Global trends in climate change litigation:

2025 snapshot

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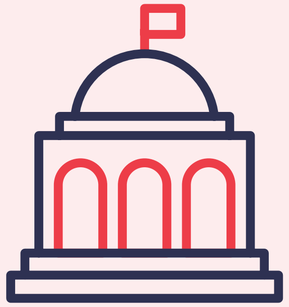


Key insights

1. At least 226 new climate cases were filed in 2024, bringing the total number of cases filed to date to 2,967 across nearly 60 countries globally. Over 80% of 2024 case filings can be considered strategic.

2. While the number of cases continues to grow, the overall rate of growth slowed during the year. But the United States, historically the country with the highest numbers of cases filed year on year, appears to maintain a stable rate of activity. 164 cases were recorded in the US in 2024.

3. Political headwinds are changing the landscape of climate litigation globally, particularly in the US. Of the 226 cases filed in 2024, 60 cases were classified as involving an argument not aligned with climate goals. Many of these question governments' authority to pursue a proposed climate policy, or companies' environmental/social/governance (ESG) agendas.

4. Climate litigation in the Global South is in a phase of dynamic growth. Almost 60% of cases recorded were filed since 2020. Understanding litigation in these jurisdictions requires a broader approach that includes cases where climate change is a peripheral issue.

5. In the Global South, governments, regulatory agencies and public prosecutors are playing a key role in climate litigation developments. In 2024, 56% of cases were initiated by government bodies. This signals a shift towards enforcement actions and cases seeking compensation for localised climate damages, such as from deforestation in Brazil.

6. On international climate litigation, the International Tribunal on the Law of the Sea issued its advisory opinion in May 2024, confirming that states have stringent obligations to prevent, reduce and control greenhouse gas emissions from marine sources. Pending opinions could reshape interpretations of climate obligations under international law and spark new litigation.

7. Between 2015 and 2024, 276 climate-related cases reached apex courts – such as supreme and constitutional courts – globally: 117 in the US and 159 elsewhere. More than 80% of these cases involve government defendants, but cases against corporate defendants appear to have a higher overall success rate.

8. As climate litigation continues to mature as a field, attention will turn to implementation of judgments hailed as landmark wins for the climate movement. In 2024, significant attention turned to the implementation of the *KlimaSeniorinnen* judgment.

9. Around 20% of climate cases filed in 2024 targeted companies, or their directors and officers. The range of targets of corporate strategic litigation continues to expand, including new cases against professional services firms for facilitated emissions, and the agricultural sector for climate disinformation.

10. Highly anticipated decisions in corporate climate cases including *Milieudefensie v. Shell* and *Lliuya v. RWE* affirmed that companies have a duty to contribute to combatting climate change and in principle, they can be held liable for climate-related harm. However, these cases faced legal evidentiary hurdles.

11. The question of whether downstream or 'Scope 3' emissions from fossil fuel projects must be considered by decision-makers came into sharper focus in 2024. It seems likely that courts may increasingly insist on more rigorous scrutiny for high-emission projects through environmental impact assessments.

12. The broader impacts of climate litigation are becoming increasingly visible and well-documented. This includes impacts on climate governance, legislation and financial decision-making.

Summary

This report focuses on key trends and evolutions in global climate change litigation from the calendar year 2024, while also highlighting important new developments through to May 2025. It provides a numerical analysis of how many cases have been filed, where and by whom, and a qualitative assessment of trends and themes in the types of cases filed. We present the topline findings and analytical points in this summary.

Saúl Luciano Lliuya gives a statement after the verdict announcement in *Lliuya v. RWE*

Photo: Alexander Luna

Climate litigation has entered a more mature and complex phase

Climate litigation continues to evolve and mature as a field and it remains a global phenomenon. Cases have been identified in nearly 60 countries in total, with Costa Rica newly joining the list in 2024.

The total number of cases filed between 1986 and 2024 displayed in our dataset reached 2,967 by the end of 2024 (1,899 in the US and 1,068 elsewhere around the world); our data is drawn primarily from the Sabin Center for Climate Change Law's Climate Litigation Databases (US and Global). Over the past decade, litigation has played an increasingly prominent role in the domestic implementation of the Paris Agreement. Case filings rose sharply from around 120 in 2015 to over 300 in 2021. In 2024 the pace of new filings appears to have stabilised, at least outside of the US, with nearly 230 cases recorded in 2024 (164 recorded in the US database and 62 in the Global database). The US remains the country with the highest number of cases filed year on year, followed by Australia, the UK and Brazil.

The field continues to diversify in terms of legal theories, actors and strategic approaches. Cases that we classify as 'strategic litigation' remain relatively constant, with 187 cases filed in 2024. In these cases, claimants [plaintiffs] seek to both win the individual case and influence the public debate or change the behaviour of a targeted group of actors in relation to climate action. Cases addressing climate issues peripherally (e.g. localised environmental disputes or sector-specific litigation) are also likely to be increasing, but these are not comprehensively captured in existing databases. Understanding the complexities of climate litigation requires closer attention and engagement with these cases.

Climate litigation in the Global South is undergoing a phase of dynamic growth

Strong growth is evident in jurisdictions across the Global South, particularly in the higher-emitting emerging economies of Brazil, South Africa and India; distinct litigation patterns are emerging, especially involving constitutional and environmental rights. More than 260 climate cases have been recorded to the end of 2024 in Global South jurisdictions, accounting for around 9% of all cases tracked globally. Notably, almost 60% of these were filed between 2020 and 2024. Recent years have also seen significant developments in China, with courts handling more than 500 cases dealing with carbon market regulation, contracts related to the energy transition, and the protection of carbon sinks, though these are not yet captured in global climate litigation databases. Although the majority of new climate cases globally continue to be filed by NGOs, individuals or the two acting together, government bodies, regulators and public prosecutors are playing vital roles in litigation in the Global South. In 2024, 56% of cases in the Global South were initiated by government bodies, compared with only 5% of cases in the Global North.

Developments in international law are reinforcing climate obligations

Four advisory proceedings at key international courts are advancing efforts to clarify states' legal duties on climate change. The International Tribunal for the Law of the Sea (ITLOS) confirmed in May 2024 that states must reduce marine pollution from greenhouse gases, a finding already cited in at least one domestic case. Advisory opinions from the Inter-American Court of Human Rights and the International Court of Justice are expected later in 2025. In May 2025, civil society groups also submitted the first climate-related petition to the African Court on Human and Peoples' Rights, seeking guidance on African states' human rights obligations in the context of climate change.

Political shifts are reshaping the litigation landscape

Since the Trump–Vance administration took office in the US in January 2025, a wave of litigation aimed at contesting executive actions to roll back climate policy has arisen. However, the federal government is also taking an increasingly aggressive stance against state-led climate action and has begun filing non-climate-aligned cases. State-level legislation and market forces may continue to drive climate action, and this may give rise to new litigation trends, including cases challenging the federal government's refusal to permit renewable energy infrastructure or its obstruction of climate-related investments.

In Europe, regulatory uncertainty is also deepening. The EU's 'omnibus packages' propose major revisions to sustainability rules, including the weakening of Article 22 of the Corporate Sustainability Due Diligence Directive, which requires companies to implement Paris-aligned transition plans.

Apex courts are playing a pivotal role in shaping climate governance

Supreme and constitutional courts are increasingly being called upon to interpret climate obligations. From 2015 to the end of 2024, 276 climate-related cases reached apex courts globally – 117 in the US and 159 elsewhere. The US is the country where the most climate cases have reached apex courts, reflecting both its large volume of overall litigation and the structure of its federal and state court systems. Outside the US, jurisdictions with comparatively large numbers of cases tend to be those that recognise constitutional or fundamental rights linked to the environment, allow direct access to apex courts, or have strong public interest litigation mechanisms. Out of 250 cases with outcomes, almost 50% resulted in enhanced climate action, 40% hindered it, and just over 10% were neutral.

This body of jurisprudence reflects growing judicial engagement with complex legal questions around responsibility and enforcement. Rights-based claims have fared relatively well in Latin America and South Asia, with several landmark victories. By contrast, courts in Europe and North America have shown more restraint, often refusing to hear substantive arguments in cases. For example, 11 subnational petitions to Germany's Constitutional Court were all refused permission to proceed to trial in 2022. Nonetheless, rights-based arguments have achieved wins in every region of the world – including at the state level in the US, in the *Held v. Montana* and *Navahine F. v. Hawai'i Department of Transportation* cases.

Corporate actors face growing scrutiny

Globally, around 20% of climate cases filed in 2024 targeted companies or their directors and senior officers. While this reflects a modest decline in these actors being targeted compared with 2023, the range of sectors and issues involved has continued to expand. Expanding fronts include companies in the animal agriculture, food retail and professional services sectors. At least 40 cases were filed between 2010 and 2024 seeking to address emissions associated with animal agriculture.

Efforts to hold major emitters financially accountable for climate-related harm continue to drive academic and legal innovation. New databases tracking 'climate damage' and 'loss and damage' cases, along with emerging research estimating the potential liability of major US carbon companies, have added important depth to the field. While climate liability laws are not in force and payouts are likely to be gradual, the financial risks are increasingly viewed as material for investors and financial institutions.

Around 20% of climate cases filed in 2024 targeted companies or their directors and senior officers

276
climate-related cases reached apex courts globally

117
in the US

159
elsewhere

Claimants in *Held v. Montana* on their way to court to testify in the first youth-led climate trial in US history, a case they ultimately won in 2024 at the District Court, with the ruling upheld by the Montana Supreme Court.
Photo: Robin Loznak, Our Children's Trust

Climate-aligned strategic cases use diverse case strategies

We have identified several strategies in climate-aligned strategic cases and provide an overview below of the number of cases employing each strategy and significant current or recent cases.

Government framework cases remain a central pillar of climate litigation, with over 120 such cases filed globally since 2015:

- 14 new cases were filed in 2024, many learning from earlier successful challenges to refine strategy.
- A landmark ruling in South Korea marked the first successful government framework case in East Asia (*Do-Hyun Kim et al. v. South Korea*), while other courts in Europe and Latin America continue to grapple with implementation challenges. The European Court of Human Rights' ruling on the *KlimaSeniorinnen v. Switzerland* case has added new complexity, prompting debates around national emissions targets and 'fair share' obligations. However, the enforcement of government framework judgments remains uneven.

Integrating climate considerations cases continue to be the most commonly filed strategic cases, particularly targeting individual fossil fuel projects:

- 97 new cases were filed in 2024.
- A wave of influential rulings in Europe, including the UK Supreme Court's decision on *Finch v. Surrey County Council* and the Norwegian Supreme Court's ruling suspending North Sea oil field approvals, has advanced the judicial treatment of Scope 3 emissions. An advisory opinion issued by the European Free Trade Association (EFTA) Court in May 2025 confirms that Scope 3 emissions constitute "effects" of a project and may spark further litigation.
- Yet, even where courts order that approvals for fossil fuel projects be reconsidered and account for relevant climate considerations, projects may still proceed under current law and policy. Equally, even where a positive outcome has materialised in one case, a similar outcome might not happen in others.

Polluter pays litigation is expanding both conceptually and geographically:

- Between 2015 and 2024, more than 80 polluter pays cases were filed, including 11 in 2024.
- Although no case has yet succeeded in directly linking a company's global emissions to specific climate impacts, important progress is being made in cases involving climate damages for localised environmental damage (e.g. four landmark rulings in Brazil required individuals responsible for illegal deforestation to pay compensation for climate damages, based on the CO_2 emissions caused by deforestation).
- In Germany the ruling by the Higher Regional Court of Hamm in *Lliuya v. RWE* in May 2025 confirmed a powerful legal principle: companies can, in principle, be held legally liable for the harm caused by their contribution to climate change.

Corporate framework cases, which challenge companies' group-wide strategies, are generating growing attention:

- Nearly 25 such cases were recorded between 2015 and 2024, all of them filed outside the US. Four were filed in 2024.
- Legal diversity is increasing, from tort-based claims in Germany and Japan to due diligence obligations in France. However, while courts have recognised that companies may have obligations to mitigate the climate impacts of their activities, to date they have been reluctant to impose hard emissions targets, as reflected in the Dutch Court of Appeal's decision partially reversing the lower court's decision in *Milieudefensie v. Shell*.

Failure-to-adapt cases, targeting state or private actors for ignoring foreseeable climate risks, remain underdeveloped but are gaining traction:

- 80 cases were recorded between 2015 and 2024 with seven new cases filed in 2024.
- A key defeat in the UK case of *R (Friends of the Earth Ltd, Mr Kevin Jordan and Mr Doug Paulley) v. Secretary of State for Environment, Rood & Rural Affairs* illustrates the challenge of securing robust rulings on adapting to climate change in the absence of clear legal standards. While litigation on mitigating climate change increasingly draws on measurable targets such as carbon budgets, courts remain more hesitant to scrutinise adaptation planning in the absence of equivalent standards.
- Other types of cases emerged in 2024, including shareholder derivative actions following extreme weather events, and cases concerning climate-induced migration.

Transition risk litigation, a newer category identified in our reports, is expanding beyond high-emissions sectors to include pension funds and bank regulation:

- Only one case was filed in 2024, in South Korea (*Kim Min et al. v. Kim Tae-Hyun et al.*). The case challenges the national pension fund, alleging that it has failed to manage the risk of stranded assets. A decision by the Australian Competition Tribunal regarding the acquisition of Suncorp Bank by ANZ in February 2024 also highlighted the importance of climate-related transition risks in long-term business resilience.
- While transition risk cases remain rare, they illustrate how legal arguments around climate-related risks are becoming more embedded into financial decision-making. However, new regulatory and political uncertainty about the pace of the transition in several jurisdictions may mean that fewer transition risk cases are filed in 2025.

Climate-washing cases remain the most widely used strategy in corporate litigation, though the rate of filings slowed down in 2024:

- 25 cases were filed in 2024, bringing the total to just over 160 cases, many filed between 2020 and 2024.
- Although many cases continue to be filed against companies in high-emitting industries, companies and financial services that market themselves to sustainability-conscious consumers are also the subject of complaints.
- High success rates suggest that these cases remain effective tools for holding companies accountable, but they also risk fuelling 'greenhushing' behaviours (where companies reduce their sustainability messaging to avoid legal scrutiny).

Turning-off-the-taps cases continue to raise the profile of climate change among financial institutions, particularly pension funds:

- Seven cases were filed in 2024, bringing the total to more than 40 cases filed from 2015 to 2024.
- Increasingly, civil society is using litigation to push for systemic decarbonisation and protection of human rights across financial value chains. An important new case is *Milieudefensie v. ING*, filed in March 2025 before the Amsterdam District Court.
- However, there is regional variation in outcomes of these cases. A notable decision in 2024 illustrating challenges in US cases is *Dawson v. Murphy*. The court rejected claims that the state pension fund's investments in oil and gas companies violated the claimants' constitutional rights and fiduciary protections.

New cases filed in 2024

14
Government framework

97
Integrating climate considerations

11
Polluter pays

4
Corporate framework

7
Failure-to-adapt

1
Transition risk

25
Climate-washing

7
Turning-off-the-taps

Not all climate litigation is aligned with climate goals

Climate litigation that opposes climate action also continues to diversify. In 2024, approximately 27% of newly filed cases featured non-climate-aligned arguments. The majority of these were filed in the US, where anti-regulatory and ESG backlash cases have become increasingly prominent. Legal strategies include challenges to new rules on climate-related financial disclosures, as well as lawsuits targeting voluntary climate pledges and sustainability labels under anti-trust and fiduciary duty laws. A small number of reactive lawsuits are also emerging, defending ESG-aligned policies from deregulatory pushback.

Alongside these, we identify a growing body of just transition and 'green v. green' cases, in which vulnerable communities or environmental groups challenge climate mitigation or adaptation projects based on fairness, procedural deficiencies or biodiversity harm. These cases increasingly test how climate and other environmental goals can be balanced, and what procedural safeguards are required to ensure legitimacy. Courts are being asked to arbitrate not only on whether governments and companies act on climate, but also how they do so.

Climate litigation beyond the courtroom

Beyond the courtroom, litigation continues to shape climate governance, policymaking and finance. Rights-based litigation in particular has played a growing role in influencing national legal and policy frameworks. However, enforcement remains uneven, and implementation of judicial orders is often contested.

Climate litigation is also influencing legislation, particularly through the emergence of climate liability laws. In the US, 'climate superfund' laws adopted in New York and Vermont aim to recover adaptation costs and compensation for loss and damage from fossil fuel companies. However, these laws are now being challenged under the new Trump-Vance administration. A parallel bill in California proposing a private right of action for individuals and insurers to recoup losses directly from fossil fuel companies was also rejected by the California State Senate Judiciary Committee in April 2025, highlighting the political challenges of enacting such legislation. Meanwhile, in countries including the Philippines and Australia, litigation has prompted legislative proposals that reinforce duties of care, rights protections and corporate due diligence.

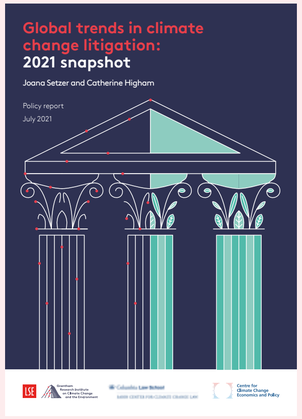
Finally, climate litigation is increasingly seen as a material financial risk, particularly for companies and financial institutions. Although most institutions are still in the early stages of integrating litigation into ESG risk frameworks, regulatory pressure continues to grow, and there is evidence that a handful of high-profile cases, such as permitting decisions for new oil and gas developments, are already affecting strategic decisions.

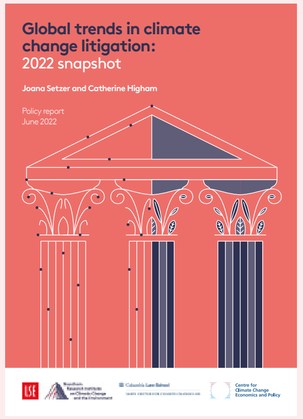
Introduction

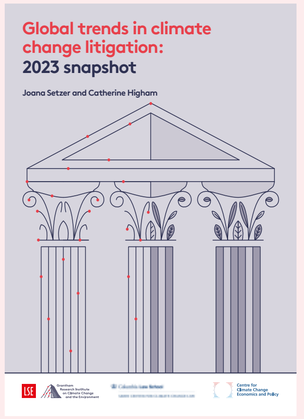
Over the past seven years, the Grantham Research Institute has published annual snapshot reports in its *Global trends in climate change litigation* series. Each report provides a synthesis of the latest developments and research in the climate change litigation field.[1]

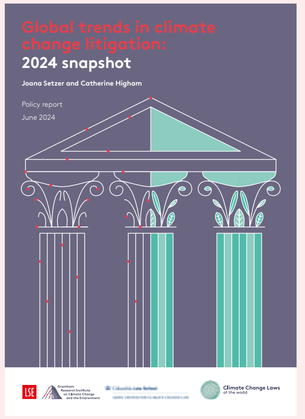
Focusing primarily on the calendar year 2024, the 2025 report provides both a numerical analysis of known filed climate litigation cases, and a qualitative assessment of trends and themes in the types of cases filed. While the numerical analysis concerns cases filed until the end of 2024, we also provide commentary on high-profile cases filed or decided in the first five months of 2025.

[1] Previous reports can be accessed at www.lse.ac.uk/granthaminstitute/litigation/









Box A

Data sources

The primary sources of data for this report are the two Climate Change Litigation databases maintained by the Sabin Center for Climate Change Law (see further Annex 1). The first contains all climate cases filed in the US before state and federal courts. This database contains just under **two-thirds of all identified climate cases around the world to date.** The second 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, historic 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 from around the world who track climate litigation within specified geographical areas and participate in ongoing information- and knowledge-sharing and dialogue about climate litigation.

While analysing all cases in the Sabin Center's databases allows us to provide quantitative data and analysis of known climate cases around the world, we acknowledge that the existing data is not exhaustive or comprehensive. Nonetheless, the databases offer a diverse and cross-cutting sample of cases covering a wide range of geographies, levels of government, types of actor and types of argument, enabling observations to be made about trends and innovations in cases and countries.

As the field of climate litigation has grown and matured, a range of other more targeted databases have been created, including several with specific geographical focuses, such as:

- The University of Melbourne's database of Australia and Pacific Climate Change Litigation
- The Brazilian Climate Litigation Platform maintained by JUMA at the Pontifical Catholic University of Rio de Janeiro (PUC-Rio)
- The Argentine Observatory of Climate Litigation maintained by the National University of Litoral
- The Platform of Climate Litigation for Latin America and the Caribbean maintained by AIDA Americas.

Other databases have a thematic focus, such as databases on loss and damage cases and human rights and climate change cases, run by NYU Law School's Climate Litigation Accelerator, and the climate and human rights database maintained by the Climate Rights and Remedies Project at the University of Zurich.

Where pertinent, we refer to figures and analysis drawing on these additional databases; however, we have not included data drawn from these sources in our overall numerical analysis due to differences in definition and data collection methods. Please see further discussion in Annex 1: Methodological notes.

Defining climate change litigation

In this report 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 is the definition that the Sabin Center uses in defining which cases to include in its Climate Change Litigation Databases, which we take as the basis for our quantitative analysis and, to a large extent, our qualitative analysis.[2]

This definition allows a clear line to be drawn around the body of cases that are most directly concerned with climate change. However, it also places limits on our understanding of how litigation and the courts may interact with climate change governance. For example, scholars have long noted that the emphasis on the centrality and materiality of issues of climate science or law may skew data collection towards cases focused on mitigating climate change from the Global North, neglecting important cases relating to adapting to climate risks and impacts in the Global South[3] (Peel and Lin, 2019; Field, 2024; Lin and Peel, 2024). This bias can be exacerbated by the fact that linguistic barriers and incomplete or inaccessible electronic court records in several countries further obscure the full picture.

Similarly, the emphasis on whether the parties or the court directly reference climate change can mean that we do not consider cases brought on other types of environmental grounds, which could nonetheless have a significant impact on emissions (Hilson, 2010). For example, challenges to new coal mines or airports on air pollution or noise pollution grounds could have a significant impact on the profile of a country's greenhouse gas emissions but would not be captured in the databases unless climate change were explicitly referenced.

Photo: Colin Lloyd, Unsplash

[2] To some extent, the definition involves taking a relatively broad approach to the question of what constitutes 'litigation'. The Sabin databases include notable examples of investigations, communications by domestic and international bodies, complaints to regulators, requests for prosecution and enforcement actions. This enables the user to explore how such proceedings are being used as a tool to advance a variety of climate change-related agendas, often acting as a testing ground for litigation that later makes its way before the courts themselves.

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

Focus on strategic litigation

The report focuses primarily on the use of 'strategic litigation' and legal campaigning in the climate context. Strategic litigation can be understood as litigation where the claimant seeks to both win the individual case and influence the public debate or change the behaviour of a targeted group of actors in relation to climate action. Such litigation builds on a long history of actors pursuing social and environmental reform through litigation and the courts, and has taken a prominent place in the tactics of the climate movement in the absence of ambitious, sustained and urgent policy action. Focusing on cases where litigants appear to be seeking to advance a broader climate action agenda aids understanding of how litigation is shaping the "outcomes and ambition" of climate governance (IPCC, 2022). This provides a strong foundation from which to explain the possible impacts of climate cases for policymakers involved in different aspects of climate governance.

The emphasis on strategic litigation and legal campaigning also offers us an opportunity to understand another important facet of the body of climate cases: that the courts are available to a variety of actors. Litigation can be used by those seeking to advance climate action, pushing governments and companies to do more to address the climate crisis and holding them to account. We call this kind of litigation '**climate-aligned**'. However, litigation can also be wielded as a tool by those who seek to delay or prevent climate action from occurring. While early examples of this tended to be more closely aligned with clearly 'anti' climate action agendas and messaging, in recent years this phenomenon has become more complex. Actors may not seek to oppose climate action outright, but rather to challenge the way climate policy is being implemented. We call this '**non-climate-aligned**' litigation.

While there is a lot to be gained from our focus on strategic cases, the approach is not without its drawbacks. First, an overemphasis on strategic cases that aim to advance climate action may result in presenting too simplistic a view of a highly complex phenomenon, leaving out "messy legal realities" and neglecting key aspects of the story about how climate change interacts with the law (Fisher, 2025). Second, this focus presents methodological challenges. We do not always know the intentions of the parties bringing climate cases, and our inferences about which cases should properly be considered strategic may be incorrect at times (see further Annex 1).

> **"Strategic litigation builds on a long history of actors pursuing social and environmental reform through litigation and the courts, and has taken a prominent place in the tactics of the climate movement in the absence of ambitious, sustained and urgent policy action."**

Box B.

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 claimant [or plaintiff] seeks to both win the individual case and influence the public debate or change the behaviour of a targeted group of actors in relation to 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 change 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 the action is being carried out.

Structure of the report

Part I provides an overview of overall case numbers, including cases by year of filing and geography, and an analysis of the key actors involved in climate litigation. This year we include new analysis of cases that have reached apex courts – such as supreme courts, constitutional courts and their equivalents – which helps us to better understand trends in the most influential jurisprudence as the field matures.

