, Inc.*, Circuit Court of Williamson County, Tennessee, No. 23CV-618, 17 January 2025 (United States of America).
151 *Texas v. Blackrock, Inc.*, District Court for the Eastern District of Texas, No. 6:24-cv-00437, 27 November 2024 (United States of America).
152 *Spence v. American Airlines, Inc.*, District Court for the Northern District of Texas, No. 4:23-cv-00552, 10 January 2025 (United States of America).
153 *Exxon Mobil Corp. v. Arjuna Capital, LLC, District Court for the Northern District of Texas, 735 F. Supp. 3d 709, 22 May 2024 (United States of America); Exxon Mobil Corp. v. Arjuna Capital, LLC, District Court for the Northern District of Texas, 737 F. Supp. 3d 444, 17 June 2024 (United States of America).*
154 *Olsen v. Police, High Court of New Zealand,* NZHC 2637, 21 September 2023 (New Zealand).
155 *Vatican Prosecutor v. Ultima Generazione Activists*, Trib. Città del Vaticano, 12 June 2023 (Vatican City).

highway blockades demanding better building insulation to combat emissions guilty.[156] The judges emphasised that while climate goals are important, legal limits on protest must be respected.

In the United States of America, a North Dakota state court jury in *Energy Transfer LP v. Greenpeace International* found that three Greenpeace entities were liable for almost US$667 million in compensatory and exemplary damages to the companies that developed, own and operate the Dakota Access Pipeline (DAPL).[157] The jury found the Greenpeace defendants liable in connection with their DAPL protest activities for trespass, trespass to chattel, conversion, nuisance, defamation, defamation per se and tortious interference with business, as well as aiding and abetting and conspiracy. Post-trial motions were still pending at the time of writing (Greenberg 2025), as was an action filed by Greenpeace International to recover damages from the DAPL developers in Dutch court pursuant to the EU's anti-SLAPP directive and Dutch law (Greenpeace International 2025).

156 *Renovate Switzerland Activists*, Trib. Police Genève, 27 Feb. 2023 & Bezirksgericht Zürich, 29 August 2023 (Switzerland).
157 *Energy Transfer LP v. Greenpeace International*, No. 30-2019-0V-00180 (N.D. Dist. Ct. Mar. 19, 2025) (United States of America).

"Finally, cases have been brought against climate advocates, including civil or criminal cases against protesters, and potential Strategic Lawsuits Against Public Participation (SLAPPs) targeting individuals, journalists or NGOs involved in public opposition to fossil fuels or other high-emitting projects. These actions can be defamation or nuisance suits against activists, criminalization of protesters through trespass or vandalism charges or injunctions to prevent demonstrations."

Part 3: Key lessons from climate litigation

This report *Climate change in the courtroom: Trends, impacts and emerging lessons*, building on earlier editions published in 2017, 2020 and 2023, comes at a critical juncture in the development of climate litigation as a field. Over the past decade, litigation has expanded in volume, scope and geographic reach, engaging a growing diversity of actors, legal theories and forums. While the period since 2023 has seen a continued expansion in the number of cases and judicial decisions, many of the most salient patterns and strategic insights have emerged across the longer arc of developments tracked in all four reports. This section reflects on the cross-cutting lessons from a broader understanding of how litigation is being used as a tool to clarify legal obligations, test accountability frameworks and contribute to wider climate governance efforts. These insights are drawn from the cumulative body of litigation to date and aim to inform future actors navigating this evolving landscape. Therefore, this section identifies key lessons from pro-climate litigation cases, identifying factors that contributed to their effectiveness and impact.

