

Global trends in climate change litigation 2024: summary brief

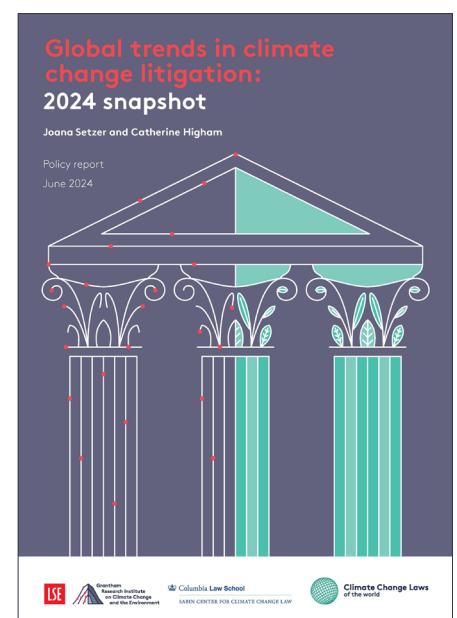
Key insights

- At least 230 new climate cases were filed in 2023, many of which sought to hold governments and companies accountable for climate action.
- Climate cases have continued to spread to new countries, with cases filed for the first time in Panama and Portugal in 2023.
- Major international courts and tribunals were asked to rule and advise on climate change during 2023. Only 5% of climate cases have been brought before international courts but these cases may have considerable influence on the evolution of climate change law.
- There were significant successes in ‘government framework’ cases in 2023, which challenge the ambition or implementation of a government’s overall climate policy response.
- About 230 strategic climate cases have been filed against companies since 2015. Key trends in corporate climate litigation include:
 - 47 ‘climate-washing’ cases were filed in 2023, bringing the recorded total to more than 140.
 - Since 2015, more than 30 ‘polluter pays’ cases have been filed around the world seeking to hold companies accountable for contributions to climate-related harms.
 - Litigants continue to file new ‘corporate framework’ cases, which seek to ensure companies align their policies with climate goals.
 - We introduced a new category of ‘transition risk’ cases to our analysis, which concerns the (mis)management of low-carbon transition risk.
- Nearly 50 of the cases filed in 2023 were not aligned with climate goals. Key types of non-aligned climate litigation include:
 - ESG backlash cases, which challenge the incorporation of climate risk into financial decision-making.
 - Strategic litigation against public participation suits that seek to deter NGOs and shareholder activists from pursuing climate agendas.
 - Just transition cases, which challenge the distributional impacts of climate policy or the processes by which policies were developed.
 - Green v. green cases, concerning potential trade-offs between climate and biodiversity or other environmental aims.



Policy briefs provide analysis on topical issues, presenting specific recommendations to inform ongoing policy debates. Drawing on the Grantham Research Institute’s expertise, they summarise either our research findings or the state of knowledge about a particular issue.

This policy brief was written by **Joana Setzer** and **Catherine Higham**. It summarises a full-length report available at www.lse.ac.uk/granthaminstitute/publication/global-trends-in-climate-change-litigation-2024-snapshot/



Introduction

Over the past six years, the Grantham Research Institute, in partnership with the Sabin Center for Climate Change Law, has published annual snapshot reports in its *Global trends in climate change litigation* series, providing a synthesis of the latest developments in the climate change litigation field.

Focusing on the calendar year 2023, the 2024 report provides:

- A numerical analysis of how many cases have been filed, where, and by whom.
- A qualitative analysis of trends and themes in the types of cases filed.

This policy brief summarises key points of interest from the full report.

Defining climate change litigation

In this series, we define climate change litigation as cases brought before judicial and quasi-judicial bodies that involve material issues of climate change science, policy or law. This definition involves a narrow approach to determining what is ‘climate change-related’, including only cases that explicitly engage with climate change matters, but takes a broader approach to defining what is ‘litigation’. This definition is similar to that adopted by the Sabin Center.

We acknowledge that there are many court cases around the world in which neither climate change science nor law is explicitly mentioned but which will have a serious impact on the volume of greenhouse gas emissions or a community’s resilience to climate change (see [Hilson, 2010](#); [Bouwer, 2018](#); [Peel and Osofsky, 2020](#)). As a result, critical developments in cases outside the Global North¹ have often been excluded from scholarship on climate litigation. We acknowledge the crucial importance of adopting a multiplicity of approaches to understanding legal responses to climate change. However, our aim is to provide an easy-to-understand snapshot of some key developments to enable readers to start to understand this rapidly evolving field.