Part II takes a closer look at climate-aligned strategic cases, identifying key strategies used in these cases, and commenting on their direct judicial outcomes. We also signpost key filings and decisions from 2024, as well as noteworthy developments from early 2025.

Part III explores developments in non-climate-aligned cases, focusing on the types of cases filed in 2024, and explaining the nuance and variety among this group of cases.

Part IV explores the impacts of climate litigation beyond the courtroom. We focus on three areas of impact: impact on climate governance, impact on and interaction with new legislation, and impact on financial markets and corporate behaviours.

Note about references:
We have hyperlinked our in-text citations wherever possible but also provide a full references list in a separate annex, available at www.lse.ac.uk/granthaminstitute/wp-content/uploads/2025/06/Global-Trends-in-Climate-Change-Litigation-2025-snapshot_ANNEXES_methodologyreferences.pdf.

Part I.

The global landscape of climate cases

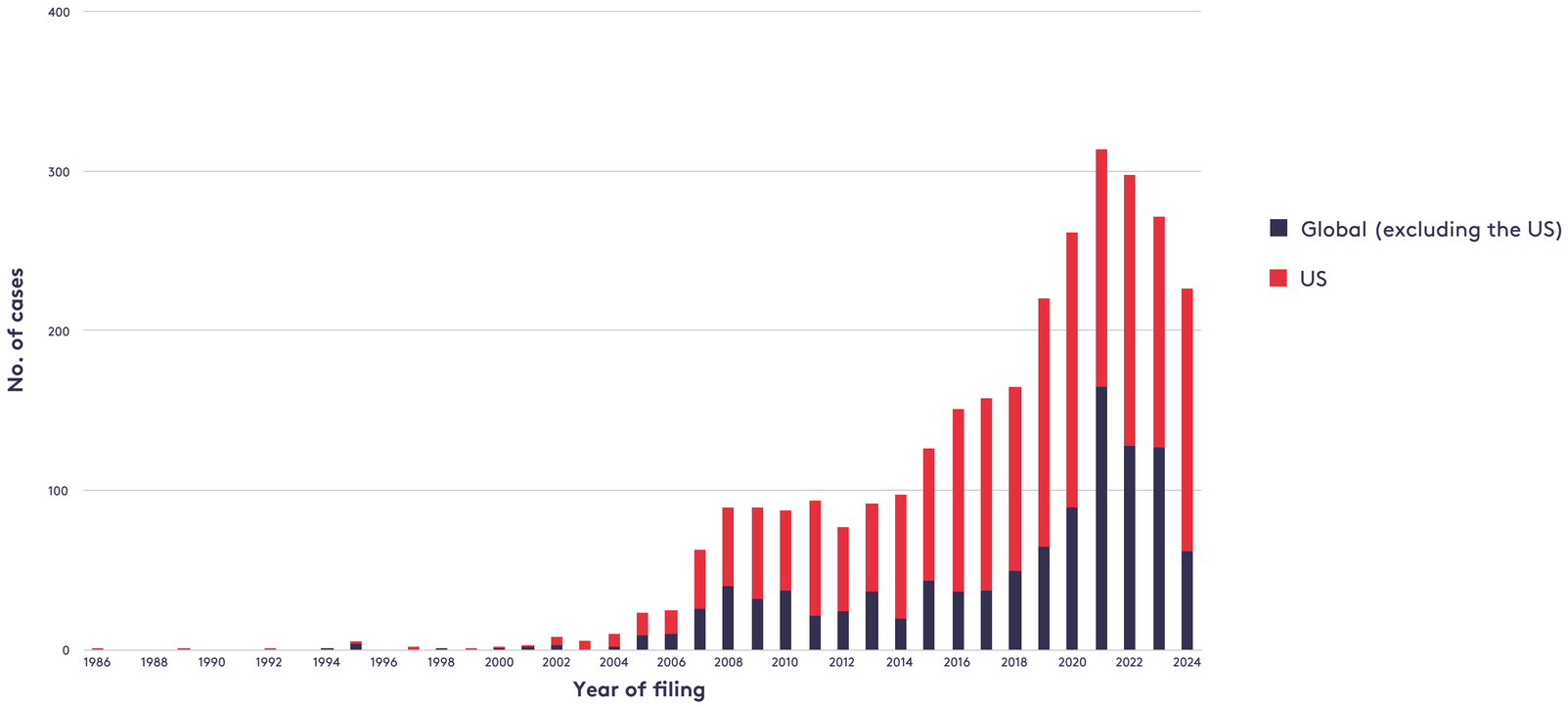
This section provides an update on key metrics regarding climate litigation. We start by discussing the overall number of cases and the pace at which new cases are being filed. We then provide a geographical breakdown of cases, focusing on jurisdictions where cases are frequently filed, discussing trends in climate cases in the Global South, and providing an overview of trends in international and regional cases. We then provide an assessment of the actors involved in climate cases, emphasising the growing focus on climate litigation against corporate actors from a range of different sectors.

The field of climate litigation continues to evolve and mature. Our focus on cases as they are filed must be complemented by an understanding of the decisions and jurisprudence rendered as a result. This year, in addition to considering trends in cases filed, which provides a picture of how and why different actors are turning to the courts in matters relating to climate change, we also look at trends in cases heard by apex courts – such as supreme courts, constitutional courts and their equivalents. This additional analysis provides an initial outline of the types of arguments reaching this level of judicial scrutiny, enhancing our existing analysis of the outcomes in the broader body of climate cases.

Rate of growth in climate cases in 2024

The total number of cases filed between 1986 and the end of 2024 and added to the Sabin Center's databases has reached 2,967 (1,899 in the US and 1,068 elsewhere around the world). In the years following the signing of the Paris Agreement in 2015, climate litigation gained significant attention as a mechanism for pursuing the domestic implementation of the Agreement. In turn, there was a steep annual increase in the number of climate cases being filed each year: while the databases record around 120 cases filed in 2015, that number had nearly tripled by 2021. More recently, however, we have started to see a decline in the rate of newly filed cases being recorded: 226 cases have been recorded for 2024 (see Figure 1.1). Of these cases, 164 cases were recorded in the US database; at 62, the number recorded in the Global database was less than half the number of Global cases recorded for 2023.

Figure 1.1.
Number of climate litigation cases within and outside the US, 1986–2024



These figures suggest that although climate change continues to be a central issue in a wide range of proceedings before courts all over the world, the pace at which new cases are being filed may be continuing to slow down, at least outside the US (see Annex 1 for further discussion). The possible slowdown might, in part, be due to the diversification of case strategies over time, with more cases addressing climate issues only peripherally and thus not being captured in existing databases.

This breadth has exacerbated data collection challenges. For example, in China, litigation that involves over 500 cases addressing climate issues has been publicised by the Supreme People's Court, but not yet analysed and captured in global databases (see Box 1.2). Adopting a broader definition of climate litigation that includes cases 'relevant' to climate change would also increase the number of climate-relevant cases before the Court of Justice of the European Union from 43 to over 450 (Koistinen, unpublished manuscript), from 164 to over 600 in Australia (University of Melbourne, 2025), and from 15 to over 100 in Indonesia (Sulistiawati, 2024).

Climate cases have been filed in nearly 60 countries around the world

From a phenomenon that started in the US and other common law countries, climate litigation has now become a truly global phenomenon. Cases had been identified in nearly 60 countries around the world by the end of 2024 (see Figure 1.2). In 2024, two cases filed in Costa Rica were identified for the first time, one concerning the transparency of the country's commitments as set out in its nationally determined contribution (NDC), and another challenging the degree to which climate change is considered under the country's environmental impact assessment process.

The US remains the country with the highest numbers of cases filed year on year

The US leads the world in terms of the number of climate cases filed, with close to 2,000 cases involving climate change filed before both state and federal courts since the 1980s. Close to 170 of these cases were filed in 2024 alone. This figure is within a similar range to the numbers from the past five years (2020–24), which have tended to range from around 140 to 170, suggesting a relatively stable rate of activity in cases before US courts. As happened during Trump's first term, the 2024 election is likely to mark a significant change in the nature of US climate litigation over the course of the new administration (see Box 1.1).

"From a phenomenon that started in the US and other common law countries, climate litigation has now become a truly global phenomenon. Cases had been identified in nearly 60 countries around the world by the end of 2024."

Box 1.1

Climate litigation in the United States under the second Trump administration

Since President Trump took office for a second term on 20 January 2025, it has become clear that he will maintain and enhance the campaign of deregulatory activity on climate change issues that was waged in his first term; and that the courts will continue to be a critical site for contestation and challenge to that deregulatory campaign.

To better understand the possible trajectory of climate litigation in the US over the coming years, it is instructive to look back at Trump's first term. In a comprehensive review of cases involving federal law or federal policy from the four years of the first administration, Silverman-Roati (2021) identified several key trends: the majority of the cases (close to 90%) were filed by climate-aligned litigants seeking to a) defend the Obama administration's climate rules and actions, b) enhance climate protections, c) force increasingly disengaged or hostile federal bodies to consider climate issues in project or policy decisions, or d) challenge the withholding of information or defend climate science.

In early 2025, cases have been brought that seem to fall into some of these categories. These include cases over the withholding of information by federal agencies and challenges to the new administration's 'anti-science' position, such as ***Northeast Organic Farming Association of New York v. U.S. Department of Agriculture***, which led to the agency restoring the withheld information. They also include challenges to attempts to roll back Biden-era climate protections, such as a challenge to a Trump Executive Order trying to overturn a decision to withdraw areas of the US Outer Continental Shelf from future oil and gas development (***Northern Alaska Environmental Center v. Trump***).

This does not mean that climate litigation under the current administration will follow the same trajectory as during the first. As Gerrard (2024) notes, state-level regulation and market dynamics may continue to drive climate action despite federal resistance. California illustrates this potential: the state has long relied on waivers by the Environmental Protection Agency (EPA) under the Clean Air Act to set stricter vehicle-emission standards, supporting policies such as the state's planned 2035 ban on new gasoline-powered cars. Although there have been moves by the Trump administration and the House to revoke this authority, California may adopt alternative regulatory tools – such as registration fees or pollution-based charges – to maintain momentum on decarbonisation. In parallel, new litigation trends may emerge, including challenges to federal denials of permits for renewable energy projects.

A distinct group of cases is also emerging that are challenging the withdrawal of federal funding committed to climate-aligned projects and programmes under the Inflation Reduction Act, a piece of legislation that contains key provisions central to reinforcing the US's climate governance framework. For example, the NGO Earthjustice is supporting five farms in Maryland, Massachusetts and Mississippi to challenge the freeze on funds previously promised under the Rural Energy for America Programme, which would have supported measures such as the installation of renewable energy on farms. These can be understood as cases seeking to defend Biden-era rules and actions, with many parallels to similar cases filed in the first Trump administration seeking to defend Obama-era rules and actions. The Sabin Center, in partnership with the Environmental Defense Fund, has launched a new database to track these cases as part of its broader IRA tracker tool. At the end of May 2025, the database had recorded 21 climate-related actions.

Another difference may be in relation to non-climate-aligned cases. Under the first Trump administration, just over 10% of federal cases fell within this category; the majority of such cases were filed during the first two years (Silverman-Roati, 2021). In both 2023 and 2024, however, non-aligned cases made up more than a quarter of all climate cases captured in the US database (discussed further in Part III), with the vast majority (around 90%) of these non-aligned cases in both years involving matters of federal law. While many of these cases were lawsuits by industry groups or Republican states challenging federal climate action, others concern issues around "ESG investing" or challenges to state climate policies that claimants argue are incompatible with federal law. We believe that this type of lawsuit will remain common under the new administration, resulting in a greater number of non-aligned cases being filed during the next four years compared with Trump's first term.

Indeed, the federal government itself is filing an increased number of non-aligned cases. On 8 April 2025, President Trump issued an Executive Order titled "Protecting American Energy From State Overreach", instructing the Attorney General to take "all appropriate action" to prevent the enforcement of state laws and civil claims aimed at addressing climate change that are deemed to be "burdening the identification, development, siting, production, or use of domestic energy resources" or to be "unconstitutional" or "pre-empted by federal law". Among the key targets of this order are the 'polluter pays' lawsuits filed against fossil fuel companies (discussed in Part II).

As of 1 May 2025, the Attorney General had filed four cases – two challenging Vermont's and New York's climate superfund laws (discussed in Part IV) and two to block Hawai'i and Michigan from filing polluter pays suits against fossil fuel companies. Interestingly, the day after the Trump administration filed a lawsuit trying to stop Hawai'i, the state went ahead and filed its polluter pays lawsuit against the fossil fuel companies. While the long-term enforceability of this Executive Order remains uncertain, its near-term impact could create a "chilling effect" on local climate governance (Turner, 2025). The broader implications of these regulatory and political shifts are further explored in Box 1.5.

"The day after the Trump administration filed a lawsuit trying to stop Hawai'i, the state went ahead and filed its polluter pays lawsuit against the fossil fuel companies."

The US is followed by Australia, the UK, Brazil and Germany in overall case numbers

The US is followed by Australia (164 cases), the UK (133 cases) and Brazil (131 cases) in terms of the overall numbers of cases (up to the end of 2024). The earliest cases identified in Australia and the UK go back to the mid-1990s and both jurisdictions have seen a sustained history of climate cases since then. By contrast, the earliest case identified in Brazil was from over a decade later, and the vast majority of cases there (close to 100) have been filed since 2020, showing the staggeringly rapid pace of developments in the jurisdiction. This rapid growth in climate cases in Brazil in the past five years is similar to the trajectory seen in Germany, which is the country with the fifth highest number of cases in the world (69 cases), more than 60 of these filed since 2020.

Climate litigation in the Global South

A phase of dynamic growth

Climate litigation in developing countries across Africa, Latin America and the Caribbean, and Asia and the Pacific (collectively referred to as the 'Global South') is undergoing a phase of dynamic growth. An increasing range of actors – governments, NGOs, communities and individuals – are turning to the courts to address climate impacts, enforce environmental accountability and challenge unsustainable development pathways. To the end of 2024, more than 260 climate cases had been recorded in Global South jurisdictions, accounting for around 9% of all cases tracked globally (see Figure 1.3). Notably, almost 60% of these were filed in just the past five years (since 2020).

Around 25% of identified cases in the Global South involve companies among the defendants, while around 70% involve governments (the two are also frequently sued together). This broadly aligns with the main trends detected in litigation in the Global North.

Although relatively recent, this body of litigation is already demonstrating distinct patterns, particularly the use of constitutional rights and environmental laws as central legal tools. Government bodies, regulatory agencies and public prosecutors have played an increasingly proactive role in these cases, and institutional innovations are shaping new frontiers of climate accountability.

Figure 1.2.
Number of cases filed before national courts around the world (to end of 2024)

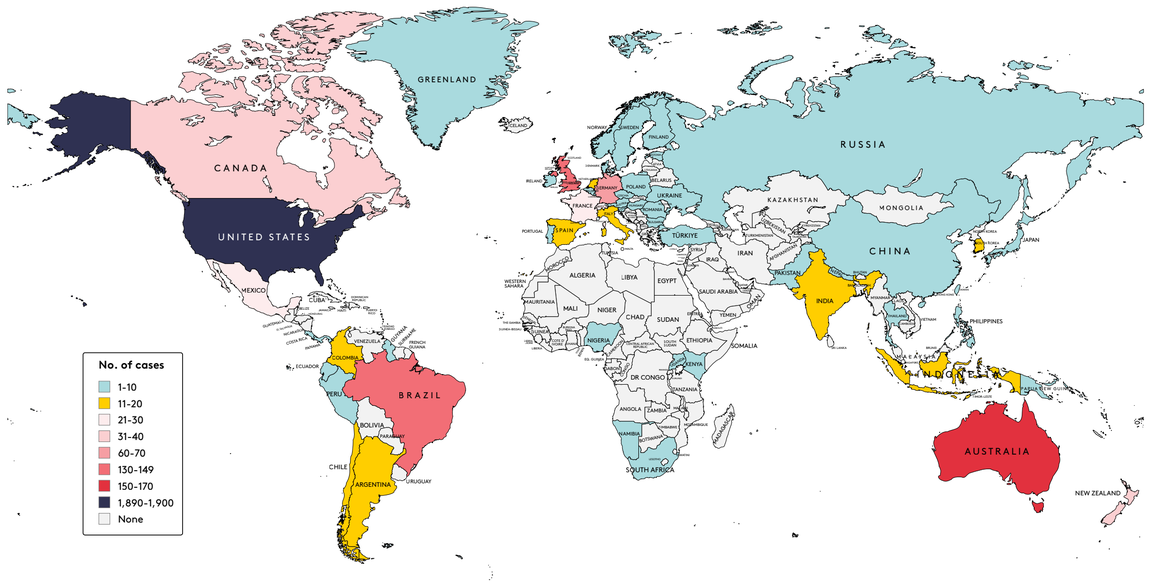


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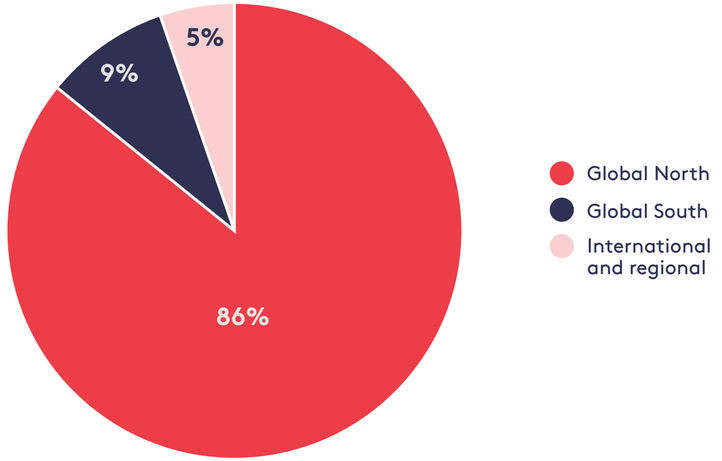
Figure 1.3.
Geographical distribution of case filings (to end of 2024)



Government and prosecutor-led litigation

Government claimants and regulatory agencies have been responsible for significant and novel developments in Global South climate litigation. To date, government bodies have initiated approximately 40% of all cases, whereas individuals, NGOs and both acting together are claimants in only 50% of Global South cases.[4] Notably, in 2024, only 5% of cases were initiated by government bodies in the Global North, compared with 56% of cases in the Global South.

This trend of government bodies bringing more climate cases signals a shift in enforcement strategies. In Brazil, for example, the Federal Prosecutor's Office (MPF) and the environmental agency (IBAMA) are increasingly bringing climate cases, including more than 30 lawsuits seeking climate damages from illegal deforestation in the Amazon (see below and Box 2.4). Similar trends are visible in Indonesia, where regulatory bodies have sought to recover the carbon costs of peatland destruction (Lin and Peel, 2024). In China, public interest prosecutors have filed hundreds of thousands of environmental claims, many aligned with the country's 'dual carbon' goals. According to the Supreme People's Court, 518 climate-related cases are currently underway, spanning areas such as carbon market regulation, energy transition contracts, and protection of carbon sinks (see Box 1.2).

[4]The remaining 10% are cases initiated by companies, political parties or tribal governments.

Box 1.2.

Climate litigation in China

In China, climate litigation has been encouraged by the state as a means to advance climate policy goals. China's courts and prosecutors are increasingly active in supporting these goals. Between 2014 and 2023, the number of environmental courts expanded from 134 to 2,813, handling nearly 1.9 million first-instance cases (Xinhua News Agency, 2024). More than 395,000 environmental cases were filed by public interest prosecutors between 2018 and 2023 (SPP, 2024). In 2015, the new Environmental Protection Law also formally permitted NGOs to initiate cases on behalf of the public interest (Zhao et al., 2019).

Although China does not yet have a dedicated climate change law, courts and prosecutors have increasingly engaged with climate-related disputes as part of their growing role in environmental governance. Climate litigation was first formally recognised by the Supreme People's Court [SPC] in 2019, defined as litigation arising from greenhouse gas emissions or ozone-depleting substances (SPC, 2020). Since President Xi Jinping's announcement in 2020 of the "dual carbon" goals to peak emissions before 2030 and reach carbon neutrality before 2060, judicial and prosecutorial efforts have also increasingly aligned with the state's climate transition agenda.

Understanding the scale of these figures requires an appreciation of the institutional role the courts play in China. Unlike many Western jurisdictions, in China the judiciary serves as a vehicle for implementing Communist Party and government policy (Chen and Li, 2023). This institutional alignment enables courts to play a robust enforcement role when government objectives – such as decarbonisation – are clearly articulated.

Therefore, scholars note that Chinese judges are unlikely to entertain strategic claims against state agencies compelling more ambitious climate goals or compensation claims against major emitters, but they are expected to interpret statutes and contracts in line with national targets, thereby supporting emissions reductions more indirectly (Zhu, 2023).

The Sabin Center's Global database currently lists four Chinese climate-related cases and thus these are accounted for in this report. Two were filed by the NGO Friends of Nature against provincial grid companies for curtailing renewable energy. A third case, ***Beijing Fengfujiuxin v. Zhongyan Zhichuang Blockchain***, involved a dispute over profit-sharing from a bitcoin mining operation. A fourth case, ***Beijing Grassland Alliance Environmental Protection Center v. Xingyi Shangcheng Power Generation Company***, dealt with environmental tort claims and non-compliance with China's carbon trading scheme. While the court did not find sufficient evidence of environmental harm from CO_2 emissions to impose damages from those emissions on the facts, it confirmed its jurisdiction over carbon trading obligations and underscored the importance of fulfilling carbon quota responsibilities, even though CO_2 is not legally classified as a pollutant in China.

Beyond these high-profile cases recorded in the Sabin Center's database, the Supreme People's Court reported that Chinese courts are currently handling 518 "dual carbon" cases, involving carbon markets, energy transition contracts, and protection of carbon sinks (CCTV News, 2024). These cases are not currently accounted for in our quantitative analysis for this report.

In 2023, the Supreme People's Court issued an opinion to support China's dual carbon goals. The document prepares the courts to rule on cases dealing with the green development transition, restructuring of heavy industry, establishing a low-carbon energy system, and improving the carbon market. This opinion was the first detailed document confirming that the judiciary should play a role in meeting China's climate targets, encouraging courts to engage with climate litigation (De Boer and Jiang, 2023). The Court also issued a document that describes 11 climate cases that Chinese courts have dealt with, and which could be seen as 'typical' cases that other courts are likely to encounter (SPC, 2023).

The Supreme People's Procuratorate also published a document describing 10 types of cases that the Procuratorate could file, covering issues such as non-CO_2 emissions, damage to carbon sinks, and data falsification (SPP, 2023a). Climate-related financial risk and greenwashing are emerging areas of focus. The Supreme People's Procuratorate has indicated that litigation around environmental and climate disclosure, as well as investments in high-emissions projects, will be a priority in 2025 and beyond (SPP, 2023b).

Broadening the analytical approach

A more inclusive and accurate account of climate litigation in the Global South requires taking a broader analytical approach to include not just high-profile constitutional or administrative challenges, but also peripheral cases (Lin and Peel, 2024). These may involve localised environmental disputes, sector-specific litigation, or even procedural claims that, taken together, build the legal architecture for climate accountability. Academic and practitioner scholarship on climate litigation in these regions has expanded significantly, helping shift how we understand what counts as climate litigation in the Global South. The Global Network for Human Rights and the Environment, for instance, curates an extensive bibliography featuring hundreds of annotated sources concerning climate litigation in the Global South, offering multiple lenses through which to interpret the emerging jurisprudence and its implications.

Lin and Peel's (2024) detailed analysis of three 'frontrunner' jurisdictions – Brazil, India and South Africa – underscores the critical role of institutional and socio-legal conditions in shaping climate litigation. Key enabling factors include accessible courts, a relatively independent and climate-aware judiciary, the presence of climate-specific legislation and constitutional environmental rights, and an active civil society. In combination, these elements create a supportive environment for the emergence and growth of climate litigation in these middle-income countries.

In Brazil, courts are beginning to affirm liability for climate-related harm, ordering both compensation and restoration (see Box 2.4). These cases reflect a strategic use of tort law and public enforcement powers to operationalise climate objectives (Moreira et al., 2024).

In India, the Supreme Court's March 2024 decision in ***MK Ranjitsinh & Others v. Union of India*** broke new ground establishing a constitutional climate right in India. But the case also underscores the complex balancing act between renewable energy development, climate action and environmental protection (Naik and Kumar, 2025) – as discussed under emerging green v. green cases (see Part III).

The wider political context has hindered prospects for civil society-led strategic litigation in India, as there have been moves to suppress environmental activism, including placing tight restrictions on NGOs receiving finance from foreign philanthropies. Thus, as in *MK Ranjitsinh & Others*, litigants tend to bring cases enforcing existing environmental legislation and invoking human and constitutional rights, rather than framing climate change as the material issue. Scholars have referred to this approach to changing climate governance in India as a "small win process underpinned by the environmental rule of law" (Gill and Ramachandran, 2021).