I. Centering human rights to ground obligations and elevate urgency

One of the clearest trends in climate litigation is the use of human rights law–international, regional and national/constitutional–to frame state obligations to mitigate and adapt to climate change. This rights-based approach enables litigants to ground climate claims in well-established legal frameworks, expanding access to justice and reinforcing the normative weight of climate obligations. It has proven particularly effective in jurisdictions where constitutional or regional human rights protections explicitly recognize the right to a healthy environment or can be interpreted to encompass climate-related harms. Courts in such jurisdictions have been more willing to impose positive obligations on governments to prevent foreseeable environmental degradation, protect public health and ensure intergenerational equity.

To fully understand this trend, it is important to distinguish between substantive and procedural environmental rights, both of which play a role in climate litigation. Substantive rights refer to the legal guarantees of a certain quality of environment–for example, the right to a clean, healthy and sustainable environment as recognized in many national constitutions and increasingly at the regional and international levels. In several cases, including those brought before the Colombian Supreme Court, the German Federal Constitutional Court and the Inter-American Court of Human Rights, courts have interpreted these rights as requiring states to take concrete action to reduce emissions and protect vulnerable populations from the foreseeable impacts of climate change.

Procedural rights, in contrast, ensure access to environmental information, public participation in decision-making, and access to justice–rights enshrined in instruments such as the Aarhus Convention and the Escazú Agreement. These procedural guarantees are increasingly invoked in climate cases that challenge inadequate planning processes, lack of transparency in emissions projections or exclusion of affected communities from climate policymaking. For instance, courts in Latin America and Europe have reviewed whether climate-related laws and policies were developed with sufficient public consultation, and whether affected individuals and communities had meaningful opportunities to challenge those policies in court.

Together, substantive and procedural environmental rights form a powerful legal basis for holding governments accountable for climate action or inaction. By integrating human rights language into their legal strategies, plaintiffs in climate litigation not only highlight the concrete harms caused by climate change but also assert their standing to seek remedies for those harms through domestic and international legal channels.

The landmark case of *Urgenda v. Netherlands* exemplifies this strategy.[158] Grounded in Articles 2 and 8 of the ECHR, protecting the rights to life and private and family life, the Dutch Supreme Court upheld a lower court's order mandating the state to reduce GHG emissions by at least 25 per cent by 2020 compared to 1990 levels. The ruling was not only implemented, prompting the Dutch government to accelerate coal phaseout and invest in emissions reductions (Supreme Court of the Netherlands 2019), but also influenced a wave of rights-based litigation in Europe and beyond (Maxwell, Mead and van Berkel 2022). This strategy was not without risks, as companies such as RWE and Uniper sued the government for the negative impact these coal phase-out measures had on their investments.[159] Cases have been filed in several other countries across Europe following a similar strategy, including Belgium, Italy, Finland, Germany, Norway, Sweden and Poland, among others.

Similarly, the *Leghari v. Federation of Pakistan* decision relied on the constitutional rights to life and dignity to compel the federal government to implement its climate policy framework. While enforcement challenges persist, the court's continued monitoring and issuance of follow-up orders created a model for active judicial oversight in the Global South. These cases have led to hundreds of other climate cases that are grounded in human rights, and have significantly strengthened climate action worldwide (Rodríguez-Garavito 2022).

II. Transjudicial dialogues are shaping climate litigation

Climate litigation has not only developed within domestic court systems, but has also facilitated the spread of legal ideas across borders, challenging traditional notions of domestic legal insularity (Affolder and Dzah 2024). While "transjudicialism" has often been measured by how courts refer to, cite or are influenced by decisions from other jurisdictions, some scholars have looked beyond this traditional view to investigate how climate cases have shaped legal reasoning in litigation elsewhere, particularly through less visible channels such as legal education, advocacy networks, and shared reliance on international instruments like the Paris Agreement (Affolder and Dzah 2024).

Indeed, climate litigation has played a pivotal role in constructing transnational narratives that redefine governance in climate policy. As such, it is increasingly important to understand climate cases not only within the confinement of national boundaries, but through a transnational socio-legal lens (Paiement 2020).