Categorisation of cases to accurately illustrate their diversity

As the amount of climate litigation has grown over the years, so too has the diversity of cases, increasing the options for categorising and classifying cases (see Box 2). Within the different types of cases, we see significant variation in terms of the legal arguments made by the litigants. We also see differences in the levers for changing the system identified by those involved in ‘strategic litigation’. For example, activist groups concerned about fossil fuels may choose to bring a challenge to the permitting process around a given fossil fuel project; alternatively, they may choose to target the policies of the banks providing financial support to those projects. Different insights about trends in climate cases emerge depending on which elements of the issue we choose to focus on (for example, see [United Nations Environment Programme \[UNEP\], 2023](#), for alternative approaches).

1. The distinction between the ‘Global South’ and ‘Global North’ is based on economic inequalities, but ‘Global South’ is not a homogeneous group of countries: legal development and capacity vary by country. We use the G77 + China countries to determine if a country is in the Global South.

Box 1. Data sources

The primary sources of data for this work are the two [Climate Change Litigation Databases](#) maintained by the Sabin Center for Climate Change Law:

- **One database contains all climate cases filed in the US** before state and federal courts, and selected cases before administrative entities, amounting to just under two-thirds of all identified climate cases around the world to date.
- **The other is a database of ‘Global’ cases**, which includes information on cases filed in all countries *other than the US* and in international and regional courts and tribunals.

Since 2021, coverage of many jurisdictions has improved thanks to the Sabin Center’s convening of the [Peer Review Network of Global Climate Litigation](#), a group of scholars and practitioners who track litigation in specified geographical areas and participate in knowledge-sharing about climate litigation.

While we provide quantitative data and analysis of climate cases around the world, the existing data is not comprehensive or exhaustive. Nonetheless, the databases offer a diverse sample of cases covering a wide geographical scope and range of levels of government, types of actor and types of argument, enabling observations to be made about trends and innovations in cases and countries.

Overview of findings

More than 230 new climate cases were filed in 2023, but the overall rate of growth may be slowing down

Our dataset currently contains 2,666 climate litigation cases. About 70% of these have been filed since the adoption of the Paris Agreement, 233 of which were filed in 2023. The data suggests the overall rate of increase in new cases may be slowing down.

Climate cases are spreading to more countries

The US remains the country with the highest number of documented climate cases, with 1,745 cases in total, and 129 new cases filed in 2023, followed by the UK with 24 cases, Brazil (10) and Germany (7). These three countries also have high aggregate numbers of recorded cases, with the UK currently at 139 cases, Brazil at 82 cases, and Germany at 60.

Climate cases were filed in 2023 for the first time in Panama and Portugal. Older cases filed in Hungary and Namibia were identified for the first time, bringing the total number of countries in which climate cases have been recorded to 55.

Cases in the Global South are increasing

Currently, more than 200 climate cases from Global South countries are recorded in the databases, comprising about 8% of all cases. A landmark judgment by the Supreme Court of India in *M.K. Ranjitsinh and Others v. Union of India* established a new constitutional right to be free from the adverse effects of climate change.

2023 was a significant year for international climate litigation, particularly involving human rights

146 cases, equivalent to about 5% of all climate cases, have been filed before international and regional courts and tribunals over the years, 9 of which were filed in 2023.

Around 45% of international cases and complaints filed to date have been filed before international human rights courts, bodies and tribunals, reflecting a growing trend in the use of human rights arguments in climate cases.

Human rights arguments have also been made in submissions to the International Court of Justice, which is currently responding to a request for an advisory opinion on climate change (filed in 2023). In May 2024 the International Tribunal on the Law of the Sea issued its advisory opinion, finding that greenhouse gas emissions can be understood as a source of marine pollution, and that states have obligations to prevent such pollution and restore damaged ocean ecosystems.

Most recent climate litigation has been filed by NGOs or individuals

In 2023 the plaintiffs in more than 70% of all cases, both US and Global, included either individuals, non-governmental organisations (NGOs) or both, reflecting an effort by civil society actors to use the courts to raise concerns about climate action. In the US, government actors were among the plaintiffs in nearly 20% of the cases filed last year.