In South Africa, the successful outcome of ***Africa Climate Alliance et al., v. Minister of Mineral Resources & Energy et al.*** (the '#CancelCoal case') in 2024 marked a significant constitutional challenge to the government's plans to develop 1,500 megawatts of new coal-fired power. Brought by environmental and climate justice organisations – the African Climate Alliance, Vukani Environmental Justice Movement in Action and GroundWork – the claim centred on the threat posed by new coal development to multiple constitutional rights: not only the right to an environment not harmful to health and well-being, but also the rights to life, dignity, equality and the best interests of children. The case also illustrates a broader litigation strategy identified by Higham et al. (2022), where rather than filing a systemic constitutional challenge ('government framework' cases), litigants challenge specific policies or projects using arguments based on positive obligations of states to address climate change – a form of 'leapfrogging' that enables more specific and impactful remedies.

International climate litigation

International climate cases were again in the spotlight in 2024, and this continues into 2025, as the International Court of Justice (ICJ) and the Inter-American Court of Human Rights (IACtHR) prepare to issue advisory opinions (AOs) later this year, following in the footsteps of the International Tribunal on the Law of the Sea (ITLOS), which issued its opinion in May 2024.

A landmark development is also underway in Africa: in May 2025, a coalition of civil society organisations, including the African Climate Platform and Pan African Lawyers Union, submitted a request for an advisory opinion to the African Court on Human and Peoples' Rights (ACtHPR). This is the first climate-related petition to this court and seeks clarification on African states' human rights obligations in the context of climate change. In particular, the petition requests guidance on state duties to implement climate adaptation measures (Tigre and Samuel, 2025). Grounded in regional legal instruments such as the African Charter and Maputo Protocol, the petition highlights state duties to safeguard vulnerable populations, ensure a just transition, and hold corporate actors accountable. There is an expectation that the court will find the request admissible (Suedi, 2025).

International advisory opinions are attracting considerable attention

These AOs account for only a small fraction of climate cases filed before international and regional courts and tribunals but are capturing minds. They are seen as interpretative tools that could clarify states' legal obligations on climate change and inform both domestic courts and international political processes (Voigt, 2023). Despite their non-binding nature and relatively small share among the total number of climate cases, the AOs address critical areas including human rights, intergenerational equity, and common but differentiated responsibilities. However, their influence will ultimately depend on how they are received by domestic courts, political actors and institutions.

The ITLOS Advisory Opinion: groundbreaking but yet to be tested

The ITLOS AO, the only one delivered thus far (in May 2024), confirmed that greenhouse gas emissions constitute 'marine pollution' under the United Nations Convention on the Law of the Sea (UNCLOS), and that states have stringent obligations under the Convention to prevent, reduce and control emissions, applying an objective standard of due diligence informed by the best available science and emphasising heightened responsibilities for states with comparatively greater capabilities (Young et al., 2024).

The question of how this AO will be used in domestic legal proceedings has already sparked academic debate. Some scholars argue that the ITLOS AO strengthens legal arguments by linking UNCLOS and the United Nations Framework Convention on Climate Change (UNFCCC) obligations, and integrating science from the Intergovernmental Panel on Climate Change to (IPCC) clarify due diligence standards (Klerk, 2025). Others, however, question the legal basis for ITLOS's jurisdiction, warning against inconsistencies in judicial opinions and the fragmented nature of international law (Ning and Yang, 2025). Scholars have also cautioned against the opinion's expansive interpretation, particularly on the precautionary principle (Qian et al, 2024) and the requirement that those rules be applicable in the relations between the parties (Thin, 2025a).

This AO has already been referenced in at least one domestic case filed against new oil and gas licences in the UK. In ***Oceana UK v. Secretary of State for Energy Security and Net Zero, North Sea Transition Authority and others***, the claimants cited the ITLOS AO as support for the proposition that impacts from emissions from the oil and gas developments (including Scope 3 emissions) should be considered as part of the environmental impact assessment, given their known impacts on global warming and ocean acidification.

> **"International advisory opinions account for only a small fraction of climate cases filed before international and regional courts and tribunals but are capturing minds."**

Diverse legal visions at the ICJ: a global debate on climate duties

In December 2024, the International Court of Justice (ICJ) held oral hearings on the request for an AO on states' obligations regarding climate change – marking the most widely participated AO in the court's history (Sindico, 2025). Over two weeks, 54 states and eight international organisations delivered oral submissions, reflecting a remarkable diversity of perspectives – from major emitters and fossil fuel-exporting states to small island developing states, least developed countries, and Indigenous peoples' representatives (Burri, 2024).

The hearings revealed significant divergence in legal reasoning and emphasis (Bañuelos and Tigre, 2025a; 2025b). Many states – among them Vanuatu, Chile and Colombia – urged the court to clarify that states are already bound by existing customary international law, including the no-harm rule, the precautionary principle, and obligations to protect human rights and the marine environment. By contrast, Australia asserted that state duties under international law are largely limited to the Paris Agreement, and that any expansion of obligations beyond that framework would be unwarranted. The US similarly focused on procedural obligations and resisted broadening the scope of existing norms, while China called for a cautious interpretation grounded in state sovereignty and differentiated responsibilities.

A number of states in the Global South – including Bangladesh, the Marshall Islands and the Maldives – highlighted the existential threat posed by climate change and called for a robust interpretation of states' due diligence obligations, particularly to safeguard the rights of future generations. Several submissions also emphasised the role of international human rights law, environmental law, and the law of the sea in establishing affirmative duties to prevent transboundary harm. The no-harm principle emerged as a key common thread, invoked by both Global North and Global South states, alongside arguments that international law must reflect the urgency of the climate crisis and the interconnectedness of environmental and human rights norms (Foster, 2024).

An important cleavage concerned the legal consequences for breaches: some states supported recognising obligations of reparation or compensation for climate damage, while others urged the court to tread carefully to avoid entrenching political tensions (Bañuelos and Tigre, 2025c). Crucially, submissions highlighted temporal challenges: questions arose about how to account for long-term harm and historical emissions, issues that stretch the conventional frameworks of international responsibility for climate change. Vulnerable states urged the court to acknowledge existential threats such as loss of territory, culture and sovereignty for small island states (Kaminski, 2024a). Wealthier states emphasised procedural duties and the need for "reasonableness" in interpreting obligations, revealing a tension between minimalist and maximalist visions of state responsibility. Some states went further, arguing not only that breaches of international climate obligations entail legal consequences, but that such breaches are already occurring: for instance, Vanuatu explicitly asserted that certain states are in ongoing breach of their obligations. This signals a possible direction for future contentious litigation.

The ICJ's advisory opinion is expected in late 2025. Some legal scholars anticipate that the ICJ's opinion could redefine global understandings of climate obligations under international law and galvanise a new phase of climate action and accountability worldwide (Gehring and Cordonier Segger, 2025). It may help articulate the role that the Paris Agreement plays in interpreting states' obligations and in assessing compliance with those obligations (Hamilton, 2024). Others caution that while a purpose-driven interpretation strengthens the law, the AO cannot magically override national discretion or the design of the Paris Agreement (Rajamani, 2024). In terms of impacts that are already occurring, the process indicates a move towards a more inclusive approach that incorporates community interests, particularly from underrepresented regions like the Global South (Thin, 2025b).

A significant proportion of international cases are filed before investor-state dispute settlement bodies

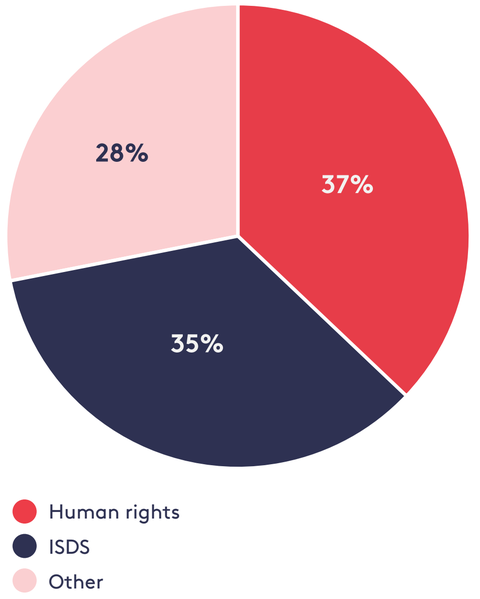
The international investment regime creates opportunities for non-state actors to bring cases under international law, widening the field of possible claimants. The proportion of investor-state dispute settlement (ISDS) cases in the database rose to 35% by the end of 2024, primarily due to the inclusion of a set of earlier cases (see Figure 1.4). However, new filings also continue to emerge, as companies turn to arbitral tribunals to challenge government measures affecting fossil fuel investments.

In September 2024, for instance, ExxonMobil and Shell initiated arbitration proceedings against the Dutch government over its decision to phase out gas production at the Groningen field in response to extraction-induced seismic activity. The claim is based on protections under the Energy Charter Treaty (ECT) and, while not explicitly focused on climate policy, reinforces concerns about the ECT's incompatibility with climate action. The case may face jurisdictional challenges, given the European Court of Justice's (CJEU) ruling that the ECT is incompatible with EU law when applied to intra-EU disputes. Arbitral tribunals remain divided: some have upheld the CJEU's position and dismissed such claims, while others continue to assert jurisdiction, underscoring the ongoing legal uncertainty surrounding intra-EU energy disputes (Eckes, 2023).

More broadly, the growing number of ISDS claims in environmental and climate-related contexts raises serious governance concerns. It has been suggested that ISDS claims could have far-reaching implications for national governance, potentially influencing the actions of legislatures, executives and judiciaries, contributing to a 'chilling effect' that discourages governments from adopting ambitious environmental and climate policies due to the risk of costly arbitration (see e.g. Arcuri et al., 2024).

The use of ISDS mechanisms to contest environmental regulations has therefore prompted growing debate and calls from various quarters for reforming or reconsidering the inclusion of such clauses in investment treaties. However, due to survival clauses in the ECT (Jackson, 2024) and the continued inclusion of ISDS provisions in some new agreements (e.g. in the upcoming UK–India Trade Treaty), ISDS claims by investors concerned about environmental and climate regulation are likely to persist in the coming years. This trend underscores the need to consider what Preston and Butler (2024) term "appropriate dispute resolution" that better aligns with the public interest in addressing environmental harm and damage caused by climate change while fairly resolving investment disputes.

Figure 1.4.
International and regional cases by tribunal type (to end of 2024), excluding cases before EU courts[5]



[5] 'Human rights' bodies refer to the European Court of Human Rights; European Committee on Social Rights; Inter-American Commission on Human Rights; Inter-American Court of Human Rights; UN Committee on the Rights of the Child; UN Human Rights Committee; and UN Special Rapporteurs. 'Other' refers to UNFCCC; World Trade Organization; ICJ; International Criminal Court; East African Court of Justice; Aarhus Convention Compliance Committee; and ITLOS.

An increasingly complex picture of climate cases is emerging before EU courts

The largest single group of cases filed before international and regional courts (68 out of 157), consists of cases filed before the courts of the European Union.[6] The earliest cases before EU courts date back to the mid-2000s, when substantive EU climate policy really started to take off with the passage of the Emissions Trading Directive, as well as other energy legislation such as the first Renewable Energy Directive and the Energy Performance of Buildings Directive. The EU climate cases captured in the Sabin Center's database raise a mix of issues, with many involving questions about the application and implementation of climate policy, as well as strategic cases seeking to enhance the ambition and implementation of climate action in the EU and the member states (Higham et al., 2023).

An example of strategic litigation before the EU in 2024 is the coordinated filing of non-judicial complaints by NGOs against several EU Member States, challenging the adequacy of their National Energy and Climate Plans (NECPs). In November 2024, NGOs from France, Germany, Ireland, Italy and Sweden submitted five complaints urging the European Commission to initiate infringement proceedings under the Governance Regulation (EU) 2018/1999. Additional complaints were filed in April 2025 concerning Bulgaria, Cyprus and Malta. The legal reasoning rests on the Commission's role as "Guardian of the Treaties" and argues that inadequate NECPs violate EU legal obligations, including those on transparency, public participation and alignment with climate targets (Lisi and Fantozzi, 2024). This initiative highlights a growing civil society strategy to enforce climate ambition through EU law mechanisms, even outside formal court proceedings.

However, looking at the EU cases in the Sabin Center's database does not give the full picture of the role the EU courts are playing in the overall development of climate policy within the bloc. A review of all cases in the European Court of Justice's (CJEU) own database identifies "climate-relevant" cases through their reference to a set of climate-relevant keywords and based on the primary legislation in which the case is brought, and whether this forms part of an EU climate policy package (Koistinen, unpublished manuscript). The study finds just over 450 "climate-relevant" cases, only around 10% of which correspond to the typology of case strategies discussed in our report series.

Philippe Bonnarde v. Agence de Services et de Paiement (C-44310) is an example of a case that corresponds to the "bread and butter" remit of the CJEU. The case concerned the eligibility of a vehicle purchased in Belgium for a low emissions vehicle subsidy from France. It deals with questions about the free movement of goods, a core competence of the CJEU, but in the context of climate policies and regulations. Understanding the broader field of climate-relevant cases can help us to develop a better understanding of the role the courts are playing in EU climate governance (Koistinen, unpublished manuscript).

Claimants and defendants: key actors in climate litigation

NGOs and individuals filed just over 60% of cases in 2024

The majority of new climate cases continue to be filed by NGOs, individuals, or both acting together. This finding is consistent with the ongoing use of strategic litigation as a way to influence climate governance outcomes.

Around 25% of all climate cases in 2024 involved governments among the claimants

Governments or quasi-government actors such as watchdogs and independent regulatory bodies also account for a proportion of the climate cases filed around the world. As discussed above, this proportion is significantly higher in the Global South than in the Global North: in 2024, government bodies initiated 56% of Global South cases. This includes action to enforce climate-related laws and regulations, particularly in jurisdictions such as Brazil. However, it also includes non-climate-aligned cases, including challenges by subnational governments to federal regulations, disputes between subnational governments, or cases filed by subnational governments against corporate actors regarding their management of the transition (see Part III). A small but significant group of cases filed by governments also includes criminal prosecutions against climate protestors (see Box 1.3).

[6] The Court of Justice of the European Union (CJEU) is the judicial branch of the EU and consists of two separate courts: the Court of Justice and the General Court. It does not include the European Court of Human Rights (ECtHR), which is the international court of the Council of Europe. Our total figures for EU cases do, however, include one complaint filed before the European Ombudsman.

Box 1.3.

Cases concerning the right to protest

The Sabin Center has identified more than 80 cases globally that are linked to climate protestors. Many of these cases can be understood as 'reactive' climate cases, in which protesters are prosecuted for acts like trespass or criminal damage (Hilson, 2010). Often, protestors will seek to defend themselves on the grounds of the so-called "climate necessity defence", arguing that their actions were justified by the need to avoid a greater form of harm (Nosek and Higham, 2024). A growing legal scholarship highlights how courts have improperly restricted this defence (Long and Hamilton, 2019). Alternatively, protestors may seek to argue for leniency in sentencing on the basis that harsh sentences are a disproportionate violation of free expression rights.

In countries within the Global North such as Australia, the UK, the US and Norway, where climate and environmental protestors are commonly arrested, the possibility of being arrested and using a criminal trial as a further advocacy opportunity may be part of the protestor's strategy (Berglund et al., 2024). Analogous developments have occurred in other domains, including animal welfare, where activists engaged in non-violent rescue efforts have faced prosecution, raising broader concerns about the suppression of rights-based advocacy.

In 2024 litigation was also used to deter climate advocacy. In the US, the ***Energy Transfer v. Greenpeace*** case (further discussed in Part III) has been widely described as a Strategic Litigation Against Public Participation (SLAPP) case and criticised for its chilling effect on environmental protest (Eckes and Paiement, 2025).

Companies and/or trade associations were claimants in more than 20% of cases filed in 2024

A significant proportion of climate cases are also filed by companies. Historically, this has included both (a) non-strategic cases, challenging the application of climate regulation to a company's specific circumstances or challenges to individual permitting decisions, and (b) broader strategic actions often intended to delay or derail climate policies. It should be noted that not all cases filed by companies are against climate action, however. For example, in the Irish case ***Coolglass Windfarm Limited v. An Bord Pleanala***, the developers of a wind farm applied for the judicial review of a decision by the Irish planning authority rejecting planning permission for the project on the basis of visual concerns. On 1 November 2024, the judge found in favour of the developers. The case relied on Section 15 of the Irish Climate Change and Low Carbon Development Act, which requires public authorities to "perform [their] functions in a manner consistent with" climate plans and objectives.

More than 75% of climate cases in 2024 were filed against governments

The vast majority of climate cases over time have been filed against governments. This remained true in 2024, with government actors among the defendants to more than 75% of climate cases (170). The range of cases against governments is highly varied, including both climate-aligned and non-aligned cases, and cases are being filed against a wide range of governmental and quasi-governmental bodies. For example, in addition to cases challenging national governments, we see cases against governmental agencies, such as ***Major Gas Users' Group v. Commerce Commission*** filed in New Zealand and decided in 2024, in which a group of consumers of natural gas challenged a decision bythe competition regulator to allow gas pipeline operators to pass on to these consumers the costs of phasing out gas pipelines early, as required by the New Zealand government.

Climate litigation continues to target companies, including a wide range of sectors

Around 20% of climate cases filed in 2024 targeted companies, or their directors and officers. As in 2023, there was some divergence between the US and the rest of the world in this regard, with a higher proportion of corporate cases filed outside the US rather than within it. While these numbers suggest a possible dip in the number of new cases being filed against companies, we continue to see diversity in the range of sectors and companies being targeted over time, particularly in the context of strategic litigation (see Figure 1.5). More than 250 strategic cases have been filed against companies since 2015. Increasingly, this may include professional services firms which may be targeted for a failure to manage or reduce the emissions resulting from the activities they help facilitate or advise on (also referred to as 'facilitated or advised emissions'; see Box 1.4).

Another sector that has received increased attention from litigators in recent years is the animal agriculture sector and associated food and retail industries (Bradeen et al., 2025). Animal agriculture is estimated to account for 11–20% of global greenhouse gas emissions. Policymakers have faced significant challenges when attempting to regulate emissions from the sector and litigation has emerged as one tactic to try to fill the resulting governance gap (Bray and Poston, 2024): more than 40 cases that aim to address the issue of animal agriculture in some way were filed between 2010 and the end of 2024, the majority in the US and Brazil, two of the world's largest players in animal agriculture (Bradeen et al., 2025).

Among the notable cases to emerge in 2024 was the case of ***People v. JBS USA Food Co***, in which the New York Attorney General sued JBS for breaches of consumer protection law. The Attorney General argued that the company had misled the public over the environmental impacts of its products, including through making representations that it would be "net zero by 2040", a commitment that did not include Scope 3 emissions. The case was initially dismissed, but the Attorney General has been given leave to file an amended complaint. This case may signal the start of a further effort by US subnational governments to tackle climate disinformation from the agriculture sector in a similar way to how the fossil fuel industry is being targeted (see Part II for more details). Interestingly, a similar litigation strategy may be developing with regard to the plastics industry, with California having recently filed a new complaint against Exxon Mobil over claims about "advanced recycling" that primarily seeks to address the issue of plastic pollution within the state.

It is important to note that there are cases against corporate actors from a range of different sectors that we do not classify as 'strategic', and which are therefore not included in Figure 1.5. Many such cases involve enforcement actions for the infringement of existing environmental laws and regulations, some of which are directly intended to form part of a country's climate policy framework. For instance, cases related to planning decisions may not be explicitly motivated by climate concerns, yet they can still have significant implications for climate resilience and development. Other examples include shareholder actions arising from losses due to downgraded profit estimates for fossil fuel companies, or disputes over contracts potentially frustrated by climate-related developments. We also do not typically consider Clean Air Act enforcement actions to be strategic, meaning that a number of recent cases against supermarkets in the US concerned with the failure to prevent leaks of climate-damaging refrigerants (see ***United States v. Gristedes Foods NY***) are not included here (for further discussion of the difference between strategic and non-strategic cases, see Annex 1).

In the US, the number of such enforcement cases may well decline in the face of the political and regulatory shifts discussed above. It is also possible that changing political currents may change the nature and number of corporate cases outside the US too (see Box 1.5).

In cases like *People v. JBS USA Food Co.*, food companies are being challenged for allegedly misleading consumers over their contributions to the transition to a low-carbon future.

Box 1.4.

Facilitated or advised emissions: professional services firms in the spotlight for 2025?

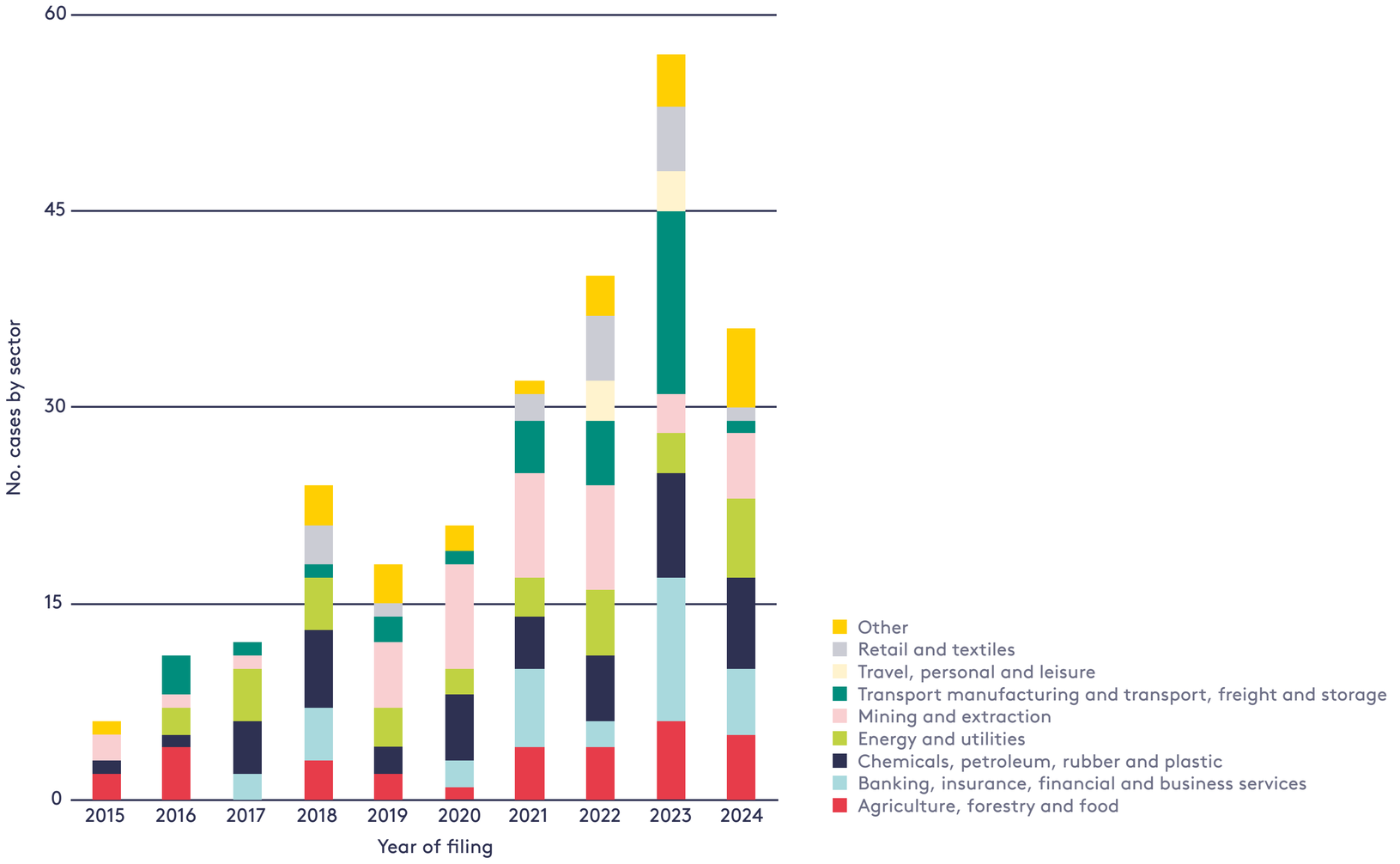
In 2023, Multnomah County in the state of Oregon made headlines when it became the latest in a string of US state and local governments to bring a climate case against the oil and gas industry (see discussion in Part II). However, this case stood out in part because of the choice of defendants, which included global management consultancy McKinsey and Company, Inc., in addition to oil and gas companies and industry bodies. In listing McKinsey among the defendants, Multnomah County argued that the company had advised more than 43 of the 100 biggest climate polluters over the course of decades, and that it had been directly involved in a campaign of misinformation and deception by the fossil fuel defendants.

Since then, other firms, including advertisers and law firms, have come under scrutiny because of their ties to emissions-intensive companies and industries. For example, in the Netherlands, in February 2025, Greenpeace's legal team issued a legal warning against law firm Loyens & Loeff over its role in facilitating the restructuring of Brazilian meat processing giant JBS, which is facing growing criticism for its contribution to greenhouse gas emissions. Greenpeace specifically references the concept of 'facilitated emissions', an idea that was first applied to financial firms but is now being used more widely, along with related concepts such as 'serviced emissions'.

Similarly, in the same month, two other NGOs, Adfree Cities and the New Weather Institute, launched a complaint before the UK's OECD National Contact Point against prominent advertising firm WPP.[8] Among other issues, they allege that WPP's advertising work for big emitters contributes to the adverse human rights and environmental impacts of climate change by facilitating increased demand for polluting products and hampering global efforts to reduce emissions.