> This framing shows how litigation is not only a national legal tool but part of a global discursive process, shaping how societies perceive climate risk, assign responsibility and (re)define the timelines for necessary action (Paiement 2020).

This transnational narrative may become even more powerful with the advisory opinions, which have strengthened the understanding of international climate change law and the obligations that arise from it.

III. The use of scientific evidence and climate attribution science

A key feature of climate litigation is the use of climate attribution science, especially in cases that require establishing causation and foreseeability of harm (Burger, Wentz and Horton 2020; Burger, Wentz and Metzger 2022; Heede 2022). Plaintiffs who effectively link emissions, policy inaction or corporate conduct to identifiable climate-related risks may be better positioned to overcome admissibility challenges and support claims of state or corporate responsibility. For example, in *Milieudefensie v. Royal Dutch Shell*, the Hague District Court and the Court of Appeals relied extensively on IPCC findings and climate attribution studies, as well as other studies, to establish that the company's emissions contributed substantially to global warming and thus infringed upon Dutch citizens' rights under international and national law (Tigre and Hesselman 2024). **The court's interpretation of the duty of care aligned with the Paris Agreement demonstrates how science and scientific evidence can be used to prove harm and contribute to the development of normative legal thresholds.**

158 *State of the Netherlands v. Urgenda Found.*, Supreme Court of the Netherlands, 19/00135 (Engels), 20 December 2019 (Netherlands).
159 *RWE AG v. Kingdom of the Netherlands*, International Centre for Settlement of Investment Disputes (ICSID), Case No. ARB/21/4, 12 January 2021 (Netherlands); *The Netherlands v. RWE AG & Uniper SE*, Higher Regional Court of Cologne, 1 September 2022 (Germany); *Uniper SE v. Kingdom of the Netherlands*, International Centre for Settlement of Investment Disputes (ICSID), Case No. ARB/21/22, 30 April 2021 (Netherlands); *RWE AG & Uniper SE v. The Netherlands (Ministry of Climate and Energy)*, District Court of The Hague, ECLI:NL:RB-DHA:2022:12628; ECLI:NL:RBDHA:2022:12635; ECLI:NL:RBDHA:2022:12653, 30 November 2022 (Netherlands).

In the United States of America, the Montana trial court in *Held v. State* made extensive findings of fact based on expert testimony regarding climate change and its harmful impacts on children, including the youth plaintiffs, and on the Montana environment. The trial court further found that the State of Montana defendants contributed to those climate change harms through their permitting of fossil fuel-related activities.[160]

The trial court cited this evidence to support its conclusion that the plaintiffs proved they had standing with evidence of injury, causation and redressability. The Montana Supreme Court ultimately rejected the State's contentions that the youth plaintiffs could not demonstrate standing to challenge the constitutionality of a statutory prohibition on the consideration of climate change in environmental reviews unless the plaintiffs proved that the statutory provision caused climate change and that invalidating the provision would redress climate change.[161] The Montana Supreme Court nonetheless described "the multitude of personal, aesthetic, economic and property injuries Plaintiffs showed at trial stemming from Montana's energy and permitting policies" and found them to be "sufficient to satisfy the constitutional requirements for personalized injury."

In *Lliuya v. RWE AG*, the plaintiff argued that RWE's historical emissions contributed to the melting of glaciers in the Peruvian Andes and the resulting expansion of Lake Palcacocha, which poses a flood risk to his property.[162] Drawing on climate attribution research and IPCC findings, the claim sought to establish RWE's proportional contribution to this risk. Although the court allowed the case to proceed to the evidentiary phase, it ultimately dismissed the claim, finding that the threat to the plaintiff's property was not sufficiently imminent or concrete to warrant legal relief.