Box 2. Definitions in a nutshell

- **Climate change litigation:** cases before judicial and quasi-judicial bodies that involve material issues of climate change science, policy or law.
- **Strategic litigation:** litigation where the plaintiff seeks to both win the individual case and to influence the public debate on climate action.
- **Climate-aligned litigation:** cases that appear from the complaint and any campaign material to be requesting judicial relief that would align with climate action goals, fostering resilience to climate impacts or reducing greenhouse gas emissions. Determining if a case is climate-aligned is not always straightforward, given the variety of views about the best way to successfully achieve climate adaptation and mitigation.
- **Non-climate-aligned litigation:** cases that appear from the complaint and any campaign material to be requesting judicial relief that would prevent or delay climate action. As with climate-aligned cases, it is not always straightforward to identify such cases, as some may not be challenging climate action *per se* but rather the manner in which it is being carried out.

Companies and trade associations are filing cases in significant numbers

13% of all cases in 2023 were filed by companies and trade associations, most of which were filed in the US. The majority of cases filed by companies challenge climate policy and regulation, but in some cases companies are supporting more stringent climate action or seeking to prevent 'climate-washing' (a form of greenwashing).

Cases continue to be filed against corporate actors

In 2023 about 70% of cases involved government actors among the defendants and only 25% involved companies. In the US, governments were defendants in nearly 85% of cases, and just 15% involved companies as defendants. Governments were involved as defendants in a lower proportion of global cases, at nearly 60%, and 40% included corporate actors among the defendants.

Companies from many sectors are at risk of court action over climate

Since the ratification of the Paris Agreement in 2015, about 230 strategic climate-aligned lawsuits have been initiated against companies and trade associations; more than two-thirds have emerged since 2020. These cases extend beyond fossil fuels to other sectors including airlines, food and beverages, e-commerce and financial services.

Climate-aligned strategic cases use diverse case strategies

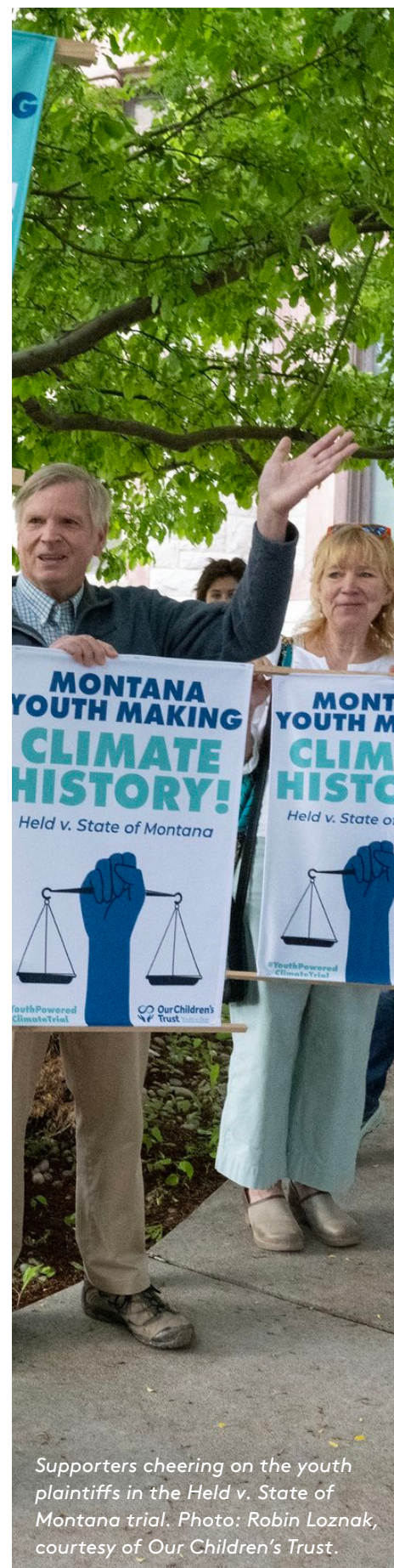
We have identified several strategies in climate-aligned strategic cases and provide an overview of these below.

'Government framework' cases challenge the ambition or implementation of a government's overall climate policy responses:

- 15 new cases were filed in 2023 and 110 such cases have been filed since 2015.
- The European Court of Human Rights confirmed that government failure to act on climate change violates the European Convention on Human Rights in the case of *KlimaSeniorinnen and ors. v. Switzerland*.
- A landmark ruling in the US case of *Held v. Montana* has been described as the first big win for the US youth-led climate litigation movement.
- There is potential for an increase in litigation challenging the integrity of governments' net zero targets, i.e. over their clarity and substance.