[8] OECD National Contact Points are government-supported offices established to support the implementation of the OECD Guidelines for Multinational Enterprises. Cases that are filed before these bodies often act as a test bed for concepts in climate litigation that later find their way before the courts (see Aristova et al., 2024).

Figure 1.5.
Number of companies targeted globally in strategic climate-aligned cases by sector, 2015–2024



Box 1.5.

Influence of regulatory and political shifts on corporate climate litigation

Major questions are currently being asked about the degree to which corporate commitments to climate change action will survive the current political moment. Recent years have seen progress towards corporate climate transition plans and climate risk reporting becoming mandatory (Lecavalier et al., 2024). However, growing backlash from both governments and companies against this trend has called this progress into question.

In the US, the long-anticipated new rules on climate-related reporting from the Securities and Exchange Commission have been put on hold. Similar rules adopted in California are facing legal challenges on freedom-of-speech grounds under the First Amendment.

Regulatory uncertainty is also mounting in Europe. The European Commission's Omnibus packages have reopened major sustainability regulations for revision, despite many of these having only recently been passed; these include the Corporate Sustainability Reporting Directive (CSRD) and the Corporate Sustainability Due Diligence Directive (CSDDD). The stated aim is to reduce administrative burdens and enhance "competitiveness". However, concerns have emerged that the proposed amendments would significantly reduce the scope and impact of these directives. Of particular concern is the proposed dilution of Article 22 of the original CSDDD, which required companies to "put into effect" Paris Agreement-aligned transition plans – an obligation comparable to what Dutch courts have previously required of Shell. Legal scholars and institutions such as the European Central Bank have expressed concern that this change could weaken corporate climate accountability and increase litigation risk.

Across civil society and within the European Parliament, there is growing alarm that the amendments are part of a broader effort to reduce stakeholder engagement and weaken enforcement mechanisms. Eight NGOs filed a formal complaint in April 2025 with the European Ombudsman, alleging maladministration in the drafting of the Omnibus proposals, citing the Commission's failure to conduct proper impact assessments or engage in meaningful public consultation.

Even before Trump's return to office, a global backlash against ESG and the introduction of stricter rules on green claims had led many companies to scale back or abandon their public climate targets (Pucker, 2024). This retrenchment could contribute to a fall in the number of climate-washing cases, which often focus on the gap between stated ambition and action on climate, and potentially an increase in cases targeting greenhushing, which challenge companies' intentional lack of disclosure (see Part II). It could also lead to more cases seeking to force companies to align with emissions reduction targets, with litigation playing its traditional 'gap filler' role as the pace of regulation slows down.

Cases before supreme courts or equivalent apex courts

For the first time in this report series, we provide a global analysis of climate litigation cases that have reached apex courts – such as supreme courts and constitutional courts – either through appeal or direct filing. This empirical analysis provides crucial insights, significantly contributing to filling the noted gap in comparative environmental and climate litigation literature. It highlights the pivotal role apex courts play in shaping global climate governance, emphasising the importance of continued scholarly focus and research on this area.

Just over 360 such cases have been identified for the period 1995 to the end of 2024, including 187 outside the US and 180 within the US. Our analysis focuses on the 276 cases heard since 2015 (117 in the US and 159 elsewhere), revealing key trends in strategic litigation and rights-based claims. The findings underscore significant regional differences in legal approaches and highlight critical gaps in the current understanding of high-level judicial engagement with climate issues.

Motivation for analysis of cases reaching apex courts: expanding case numbers

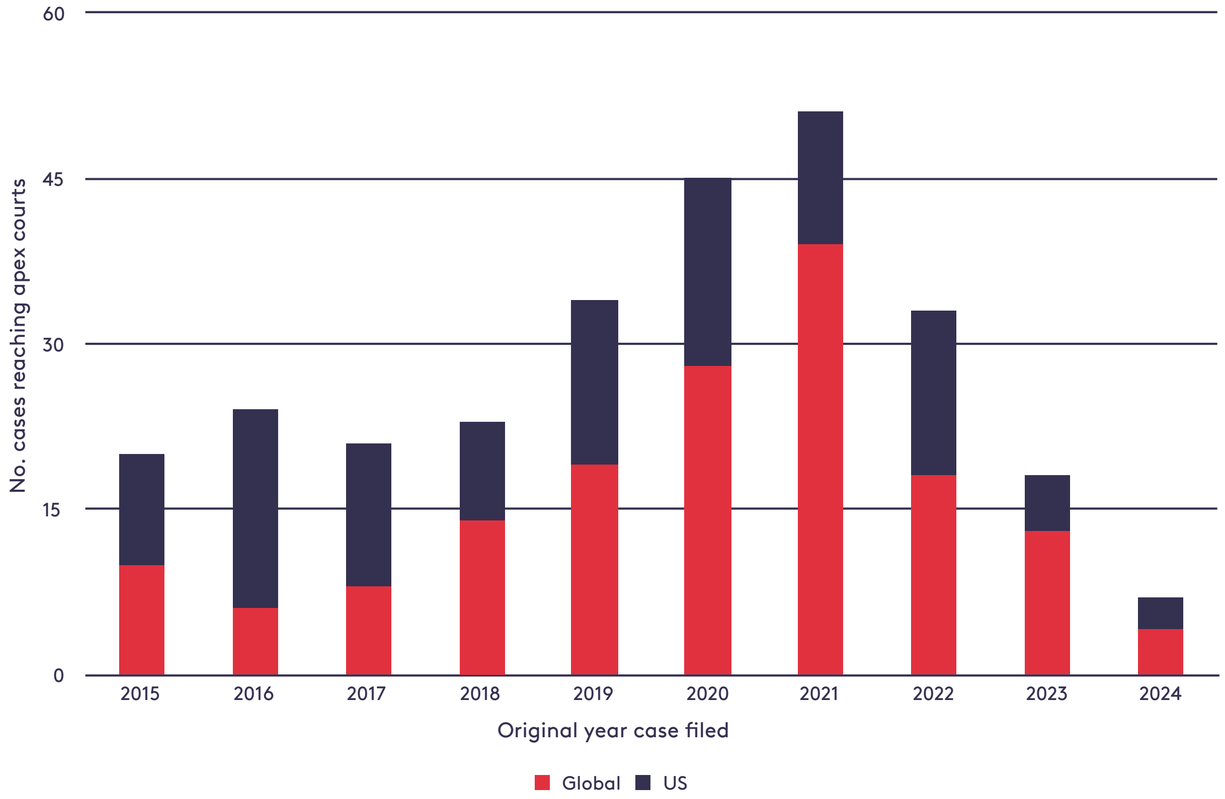
The growing number of climate cases reaching apex courts globally signals an important moment in the evolution of climate litigation. Since 2015, a relatively high number of cases have been decided by apex courts, particularly those originally filed between 2019 and 2021 (see Figure 1.6). More than 100 cases were filed directly before these highest courts. However, due to jurisdictional differences in appellate procedures and the specific legal contexts of individual cases, many must first proceed through lower courts. This partly explains the apparent decline in apex court cases in more recent years – many are still progressing through earlier judicial stages.

This trajectory reflects the increasing maturity of climate law, as apex courts are being called upon to deliver authoritative interpretations of states' and corporations' legal obligations in the context of climate change. That said, the data may be skewed by the emphasis on strategic climate litigation, and by jurisdictions where it is more likely that a case reaches apex courts. In countries such as Australia, for instance, jurisdictional arrangements mean that climate-related litigation may not reach the High Court, even when the issues are of national significance.[9] This consideration underscores the importance of understanding apex court litigation in the broader context of climate adjudication across all levels of the judiciary.

Despite the surge in cases, there remains a gap in scholarly and institutional analysis focused specifically on apex courts. Much of the existing literature has concentrated on national-level developments or specific litigation strategies (Sindico and Mbengue, 2021; Wewerinke-Singh and Mead, 2025; BIICL, 2025). However, these efforts have not concentrated on the distinct role of apex courts within and across those systems. This gap in the literature is also reflected in the wider field of comparative environmental law. As Viñuales (2024) notes, major comparative law accounts still give limited attention to environmental law and policy. We aim to start filling this gap by offering a first-of-its-kind global overview of climate litigation before apex courts, identifying key trends, regional variations, litigation strategies and the evolving judicial approaches to climate governance.

[9] In Australia, corporate and administrative law matters are typically heard in the Federal Court, while cases concerning state environmental laws are adjudicated in state courts. Moreover, specialist merit review bodies – such as the Victorian Civil and Administrative Tribunal, the New South Wales Land and Environment Court, and the Queensland Land Court – frequently issue influential decisions on climate-related project approvals. These forums often represent the final judicial or quasi-judicial stage, with no further appeal to an apex court.

Figure 1.6.
Cases reaching apex courts, 2015–2024



Methodology for analysing cases reaching apex courts

We analysed the hierarchy of legal systems in each country that has considered climate cases from 2015 onwards specifically at the apex court level. Countries where decisions were limited to lower courts were excluded. The cases included in this analysis comprise not only those decided on substantive merits but also those addressing procedural issues, interim relief requests, or appeals dismissed without detailed commentary. Additionally, for some federal countries, supreme state courts are considered apex courts to maintain methodological consistency. This is determined on a case-by-case basis, as depending on the jurisdiction further appeals may still be possible (and likely) at the federal level (Brazil is an example of where this applies).

Further methodological details are provided in Annex 1.

Jurisdictional distribution and status of apex court cases

The distribution of apex court climate cases is notably uneven. Of the 276 cases filed globally between 2015 and the end of 2024, the US accounts for the largest share (117), with 74 before state supreme courts and 43 before the US Supreme Court. (Four cases were originally filed at state supreme courts but were later heard by the Supreme Court and have been included in the total for US Supreme Court cases.) The remaining 159 cases are spread across other countries, with notable activity in Brazil (19), Germany (15), Colombia (13), Canada (10) and Mexico (10). Austria stands out as an exception, with all six known climate-related lawsuits filed directly to its apex court. The South Asia region[10] stands out for its high volume of apex court litigation relative to the overall number of climate cases filed from 2015 to the end of 2024 (10 out of 20 cases). By contrast, relatively few cases have reached the apex courts of certain jurisdictions that have a high overall volume of climate litigation, such as the UK and Australia (five and four, respectively).

Currently, fewer than 10% of climate cases at apex courts remain pending. Among the 250 cases with outcomes across all regions, 49% have resulted in enhanced climate action, 40% have hindered climate action and 11% are classified as neutral, reflecting varied judicial attitudes towards climate-related claims (the methodology involved in this categorisation is available in Annex 1).

[10] South Asia includes India, Nepal and Pakistan.

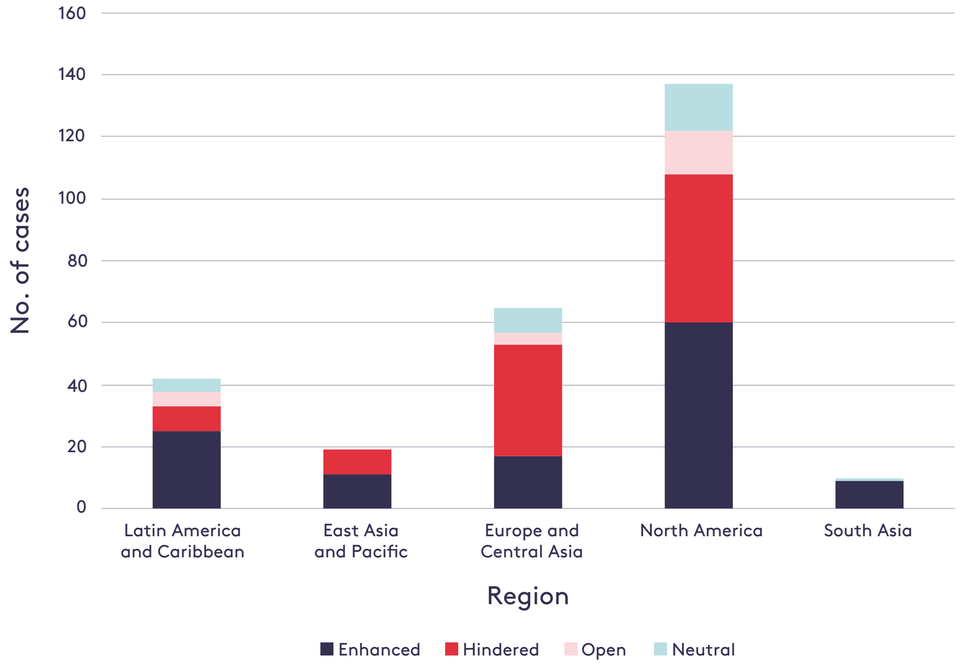
Exploring success rates by jurisdiction

Overall, some jurisdictions exhibit notably higher success rates in climate litigation (see Figure 1.7). Latin America and the Caribbean, East Asia and the Pacific[11] and South Asia have a significant proportion of cases with successful outcomes. Interestingly, Europe and North America, although being the regions with the most apex court cases, have comparatively lower success rates.

Brazil has achieved favourable outcomes in approximately 63% of its cases (12 out of 19), while Colombia demonstrates a similarly strong track record, with successful outcomes in about 69% of cases (9 out of 13). In contrast, European jurisdictions, particularly Germany, show a substantial number of cases that have been unsuccessful (e.g. the case ***Tristan Runge et al. v. State of Saxony***). A significant proportion of the negative outcomes in Germany is made up of 11 subnational framework cases filed with the Federal Constitutional Court in the wake of the successful decision in ***Neubauer, et al. v. Germany***. These complaints, brought by young climate activists against individual German states, were all dismissed in early 2022. The Court held that federal states are not independently responsible for ensuring compliance with national climate targets under the Federal Climate Change Act, and therefore the claims did not meet the constitutional threshold for admissibility.

[11] East Asia and the Pacific includes Australia, China, Indonesia, Japan, New Zealand, Papua New Guinea, the Philippines, South Korea, Taiwan and Thailand.

Figure 1.7.
Number of apex court cases enhancing and hindering climate action by region, 2015–2024



*Note: Cases that are classified still open have not received a final judgment from the court. We classify cases that provide an outcome that neither enhances nor hinders climate action as 'neutral'.

Ricardo from Fortaleza/CE, Brasil, via Wikimedia Commons

Institutional and legal factors may influence this pattern

A range of institutional and legal factors may influence these patterns. These include perceptions that apex courts are conservative or risk-averse forums, which may discourage litigants from pursuing appeals, as well as jurisdictional constraints that limit the types of cases such courts can hear – particularly where their remit is focused narrowly on constitutional matters. In jurisdictions without entrenched protections of constitutional rights, the pathway for rights-based climate claims to reach the apex level may be further restricted. Below, we provide an overview of the two jurisdictions with the highest number of recorded apex court cases: the US and Brazil.

The evolution of US climate litigation at the apex court level reflects shifting legal strategies and evolving judicial interpretations. Although some key decisions fall outside the formal timeframe of this report, they provide essential context. In ***Massachusetts v. EPA (2007)***, the Supreme Court ruled that greenhouse gases are pollutants under the Clean Air Act. This landmark decision led to the EPA's endangerment finding in 2009 and paved the way for federal emissions limits on vehicles and, later, power plants. However, subsequent efforts to regulate stationary sources faced increasing judicial resistance, including in ***West Virginia v. EPA (2022)***, where the Supreme Court ruled that the EPA lacked authority under the Clean Air Act to implement generation-shifting policies – essentially limiting the agency's ability to mandate a sector-wide transition from high- to low-emitting energy sources. After *Massachusetts v. EPA*, the Supreme Court also closed off a potential litigation pathway in ***American Electric Power v. Connecticut (2011)***, in which the Court held that federal common law claims against power companies were displaced by the Clean Air Act's regulatory framework. Most recently, in ***Juliana v. United States***, the Ninth Circuit rejected a youth-led climate lawsuit as raising a non-justiciable political question; the Supreme Court declined to take up this case in March 2025.

In contrast, in the case of ***Held v. Montana (2024)*** the Montana courts affirmed that the state constitution guarantees a clean and healthy environment, including a stable climate system. The court struck down statutory restrictions on considering climate change in environmental review provisions of the Montana Environmental Policy Act, making *Held* the first successful constitutional climate case in the US. While its broader replicability remains uncertain due to Montana's unique constitutional framework and procedural barriers elsewhere (Ferguson, 2024), a notable follow-on emerged in ***Navahine F. v. Hawai'i Department of Transportation***. In that case, 13 youth claimants, represented by Our Children's Trust, challenged the state's failure to decarbonise its transport system, arguing that inaction by the Department of Transportation violated their constitutional rights. Despite Hawai'i's ambitious climate legislation, the claimants claimed implementation had stalled. In June 2024, the case was resolved through a landmark settlement, with the state committing to develop a Climate Action Plan for road transport and prioritise emissions-reducing investments.

Brazil's Supreme Federal Court (STF) has emerged as a key venue for climate litigation, particularly during the Bolsonaro administration (2019–2022) and since Bolsonaro left power. In its appellate function, the STF serves as the court of last resort for cases involving constitutional issues. Many climate cases in Brazil invoke Article 225 of the Federal Constitution, which guarantees the right to a healthy environment, making the STF a central forum for such claims. In addition to its appellate role, the STF adjudicates abstract constitutional challenges to laws, regulations and state actions. This system of abstract judicial review allows claimants to file cases directly with the STF, bypassing the lengthy process of appeals through lower courts. A survey by Moreira et al. (2024) finds that most climate-related cases before the STF concern land use and deforestation, with civil society actors supporting this litigation by filing as *amicus curiae*, participating in public audiences and including the cases in their campaigns.

Plaintiffs and lawyers in *Navahine F. v. Hawai'i Department of Transportation* stand with Governor Josh Green, HDOT Director Ed Sniffen and Climate Mitigation Adaptation & Culture Manager Laura Kaakua following a first-of-its-kind, court-approved settlement that affirms youth rights to a life-sustaining climate and commits Hawai'i to full decarbonization by 2045.
Photo: Robin Loznak, Our Children's Trust

Case strategies and defendant types may also inform success rates

Using the typology of cases detailed in Part II, apex court cases predominantly consist of integrating climate considerations cases (105 cases) and government framework cases (48 cases). 'Integrating climate considerations' cases seek to integrate climate considerations, standards or principles into a given decision or sectoral policy, with the dual goal of stopping specific harmful policies and projects, and mainstreaming climate concerns in policymaking. Slightly more of these cases are unsuccessful than successful, primarily due to numerous adverse outcomes in the US. 'Government framework' cases challenge the ambition or implementation of climate targets and policies affecting the whole of a government's (national or subnational) economy and society.

Our dataset shows that 82% of apex court cases between 2015 and 2024 involved government actors among the defendants (224 cases), reflecting the dominant trend of challenging shortcomings in national or subnational climate policies, regulatory failures or inaction. Of these cases, more than 50% have resulted in outcomes that enhanced climate action. However, in terms of government framework cases, the court tends to be more reluctant to issue a ruling. This contrasts with their approach to more localised challenges regarding the integration of climate considerations into projects. Of the cases that received a decision from an apex court from 2015 to 2024, 44% of project-specific cases have received successful decisions, compared with 38% of framework cases. This lesser success rate may be driven by the unsuccessful subnational government framework cases in Germany discussed above. These 11 cases account for nearly half of all unsuccessful framework cases. While government framework cases at the national level are also encountering mixed outcomes, this trend may start to shift in light of evolving jurisprudence, including the high-profile European Court of Human Rights ruling in *KlimaSeniorinnen v. Switzerland*.

Colombia also offers an interesting case study through its Supreme Court's engagement with 'failure-to-adapt' litigation against governments, a category of climate claims that centres on governmental inaction or inadequate response to known and foreseeable climate risks (see Box 1.6). These cases are gaining traction globally for their focus on climate adaptation and the need to protect vulnerable communities already experiencing the consequences of climate change.

Rights-based claims are also prevalent (99 cases in total from 2015 to 2024). Out of these rights-based claims, 41% have enhanced climate action, 8% were classified as neutral for climate action (primarily protestor-related cases), and 42% were unsuccessful. Just under 50% of right-based claims were filed in Europe between 2015 and 2024. Many of the unsuccessful cases were not even heard on their merits. While apex courts are not universally affirming rights-based claims, the number of favourable outcomes is nonetheless significant and we see successes for rights-based arguments in every region (including *Held v. Montana* and *Navahine F. v. Hawai'i Department of Transportation* in the US).

In contrast, corporate defendants were identified in 14% of apex court cases up to the end of 2024 (37 cases), of which 54% resulted in enhanced climate outcomes. Although fewer in number compared to cases against government, these cases had a higher overall success rate. This may reflect courts' growing willingness to scrutinise specific environmental harm or misleading practices by private sector actors – particularly in strategic or high-profile litigation. Examples include cases that seek either contributions to the cost of adaptation or compensation for loss and damage and that are coupled with climate-washing arguments (e.g. *Honolulu v. Sunoco*). A small subset of cases involves both governmental and corporate defendants around contracts for solar energy (e.g. *Vote Solar v. Montana Department of Public Service Regulation*).

These findings reinforce that while the bulk of apex court litigation still targets governments, corporate accountability is an emerging and increasingly successful area. As courts become more receptive to climate science and principles of due diligence and transparency, we may see continued expansion of litigation that targets non-state actors.

82%

of apex court cases up to the end of 2024 have involved government actors among the defendants

44%

of project-specific cases have received successful decisions

Box 1.6.

Colombian Supreme Court engaging with state obligations for climate adaptation

In Colombia, recent decisions illustrate how courts are beginning to interpret state obligations in light of the escalating risks posed by environmental degradation and climate-induced displacement.

One notable case is *José Noé Mendoza Bohórquez et al. v. Department of Arauca et al.*, filed in 2021, in which the claimants argued that the government had failed to protect them from severe flood risks exacerbated by climate change. The community, composed of internally displaced persons and migrants, was situated in a flood-prone area where extreme weather events were becoming increasingly frequent. They claimed that the absence of adequate adaptation measures, such as relocation plans or protective infrastructure, constituted a violation of their fundamental rights, including the rights to life, health and housing. The Constitutional Court recognised the connection between climate change and displacement and acknowledged the state's duty to provide protective and adaptive responses for populations at risk. While the ruling did not order immediate relocation, it required authorities to develop and implement a coordinated response plan, marking an important step in the judicial recognition of adaptation as a legal obligation, particularly in the context of forced displacement driven by climate-related hazards.

A second case, *Josefina Huffington Archbold v. Office of the President and Others*, was brought in 2020 by a resident of Providencia Island, which was severely impacted by Hurricane Iota that year. The claimant challenged the Colombian government's inadequate response to the disaster, particularly its delays and failures in reconstruction and adaptation planning. She alleged that the absence of timely and sufficient recovery efforts violated her rights to a dignified life, health, housing and participation in decision-making processes. The Constitutional Court highlighted the state's constitutional and international human rights obligations to protect citizens from foreseeable environmental risks, particularly in vulnerable locations such as small islands. It emphasised that the impacts of climate change require not only emergency response measures, but also long-term, inclusive adaptation strategies grounded in principles of equity and participation.

Together, these cases demonstrate that apex courts might be willing to interrogate governmental failures to adapt to climate risks and to frame climate resilience as a matter of fundamental rights and public accountability. They also illustrate the growing relevance of failure-to-adapt litigation in Latin America, particularly in contexts where communities face acute, place-based vulnerabilities. As climate impacts intensify, such cases may set important precedents for establishing state responsibility not only for climate change mitigation, but also for adaptation in line with constitutional and human rights commitments.

Part II.

Climate-aligned strategic cases

In this section we discuss key developments in climate-aligned strategic cases, focusing on cases filed or decisions rendered in 2024. Such cases are defined in Box 2.1. In 2024, 187 new strategic cases were filed globally: 134 in the US, and 53 elsewhere. Thus, over 80% of recorded filings in 2024 were strategic cases. We provide an update on figures for different types of cases filed since 2015, using the same typology of case strategies used in previous years. An overview of the results is presented in Table 2.1. We then provide a more in-depth update on trends observed in the different types of cases.

Box 2.1.

Identifying strategic and semi-strategic cases

Identifying a case as strategic (or semi-strategic*) is no simple task, particularly when we have imperfect information about the intentions of the parties. As discussed in our 2024 report, we consider the following factors when categorising:

Identity of the claimants. In strategic litigation the claimants are selected to communicate a carefully designed message (Peel and Markey-Towler, 2022). Most cases of strategic climate litigation are filed by an NGO, individual campaigner, a Member of Parliament, political party or government representative. An NGO and its lawyers might work with communities to develop legal strategies around their concerns (Okoth and Odaga, 2021). The term 'movement lawyering' emphasises the importance of co-creating strategic litigation with affected communities at the centre (Cummings, 2017).

Identity of the defendants. Strategic climate litigation has often targeted actors that make the largest direct contribution to the problem (e.g. governments that can legislate or the largest emitters of CO^2) and actors who mislead the public about their climate action or consideration of climate risks. Strategic litigation can also be brought against actors that are not so visible but are crucial for the functioning of the value chain for high emitting activities, such as the public authorities that grant fossil fuel licences and permits, and the financial institutions that provide the necessary capital or insurance for high emitters to develop or pursue their core activities.