While scientific methods continue to evolve in their ability to quantify contributions to global emissions and assess localized impacts, the translation of such findings into legally enforceable obligations remains complex. Courts may recognize the scientific plausibility of causal links without finding them actionable under existing legal standards. The challenge is further compounded in many regions—particularly in the Global South—where access to high-quality attribution data and expert testimony is limited. These constraints may affect the ability of claimants to meet evidentiary thresholds, especially in jurisdictions where scientific capacity and legal resources are unevenly distributed.

IV. Framing remedies to support enforceability and feasibility

Judicial outcomes may be affected if the remedies sought are too vague, overly broad or challenging to implement within a specific governance framework. Lessons from well-documented cases show the importance of carefully tailoring remedies, balancing ambition with specificity and administrative feasibility (Pues, Bowman and Driscoll 2024).

In *PSB et al. v. Brazil (on Climate Fund)*, the Brazilian Supreme Court found that the executive government's failure to operationalize the Climate Fund, a government funding mechanism established under law to finance mitigation and adaptation measures, violated constitutional and international obligations (Tigre and Setzer 2023). Crucially, the court ordered the government not only to reactivate the Fund but also to restore its governance and budgeting mechanisms. The specificity of this order, combined with the Court's framing of the Paris Agreement as a human rights treaty, reduced discretion and enabled civil society monitoring, thereby increasing the likelihood of meaningful implementation.

By contrast, some earlier climate judgements that lacked clear remedial guidance (e.g., declarations without enforcement mechanisms or clear guidelines) have had limited impact on real-world outcomes. For example, in *Future Generations v. Ministry of Environment*, the Colombian Supreme Court recognized the Amazon as a rights-bearing entity and ordered the government to develop intergenerational action plans for deforestation control. Implementation remains complex, with the NGO that brought the case having a crucial role in ensuring the order is complied with.[163] Thus, the ultimate outcome of the litigation depends not only on the legal reasoning but on the enforceability and precision of the remedy.

160 *Held v. State*, No. CDV-2020-307, Montana District Court, 14 August 2023 (United States of America).
161 *Held v. State*, No. DA 23-0575, 419 Mont. 403, 560 P.3d 1235, Montana Supreme Court, 18 December 2024 (United States of America).
162 *Lliuya v. RWE AG*, Landgericht [LG] Essen, 2 O 285/15, 15 December 2016 (Germany).
163 *Future Generations v. Ministry of the Environment*, Supreme Court of Colombia, No. 11001-22-03-000-2018-00319-00, 5 April 2018 (Colombia).

In *La Rose v. Her Majesty the Queen*, Canadian federal courts initially dismissed a youth-led constitutional challenge on justiciability grounds, finding that the remedies sought—including declarations of rights violations and the development of a comprehensive climate recovery plan—were too expansive and lacked sufficient legal specificity. The court acknowledged the seriousness of climate change but emphasised that the case presented a diffuse policy critique rather than a claim grounded in judicially enforceable standards.[164] This decision was later reversed and the case will go to trial in 2026.[165]

Conversely, courts have shown greater willingness to engage when remedies are narrowly framed and closely tied to existing legal duties. In several cases, remedies are shaped based on minimum standards, such as legal or scientific baselines as enforceable thresholds, or a carbon budget based on IPCC data to set proportional targets or quantify obligations (Auz and Zúñiga 2025). For example, in *Urgenda v. Netherlands*, the Dutch Supreme Court ordered the government to reduce emissions by at least 25 per cent by 2020 relative to 1990 levels.[166]

The settlement reached by youth plaintiffs and State of Hawai'i defendants in *Navahine F. v. Hawai'i Department of Transportation* provides that the court will retain jurisdiction over the case to enforce the parties' obligations under the settlement agreement, in which the State defendants agreed to take actions to achieve a zero emissions target for transportation sectors by 2045 to resolve the plaintiffs' claims that the establishment, operation and maintenance of Hawai'i's state transportation system violates the Hawai'i Constitution's public trust doctrine and right to a clean and healthful environment.[167] The court retains jurisdiction until the earlier of 31 December 2045 or the date on which the zero emissions target is achieved. The settlement's dispute resolution procedures specify that a party may only request that the court enforce settlement obligations if mediation fails to resolve the dispute.