'Integrating climate considerations' cases seek to integrate climate considerations into decisions on a given project or sectoral policy:

- 97 new cases were filed in 2023.
- Many cases concern the licensing or development of new fossil fuel production and fossil fuel electricity generation. In January 2024 the Oslo District Court ruled in the case of *Greenpeace Nordic and Nature and Youth v. Energy Ministry* that Scope 3 emissions must be considered in environmental impact assessments to protect human rights.
- Such cases can cause projects to be delayed or abandoned, or may simply result in proponents resubmitting an environmental impact assessment and receiving a further permit.



Supporters cheering on the youth plaintiffs in the *Held v. State of Montana* trial. Photo: Robin Loznak, courtesy of Our Children's Trust.

‘Polluter pays’ cases seek monetary damages from defendants based on an alleged contribution to harmful climate change impacts:

- 5 new cases were filed in 2023. 34 cases have been filed since 2015, mostly in the US.
- Many of the ‘climate liability lawsuits’ filed by subnational governments in the US against the so-called Carbon Majors moved a step closer to trial in 2023 when the US Supreme Court declined to hear arguments about whether the cases should proceed in state or federal court.
- In September 2023, California became the largest subnational government to file a climate suit, which it brought against five Carbon Major oil companies and the American Petroleum Institute. The state claims it seeks to hold oil companies accountable for what it describes as “decades of deception”.
- The case of *Falys v. Total*, in which a Belgian farmer is suing French energy giant Total for climate damages, became the third polluter pays case filed in Europe.

‘Corporate framework’ cases seek to disincentivise companies from continuing with high-emitting activities by requiring changes to group-level policies and corporate governance:

- 3 new cases were filed in 2023, and 22 such cases have been recorded to date, all outside the US.
- These cases are usually linked directly to the Paris Agreement goal of limiting warming to 1.5°C or to the related concept of net zero.
- In February 2024 the New Zealand Supreme Court overruled the Court of Appeal’s previous decision to dismiss the case of *Smith v. Fonterra*. This is an important example of a corporate framework case that is now likely to proceed to a full trial.

‘Failure to adapt’ cases challenge a government or company for failing to address climate risks:

- 8 new cases were filed in 2023, and 64 such cases have been recorded since 2015.
- In 2023 Friends of the Earth supported two members of the public in filing a lawsuit against the UK government over its Third National Adaptation Programme.
- Increasingly, the physical and mental health impacts of climate change are becoming the focus of this type of litigation.

‘Transition risk’ cases concern the (mis)management of the low-carbon transition by directors, officers and others tasked with ensuring the success of a business:

- 1 new case was filed in 2023 and just 17 such cases have been recorded since 2015.
- This is a new category of cases introduced this year to reflect an increase in litigation over the management of risk.
- In December 2023 the Polish energy company Enea indicated its intention to sue several former directors who had supported Enea’s investments in the cancelled Ostroleka C coal-fired power station project.

“‘Transition risk’ cases were introduced as a new category this year to reflect an increase in litigation over the management of the low-carbon transition.”

'Climate-washing' cases challenge inaccurate government or corporate narratives regarding contributions to the transition to a low-carbon future:

- 47 new cases were filed in 2023, and more than 140 such cases have been filed to date, making this one of the most rapidly expanding areas of climate litigation.
- Climate-washing cases have often centred on claims around the climate neutrality of products and services, with several recent claims relating to transport.
- Cases can also involve financial products and services. For example, in 2023 Australia's Federal Court ruled that [Vanguard Investments Australia's](#) claims about an ethical bond were false and misleading.

'Turning off the taps' cases challenge the flow of finance to projects and activities that are not aligned with climate action:

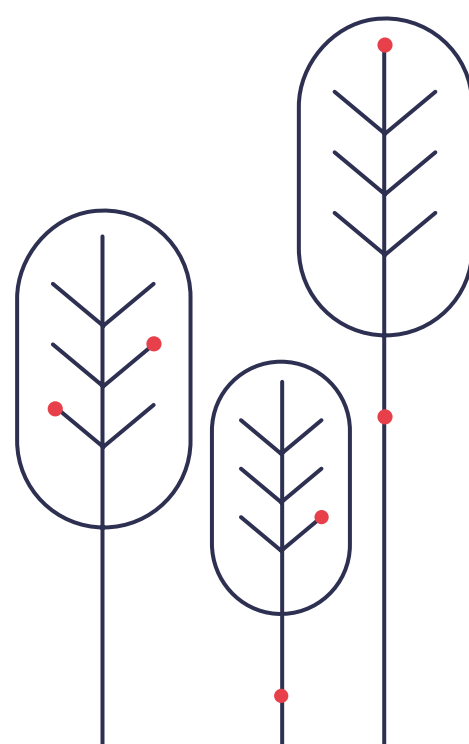
- 6 new cases were filed in 2023, and 33 such cases since 2015 have been recorded.
- In *Jubilee v. EFA and NAIF*, an Australian NGO is seeking to force government bodies to disclose impact assessments for investments that subsidise fossil fuels.
- Non-judicial proceedings include communications by UN experts on the responsibilities of the financial backers of Saudi Aramco under the UN Guiding Principles on Business and Human Rights, and a complaint with the American National Contact Point against insurance broker Marsh challenging the East African Crude Oil Pipeline planned by TotalEnergies in Uganda.