Aim of the litigation. Strategic litigation aims to achieve broader societal impacts beyond the outcome of individual cases, looking at long-term policy and regulatory changes (Bouwer and Setzer, 2020). These cases often seek remedies that go beyond the interests of the individual litigants, influencing broader policy and regulatory frameworks (Peel and Markey-Towler, 2022). The goals and strategies of such litigation can vary significantly between jurisdictions in the Global South and more developed countries, often reflecting the political and legal landscapes shaped by national leaders (e.g. climate litigation in the US during the first Trump administration – see Gerrard and McTiernan, 2018; and in Brazil during the Bolsonaro administration – see Tigre and Setzer, 2023).

If the case is one piece of a larger puzzle. Strategic litigation can be part of a broader advocacy strategy led by one or several organisations (Eilstrup-Sangiovanni, 2019) and often complements efforts outside the courts. These efforts will be carried out by NGOs lobbying or pressurising legislators and policymakers, or sending letters to targeted companies or regulators, or by protesters taking to the streets. The climate litigation movement is also part of an emergent transnational climate litigation network that generates ideas and facilitates intellectual and financial resources for litigants (Iyengar, 2023; Jodoin and Wewerinke-Singh, 2025). Media coverage and a sophisticated communications campaign are often another part of this larger puzzle.

**A case is considered semi-strategic when it meets some but not all the criteria of a strategic case. This includes many 'site-specific' challenges to oil and gas projects. The litigants in such cases are often local groups directly concerned with the impact on their local communities, but the pleadings exhibit engagement with broader questions of climate policy.*

Table 2.1.

Climate-aligned strategic cases – summary of developments

A. Government framework cases

Cases that challenge the ambition or implementation of climate targets and policies affecting the whole of a country's (national or subnational) economy and society.

- 14 new cases filed in 2024.
- 128 cases filed since 2015; among the highest profile of all cases.

Recent developments: examples

Do-Hyun Kim et al. v. South Korea: the South Korean Constitutional Court found in August 2024 the Carbon Neutrality and Green Growth Framework Act to be partially unconstitutional. The court ruled that the Act failed to set sufficiently clear and concrete targets or plans for emissions reductions between 2031 and 2049. Emphasising the need for climate action to be grounded in "scientific facts" (including the global carbon budget) and aligned with "international standards", the court stressed that national targets must reflect South Korea's fair share of global mitigation efforts and consider the disproportionate burden placed on future generations. Although the court concluded that the absence of a 2050 target was legally unjustifiable, it declined to intervene in setting a specific 2030 target.

Germanwatch et al. v. Germany: Between July and September 2024, several NGOs – including BUND, DUH, Greenpeace and Germanwatch – alongside more than 54,000 individual claimants, filed constitutional complaints against the German federal government. Among the lead claimants is Luisa Neubauer, previously involved in the landmark *Neubauer, et al. v. Germany* case. The claimants argue that the revised Climate Protection Act lacks the ambition necessary to uphold constitutionally protected rights, particularly the rights of younger and future generations to a safe and stable climate.

Mathur et al. v. Ontario: On 1 May 2025, the Supreme Court of Canada declined to hear Ontario's appeal, upholding the Ontario Court of Appeal's October 2024 decision that climate targets must comply with the Charter of Rights and Freedoms. This was the first Charter-based climate case heard on its merits in Canada. The case will now return to the lower court to determine remedies.

B. Integrating climate considerations cases

Cases that seek to integrate climate considerations, standards or principles into a given decision or sectoral policy, with the dual goal of stopping specific harmful policies and projects, and mainstreaming climate concerns in policymaking.

- 97 new cases filed in 2024.
- By far the largest category of cases historically but often overlooked in the literature on climate litigation.

Recent developments: examples

Review Application Against Decision to Grant an Environmental Authorisation to Conduct Exploratory Drillings: This new case was filed in South Africa in March 2024, challenging a decision to grant a licence for exploratory offshore drilling for oil and gas. The claimants argue that the environmental impact report failed to consider the impacts from the use of the oil and gas subsequently extracted, and the transboundary impacts of an oil spill.

Finch v. Surrey County Council: In June 2024, the UK Supreme Court ruled that approval for an extension to an oil well in Surrey, SE England, was unlawfully given because the environmental impact assessment failed to consider Scope 3 emissions.

VU Climate and Sustainability Law Clinic et al. v. ONE-Dyas: This complaint filed in January 2024 against Amsterdam-based gas company ONE-Dyas with the Dutch National Contact Point under the OECD Guidelines for Multinational Enterprises concerns the failure to disclose the climate and human rights impacts of an offshore gas drilling project in the North Sea, especially its Scope 3 emissions.

Rolleston Coal Holdings Pty Ltd v. Environmental Advocacy of Central Queensland Inc.: In September 2024, EnvA-CQ challenged Glencore's proposed expansion of the Rolleston coal mine in the Queensland Land Court, arguing it would destroy endangered koala habitat, generate 82 million tonnes of CO_2, and breach environmental and human rights obligations.

C. Polluter pays cases

Cases seeking monetary damages from defendants based on an alleged contribution to climate change harm through the emission of greenhouse gases and/or other activities that contribute to climate change.

- 11 new cases filed in 2024.
- Cases fall into two sub-categories:
  a) Global emissions responsibility claims: cases where the claimants allege that the defendant's overall operations have contributed to climate change and seek damages because of climate harm or anticipated climate harm. Many of these cases rely on arguments relating to disinformation about the impacts of the companies' products on consumers.
  b) Localised climate damage claims: cases where the claimants allege that a localised unlawful action (e.g. illegal deforestation or operation of a plant or facility outside the terms of the licence) has led to greenhouse gas emissions and seeks damages associated with these specified emissions. These actions tend to be brought by public actors.
- 85 cases filed since 2015: 36 cases in category (a), 32 filed in the US, 3 filed in Europe, and 1 in Ecuador; and 49 cases in category (b), the majority (39) in Brazil, 9 in Indonesia and 1 in China.

Recent developments: examples

Lliuya v. RWE: In May 2025, the Higher Regional Court of Hamm, Germany, dismissed this climate lawsuit, finding no concrete threat to the property of Peruvian farmer, Lliuya from German energy company RWE. However, the ruling set a significant legal precedent by affirming that major emitters can, in principle, be held liable under German civil law for climate-related harm based on their proportional contribution to global emissions. This is an example of an (a) global emissions responsibility claim.

Town of Carborro v. Duke Energy: In December 2024, the town of Carrboro, North Carolina, filed a suit against Duke Energy, arguing that the company had engaged in decades of deception regarding the risk of fossil fuel combustion, and should bear some of the costs of adaptation measures for the town. This is an example of an (a) global emissions responsibility claim.

Federal Public Prosecutor's Office v. Nilma Félix; Federal Public Prosecutor's Office v. Daniel Matias; Federal Public Prosecutor's Office v. José Silva; and *Federal Public Prosecutor's Office v. Joel de Souza:* In September 2024, a Brazilian federal court issued rulings in four separate lawsuits concerning illegal deforestation in the Agro-Extractivist Settlement Project of Antimary, holding individuals legally liable for the resulting climate-related damage. These are examples of (b) localised climate damage claims.

D. Corporate framework cases

Cases that seek to disincentivise companies from continuing with high-emitting activities by requiring changes in group-level policies, corporate governance and decision-making extending through the companies' operations.

- 4 new cases filed in 2024.
- 23 cases filed since 2015, all outside the US.

Recent developments: examples

Milieudefensie v. Shell: In November 2024, the Dutch Court of Appeal gave its decision in the appeal in this case. Although it confirmed that companies like Shell have a responsibility to reduce their emissions, it declined to impose an order on the company specifying that emissions should be reduced by a specific amount within a set timeframe.

Youth Climate Case Japan for Tomorrow: In June 2024, a group of 16 young people filed the first corporate framework case in Japan. The case targets 10 power companies, which the claimants allege were responsible for 33% of Japan's emissions in 2019.

E. Failure-to-adapt cases

Cases that challenge a government or company for failure to take climate risks into account.

- 7 new cases filed in 2024.
- 80 cases filed since 2015.

Recent developments: examples

Assad v. Seu: This shareholder derivative action was filed in 2024 against Hawai'i's largest electric utility on the basis that the company failed to take action to mitigate risk to wildlife and misled the public regarding its readiness to deal with severe weather.

State Defense Council vs. Quiborax S.A.: This case was filed in July 2024 by claimants who are an independent body within the Chilean justice system and allege that the defendant company should be liable for environmental damage related to its open pit mining operations. The claimants argue that the environmental impacts of the mine are being further exacerbated by climate change, which the defendants have failed to engage with.

F. Transition risk cases

Cases that concern the (mis)management of transition risk by directors, officers and others tasked with ensuring the success of a business.

- One new case identified in 2024.
- 18 such cases filed since 2015.

Recent developments: examples

Kim Min et al. v. Kim Tae-Hyun et al.: Claimants in South Korea filed a case in February 2024 alleging that the director and auditor of the National Pension Service have breached their fiduciary duties and failed to adequately manage climate risk related to investments in coal.

G. Climate-washing cases

Cases that challenge inaccurate government or corporate narratives regarding contributions to the transition to a low-carbon future.

- 25 new cases filed in 2024.
- 161 cases filed since 2015, with numbers growing significantly in the last few years but now at an apparently slowing rate.

Recent developments: examples

Gyani v. Lululemon: In July 2024, a group of consumers filed a complaint before Florida Federal Court against sportswear company Lululemon arguing that the company's emissions had more than doubled since the start of a sustainability campaign called 'Be Planet'. The case was dismissed in February 2025 on the basis that the claimants could not demonstrate a link between the deceptive statements and the value of the relevant products.

Australian Securities and Investments Commission's (ASIC) v. Mercer: In August 2024, the Australian Federal Court imposed an AU$11.3 million penalty on Mercer Superannuation. The court found that Mercer misled investors by marketing its 'Sustainable Plus' investment options as excluding companies involved in fossil fuels, alcohol and gambling, while these portfolios in fact included holdings in these industries.

H. Turning-off-the-taps cases

Cases that challenge the flow of finance to projects and activities that are not aligned with climate action.

- 7 new cases filed in 2024.
- 44 cases filed since 2015.

Recent developments: examples

ClientEarth v. BlackRock: In October 2024, ClientEarth filed a request to the French finance regulator requesting an investigation into allegedly misleading claims made by asset manager BlackRock in the marketing of sustainability-linked financial products. It calls on BlackRock to allocate investments away from fossil fuels and for the company to stop advertising such funds as 'sustainable'. This case includes turning-off-the-taps arguments and climate-washing arguments.

Milieudefensie v. ING: On 28 March 2025, the NGO Milieudefensie [Friends of the Earth Netherlands] initiated proceedings against ING, the biggest bank in the Netherlands. The NGO argues that ING's current climate policy is not adequate to meet its societal duty of care under Dutch law.

A. Government framework

One of the most watched types of climate cases in recent years has been government framework cases. Sometimes also referred to as 'systemic' cases, these challenge a national or subnational government's overall approach to climate action. These cases often involve challenges to the adequacy of governments' emissions reduction targets ('ambition' cases), or the implementation of overarching climate framework laws ('implementation' cases).

At least 14 new framework cases were filed in 2024, including at the national level in Ireland and Germany, both countries in which framework litigation has been filed previously and met with success. These new cases build on the foundations laid by earlier decisions, challenging further aspects of government action deemed insufficient in light of evolving scientific, legal and political contexts.

Yet, there is also a growing trend of cases being filed following previous unsuccessful cases, building on some of the findings or addressing deficiencies that courts had identified in those earlier cases. In 2024, a second case was filed by youth activists in Turkey challenging the adequacy of Turkey's nationally determined contribution (NDC) and Long-Term Climate Strategy, in part on human rights grounds. A first case on similar grounds was dismissed by the Council of State in 2023.

In Finland, activists filed a second challenge to the Supreme Administrative Court arguing that the country is not on track to meet its 2035 emissions reduction targets, as required under both domestic and EU law, because it has not taken sufficient action to protect national carbon sinks. The court rejected the claim, arguing that the government had taken measures to address the deficiency in its action, and more time was needed to tell whether these would have the intended effect. In taking this approach, the Finnish Court deviated from the approach adopted by other courts faced with similar challenges, such as the French Conseil d'État in the case of ***Grande-Synthe v. France***. In this case, the court engaged in an ex ante assessment of the adequacy of measures to meet France's 2030 climate targets, ultimately finding these to be insufficient, and ordering the government to implement further measures and provide a progress report detailing their effectiveness. But almost two years later, based on the conclusions of a report by the High Council for Climate, the Conseil d'État found that its decision had not been enforced, and in May 2023 it ordered the French Government to take new measures. The case remains open.

As these developments illustrate, it is unlikely that a single framework case can comprehensively and permanently remedy all deficiencies in a country's climate governance structure. Rather than signalling a failure of the litigation model, the need to return to court reflects the inherently dynamic and iterative nature of climate governance and accountability (Williamson et al., forthcoming). This legal adaptation to shifting facts, targets and gaps in implementation fuels a debate about the long-term impact of decisions in framework litigation – but also suggests that such litigation can act as an evolving mechanism for oversight and pressure.

Outcomes of government framework cases

To the end of 2024 just over 40% of decided framework cases seeking more ambition or implementation of climate laws had been successful before the courts. 2024 saw the first successful government framework case in East Asia. The Constitutional Court of South Korea ruled that Article 8(1) of the Carbon Neutrality and Green Growth Framework Act violated the constitutional right to a healthy environment. In ***Do-Hyun Kim et al. v. South Korea***, the court 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. This case was consolidated with three other cases[12] by the Constitutional Court, all challenging whether existing government policies adequately protected the claimants from the threat of climate change. The court held that climate policies must be grounded in science, international standards and legal certainty, and ordered the state to amend the Act by 28 February 2026 to enshrine new interim targets. While the court stopped short of prescribing how to determine a country's 'fair share' of global reductions, it opened up space for a more robust interpretation aligned with global judicial trends. Analysts suggest South Korea could follow the example of Germany by aligning national climate policy with its scientifically determined share of the global carbon budget (Fantozzi and Udell, 2024).

More recently, in ***DUH v. Germany,*** decided in May 2025, the High Administrative Court of Berlin-Brandenburg ruled that the federal government's Climate Protection Plan failed to meet legally binding targets. This decision reinforces the evolving role of courts in holding governments accountable not just for setting ambitious climate goals, but also for ensuring effective implementation aligned with those goals. In the same month, in ***Mathur et al., v. Ontario***, the Supreme Court of Canada declined to hear the state's appeal, upholding the lower court's previous decision that climate targets must comply with the Charter of Rights and Freedoms. The case will now return to the lower court to determine remedies.

Decided framework cases show how past judgments are shaping new legal standards, notably cases including ***Neubauer, et al. v. Germany***, ***Urgenda Foundation v. State of the Netherlands***, ***VZW Klimaatzaak v. Kingdom of Belgium & Others*** and ***Verein KlimaSeniorinnen Schweiz and Others v. Switzerland***. However, they also highlight challenges in enforcing and implementing judicial decisions. The practical effect of even successful rulings depends heavily on political will, legal infrastructure and ongoing judicial oversight (Part IV provides a broader analysis of impacts).

The ***KlimaSeniorinnen*** judgment by the European Court of Human Rights (ECtHR), issued in April 2024, has been pivotal in illustrating the challenges involved in implementing decisions. The court ruled that states have a positive obligation under the European Convention on Human Rights to regulate climate change in order to protect human rights. However, the decision prompted backlash: in June, both chambers of the Swiss Parliament accused the Court of judicial overreach and insisted that Switzerland was already compliant. Despite inconsistencies between the judgment and these political responses, this position was reiterated by the Swiss government in its action report to the Committee of Ministers, which oversees ECtHR implementation. This argument was disputed in submissions filed by several NGO coalitions, including one by the KlimaSeniorinnen group and one by the Swiss National Human Rights Institution.

Continued on next page >

[12] ***Byung-In Kim et al. v. South Korea***; ***Woodpecker et al. v. South Korea***; and ***Min-A Park v. South Korea***.

A key debate concerns how Switzerland should calculate its emissions reduction targets to fulfil the ruling. Some legal scholars note that the ECtHR did not explicitly require states to calculate a national carbon budget based on their fair share of the global budget to limit warming to 1.5°C (Hilson, 2024). However, others argue that the Court's reliance on a scientific fair share assessment does imply such a duty (Van Berkel et al., 2025). They contend that the court effectively established a requirement for states to quantify and justify their emissions reductions in relation to the rapidly diminishing global carbon budget, and, where necessary, support emissions reductions beyond their borders. This debate relates to the broader question of how states should calculate their emissions reduction targets (Hilson and Geden, 2024), a question that featured prominently in the South Korean case and that is also expected to be addressed in upcoming advisory opinions (see Part I).

In the ***KlimaSeniorinnen*** case, in its decision on implementation, the Committee of the Ministers clarified this aspect of the judgment as a substantive requirement, inviting the Swiss government to provide more information on its quantification methodology, particularly in relation to how it aligns with the remaining global carbon budget. Superficial compliance will not suffice: an approach based on at least equal per-capita allocation appears necessary to meet the threshold set by the court.

In 2024, there were also unsuccessful outcomes in government framework cases. For example, in April the ECtHR dismissed the long-running case of ***Duarte Agostinho and Others***, filed by youth claimants directly to the court against Portugal and 31 other states. The case was dismissed by the court at the same time as it upheld the claim of the association of elderly women in the ***KlimaSeniorinnen*** case, in part on the basis that the Portuguese youth claimants had failed to exhaust domestic remedies.

The story of KlimaSeniorinnen v. Switzerland to date: bringing the case to court; the court affirms deficiencies in the state's regulatory framework; and discussions continue over implementation of the judgment.

B. Integrating climate considerations

These cases are by far the most frequently filed type of strategic climate litigation. Some concern failures to adequately consider the impacts of a national or sectoral policy decision on climate change, such as a challenge in 2024 to the New Zealand government's weakening of the 'Clean Car Standard' (which sets emissions limits for imported vehicles). However, many of these cases are focused on individual projects and activities that are anticipated to have significant greenhouse gas emissions. In recent years, this has increasingly concentrated on the question of whether downstream or 'Scope 3' emissions from these fossil fuel projects must be considered by decision-makers. This has gained increasing attention globally, particularly before the courts of Europe's two largest oil and gas producers: the UK and Norway (see Boxes 2.2 and 2.3).

One of the key issues in these cases is the degree to which the impacts of such projects on climate change should be considered, and, where it is acknowledged that they should be, determining which greenhouse gas emissions should be attributed to the project. For example, in the case of a new coal mine, should only the emissions from the mine itself be considered, or also the emissions caused by burning the coal? In the US and Australia, there is a long history of climate cases focused on the degree to which decision-makers should be considering the upstream or downstream emissions of new fossil fuel developments (see Burger and Wentz, 2017; Hughes, 2019). It is expected that the US Supreme Court will soon issue an opinion that may bear on the question of consideration of upstream and downstream emissions in environmental reviews in the case of Seven County Infrastructure Coalition v. Eagle County.

However, even where courts have accepted that broader climate impacts must be considered, success is not guaranteed, and outcomes can vary significantly depending on the facts and the framing. In Australia, for example, recent cases have shown the fragility of positive precedents. In ***Re Sungela (2025)***, the Queensland Land Court conditionally recommended the approval of the proposed Winchester South coal mine, despite arguments from the Environmental Defenders Office that the project's Scope 3 emissions would be substantial. The Court held that the project could proceed if the proponent provided further information to demonstrate its climate impact would be reasonable under the law. However, when considering a broader group of jurisdictions and cases, some scholars have found different trends. For example, based on a review of more than 100 judgments across 23 countries, Medici-Colombo (2024) argues that courts may be approaching a stage where the legal approval of new carbon-intensive projects becomes increasingly rare. Eighty per cent of these cases concerned approvals for fossil fuel projects for both extraction and energy generation or related licensing decisions.[13] Although transnational legal standards in this area are still emerging, there is growing evidence that courts are increasingly insisting on more rigorous scrutiny for high-emission projects through environmental impact assessments, in recognition of their long-term environmental and societal implications.

[13] The underlying data for this paper, which was updated in September 2024, was shared with the authors. The figure of 80% of the judgments reviewed being relevant to fossil fuel projects was derived from an assessment by the authors and any errors regarding this figure are our own.

Greenpeace Norway and Young Friends of the Earth Norway gathering in the Supreme Court, facing the Norwegian government, February 2025 (see Box 2.3).
Photo: Richard Bluecloud Castaneda/Greenpeace

Box 2.2.

Scope 3 emissions and stranded fossil fuel assets: the UK

In June 2024, the UK's Supreme Court issued its long-awaited judgment in ***Finch v. Surrey County Council***. The claimant challenged the environmental impact assessment (EIA) and approval for a new onshore oil well, arguing that the EIA failed to consider Scope 3 emissions, that is, the emissions resulting from the eventual combustion of the extracted oil. The court, by a 3–2 majority, overturned the lower courts and found that these downstream emissions were an "inevitable" consequence of the project and should have been included in the EIA under UK law.

The UK's EIA regime is based on the EU EIA Directive, which also underpins national EIA procedures in all 27 EU member states, as well as in Norway (see Box 2.3), Iceland and Liechtenstein through the EEA Agreement.

UK law: a procedural, not substantive, barrier

Crucially, the *Finch* judgment requires authorities to consider Scope 3 emissions in their assessments, but does not compel them to reject high-emission projects. Under current UK law and policy, there is no legal requirement for authorities to reject projects simply because Scope 3 emissions are significant. Instead, the ruling means that such emissions must be transparently assessed and considered in the decision-making process. Both the North Sea Transition Authority and the Secretary of State for Energy Security and Net Zero retain discretion to approve such projects, provided a lawful EIA process is followed. This distinction between procedural legality and substantive outcomes means that the Finch ruling strengthens scrutiny but may not by itself prevent the approval of carbon-intensive developments.

Ripple effects: developer pushback and judicial balancing

The *Finch* judgment has affected the timelines of other UK fossil fuel projects. While the case was progressing through the courts, legal challenges were brought against the EIAs and approvals for four additional fossil fuel projects: the Whitehaven coal mine in Cumbria, the Biscathorpe oil well in Lincolnshire, and two major Scottish offshore developments – Jackdaw and Rosebank. In each case, the failure to assess Scope 3 emissions was central. Following *Finch*, the UK government accepted that the existing EIAs were legally flawed and chose not to contest the four challenges. However, as explained above, this does not mean these projects are halted indefinitely.

Developers of the Whitehaven, Jackdaw and Rosebank projects sought to defend their permits, arguing they had made major investments in reliance on what they believed were valid approvals. In January 2025, the Scottish Court of Session ruled that, while developers had a legitimate interest in legal certainty, this interest had to be balanced against both the rule of law and the public interest in mitigating climate change. Referring to the Swiss ***KlimaSeniorinnen*** case, the court affirmed that anticipated harm to the public from climate impacts strengthened the case for revisiting the approvals. The court also noted that the developers had knowingly proceeded with investments despite unresolved legal challenges, a calculated risk given the split *Finch* ruling at the Court of Appeal. While the Scottish Court of Session acknowledged that developers have an interest in legal certainty, the court's ruling also implies that they had an obligation to carefully consider the implications of climate litigation on their projects, and to take these implications seriously in business planning.

Such statements lend support to the growing body of research and policy papers that suggest that businesses and investors can and must develop systems to identify and manage climate litigation risk (Wetzer et al., 2024).

Sarah Finch and the Weald Action Group, following their win at the Supreme Court in London. Photo: Sarah Finch

Box 2.3.

Scope 3 emissions and stranded fossil fuel assets: Norway, the Netherlands and Germany, plus implications for Europe more widely

The UK (see Box 2.2) is not alone in facing legal challenges over how downstream emissions and other environmental impacts are assessed in fossil fuel approvals. The UK and Norway are the largest oil and gas producing countries in Europe. European courts are increasingly being called upon to strike a balance between conflicting policy goals: energy security, environmental protection and climate action. Recent developments in Norway, the Netherlands and Germany illustrate the range of legal arguments and judicial responses emerging in this space.

Norway

A protracted legal battle is underway concerning the approval of three major oil fields in the North Sea: Breidablikk, Yggdrasil and Tyrving. In January 2024, the Oslo District Court imposed an interim ban on the projects, citing the government's failure to properly assess Scope 3 emissions and human rights impacts. The District Court also referred several questions to the European Free Trade Association (EFTA) Court. This injunction was later overturned by the Court of Appeal in May 2024, in a decision that separated the case into two parts. The first part concerned the interim ban and how the District Court had interpreted the rules regarding interim measures; the second focused on the validity of the decision approving the development and operations plans, and whether this decision should halt the development and production. What the Court of Appeal overturned was the interim ban imposed by the District Court of Oslo. As a result, the 2025 Supreme Court ruling solely addressed the lifting of the ban, which was reinstated. Therefore, the Supreme Court has yet to address the validity and legality of the three fields.