These examples suggest that the effectiveness of climate litigation as a strategic tool often depends on the framing of the remedy. In contexts where structural reforms are sought, courts may be more responsive to incremental remedies or phased oversight mechanisms. Designing remedies that align with judicial norms of institutional restraint, while still advancing meaningful accountability, remains a central challenge in climate litigation.

V. Litigation as a lever for institutional change and civic mobilization

Climate litigation often serves as a catalyst for broader systemic transformation. Rather than operating in isolation, landmark cases typically unfold within a dynamic advocacy and governance ecosystem. **Climate litigation is often a "last resort" after other advocacy strategies have fallen short.** Strategic lawsuits, even before a final decision, can prompt institutional reform, unblock administrative inertia and exert pressure on legislatures. Their impact is magnified when litigation is paired with public engagement, media scrutiny and sustained civil society mobilization (Main-Klingst, Ott and Tigre 2024).

The *Neubauer et al. v. Germany* case is illustrative.[168] The German Federal Constitutional Court ruled that the country's Climate Protection Act was partially unconstitutional for deferring emissions reductions and thereby placing an undue burden on future generations. In response, the legislature amended the Act, accelerating the country's mitigation targets. This rapid policy response underscores how rights-based rulings can catalyse legal and political change. The decision also influenced several other cases that were filed after its success, both within Germany and in other jurisdictions.

Beyond individual cases, litigation can strengthen the institutional legitimacy of climate action, empower grassroots movements, and mobilize new constituencies. For example, advisory proceedings are also proving to be focal points for civic engagement, generating amicus interventions, academic commentary and public debate and strategic collaboration across regions.

164 *La Rose et al. v. Her Majesty the Queen in Right of Canada*, Federal Court, Case No. 2020 FC 1008, 20 October 2020 (Canada).
165 *La Rose et al. v. Her Majesty the Queen in Right of Canada*, Federal Court of Appeal, Case No. 2023 FCA 241, 23 December 2023 (Canada).
166 *State of the Netherlands v. Urgenda Found.*, Supreme Court of Netherlands, 19/00135 (Engels), 20 December 2019 (Netherlands).
167 *Navahine F. v. Hawai'i Dep't of Transp.*, First Circuit Court for the State of Hawaii, No. 1CCV-22-0000631, 20 June 2024 (United States of America).
168 *Neubauer et al. v. Germany*, German Federal Constitutional Ct., 6 February 2020 (Germany).

"Advisory proceedings are also proving to be focal points for civic engagement, generating amicus interventions, academic commentary and public debate and strategic collaboration across regions."

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VI. Establishing victim status and legal standing

Another common challenge lies in plaintiffs' difficulty to establish legal standing, particularly in cases brought before international or regional human rights bodies. Courts have often required a clear, individualized and imminent harm to confer victim status—thresholds that are difficult to meet given the diffuse and long-term nature of climate impacts.

For instance, in *Armando Ferrão Carvalho and Others v. European Parliament and the Council*, the EU General Court dismissed the claim for lack of standing, holding that the applicants were not "individually concerned" by the EU's 2030 climate targets, despite presenting evidence of personal exposure to climate risks. Similarly, the ECtHR denied victim status to four individual applicants in *KlimaSeniorinnen v. Switzerland*. The stricter test requires high intensity of exposure to climate harm and a pressing need for individual protection (Sefkow-Werner 2025).

These outcomes suggest the importance of developing stronger evidentiary links between claimants and specific climate harms or relying on collective or representative standing where domestic or supranational rules allow. Litigants may also benefit from invoking intersectionality and procedural justice claims to demonstrate heightened vulnerability and exclusion from decision-making, thereby reinforcing their victim status.