Direct judicial outcomes in climate-aligned strategic cases vary

We have assessed the 'success rate' of four key types of strategic cases:

- **Government framework:** Around 60% of these cases have at least one judicial decision. Of these, one-third have outcomes positive for climate action, while two-thirds have had outcomes that, from the perspective of the claimants, are anticipated to be negative for climate action. Despite the low proportion of successful cases, government framework cases have been shown to have significant consequences for climate governance.
- **Polluter pays:** Early polluter pays cases filed in the US before 2015 were unsuccessful. However, the vast majority of the 33 cases filed since then remain open. The case of *Lliuya v. RWE* has advanced furthest through the evidentiary process and may be the first to receive a substantive decision on its merits.
- **Corporate framework:** Success has been seen in the case of *Milieudefensie v. Shell*, in which Shell was ordered to increase the ambition of its emission reduction targets, but several cases against car manufacturers in Germany have been dismissed by appellate courts.
- **Climate-washing:** Decided cases have mostly yielded positive outcomes. More than half of the nearly 140 climate-washing cases filed from 2016 to the present have reached official decisions, and 54 of these 77 cases (i.e. 70%) have concluded in favour of the claimant.

"47 new climate-washing cases were filed in 2023, and more than 140 such cases have been filed to date, making this one of the most rapidly expanding areas of climate litigation."



Not all climate action is aligned with climate goals

Nearly 50 of the more than 230 recorded cases filed in 2023 include non-aligned arguments. The vast majority of these were filed in the US. At times, actors involved in such cases appear to be intentionally seeking to use legal tactics to obstruct climate action, such as:

- **Environmental, social, governance (ESG) backlash cases**, in which tactics used by litigants in climate-aligned cases are turned against them. In 2023, there were significant cases alleging breaches of fiduciary duties related to the integration of climate risk into financial decisions and allegations concerning deceptive practices, such as *Spence v. American Airlines* and *State ex rel. Skremetti v. BlackRock*.
- **Strategic litigation against public participation (SLAPP) suits** brought against activists and others who speak out about climate change and the environment, such as cases filed by Shell and Total against Greenpeace and other NGOs.

Not all non-aligned cases aim to obstruct climate action. We also see:

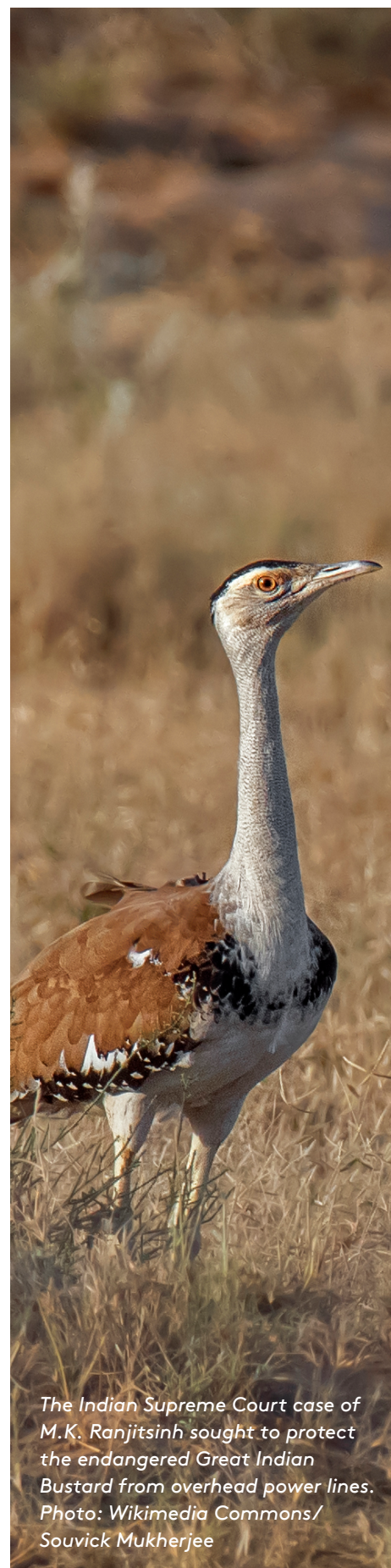
- **'Just transition' cases** challenging how climate action is designed, rather than opposing the need for such action. These cases are filed by individuals, communities or labour groups who consider climate action a threat to human rights: for example, the communication by a group of UN Special Rapporteurs to France over the development of 'mega-basin' projects, which impact small-scale farming and biodiversity.
- **'Green v. green' cases** involving apparent trade-offs between the need to protect biodiversity and projects or policies that are introduced on climate grounds. An example is the Indian Supreme Court case of *M.K. Ranjitsinh and Others v. Union of India*. There are signs that some of these cases may be used to prevent climate action.