In May 2025, the EFTA Court issued its advisory opinion confirming that Scope 3 emissions constitute "effects" of the project. This opinion will likely be used by the claimants, Greenpeace Norway and Nature & Youth, to support their arguments in the hearing on the principal claim, set to be heard by the Court of Appeal in September 2025. This advisory opinion is binding on the requesting court (the Oslo District Court), and also on all other European Economic Area national courts on this issue. This might also spark further litigation, particularly where oil and gas projects in EEA countries have not been subject to Scope 3 emissions assessments before approval (Tigre and Rocha, 2025).

Netherlands

A different dynamic has played out in the Netherlands. In April 2024, the District Court of The Hague annulled the permit granted to ONE-Dyas to construct and operate a gas drilling platform in the North Sea. The ruling was based primarily on nitrogen emissions and the risk to marine species in nearby Natura 2000 areas (areas protected for nature), rather than climate concerns. In fact, the court explicitly rejected the climate-based claims, stating that "the consequences for the climate have also been sufficiently investigated". Nonetheless, this decision halted the project temporarily. A revised permit was granted by the Dutch government on 29 May 2024, which is now being challenged in court, continuing the legal uncertainty surrounding the project.

Germany

Litigation in Germany has focused on infrastructure connected to the same ONE-Dyas gas project.

In August 2024, a court revoked the permit for the associated power cable needed to bring the gas ashore. Although the permit was later reapproved following a second application by the company, the dispute highlighted serious environmental concerns, as raised by German NGOs. An appeal against the mining permit itself has also been announced, and campaigners continue to press regional governments to halt the project entirely (DUH, 2025).

Wider implications

These cases showcase different judicial approaches within Europe to the approval of major fossil fuel projects. While the Norwegian courts have shown a willingness to engage with climate and human rights arguments in the context of interim relief, Dutch and German courts have focused more narrowly on environmental and procedural concerns, with climate impacts either rejected or not centrally addressed. Collectively, these developments reflect a broader trend in European climate litigation: the growing use of environmental law – and particularly EIA regimes – as a legal battleground for contesting fossil fuel expansion.

Given the shared legal foundations and similar EIA regulatory frameworks, and the increasing use of comparative reasoning in climate litigation (Affolder and Dzah, 2024), it is plausible that similar arguments – and challenges – will surface in other European countries. These developments may shape both domestic jurisprudence and transnational legal dialogue on the future of fossil fuel governance. They may also influence supply-side policy action on fossil fuels, which has been slow to develop among major producers (Newell and Daley, 2024).

It should be noted that not all integrating climate considerations cases rely on environmental impact assessment laws. For example, the Irish Coolglass case (see Part I) is based on Ireland's Climate Change and Low Carbon Development Act, which aims to embed climate considerations across government decision-making (Jackson, 2025; Averchenkova et al., 2024). While strategies in this case type are used most commonly in cases against governments, some corporate cases also apply this approach. One example, listed in Table 2.1, is the OECD complaint filed by the Vrije Universiteit Amsterdam Climate Change and Sustainability Law Clinic against a North Sea gas project, which aims to block the development and promote the integration of climate standards into corporate due diligence.

"Collectively, these developments reflect a broader trend in European climate litigation: the growing use of environmental law – and particularly EIA regimes – as a legal battleground for contesting fossil fuel expansion."

C. Polluter pays

We classify polluter pays cases as those where the claimants seek monetary damages from defendants based on an alleged contribution to harm caused by climate change. The largest cluster of these cases (32 out of 85, to the end of 2024) is a group of lawsuits in the US filed against major oil and gas companies, also referred to as "climate liability" litigation (Gerrard and MacDougald, 2013). These cases typically combine arguments about contributions to climate change with allegations of corporate deception or disinformation campaigns. It is this alleged deceptive conduct by the defendants, rather than simply their manufacture of products, that forms the key legal basis for most of the claims.

This year, we have expanded the category of polluter pays cases to include cases seeking damages or penalties for more localised emissions, with notable examples identified in Brazil, Indonesia and China.[14]

Outcomes of polluter pays cases

In the US, cases have met mixed outcomes in state courts and may face new challenges

In the US, outcomes from state courts tasked with deciding whether these 'climate liability' cases can proceed to trial under state law continue to be mixed. Since 2023, the US Supreme Court has consistently refused to weigh in on the question of whether the cases should be allowed to proceed in state courts (Setzer and Higham, 2024). As of June 2025, the Supreme Court has already refused two further opportunities to engage with ongoing litigation: firstly, it refused to hear a petition filed by 19 states arguing that five states that had filed damages claims are in violation of constitutional principles and effectively seek to regulate interstate commerce (see ***Alabama v. California***); secondly, it declined to hear an appeal by the defendant companies in the case of ***Honolulu v. Shell***, where the Hawai'i Supreme Court ruled to allow the case to proceed to trial.

However, not all state-level cases have been met with the same success as the Honolulu case. Some state courts have allowed claimants to proceed, including in Colorado where the Colorado Supreme Court recently rejected defendants' arguments that federal law pre-empted state law claims in ***County Commissioners of Boulder County v. Suncor Energy USA, Inc***. Yet, several cases have been dismissed – and those dismissals are now on appeal – including the case of ***City of New York v. Exxon Mobil Corp***, in which a New York trial court was unconvinced by the claimants' arguments, which were based in state consumer protection law.

Despite the uncertainty created by these differing approaches, subnational governments continue to file new polluter pays cases, with claimants ranging in size from state governments (e.g. ***State of Maine v. BP***) to small towns (e.g. ***Town of Carrboro v. Duke Energy***). Interestingly, the case of Carrboro, a North Carolina town with a population less than 30,000, has focused its petition only on Duke Energy, a parent company based within the state that owns electric utilities and natural gas companies, rather than targeting out-of-state companies. Puerto Rico, in contrast, has voluntarily dismissed its similar case.

Tracing causal links is yet to prove successful in these cases

After a decade of proceedings, ***Lliuya v. RWE*** was dismissed by the Higher Regional Court of Hamm, Germany, in May 2025, in a final decision with no further right of appeal. The ruling followed a delay triggered by concerns over the quality of expert evidence. Ultimately, the court found no concrete or imminent danger to the claimant's property, leading to dismissal of the claim on evidentiary grounds. However, the judgment set a significant legal precedent: the court affirmed that major greenhouse gas emitters can, in principle, be held liable under German civil law for climate-related harms based on their proportional contribution to global emissions. Specifically, the court found that a claim under Section 1004 of the German Civil Code could be valid if the impairment of property appears imminent, and clarified that geographical distance between the emitter and the alleged harm [in this case Lliuya, the claimant, was based in Peru] does not, on its own, invalidate such claims. While the claimant was ultimately unsuccessful due to the specific facts of his case, the legal principles established may influence the outcome of two other ongoing European cases that similarly feature major geographical distance between the emitter and the alleged harm, ***Asmania v. Holcim*** and ***Falys v. Total***, and could also have ramifications beyond these (see Koistinen et al., 2025). These two cases were filed in 2023 and 2024 respectively, but no significant developments have been publicised yet.

Saúl Lliuya on his way to the Higher Regional Court of Hamm. Photo: Alexander Luna

[14] These cases were discussed in our 2024 report but were not included in the case count. This year, we have decided to reclassify them as 'strategic' and include them in the overall numbers as we have refined our approach to defining strategic cases (see Annex 1).

Cases involving climate damages for localised illegal activities are seeing success

In contrast, significant progress was made in 2024 in cases seeking climate damages associated with a localised illegal activity (e.g. illegal deforestation). Unlike 'traditional' polluter pays cases, as outlined above, in these cases the compensation for climate impacts is part of the remedies sought, but the damages are substantiated by the illegality of the action that led to the emissions.

In Brazil, landmark rulings from the 7th Federal Environmental and Agrarian Court imposed the payment for climate damages (exceeding R$10 million, based on the CO_2 emissions caused by deforestation) directed to the Climate Fund, where they are intended to support not only reforestation but also payments for environmental services to communities affected by climate change (see Box 2.4). Earlier cases from Indonesia, also brought by actors responsible for enforcing environmental and natural resources laws, have met significant success, with several judgments being confirmed by the Supreme Court (Lin and Peel, 2024; Sulistiawati, 2024). Given the success of these tactics in Indonesia and Brazil, regulatory agencies in other countries may start to adopt similar approaches, particularly where deforestation accounts for a significant proportion of greenhouse gas emissions.

Box 2.4.

Calculating climate damages for illegal activities in Brazil

Brazilian Prosecutors (ABRAMPA) and the Amazon Research Institute (IPAM) have developed a methodology to calculate climate damages, assigning a monetary value to emissions per tonne of carbon dioxide equivalent (tCO_2e) from emissions resulting from deforestation. In September 2024 this methodology was adopted by the Brazilian National Council of Justice (CNJ).[16]

It involves the following steps:

1. Identification of the deforested or burned area, in hectares
2. Estimation of the average carbon stock in that area or biome, per hectare
3. Multiplication of (1) and (2) to determine the total carbon stock emitted due to the activity
4. Conversion of the carbon stock into tCO_2e, using the globally recognised unit for greenhouse gas emissions assessment
5. Pricing of the tCO_2e
6. Multiplication of (4) and (5) to determine the final monetary value.

This calculation of climate damages is not limited to cases of deforestation. In August 2024, an NGO filed the country's first case seeking compensation for climate damages in the energy sector, targeting a thermoelectric plant (***Instituto Arayara v. Copel, Instituto Água e Terra and others – UTE Figueira***). The lawsuit alleges that irregularities in the plant's environmental licensing led to illegal greenhouse gas emissions for more than two decades and demands: reparation based on the social cost of carbon, annulment of the plant's licence and expansion authorisations, and suspension of operations pending proper licensing.

The case of ***Instituto Arayara v. Copel, Instituto Água e Terra and others*** is important for highlighting work to develop methodologies to calculate climate damages, and progress by prosecutors to seek damages in court for illegal polluting activities.

[16] Recommendation 156/2024 provides parameters for assessing the impact of environmental damage on climate change in cases involving deforestation and forest fires. Its goal is to guide and assist courts, judges and judicial staff handling environmental cases.

New initiatives are expanding the landscape and could strengthen 'polluter pays' cases

A growing subset of cases targets the long-term impacts of fossil fuel infrastructure. In ***McCormick v. HRM Resources LLC***, filed in 2024, claimants allege that operators failed to decommission wells leaking methane, which led to environmental and financial harm. Methane is a potent greenhouse gas and decommissioned wells released over 295,000 tonnes in 2021 alone. In 2025, Colorado's Federal Court rejected a motion to dismiss, allowing the case to proceed based on alleged fraud, trespass and public nuisance grounds.

The questions of if, how and when companies will start to face legal liability for their contributions to climate change has also motivated a host of academic and policy research.[17] New initiatives and datasets were launched in 2024 that deepen our understanding of corporate liability for climate harm and may help strengthen future 'polluter pays' claims:

- Zero Carbon Analytics, based on the Sabin Center's database, tracks 68 'climate damage' cases filed against companies
- NYU's Climate Law Accelerator project catalogues 53 'loss and damage' cases. These involve the substantive remedying of harm caused by climate impacts before judicial or quasi-judicial bodies, with harm classified as either monetary or non-monetary. Notably, this database highlights a significant gap in the current litigation landscape: the relative absence of cases against state-owned enterprises, despite the major role such entities play in contributing to global greenhouse gas emissions (Nemeth and Metz-Lehman, 2025). As of 2 April 2025, the database contained 44 cases against companies, eight against governments and one case involving both companies and governments.

In addition, new empirical research has begun to quantify the potential scale of legal exposure facing major emitters. A study by Callahan and Mankin, published in the journal *Nature* in 2025, estimates that large US-based carbon majors could face between US$15 billion and $209 billion in climate-related legal liabilities over the coming decades. Using probabilistic modelling based on analogies with historic mass tort litigation, such as asbestos and tobacco cases, the study highlights both the plausibility of major financial consequences and the uncertainties inherent in future climate litigation pathways. Crucially, the research suggests that while liabilities could become substantial, payouts are likely to materialise gradually over time rather than producing abrupt financial shocks; this is an insight with important implications for investors and regulators.

The broader policy conversation about loss and damage has also intensified. In August 2024, the UN Secretary-General published an analytical study on the impacts of loss and damage on human rights, with a dedicated focus on how litigation is emerging as a key avenue for seeking accountability and redress. This signals growing recognition at the highest levels of international governance that courts will increasingly play a critical role in resolving disputes over climate responsibility.

[17] The Centre for Climate Integrity also maintains a database of liability lawsuits filed by states and municipalities against major oil and gas companies for their role in both the climate and plastic pollution crises.

Photo: Getty Images/Unsplash+

D. Corporate framework

Corporate framework cases seek to hold companies accountable for their contributions to climate change by challenging group-wide policies, governance structures and decision-making processes. These cases typically argue that companies must assess and mitigate climate-related risks and impacts across their full value chains, including Scope 3 emissions (Setzer and Higham, 2024). Legal arguments often invoke tort law, human rights obligations and mandatory due diligence standards, with reference to voluntary standards or guidelines around science-based net zero targets to challenge whether companies are aligned with the goals of the Paris Agreement (Rajavuori et al., 2023).

While ***Milieudefensie et al. v. Royal Dutch Shell*** remains the leading case in this category, it is not alone. At least 20 other corporate framework cases seeking reduction of Scope 3 emissions have been filed globally, in jurisdictions such as Germany, France, Italy, Australia, the Netherlands, Switzerland, Belgium, Poland, New Zealand, the Philippines, and before international bodies (Keuschnigg et al., unpublished manuscript). Across jurisdictions, the legal bases for ongoing cases vary. Tort law underpins German cases such as ***DUH v. BMW*** and ***Kaiser et al. v. Volkswagen***, human rights frameworks underpin cases such as ***Greenpeace Italy et al. v. ENI***, and France's Duty of Vigilance law supports due diligence-based claims such as ***Notre Affaire à Tous v. Total***.

A notable recent addition to this landscape is the first youth-led corporate framework case in Japan. In August 2024, 16 young claimants filed ***Youth Climate Case Japan for Tomorrow*** against 10 major thermal power companies, claiming violations of Japan's Civil Code. Drawing from the Paris Agreement, the UN Guiding Principles on Business and Human Rights and comparative international case law, the claimants argue that the companies' failure to limit emissions breaches their duty of care, particularly harming young people's rights to personal development, happiness and self-determination. The case mirrors arguments made in *Milieudefensie* by invoking companies' legal obligations to align with scientific carbon budgets, and it marks a major development in the application of tort law to corporate climate responsibility in Asia.

Despite growing momentum, these cases face legal, procedural and evidentiary hurdles. Courts have struggled with applying enforceable emissions reductions, something established in government-focused cases, to corporate defendants. To date, no cases of this kind have been filed in the US. And while courts have been willing to engage with novel arguments on the existence of an obligation on companies in relation to climate change, they have thus far stopped short of issuing binding orders requiring corporate emissions cuts. The results reflect both an evolving openness to the concept of non-state climate obligations and the limitations of existing legal tools (see below).

Alternative strategies may help to strengthen these 'forward-looking' cases. Dietz et al. (unpublished manuscript) suggest that sector-specific emissions pathways could be more rigorously integrated into litigation if there were strengthened scientific underpinnings. Courts might also consider benchmarking companies against Integrated Assessment Models (IAMs), using carbon price-based approaches rather than direct emissions targets. While such models carry limitations, they are supported by a wider array of IAMs and often involve less uncertainty. As a more conservative fallback, courts could adopt a formalistic standard requiring companies to meet basic thresholds of good governance and transparency in developing transition plans. Courts could also declare certain actions, such as new investments in oil and gas fields, as incompatible with companies' responsibilities in the context of climate change (see below for an example regarding the Dutch court's comments in passing on Shell's expansion activities).

Looking ahead, corporate climate litigation is likely to clarify Scope 3 obligations and defining standards of care across industries and jurisdictions (Hilson, 2024). These developments will be crucial in shaping the role of companies in the transition to a low-carbon economy.

Outcomes of corporate framework cases

On 12 November 2024, the Court of Appeal of The Hague, Netherlands, issued its long-awaited decision in ***Milieudefensie et al. v. Royal Dutch Shell***. The lower court ruling had been unprecedented, marking the first time a company had been ordered to reduce emissions across its entire value chain, including Scope 3 emissions. The Court of Appeal overturned that order, imposing emission reduction targets, although it did affirm that Shell owes a duty of care under Dutch tort law, informed by international soft law and aligned with the objectives of the Paris Agreement. The court acknowledged broad scientific consensus on the need for a 45% reduction in global emissions by 2030 (relative to 2019) but concluded that such targets cannot be directly imposed on individual companies without clear sectoral benchmarks. It found Shell to be in compliance regarding Scope 1 and 2 emissions, and declined to impose obligations on Scope 3 emissions, citing insufficient evidence presented to show scientific consensus on sectoral pathways and uncertainty about enforcement. However, in passing, the court warned that Shell's ongoing development of new oil and gas fields could potentially violate Dutch tort law, given their incompatibility with the Paris Agreement targets.

Following the decision, Milieudefensie filed an appeal to the Dutch Supreme Court (Court of Cassation) in February 2025, which considers legal questions rather than factual findings. In a parallel move, Milieudefensie launched a new lawsuit in May 2025, based on research conducted with Global Witness showing Shell is planning 700 new oil and gas projects. They argue this expansion undermines climate targets and violates Shell's duty of care, especially as Shell lacks a credible pathway to net zero by 2050. This new case demands that Shell stop developing new fossil fuel fields and adopt emissions reduction targets (for Scopes 1–3) aligned with a 1.5°C pathway from 2035 to 2050.

Other corporate framework cases are seeing an uneven but evolving recognition of corporate climate responsibility. German courts have dismissed similar claims against BMW, Mercedes and Volkswagen, finding that regulatory compliance suffices. In ***Smith v. Fonterra*** (New Zealand), the Supreme Court allowed the case to proceed but has not yet clarified the justiciability of Scope 3 emissions. Meanwhile, ***Notre Affaire à Tous v. Total*** (France) will soon be heard on the merits under the Duty of Vigilance law, potentially testing corporate liability through a different statutory framework.

Milieudefensie's team working on the case against Shell during the hearing days in appeal (April 2024), in front of the Court of Appeal in The Hague. Photo: Tengbeh Kamara

> **"While courts have been willing to engage with novel arguments on the existence of an obligation on companies in relation to climate change, they have thus far stopped short of issuing binding orders requiring corporate emissions cuts."**

E. Failure-to-adapt

The majority of climate litigation to date has focused on mitigation, but there is a growing body of cases addressing adaptation to the impacts of climate change. Among these are failure-to-adapt cases – litigation targeting governments or companies for failing to consider or take sufficient measures to address physical climate-related risks. Since 2015, 80 such cases have been identified in the Global database, involving claims that a defendant's failure to take appropriate adaptation actions caused reasonably foreseeable harm (see Markell and Ruhl, 2010).[18] Some failure-to-adapt cases focus on determining who should bear the cost of adaptation measures. These cases often overlap with polluter pays cases.

In the US, the NGO the Conservation Law Foundation has filed several failure-to-adapt cases against fossil fuel majors for not adequately securing their refineries and other facilities against extreme weather events. Most of the cases have survived dismissal motions and at a least one led to a major settlement: in a case against Exxon dealing with an oil terminal in Everett, Massachusetts.

Otherwise, most of these cases to date have been filed against governments. These include several recent cases heard by apex courts in Colombia, as discussed in Part I. A notable 2024 case is ***Assad v. Seu***, a shareholder derivative action brought against the directors of a Hawai'i-based utility company, Hawaiian Electric, following the wildfires on Maui in 2023. While litigation against utilities after wildfires is common in jurisdictions like the US and Australia that are at high risk from this hazard (see Legg, 2021; Barnes and McDonald, 2021), many such cases are excluded from the Sabin Center's climate litigation databases because they do not explicitly raise material issues of climate science, despite being directly linked to climate change impacts.

Cases like ***Assad v. Seu*** highlight overlaps between failure-to-adapt cases and transition risk cases (see section F below). Both types are concerned with the financial impacts of failing to align corporate governance with climate goals. However, failure-to-adapt cases bring questions about the company's awareness and management of the physical risks of climate change to the fore, often after an extreme weather event has already occurred, while transition risk cases are broader and consider whether management has failed to respond to the evolving social and political dimensions of the low-carbon transition. In ***Assad v. Seu***, the claimants argued that because Hawaiian Electric had reported on its management of climate change risks from 2021 onwards, without in fact adequately planning for the foreseeable impacts of wildfires like those experienced in 2023, it had misled its shareholders. The case also refers to the losses to the company sustained from at least 70 other lawsuits claiming damages following the wildfires. While such cases may be relatively rare at present, in the wake of increased climate-related disasters, they are likely to increase.

Outcomes of failure-to-adapt cases and the difficulty of benchmarking the adaptation agenda

Overall, just under 30% of decided failure-to-adapt cases have met with success before the courts. One notable defeat in 2024 is the UK case of ***R (Friends of the Earth Ltd, Mr Kevin Jordan and Mr Doug Paulley) v. Secretary of State for Environment, Rood & Rural Affairs***, which challenged the legality of the Third National Adaptation Programme (NAP3). This case has also been classified as a government framework case, and is in many ways a close analogue of successful government framework challenges concerning the adequacy of the UK government's plans to meet mitigation goals established under the Climate Change Act of 2008. The Act requires the government to assess climate risks every five years and publish corresponding adaptation plans setting out objectives, policies and proposals to address them. The claimants argued that NAP3 fell short of these requirements, with objectives too vague and insufficiently targeted to address the risks identified in the government's own assessment. The High Court dismissed the case, noting the absence of internationally binding standards on adaptation, in contrast to the more established norms governing mitigation. As the judge put it, "Unlike in the field of mitigation... there is no internationally binding quantified standard governing how States must adapt to climate change."

The ruling on *R (Friends of the Earth Ltd)* illustrates a key limitation in current adaptation litigation: the lack of clear legal benchmarks. While litigation on mitigation increasingly draws on measurable targets such as carbon budgets and 'fair share' contributions, courts remain more hesitant to scrutinise adaptation planning in the absence of equivalent standards. Ongoing international negotiations on the Global Goal on Adaptation aim to address this shortfall by providing a clear framework and targets for measuring progress on adaptation.

In the meantime, the adaptation agenda may yet gain traction before international tribunals, as the claimants in *R (Friends of the Earth Ltd)* are escalating the matter to the European Court of Human Rights. In May 2025, they filed a complaint asserting that the UK's inadequate climate adaptation measures violate their human rights under the European Convention on Human Rights. Their case is bolstered by an assessment of NAP3 carried out by the UK's Climate Change Committee (2025), which highlighted severe inadequacies in current policies to address extreme weather events.

Several other types of cases focused on climate change adaptation have also continued to gain traction in the past year. For example, several new cases have emerged that concern climate-induced migration. This includes the first 'climate refugee' case identified to date in the US, ***Cruz v. Garland***. The claimant, a Guatemalan citizen, had sought to argue that he was part of a particular social group, composed of individuals particularly vulnerable to climate change, but these arguments were dismissed in July 2024. The court found that the claimant did not meet the burden of proof to show that 'climate refugees' were clearly and legally identifiable as a particular social group.

[18] Australia has a significant number of planning cases that are not 'strategic' but are critical to climate change adaptation, e.g. pertaining to the failure of the project proponent to consider the impacts of flooding on the development.

F. Transition risk

Transition risk cases concern the (mis)management of climate-related transition risks by directors, officers and others responsible for safeguarding the success of a business. Like corporate framework cases, they focus on whether corporate policies are aligned with climate goals. However, they differ in that they primarily address the financial and operational risks to the company itself arising from misalignment with the low-carbon transition, rather than the company's external environmental or societal impacts.

There was one new transition risk case filed in 2024: ***Kim Min et al. v. Kim Tae-Hyun et al***. The case was filed by 35 pension holders of South Korea's National Pension Service (NPS). The claimants brought a civil claim against the NPS's CEO, a director and an auditor, alleging breach of fiduciary duty. They argue that the defendants failed to implement the coal phase-out policy announced in 2021, exposing the fund to the financial risks of stranded assets. This case also uses 'corporate framework' arguments. The complaint claims that the fund's actions are inconsistent with the Carbon Neutrality Framework Act and endanger public health. Although the damages sought are relatively modest (approximately US$14,000), the case is significant for asserting that failure to manage transition risk may be financially harmful and legally actionable.

This focus on the directors' failure to consider transition risks and thus allegedly increasing the exposure to stranded assets bears some similarity to the Polish Enea transition risk case. In December 2023 the Polish energy company Enea decided to sue several of its former directors who had supported the company's investments into the controversial and ultimately cancelled Ostroleka C coal-fired power station project. However, unlike the Enea litigation, where the asset, the coal project, had already been abandoned and resulted in a US$160 million financial loss to the company, ***Kim Min et al. v. Kim Tae-Hyun et al***. challenges the risk of future stranded assets, as a result of the failure to implement the coal phase-out policy. The damages are in relation to health impacts caused to three of the claimants who reside near the company's operating thermal power plants.