VII. Procedural and evidentiary inequality across jurisdictions

Many limitations in climate litigation outcomes stem less from weak legal claims and more from structural disparities in procedural access, legal infrastructure and evidentiary capacity across jurisdictions. In particular, litigants in many Global South countries—often facing the most severe climate impacts—may encounter significant obstacles related to limited discovery mechanisms, evolving legal doctrines and, in some cases, constrained judicial independence.

Cases with potentially strong legal foundations are frequently dismissed on procedural or technical grounds. In some instances, claimants have been unable to access critical data on emissions or environmental harms due to limited transparency, regulatory opacity or corporate confidentiality. Procedural rules such as narrow standing requirements, short limitation periods, or high evidentiary thresholds tend to disproportionately affect communities with fewer resources or limited legal representation. In some cases, procedural victories may be undermined by weak enforcement mechanisms or political resistance to implementation, reinforcing the need for sustained oversight and follow-up mechanisms.

These challenges underscore the importance of strengthening procedural safeguards and addressing capacity gaps for pro-climate litigation outcomes. **Ensuring equitable access to climate justice will require not only the refinement of legal arguments but also investments in legal infrastructure, expanded access to scientific expertise and the cultivation of transnational networks that support domestic litigation efforts.** Partnerships with academic institutions, advocacy organizations and technical experts can help mitigate information asymmetries and improve the evidentiary basis of claims

Importantly, negative or unsuccessful outcomes in pro-climate litigation can serve as indicators of where legal systems remain resistant to transformation. Such outcomes offer insight into the systemic constraints—whether procedural, evidentiary or institutional—that must be addressed to enable more effective legal accountability. Moreover, the post-judgment phase presents its own procedural challenges. Even where courts recognize climate-related rights or order specific measures, the absence of strong enforcement frameworks or institutions may limit the practical impact of such rulings. Addressing this enforcement gap is critical to ensuring that legal remedies translate into material change.

VIII. Navigating separation of powers

Even where courts are receptive to the underlying concerns raised in climate litigation, they may decline to grant the remedies sought if these are perceived as overly broad, indeterminate or incompatible with the separation of powers. Claims that invite courts to assume regulatory or supervisory roles—such as setting national emissions targets, overseeing policy implementation or mandating comprehensive climate action plans—often encounter institutional resistance. In such instances, the issue is not necessarily the

legitimacy of the concerns raised, but the judicial perception of what constitutes a manageable and legally appropriate remedy. In several jurisdictions, courts have dismissed climate claims on the grounds that climate policy entails complex, polycentric decisions unsuited to judicial resolution.

The Italian case of *A Sud et al. v. Italy*—in which plaintiffs allege that the Italian government, by failing to take actions necessary to meet Paris Agreement temperature targets, is violating fundamental rights—illustrates this limitation.[169] The Civil Court of Rome in February 2024 declared the plaintiffs' claims inadmissible for absolute lack of jurisdiction. The court stated that decisions related to the management of climate change decisions fell within the scope of the political bodies' decision-making authorities and that it was not the role of the court to annul such decisions. A Sud has appealed the ruling.

Similar reasoning has been employed in courts in the United States of America, notably in *Juliana v. United States* (discussed in the 2020 and 2023 Litigation Reports), where the Ninth Circuit Court of Appeals concluded that the plaintiffs did not have standing for their substantive due process claim because the relief they sought to redress their alleged injuries from climate change was not within the power of the courts.[170] The *Juliana* plaintiffs ultimately were not allowed to file an amended complaint that attempted to seek a remedy—declaratory relief—within the judiciary's power.[171] In 2025, the federal district court in *Genesis B. v. U.S. Environmental Protection Agency* cited *Juliana* when it held that youth plaintiffs lacked standing for their claims that federal climate-related regulatory decision-making discriminated against them by valuing children's lives less than adult lives. The district court wrote that underlying its standing analysis was "the common-sense proposition that the President and Congress—not unelected judges—have the obligation to make decisions so fundamental to the economy."[172] Similar concerns regarding separation of powers or the judiciary's role underlie decisions in other United States of America cases, including *Atencio v. State of New Mexico*, in which a state appellate court found that judicial resolution of environmental rights claims would violate separation of powers and the political question doctrine,[173] and *Natalie R. v. State of Utah*, in which the Utah Supreme Court concluded that it lacked jurisdiction over youth plaintiffs' climate claims, including because the court could not issue an "impermissible advisory opinion" and because the plaintiffs' claims were not tied to specific governmental conduct.[174]