There are indications that just transition and green v. green cases may sometimes be promoted by bad faith actors involved in climate obstruction.

Climate litigation beyond the courtroom

Climate litigation impacts extend beyond courtroom decisions, influencing policy, governance and public discourse. There are groups of key actors that both contribute to and experience these impacts:

- **Courts can have influence beyond their decisions.** Courts are playing a pivotal role in climate policy, publicising climate science through public hearings and their rulings.
- **Climate litigation has spurred legislative reforms.** Some legislatures are also now debating and passing legislation on corporate accountability using similar attribution science to that used in climate cases.
- **Financial regulators are increasingly aware of and highlighting climate litigation risk.** Central banks and financial regulators are being urged to adapt to these evolving risks.
- **The insurance sector is starting to respond to litigation risk.** Insurance and reinsurance firms face major challenges from climate litigation, necessitating a re-evaluation of risk management strategies.
- **Climate litigation is impacting the broader legal profession.** Professional associations are guiding law firms to align with net zero targets and integrate climate risk into client advisories, acknowledging the ethical responsibilities of legal professionals. Legal and consulting firms also face growing risk from climate litigation.



The Indian Supreme Court case of *M.K. Ranjitsinh* sought to protect the endangered Great Indian Bustard from overhead power lines. Photo: Wikimedia Commons/ Souvick Mukherjee

Future trends in climate litigation

We anticipate the following future trends:

- **Post-disaster cases:** Legal disputes are emerging over recovery efforts following climate disasters, exemplified by a case in Puerto Rico challenging the reconstruction of fossil fuel-based infrastructure.
- **Ecocide and criminal law:** The concept of 'ecocide' is gaining traction, with new legislation in Belgium and proposed EU directives addressing environmental crimes, which may influence future climate litigation.
- **Environmental and climate litigation synergies:** Climate litigation strategies are increasingly applied to environmental cases, such as plastic pollution. Rights-based environmental cases are also incorporating climate arguments, indicating a convergence of legal approaches.

Conclusion

The field of climate litigation continues to grow and diversify but the number of new cases filed each year may be stabilising. The slowdown may be due to a shift towards fewer, more strategic cases – but this could be temporary. Few cases employing corporate framework strategies and polluter pays strategies have yet achieved final resolution – they could inspire similar cases if they succeed in key jurisdictions. Additionally, new case strategies may evolve rapidly, as has been the case with climate-washing cases.

Significant regional differences persist. The US stands out not only in the number of cases filed but also in trends within cases, such as a higher prevalence of non-climate-aligned cases and proportionally fewer cases against companies. Another distinctive feature of the US is that recent cases focused on climate-related financial risk have been largely non-climate-aligned, which may indicate future changes in the broader field as US litigation often sets globally adopted precedents. The rise of ESG backlash cases in the country could spread elsewhere, although the driving forces behind them, including the polarisation of state government politics, may be unique to the US.

Determining the overall impact of climate litigation remains challenging. Some types of cases, such as government framework cases, have demonstrably influenced domestic climate policy. However, the long-term effects of others, such as climate-washing cases, remain unclear. Nevertheless, climate litigation is undeniably driving a shift in thinking and behaviour across various stakeholders, from legal professionals to regulators, financiers and insurers. Understanding the true scope and nuance of these changes remains an urgent challenge.

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