A decision by the Australian Competition Tribunal concerning ANZ's proposed acquisition of Suncorp Bank was also issued in February 2024. While climate was not central to the case, the tribunal acknowledged that Suncorp Group Ltd (SGL), which operates banking and insurance businesses, may be better positioned to address the growing financial challenges posed by climate-related disasters if it divested from banking. It observed that the sale could improve SGL's ability to compete in insurance markets, particularly given its exposure to increasing natural catastrophe risks. The tribunal ultimately approved the acquisition, following federal intervention, but the decision is notable for its recognition of climate-related transition and physical risks as being material to corporate restructuring and long-term business resilience. While not a direct legal challenge brought by or against a company in relation to transition risk, the case offers insight into how climate considerations are becoming more embedded into regulatory and financial system assessments.

As discussed in Part I, new regulatory and political uncertainty about the pace of the transition in several jurisdictions may mean that fewer transition risk cases are filed in 2025. However, the emerging diversity in this category suggests that transition risk could gain legal relevance in a wider array of institutional and market contexts, beyond emissions-heavy industries and into finance, pensions and corporate governance more broadly.

Photo: Getty Images/Unsplash+

G. Climate-washing

The number of climate-washing cases being filed against corporate actors has risen sharply in recent years. These cases challenge inaccurate government or corporate narratives regarding contributions to the transition to a low-carbon future (Benjamin et al., 2022). They might concern misleading claims asserting that products or services are more climate-friendly than they really are, or that the entity has failed to disclose known risks of how they or their products/services have contributed to harm caused by climate change. Cases may also challenge the degree to which governments or companies have engaged in misinformation campaigns that seek to discredit climate science. Arguments of the latter type are commonly identified alongside 'polluter pays'-style arguments in climate liability cases brought in the US against the carbon majors and others.

Although fewer climate-washing cases (25) have so far been identified as being filed in 2024 than were identified for 2023 (53), climate-washing remains the most commonly employed strategy in corporate cases. It is too early to say for certain whether this marks a significant downward trend in the number of new cases filed, although if it does, this may relate to the shifts in the regulatory and political landscape around corporate sustainability disclosures, as discussed in Part I (Box 1.5).

While cases are often brought against companies in high-emissions industries (e.g. see ***Blumm v. NorthWest Natural Gas Co.***, a case against a natural gas utility), companies and financial services that market themselves to sustainability-conscious consumers are also the subject of complaints (e.g. see ***Gyani v. Lululemon Athletica***). Climate-washing cases have met with considerable success before courts and tribunals in some jurisdictions (see below).

Climate-washing litigation regarding carbon credits is increasing and evolving

A growing number of climate-washing cases, including the Blumm case, focus on the integrity of carbon credits and the claims that can be made regarding the carbon emissions of a product or service when credits are purchased to 'offset' emissions from that product or service. Out of the 161 climate-washing cases identified as being filed between 2015 and 2024, Chan et al. (forthcoming) find that more than one-third raise arguments related to carbon credits. Close to 80% of these have reached an outcome, with high levels of success outside of the US, although mainly before consumer protection agencies, rather than the courts (ibid.). Most of these cases challenge the lack of transparency and clarity in advertisements around companies' use of credits.

A notable decision issued by a court in 2024 was a German case concerning confectionary company Katjes' use of the term "climate-neutral" to market its fruit gummies. Germany's highest civil court, the German Federal Court of Justice (Bundesgerichtshof – BGH), ruled that this term was ambiguous and could be interpreted by consumers as either a reduction in emissions during the production of gummies, or compensation for emissions. In this case, the company's "climate- neutral" statement was based on compensation (purchase of CO_2 certificates), through its support of climate protection projects via a partner firm (Förster et al., 2024). The court concluded that such claims must be accompanied by clear and prominent explanations within the advertisement itself about how climate neutrality is achieved. This judgment reinforces the EU's push for greater integrity in environmental communications, and also aligns with regulatory measures such as the Directive on Empowering Consumers for the Green Transition, and the proposed Green Claims Directive, both designed to prevent misleading sustainability claims.

The threat of climate-washing litigation might result in companies themselves publicly acknowledging the limitations of carbon offsetting for their transition pathways. In May 2025 EnergyAustralia settled with Parents for Climate and apologised to customers of their 'Go Neutral' scheme.

Beyond advertising based on the use of carbon credits, there were also at least three cases concerning allegations of carbon credit fraud in the US filed in 2024 (***United States v. Newcombe***; ***United States v. Steele***; ***Commodity Futures Trading Commission v. Newcombe***). Two were criminal prosecutions of corporate executives involved in carbon credit projects, along with a civil enforcement action against one of the defendants. Together, these cases highlight key challenges in the current operation of voluntary carbon markets, and the need for better integration of concerns over the integrity of public goods into the private law sphere of consumer protection, contracts and tort, among others (see further Chan et al., forthcoming). Courts will continue to play a crucial role in clarifying legal boundaries for corporate responsibility in the context of net zero commitments.

Outcomes of climate-washing cases

Although the pace of new climate-washing cases being brought may be slowing down, it appears that their relatively high success rate remains a constant. Of the just over 100 cases decided by the end of 2024, we have classified more than 60% as successful for the claimants.

Australia emerged in the past year as a key jurisdiction for successful regulatory climate-washing enforcement, with the Australian Securities and Investments Commission (ASIC) securing three consecutive wins. These included a landmark AU$11.3 million penalty against Mercer Superannuation for misleading marketing of funds, which falsely claimed to exclude fossil fuels, alcohol and gambling investments. ASIC also obtained an AU$20 million penalty against Vanguard Investments for false and misleading statements about ESG exclusions. Most recently, in March 2025, Active Super was found to have engaged in misleading conduct by promoting fossil fuel exclusions while maintaining holdings in companies involved in oil extraction and coal mining. These cases underscore the increasing scrutiny of sustainability claims in the financial sector and how regulators can judicially uphold integrity in ESG disclosures.

Importantly, the financial penalties in such cases may have implications for corporate liability coverage. Climate-washing enforcement actions could potentially trigger claims under Directors & Officers (D&O) and General Liability (GL) insurance policies (Gallagher Research Centre, unpublished manuscript), raising new questions for insurers, companies and regulators alike about the allocation of financial risk associated with misleading climate claims.

Despite the success of these cases, questions remain about the broader implications of climate-washing cases for climate action. Some critics argue that the threat of litigation may give rise to 'greenhushing', a tendency for companies to scale back or obscure their sustainability messaging to avoid legal scrutiny. However, civil society groups contend that litigation plays a vital role in preventing companies from enjoying reputational benefits without delivering corresponding emissions reductions. This concern is supported by recent research that found that among over 1,000 large companies that set voluntary 2020 emissions targets, these targets were met by only about 60%, while many others simply stopped reporting on their progress (Jiang et al., 2025).

Additional evidence from a 2024 joint report by MIT and the European Central Bank reinforces this scepticism. The study found no meaningful difference in actual climate-related actions between financial institutions that had made net zero commitments and those that had made none, raising concerns about the credibility and effectiveness of voluntary commitments in the finance sector (Sastry et al., 2024).

"Australia emerged in the past year as a key jurisdiction for successful regulatory climate-washing enforcement, with the Australian Securities and Investments Commission (ASIC) securing three consecutive wins."

H. Turning-off-the-taps

Turning-off-the-taps cases target financial flows that support high-emitting activities incompatible with climate goals. These cases are filed against both public and private financial institutions and aim to internalise climate risk into capital allocation, making carbon-intensive investments economically untenable.

An important new case is ***Milieudefensie v. ING***, filed in March 2025 before the Amsterdam District Court. The Dutch NGO Milieudefensie alleges that ING, one of the Netherlands' largest banks, is violating its duty of care under Dutch civil law and international soft law standards by failing to reduce its financed emissions in line with the Paris Agreement. The filing followed a notice of liability issued in January 2024 and a final demand letter in January 2025. The lawsuit demands that ING halve its total emissions by 2030 compared with 2019 levels, align its entire portfolio, including Scope 3 emissions, with a 1.5°C pathway, and adopt stricter climate policies across high-pollution sectors. The case builds on the precedent set in ***Milieudefensie v. Shell*** and invokes the OECD Guidelines for Multinational Enterprises, arguing that ING contributes to climate-related harm by financing fossil fuel activities. It also connects ING's financial decisions to human rights violations caused by worsening climate impacts, signalling a growing trend in using litigation to push systemic decarbonisation across financial value chains.

An evolving legal argument in this area involves financial institutions' responsibilities under the UN Guiding Principles on Business and Human Rights (Noorda, 2024). Increasingly, claimants argue that banks must not cause or contribute to human rights harm through their financing relationships, especially climate-related harm. These cases demand transparency, divestment from fossil fuels, and due diligence obligations tied to climate targets.

Pension funds remain a target of this type of litigation. In South Korea, the 2024 case of ***Kim Min et al. v. Kim Tae-Hyun et al***. challenged the national pension fund's failure to manage transition risks, and follows an earlier related case. Similar cases have been filed in previous years in Luxembourg, the UK, Australia and the US. Cases have targeted both private and public sector pension funds. There have been no direct developments in the two cases filed in 2024 against BNP Paribas based on the Law of Vigilance, but the decision from the Court of Cassation on issues related to admissibility in the case of *Notre Affaire à Tous v. Total* mentioned above may be a positive indication for the applicants.

Some cases combine climate-washing and financial accountability strategies. In March 2025, ClientEarth filed a complaint to the French financial regulator (AMF) against BlackRock, alleging misleading sustainability claims. Based on research by Reclaim Finance, the complaint focused on 18 'sustainable' retail funds holding over US$1 billion in fossil fuel investments (ClientEarth, 2024). BlackRock subsequently announced fund reclassifications to comply with new fund-naming guidelines (ClientEarth, 2025).

Earlier waves of turning-off-the-taps litigation were primarily focused on fiduciary duties and public divestment mandates. They laid critical groundwork but achieved mixed results. Recent cases show greater precision in legal argumentation, stronger empirical foundations, and a growing willingness to draw on international human rights and soft law frameworks.

Outcomes of turning-off-the-taps cases

While some turning-off-the-tap cases have succeeded in raising the profile of climate issues among financial decisionmakers (see ***ClientEarth v. European Investment Bank; McVeigh v. REST***), recent outcomes suggest the ongoing legal and strategic challenges and regional variation in this space.

A notable example from 2024 is ***Dawson v. Murphy***, in which the New Jersey Appellate Division rejected claims that the State Pension Fund's investments in oil and gas companies violated the claimants' constitutional rights and fiduciary protections. The claimants argued that such investments contradicted New Jersey's own climate legislation and breached a supposed right to a stable environment under the state constitution. The appellate court declined to recognise such a right, reasoning that expanding the public trust doctrine in this way would go beyond its historical use related to access and use of natural resources. The court also found that the state's pension statutes did not imply a constitutional right to climate stability and deemed the pension fund's investment decisions a non-justiciable political question.

The Dawson case illustrates the judicial reluctance present in some jurisdictions to extend environmental rights frameworks into the realm of public finance and pension fund management. It also reflects broader doctrinal barriers faced by turning-off-the-taps litigants, particularly when arguing for systemic shifts in financial governance on constitutional or fiduciary grounds. Nonetheless, even where unsuccessful, there is evidence that merely filing these cases can raise public awareness and pressurise institutions into considering climate risk in financial decision-making (Gostlow et al., unpublished manuscript).

A young activist demonstrating as part of the #CancelCoal case in South Africa. Photo: Astroclutter

Part III.

Non-climate-aligned strategic cases

National Guard and police advance on protesters at the Standing Rock Dakota access pipeline, US. Photo: Richard Bluecloud Castaneda/Greenpeace

Media reports and analysis on 'climate litigation' as a phenomenon tend to focus on cases that are aligned with climate goals. While most cases captured in the available databases seek to hold governments and companies accountable for failing to act to protect the climate, this is only part of the story. Litigation and the courts have also been used over the years to challenge or delay climate action. This section examines non-climate-aligned litigation – cases that oppose, delay or complicate climate action. It explores how litigation is increasingly used not only to advance climate goals but also to resist or reshape them, whether through anti-regulatory challenges, ESG backlash, SLAPP suits, or litigation over just transition and environmental trade-offs.

Many non-climate-aligned cases can be characterised as 'anti-regulatory' challenges, which typically question governments' authority to pursue a proposed climate policy measure, often considering the impacts of the measure on the legally protected interests of stakeholder groups (Markell and Ruhl, 2010; Peel and Osofsky, 2015). In federal systems, these cases commonly focus on whether a proposed action falls within the powers and purview of a given level of government, either state or federal.

More recently, the landscape of non-climate-aligned litigation has taken on new complexities. While some early anti-regulatory cases called into question the basic facts of climate change and the need for any form of climate policy (Peel and Osofsky, 2015), many newer cases focus on narrower challenges to the way in which climate policy is being designed and delivered. Of the range of non-climate-aligned cases, we have identified two categories where this is particularly common: just transition litigation, which has been defined as "lawsuits brought by vulnerable groups raising questions over the justice and fairness of laws, projects or policies adopted to deliver climate change adaptation and/or mitigation" (Savaresi et al., 2024), and green v. green litigation, in which climate policy measures are challenged because of their alleged impacts on other aspects of the environment, particularly biodiversity. As governments navigate the timing and means of the transition, they will increasingly need to manage and balance competing interests and trade-offs.

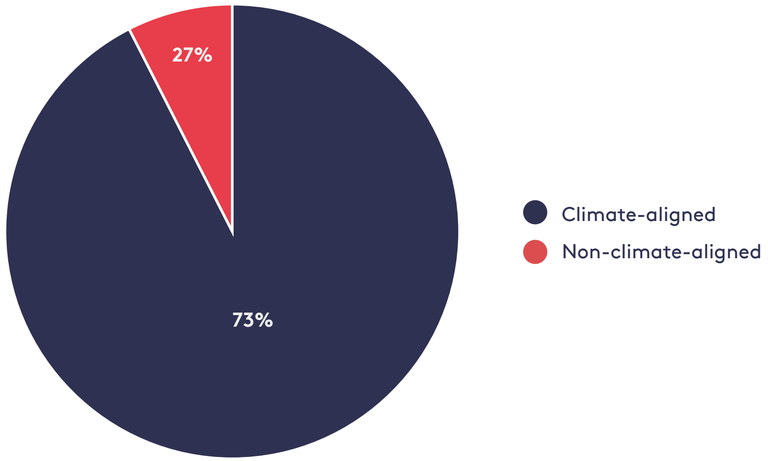
Both types – just transition and green v. green – hold important potential lessons for policymakers about the best way to approach climate action. However, it is also possible for legal arguments about justice for communities or biodiversity protection to be co-opted by bad faith actors seeking to delay the transition (Setzer and Higham, 2024). A potential example of this in green v. green litigation can be seen in the US related to litigation tactics by the anti-wind power movement (see Eisenson et al., 2024), with cases sometimes employing scientifically questionable arguments about biodiversity trade-offs associated with offshore windfarms. However, as new research from Slevin et al. (2025) suggests, it is too simplistic to depict this movement as either NIMBYism or entirely generated by 'dark money'. Instead, these cases involve a complex network of actors, and concerned local groups may receive some of their information from actors more directly tied to fossil fuel subsidies. Further research into varieties of non-aligned climate litigation and the actors involved is much needed.

Non-climate-aligned cases in 2024

Of the 226 cases filed in 2024, 60 cases (27%) were classified as involving some form of non-climate-aligned arguments (see Figure 3.1). A large majority of these cases (88%) were filed in the US. The relatively high proportion of 'anti-regulatory' or non-aligned climate cases in the US reflects a pattern common to the broader field of US environmental law: while 'pro-regulatory' claimant types still dominate US environmental litigation and tend to have higher success rates, anti-regulatory litigation is a significant phenomenon across a range of environmental issues (Rea et al., 2024).

In addition to classic 'anti-regulatory' cases, we observe a continuation of trends from recent years in the development of anti-ESG litigation or 'ESG backlash' litigation. New examples of Strategic Litigation Against Public Participation (SLAPP), just transition litigation and green v. green challenges have also continued to emerge.

Figure 3.1.
Proportion of cases involving arguments aligned and non-aligned with climate action filed in 2024



A. Anti-regulatory challenges

Many of the non-climate-aligned cases identified in this year's analysis fit the description of more straightforward 'anti-regulatory' challenges. For example, in the US there were at least five challenges to state and local legislation seeking to introduce new energy efficiency standards for buildings, appliances or vehicles, or to promote the retrofitting of existing buildings. Some of these cases have been classified as both anti-regulatory and just transition cases, since plumbers' and builders' unions are among the claimants. There were also numerous challenges to new federal rules introduced by government agencies under the Biden administration, including challenges to the Securities and Exchange Commission's proposed rules on climate risk reporting, e.g. ***Iowa v. Securities and Exchange Commission***. The Trump administration has confirmed that it will no longer seek to defend the case.

While lower in numbers, outside the US, non-climate-aligned cases continue to be part of the legal landscape, with administrative and appellate courts sometimes diverging on climate-aligned and non-climate-aligned outcomes. For example, in July 2024, the French Conseil d'État added its opinion on an action challenging the decision by the Minister to refuse a hydrocarbon exploration permit (which had been based in part on the fact that the project would be contrary to France's climate policy). The lower administrative courts had found that the Minister had acted unlawfully in refusing such a permit (a non-climate-aligned outcome). However, the Conseil d'État disagreed, ruling that the Minister's refusal did not constitute a misuse of power. It found that the Minister's decision to refuse the permit was based on a combination of legal and policy factors, including the environmental risks of fossil fuel expansion and France's climate commitments, rather than a blanket rejection of all fossil fuel exploration. Crucially, the Conseil noted that the existing legal framework does not oblige the Minister to grant permits, and that it is legitimate to consider climate policy objectives in assessing such applications (a climate-aligned outcome). The ruling reflects the judiciary's willingness to uphold discretion in policymaking, even where climate considerations are part of a broader administrative rationale.

Another phenomenon that is common in the US but also appears elsewhere is the filing of both climate-aligned and non-aligned cases tackling the same issue. In the US, for example, both industry groups and environmental groups have filed challenges to the Bureau of Ocean Energy Management's decision to approve the 2024–2029 National Outer Continental Shelf Oil and Gas Leasing Program, which scheduled three rounds of oil and gas leases over the lifetime of the programme. In Brazil, there has been similar litigation from both sides concerning the RenovaBio programme, a government programme that sets individual targets for reducing emissions through reducing the share of fossil fuels and increasing the share of biofuels in their products for companies distributing fuels for use in the transport sector. The policy was challenged by the right-wing Democratic Renewal Party, which argued that the policy imposed a discriminatory burden on fuel distributors. It was also challenged by the more left-wing Democratic Labour Party, who argued that the real impact of the policy was to provide financial support to the biofuels industry rather than to advance the ecological transition.

B. ESG backlash

In 2024 and early 2025, climate litigation trends have been influenced by the wider and escalating backlash against environmental, social and governance (ESG) initiatives, particularly in the US. These cases challenge the legitimacy of ESG-focused policies and practices, whether from private actors, government regulators or shareholders. Unlike the classic 'anti-regulatory' cases discussed above, which challenge state climate or sectoral legislation, these cases may also challenge private initiatives that appear to promote ESG. Companies now face growing pressure from different directions: from ESG advocates urging stronger commitments and disclosure, and from anti-ESG actors challenging those same commitments as unlawful or ideologically driven. The result is a rapidly evolving legal risk environment in which even routine corporate or investment decisions may be subject to litigation.

This complex legal landscape reflects growing political polarisation around climate action and sustainability, particularly in the US, and it underscores the increasing legal and reputational risks facing both ESG proponents and their critics. ESG backlash litigation should be considered in the context of the broader political and social pushback against proactive climate policy. Legal complexity is increasing beyond the US. In Australia, the government has proposed a three-year moratorium on climate-washing litigation (except from the corporate regulator) under the mandatory climate disclosure laws. In the EU governments and financial regulators are grappling with how to design sustainable finance rules that are both enforceable and legally resilient to political and judicial pushback.

Political and legal drivers of the anti-ESG movement in the US

The rise of anti-ESG litigation has been fuelled by coordinated efforts in Republican-led US states, where regulators and state attorneys general have initiated investigations and lawsuits against companies and asset managers accused of making decisions influenced by ESG considerations. These legal actions often rest on claims that ESG strategies violate fiduciary duties, anti-trust laws or consumer protection standards. Several states have also passed or proposed 'anti-ESG' laws that prohibit or penalise investment strategies that consider environmental or social factors.

The legal success of anti-ESG litigation, however, has been mixed. For instance, the ***Wong v. New York State Common Retirement Fund*** case, brought by claimants who alleged that the state fund's ESG investment strategy (which resulted in a divestment from fossil fuels) violated fiduciary duties, was dismissed in 2024 for lack of standing and failure to state a claim. However, a similar case in Texas, ***Spence v. American Airlines, Inc.***, is currently pending in federal court, and observers suggest it could result in a different outcome given the prevailing political and judicial climate (Field and Hanawalt, 2024). Texas and 11 other Republican-led states have also filed a lawsuit against BlackRock and two other institutional investors, alleging that their ESG investment practices amount to anti-competitive behaviour and violate anti-trust laws.

These developments reflect the increasingly complex legal environment for companies engaging with ESG, where actions taken to integrate environmental or sustainability considerations may be challenged from multiple directions. While firms may face scrutiny for adopting ESG strategies, they may also be subject to legal complaints from NGOs for allegedly failing to implement them in a consistent or transparent manner, as the 'turning-off-the-taps' ClientEarth complaint against Blackrock discussed in Part II highlights.

A further important development is the anti-trust case of ***Nebraska v. Daimler Truck North America***, in which Republican attorneys general from 17 states sued several truck manufacturers for their voluntary agreement to phase out diesel vehicles. The claimants claim this constitutes unlawful market coordination. This case reflects a broader trend in weaponising anti-trust law against voluntary ESG collaboration, potentially disincentivising private-sector climate leadership.

In several cases, claimants have also argued that ESG policies constitute viewpoint discrimination or compel speech in violation of the US Constitution, especially when mandated or incentivised by government entities. Although courts have so far been sceptical of these arguments, several critical decisions are still pending. As Field and Hanawalt (2024) note, while the anti-ESG movement has not done well in court, the landscape remains unsettled, especially as litigation expands into areas such as proxy voting guidance, government contracting and financial disclosure mandates.

Reactive and aligned ESG litigation

The anti-ESG backlash has also spurred a new kind of reactive litigation, in which pro-ESG organisations or businesses challenge anti-ESG legislation or state policies that restrict sustainable finance or climate-related disclosures. One example is ***American Sustainable Business Council v. Hegar***, a case that pushes back against Texas legislation penalising financial firms deemed to be 'boycotting' fossil fuels. These cases are strategically and procedurally framed to challenge anti-ESG rules, rather than to promote new climate obligations directly.

This dynamic may give rise to a broader category of what Hilson (2010) has described as "reactive climate litigation" – whereby lawsuits emerge not only to demand stronger climate action, but also to defend existing policy frameworks or resist rollback efforts. Under the current US administration, this type of litigation is likely to become more prominent, particularly if deregulatory measures or hostile legislative proposals target federal and state climate policies.

Companies are having to navigate a complex landscape where actions taken to integrate environmental or sustainability considerations are increasingly challenged from multiple directions, resulting in climate-aligned and non-climate-aligned cases.

C. Strategic Litigation Against Public Participation (SLAPP)

SLAPP suits are legal actions aimed at silencing activists, journalists and civil society actors who speak out on matters of public interest, including climate change. Rather than seeking legitimate redress, SLAPP are often used to intimidate and exhaust defendants by burdening them with costly, meritless litigation (Manko, 2024). These cases are frequently initiated by corporations seeking to deter public participation and climate activism.

One high-profile example from the US in 2024 is ***Energy Transfer v. Greenpeace***, where a North Dakota jury ordered Greenpeace to pay over US$660 million in damages related to protests against the Dakota Access Pipeline. Greenpeace denied leading the protests and called the suit a clear attempt to silence dissent. The judgment, which includes liability for defamation and civil conspiracy, has raised fears it could force the organisation into bankruptcy and chill similar advocacy efforts (Leingang and Lakhani, 2025).

In response to the growing use of SLAPP, the EU adopted an Anti-SLAPP Directive in April 2024 to protect public interest defenders. The directive enables early dismissal of manifestly unfounded claims and permits penalties against abusive claimants. Its provisions could apply to cases like *Energy Transfer v. Greenpeace*, especially given the excessive damages awarded and potential cross-border implications (Eckes and Paiement, 2025).

SLAPP cases also threaten less visible forms of activism. For example, ExxonMobil's lawsuit against shareholder group Follow This, covered in last year's report, had many features of SLAPP. In April 2025, Follow This announced it would not file any climate resolutions this year for the first time since 2016, citing legal pressure.

D. Just transition

Just transition litigation refers to cases brought by or on behalf of individuals and communities who are or foresee they will be structurally disadvantaged or negatively affected by climate action measures. They raise questions over the justice and fairness of laws, projects or policies adopted to address climate change. These cases typically draw on human rights arguments and focus on ensuring that the shift to a low-carbon economy does not reproduce or deepen existing injustices (Savaresi et al., 2024; Tigre et al., 2023).