These decisions underscore the judiciary's reluctance to engage with remedies perceived as structurally transformative or lacking clear legal standards.

Other decisions show courts navigating separation of powers principles to provide a remedy for rights violations. For example, in *VZW Klimaatzaak v. Kingdom of Belgium and Others*, the Belgian Court of Appeals tailored the relief it granted to avoid contravening the legislative or administrative branches' authorities.[175] The appellate court agreed with the judge at first instance that the federal state and two regions breached their duty of care under Belgian law and the European Convention on Human Rights by failing to enact good climate governance, but unlike the judge at first instance, the Court of Appeals concluded that using its power of injunction against public authorities did not necessarily infringe the principle of separation of powers, provided that the judge did not take the place of the authorities in choosing the means to remedy violations. The Court of Appeals therefore directed the Federal State, the Flemish Region and the Brussels-Capital Region to reduce their GHG emissions by 55 per cent compared to the 1990 level by 2030, a target that already had been validated at the European level.

169 *A Sud et al. v. Italy*, Civil Court of Rome, 26 Feb. 2024 (Italy).
170 *Juliana v. United States*, 947 F.3d 1159 (9th Cir. 2020), reh'g en banc denied, 986 F.3d 1295 (9th Cir. 2021) (United States of America).
171 *Juliana v. United States*, No. 24-645, 145 S. Ct. 1428 (2025) (denying certiorari from United States v. U.S. District Court for the District of Oregon, No. 24-684 (9th Cir. May 1, 2024)) (United States of America).
172 *Genesis B. v. U.S. Env't Prot. Agency*, No. 2:23-cv-10345, C.D. Cal., 2025 (United States of America).
173 *Atencio v. State*, No. A-1-CA-42006, New Mexico Court of Appeals, 3 June 2025 (United States of America).
174 *Natalie R. v. State*, No. 20230022, 2025 UT 5, 567 P.3d 550, Utah Supreme Court, 20 March 2025 (United States of America).
175 *VZW Klimaatzaak v. Kingdom of Belgium and Others*, Brussels Court of Appeal, 30 November 2023 (Belgium).

Conclusion

The continued evolution of climate litigation underscores its growing role as a governance mechanism—one that both challenges and reinforces the legal, institutional and political responses to climate change. Courts and other adjudicatory bodies are not merely passive venues for dispute resolution; they have increasingly become spaces where the contours of climate law and policy are contested, clarified and advanced. As the body of jurisprudence deepens, the legal standards and expectations around climate ambition, transparency and accountability are also becoming more clearly articulated, giving shape to an emergent field of climate law that cuts across disciplines and jurisdictions.

Yet, as this report highlights, the diversity of climate litigation means that its trajectory is neither linear nor uniformly progressive. Legal actions arise from a wide range of motivations—from efforts to compel stronger mitigation measures to challenges against ambitious climate regulations. The pluralism of actors, strategies and forums ensures that climate litigation remains a dynamic and evolving space, reflecting both the urgency of the crisis and the complexity of global responses to it. Looking ahead, litigation will continue to be a critical tool for defining responsibilities, testing legal boundaries and shaping more effective and equitable climate action. This 2025 report provides a foundation for understanding these trends and offers a basis for ongoing reflection, collaboration and innovation in the legal fight against climate change.

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