The majority of just transition cases identified to date relate to climate mitigation, specifically local implementation of renewable energy policies and critical mineral projects. More than two-thirds of the 30 cases reviewed for this report allege either harmful impacts from local mitigation projects, citing failures in procedural justice (the fairness of the processes through which decisions are made) and recognition justice (the failure to consider whose interests and experiences are acknowledged and who has a voice in decision-making processes), or challenge laws and policies using distributive justice arguments (failure to address the burdens and benefits of climate action), pointing to inequitable burdens on already vulnerable communities.

In 2024, the Business & Human Rights Resource Centre launched a Just Transition Litigation Tracking Tool, identifying 60 cases worldwide filed by Indigenous peoples, communities and workers. These involve alleged harm from transition minerals and renewable energy projects – including environmental degradation (77% of cases), water access impacts (80%), and violations of Indigenous rights (55%), especially the right to Free, Prior and Informed Consent.

Just transition cases are a warning signal for companies and investors. They demonstrate that bypassing social safeguards to fast-track transition infrastructure can backfire – leading to costly and time-consuming litigation that undermines the very goals of a just transition to a carbon-neutral and climate-resilient society. The cases can also provide important lessons for policymakers seeking to design effective just transition policies (see Box 3.1).

> **"Just transition cases demonstrate that bypassing social safeguards to fast-track transition infrastructure can backfire."**

Box 3.1.

Situating just transition litigation in the broader policy landscape – insights from a Chilean case

As the phenomenon of just transition litigation comes to be better understood by academics, civil society and policymakers, it is important that research efforts should turn towards understanding the interactions of these cases with the broader policy landscape.

The Chilean case of ***Company Workers Union of Maritima & Commercial Somarco Limited and Others v. Ministry of Energy***, filed in 2021 and cited as an example of a just transition case (Tigre et al., 2023; Savaresi et al., 2024), is instructive here. The case was brought on behalf of workers from three different unions, who argued that their livelihoods would be impacted by agreements signed between the Chilean government and several coal power plant operators to implement Chile's Energy Sector Decarbonisation Plan. The workers requested an order for protection from the courts, arguing that they were not consulted and their constitutional rights were not properly respected in the development of the plans. The Supreme Court ultimately found in their favour, ordering that the Ministry of Energy should "after prior coordination with the corresponding ministerial portfolios, implement a plan that ... contemplates the adoption of measures that seek the reintegration or job reconversion of the affected workers".

Following this order, in 2022 the claimants in the case returned to court, questioning the Ministry of Energy's compliance with the ruling. In its response report, the Ministry of Energy set out details of the work that was being undertaken to comply with the court's order and address the needs of workers affected by the energy transition. The Ministry's report noted that the government has adopted the principle of a Just Socio- Ecological Transition, which includes a Just Energy Transition led by the Ministry of Energy, but also necessarily involves several different government bodies. To facilitate interministerial coordination on this agenda, the government created the Interministerial Committee for a Just Socio-Ecological Transition, which will lead efforts to engage with, and help reintegrate, workers affected by decarbonisation of the energy sector. The Ministry further stated that it is seeking to comply with the court order through the ongoing activities of the Committee, and the implementation of specific actions and measures in affected regions, including the creation of scholarships for further vocational training. This report was accepted by the Court and not subject to further challenge by the claimants.

While further research is required to fully understand the degree to which the judgment in this case was an influencing factor in the adoption of the policy processes described, from the framing of the Ministry of Energy report it appears to have played a substantial role. Examining the circumstances and consequences of cases like this one may provide policymakers with significant insights for the design of just transition institutions and processes.

E. Green v. green

We identify a growing trend of 'green v. green' litigation – cases in which different environmental objectives, such as climate mitigation and biodiversity protection, come into legal conflict. These disputes raise fundamental questions about environmental trade-offs, legal priorities and the procedural safeguards surrounding climate-related infrastructure. While often framed as opposition to renewable energy projects, these cases typically reflect deeper concerns about whether such projects adequately account for local ecological risks, cultural values or community rights. Though not a new phenomenon, green v. green litigation is accelerating in parallel with the rapid roll-out of renewable energy and climate adaptation infrastructure.

A prominent recent example is ***M.K. Ranjitsinh & Others v. Union of India***, decided by the Indian Supreme Court in March 2024. The case, initially aimed at protecting two endangered bird species, the Great Indian Bustard and Lesser Florican, from the risks posed by overhead power transmission lines, evolved into a broader examination of the environmental impacts of infrastructure development. In a reversal of its 2021 judgment, which had mandated conservation safeguards, the court chose instead to establish an expert committee to evaluate mitigation measures. Some observers have welcomed the decision for implicitly recognising climate rights and embedding expert-led processes in environmental governance (Dutta, 2024; Dubash et al., 2024; Jamwal, 2024). Others have expressed concern over the ruling's technical shortcomings, weak enforcement mechanisms and limited engagement with ecological science – particularly in the context of India's rapid rollout of large-scale renewable energy projects (Gupta, 2024).

Another example is ***Declic and Bankwatch Romania v. Răstolița Hydropower Project***, in which Romanian environmental groups challenged the development of a hydropower project in a protected Natura 2000 site, arguing that the project would irreversibly damage biodiversity and violate EU environmental law. Despite the government's position that the project is aligned with renewable energy goals, the court found that the environmental impact assessment had failed to properly consider alternative measures to protect the environment and ruled in favour of the claimants.

A growing number of such cases are also raising concerns of impacts to marine biodiversity. In ***Green Oceans v. U.S. Department of the Interior***, filed in 2024, the claimants challenged the approval of an offshore wind project. While the case raises concerns about the project's impacts on marine biodiversity, it is especially notable for also arguing that the environmental review process failed to fully assess the climate change impacts of the project itself – namely, how warming oceans could interact with and exacerbate ecological risks. This dual framing demonstrates how green v. green cases may evolve to incorporate complex, multi-dimensional environmental arguments that do not sit neatly within conventional legal categories. At the same time, renewable energy project developers are also challenging government decisions to refuse permits due to alleged impacts on the marine environment. For example, ***Seadragon Offshore Wind Pty Ltd v. Minister for Climate Change and Energy***, filed in Australia in 2024, concerned a challenge to the Minister's refusal to grant feasibility licences for a proposed offshore wind farm off the coast of Victoria. The refusal was based on potential impacts on the whale population. The applicant argued that the Minister had failed to adequately weigh up the public interest in decarbonisation and made an inaccurate interpretation of biodiversity risk thresholds.

Another example from the US filed in 2024 is ***Sierra Club v. California Department of Water Resources***, which involves a legal challenge to a major adaptation infrastructure project in California's Sacramento-San Joaquin Delta. The project was designed to enhance water resilience in the face of climate change but has been contested on the basis that it may damage sensitive ecosystems and endangered species. The case raises important questions about the governance of multi-hazard adaptation strategies and whether climate adaptation can be pursued in a way that is consistent with biodiversity commitments. It also points to a potential new frontier in green v. green litigation – contestation not only of mitigation projects, but also of adaptation strategies that involve significant trade-offs with other environmental priorities.

These cases, alongside just transition cases, underscore another facet of climate litigation: as governments and companies scale up climate-related investments, they are increasingly being held accountable not just for whether they act on climate, but how they do so. Courts are being asked to mediate between competing environmental and social values and to scrutinise the procedural and substantive justifications offered for climate mitigation or adaptation projects.

The case of M.K. Ranjitsinh & Others v. Union of India was initially aimed at protecting two endangered bird species, the Great Indian Bustard (pictured) and Lesser Florican, from the risks posed by overhead power transmission lines, but evolved into a broader examination of the environmental impacts of infrastructure development. Photo: Inside Indian Jungle, via Flickr

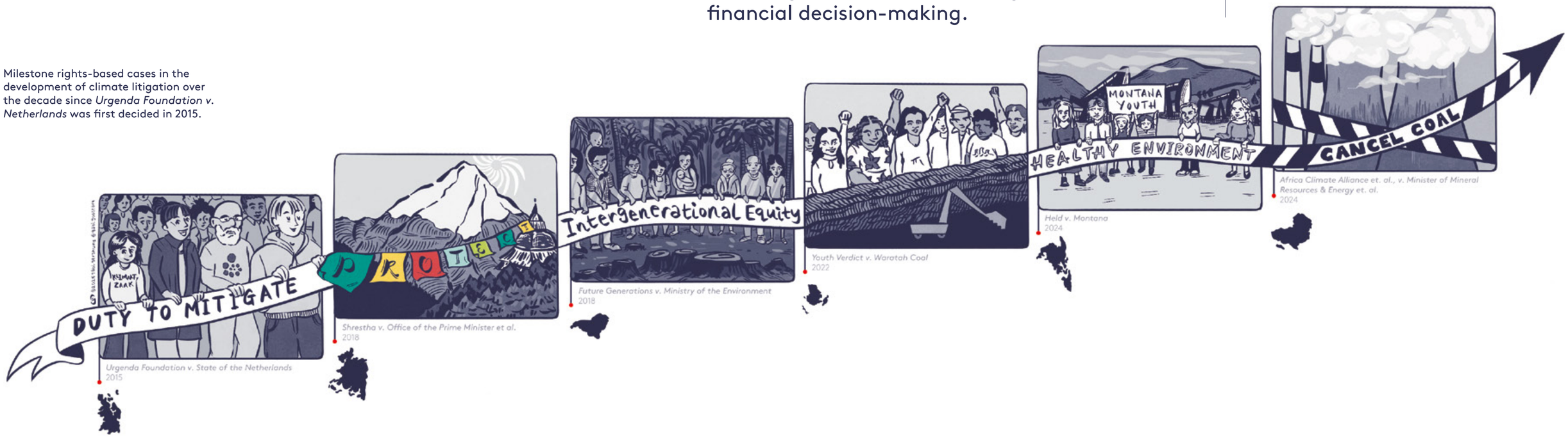
Part IV.

Impacts beyond the courtroom

To understand the whole story about climate litigation and its impacts, we need to look beyond direct judicial outcomes in the court room. Strategic litigation is often part of a broader movement and its outcomes are shaped by both structural context and the agency of litigants. In this section, we explore three key domains in which the broader impacts of climate litigation (beyond the implementation of judgments) are becoming increasingly visible and well-documented: climate governance, climate legislation and financial decision-making.

Even where judgments are only partially implemented, they can catalyse institutional reform, empower advocacy coalitions and contribute to broader shifts in governance (Brickhill, 2021). Understanding these impacts requires long-term, longitudinal analysis, often extending over five years or more. The climate litigation field is now reaching a level of maturity that enables these deeper, evidence-based assessments.

Milestone rights-based cases in the development of climate litigation over the decade since *Urgenda Foundation v. Netherlands* was first decided in 2015.



A. Governance and legal impacts of climate litigation

Impacts of rights-based climate litigation

Since 2015, rights-based climate litigation has become an increasingly prominent force in national and international climate governance. Sparked by early landmark decisions in ***Leghari v. Pakistan*** and ***Urgenda v. Netherlands***, litigants across the globe started to turn to courts to compel governments to act on climate change, invoking fundamental rights and constitutional obligations. In the decade since those two cases were decided in 2015, the number and scope of such cases have expanded significantly, reaching new jurisdictions and producing a growing body of influential jurisprudence.

The most visible impacts of these cases have been in government framework litigation, where claimants challenge the adequacy of state-level climate action plans. Empirical research suggests that some of these rulings have contributed to tangible improvements in national climate governance (Averchenkova et al., 2024; Higham et al., 2022). As well as testing the boundaries of constitutional and international human rights law, these cases have aimed to shape policy debates and national governance frameworks and arguably have contributed to such shaping. In Germany, for example, the 2021 Constitutional Court ruling in the ***Neubauer*** case led to immediate legislative amendments to revise interim targets and a move to bring forward the net zero target date (Kaminski, 2024b), while in Ireland, the Supreme Court's decision on ***Friends of the Irish Environment v. Ireland*** prompted more detailed and specific climate planning.

Influence on policy credibility and public support

One line of emerging research examines how successful climate rulings affect the credibility of national climate commitments. A recent analysis of stock market reactions suggests that when courts require governments to revise or adopt climate policies, it can boost investors' perceptions of the reliability and durability of those commitments (Voeten, 2024). These findings indicate that litigation may influence not only legal mandates but also economic expectations around climate action.

Experimental studies also show that litigation can increase public support for climate policies, particularly when the legal action is perceived as legitimate and highlights government inaction (Kovács et al., 2024). This underscores the potential for litigation to play a signalling role in public discourse (see Box 4.1).

Limits to legal impact and uneven implementation

More research is needed to assess the legal impact and implementation of cases. For example, while some have cautioned against assuming direct causal links between the *Urgenda* case and emissions reductions (Mayer, 2023), there is evidence that the Netherlands did meet the 2020 emissions reduction target mandated by the court – a 25% cut relative to 1990 levels – with official data confirming a 30% reduction by 2022 (Statistics Netherlands, 2022; 2023).

Ultimately, impacts vary widely by context. In some jurisdictions, rulings have spurred concrete legislative or administrative responses; in others, they have been met with symbolic compliance or political resistance. In Colombia, for example, litigation has prompted the government to produce reports and adopt action plans in response to court rulings. Yet the implementation of judicial remedies – particularly regarding deforestation and river protection – remains inconsistent (Calderón, 2024), underscoring the institutional and enforcement gaps that often follow litigation victories (Buszman, 2024).

The 'rights turn' continues to evolve

At the supranational level, the "rights turn" (Peel and Osofsky, 2018) in climate litigation has so far culminated with the European Court of Human Rights' (ECtHR) landmark 2024 ruling in ***KlimaSeniorinnen v. Switzerland*** (discussed in Box 2.2). This decision marks a milestone in global climate jurisprudence, not only for its affirmation of state obligations under international human rights and climate law, but also for the way it connects these distinct legal regimes (Savaresi, 2025). The ruling also confirmed that associations (NGOs) may have standing in climate litigation, even if the individuals they represent do not meet the strict victim status criteria.

One year after the Grand Chamber's ruling in *KlimaSeniorinnen*, national courts have begun to engage with the judgment. At least four decisions have cited this landmark precedent, though not in a uniform manner. In the Czech Republic, the Supreme Administrative Court dismissed the framework climate case ***Klimatická žaloba ČR v. Czech Republic***, rejecting the relevance of *KlimaSeniorinnen* in the Czech legal context. The court stated that existing EU legislation would shield the Czech Republic from the need to adopt additional efforts. The claimants have since appealed to the Czech Constitutional Court. In Sweden, the Supreme Court dismissed ***Anton Foley et al v. Sweden*** on procedural grounds, as the case had been brought on behalf of individuals without the participation of a registered NGO. The claimants are asking the court's permission to amend the claim to include the youth NGO Aurora as a formal co- claimant. In the Netherlands, the Hague Court of Appeals in ***Milieudefensie v. Shell*** highlighted the fundamental importance of *KlimaSeniorinnen* in establishing a duty to pursue human rights protection in the context of climate change. In Ireland, the High Court relied substantially on *KlimaSeniorinnen* in ***Coolglass Wind Farm Limited v. An Bord Pleanala***. In this project-based case concerning planning permission for a wind farm, the court found that the failure to consider the climate benefits of the project constituted a breach of Article 8 of the ECHR, as interpreted in *KlimaSeniorinnen*.

The *KlimaSeniorinnen* judgment is expected to influence other decisions, including the ongoing advisory proceedings before the International Court of Justice and the Inter-American Court of Human Rights. But caution has been urged in assessing its practical impact. Bétaille and Chapron (2025) emphasise the need for empirical evidence to evaluate the extent to which such rulings affect climate outcomes or policy implementation.

The strategic and doctrinal directions of rights-based litigation also continue to evolve. As Nordlander (2024) argues, the legal framing of 'climate harm' varies by legal forum. In the European system, health-based arguments dominate due to jurisprudential and doctrinal constraints, while culture-based claims appear more frequently in cases under the International Covenant on Civil and Political Rights and the American Convention on Human Rights. These differences have implications for how courts conceptualise victimhood and the scope of state obligations: issues now being tested in ongoing ECtHR cases such as ***Müllner v. Austria***.

Finally, rights-based arguments that were first developed and piloted in framework style cases have also started to be employed in cases focused on specific sectoral policies or projects, such as in the #CancelCoal South African case (as discussed in Part I).

> **"In the decade since *Leghari v. Pakistan* and *Urgenda v. Netherlands* were decided in 2015, the number and scope of right-based cases have expanded significantly, reaching new jurisdictions and producing a growing body of influential jurisprudence."**

Box 4.1.

How climate litigation shapes public narratives

Climate litigation is increasingly recognised as a means of reshaping public narratives about climate justice, responsibility and governance, as well as a legal mechanism. Recent research shows that narrative framing – especially around intergenerational equity – can significantly influence public opinion and policy support. One study found that when people in Germany were presented with information about the ***Neubauer*** ruling alongside climate policy proposals, their support for those policies (e.g. carbon pricing) increased significantly (Schönhage et al., 2024).

Importantly, litigation also serves a communicative function. Courts are platforms for public storytelling as well as sites of legal reasoning. Climate cases often involve competing narratives of public authority, expertise and accountability – stories that both reflect and shape evolving understanding of the role of public law in addressing climate change (Fisher, 2025). These stories help make sense of complex scientific and ethical issues, translating them into legal language while also resonating with broader public values.

An example of a case influencing narratives is ***A Sud et al. v. Italy***. Advocacy efforts surrounding the lawsuit received extensive media coverage, long before any verdict was issued, drawing attention to the Italian government's perceived climate inaction and amplifying the voices of the youth claimants and civil society actors involved (Fantozzi et al., 2023).

Beyond public support, litigation invoking the rights of future generations is contributing to a cultural shift in how climate-related harm is understood by legal practitioners, companies, governments and even the general public. These cases challenge dominant assumptions about time, responsibility and legal subjectivity, reframing societal understanding of climate change (Wewerinke-Singh and Ramsay, 2024). Such litigation is arguably also beginning to shape environmental governance by questioning short-term and anthropocentric biases embedded in legal systems. While gradual, these shifts could influence institutional approaches to environmental protection and decision-making (Pedersen and Sulyok, 2024).

However, practical challenges remain. Courts are increasingly being asked to adjudicate claims on behalf of future generations, but legal definitions of who constitutes 'future generations' are contested. This raises important questions about legal standing, representation and how courts can fairly weigh up the rights of those who cannot yet speak for themselves (Nolan, 2024).

B. Impacts of climate litigation on legislation

The emergence of climate superfund laws

One of the key areas in which climate litigation is shaping climate governance is through the development of new legislation, particularly 'climate superfund laws'. These laws, primarily emerging in the US, aim to make fossil fuel companies financially responsible for the harm caused by climate change. They are supported by civil society campaigns such as 'Make Polluters Pay', which also back strategic litigation targeting major emitters.

In 2024, New York and Vermont adopted climate superfund laws, with similar legislative proposals under discussion in other states. The New York and Vermont statutes establish legal frameworks enabling the state to recoup climate-related costs – such as infrastructure repair or public health expenses – from fossil fuel producers. However, implementation faces significant political and legal hurdles. Both laws have been subject to multi-state legal challenges brought by states and several fossil fuel industry associations (e.g. the American Petroleum Institute), arguing that such laws interfere with interstate commerce and unlawfully target companies for lawful past conduct (Segal, 2025). A recent Executive Order from the Trump administration has also resulted in further federal-level challenges to the implementation of these laws, although the scope and enforceability of this order remain unclear (see Box 1.1 on the launch of the federal government's lawsuit against New York and Vermont in May 2025). These developments underscore the intensifying political and legal contestation surrounding efforts to operationalise the polluter pays principle through legislative means.

California's alternative approach: an attempt to establish private climate liability

In California, Senate Bill 222 (SB 222), known as the Affordable Insurance and Climate Recovery Act, was introduced in January 2025 following the devastating wildfires in the Los Angeles area. The bill aimed to allow victims of climate-related disasters, or their insurers, to sue fossil fuel companies for damages of US$10,000 or more. Unlike the laws in Vermont and New York, which focus on state-managed adaptation funding, SB 222 proposed a private right of action for individuals and insurers to recoup losses directly from fossil fuel companies accused of climate deception (see Merner et al., 2025).

Despite initial support, SB 222 was rejected by the California State Senate Judiciary Committee in April 2025, receiving only five of the seven votes needed to advance. The bill faced opposition from labour unions representing oil industry workers, who expressed concerns about potential job losses and increased energy costs. Critics also questioned the bill's constitutionality and its potential economic impact on consumers. Supporters argued that the legislation would hold fossil fuel companies accountable for their contributions to climate change and provide financial relief to disaster victims. The bill's defeat highlights the complex interplay between environmental policy, economic considerations and political dynamics in climate-related legislation.

Legislative proposals beyond the US

Legislative proposals regarding the responsibility of fossil fuel companies have also been put forward in the Philippines and Pakistan. In the Philippines, the legislation has a close connection to the landmark inquiry by the Philippines Commission on Human Rights into the responsibility of these companies, which concluded in 2022 (see Bradeen et al., 2023). Polluter pays legislation is not the only area of law where litigation is feeding into new legislative proposals. Previous studies have canvassed the connection between legislation and litigation in the area of climate due diligence (see Rajavouri et al., 2023). In Australia, following the dismissal of the ***Sharma v. Minister of Environment*** case, which argued for a common law duty on the Minister to consider the impacts of new coal mines on the rights and health of children, the Climate Change Amendment (Duty of Care and Intergenerational Climate Change Equity) Bill was proposed. This bill sought to impose a statutory duty on decision-makers to consider the health and wellbeing of current and future Australian children. Although ultimately unsuccessful, the legislation is a good example of the kind of initiatives that campaigners and NGOs can pursue to prolong the potential for climate cases to continue to impact national policy debates.

Counter-legislative efforts by industry stakeholders

Climate-aligned litigants are not the only group looking to legislatures to address challenges thrown up by litigation. In the US, there are reports that electric utility companies in states across the West Coast are lobbying for legal protections to limit their liability for contributions to wildfire risk. While the proposals would still require companies to have followed their own mitigation plans, any such new legislation could have a significant impact on the future of the failure-to-adapt cases discussed above (e.g. cases like ***Assad v. Seu***).

C. Financial impacts of climate litigation

Climate litigation as a financial risk

One of the most closely watched dimensions of climate litigation is its potential to shape corporate and financial behaviour, especially among investors and financial institutions. As climate litigation increasingly targets high-emitting companies, their financiers and specific projects, questions about its financial implications have become central to debates about transition risk and market stability.

A growing body of evidence suggests that litigation is no longer just a reputational issue for firms: it is now recognised by prominent market actors as a financially material risk (EBA, 2025; NGFS, 2023; ECB, 2021). Legal scholars have long argued that climate litigation may affect firm value through multiple channels, including direct financial penalties, reputational harm, operational disruption and shifts in investor or regulatory expectations (Solana, 2020; Peel and Osofsky, 2020; Peel et al., 2022).

Investor perceptions and survey evidence

While initial empirical studies focused on how stock prices respond to individual litigation events (e.g. Kolaric, 2024; Sato et al., 2024; Voeten, 2024), new research is offering deeper insight into how investors perceive litigation risk and respond to litigation risk over time. A recent study, *Climate litigation as a financial risk: evidence from a global survey with equity investors* (Gostlow et al., unpublished manuscript), presents the first systematic global analysis of investor beliefs on the subject. Drawing on survey responses from 811 equity investors and analysts, the study finds that nearly 80% of respondents consider climate litigation to be at least a moderately important financial risk – with many believing it has already materialised. The survey suggests that litigation risk is perceived as sector-wide, not confined to carbon majors.

Remarkably, litigation risk was ranked, on average, above physical climate risk and just below regulatory risk in terms of perceived materiality, supporting broader findings that transition risks are more strongly priced into markets than physical risks (Dulak and Gnabo, 2024).

Real-world signals: strategic decisions influenced by litigation

The evolving perception of litigation risk is beginning to shape capital allocation decisions. In early 2024, the CEO of TotalEnergies announced that the company would no longer pursue investments in UK oil and gas, citing uncertainty stemming from legal developments following the ***Finch*** case (see Box 2.2). The decision underscores the potential of litigation to influence capital allocation decisions at the highest levels of corporate leadership. Models are emerging to help (re)insurers incorporate climate litigation risk into risk modelling, pricing strategies, underwriting decisions and calculations of liability exposures (Lockman, 2023; Gallagher Research Centre, unpublished manuscript).

Beyond investors, financial institutions – especially banks – are increasingly confronting their own direct and indirect exposure to climate litigation. Banks may be sued directly or face indirect risks from clients affected by litigation. Legal scholars such as Solana (2020) have outlined a wide range of potential financial impacts for banks, including legal fees, fines, insurance liabilities and reputational harm. Despite growing awareness, most financial institutions have yet to fully integrate litigation risk into their overall financial risk assessments.

A new report by the Centre for Economic Transition Expertise (CETEx) and the Grantham Research Institute, *Banks and climate litigation risk: navigating the low-carbon transition* (Smoleńska et al., 2025), reviews how banks supervised by the European Central Bank are responding. The report finds significant variation in how banks conceptualise and manage litigation risk. While some institutions have integrated litigation into disclosures, scenario analysis, or board-level governance, many remain at an early stage. Key barriers include the novelty and complexity of the risk, the heterogeneity of climate litigation and a lack of standardised measurement tools.

Supervisory pressure and sectoral response

Supervisory institutions are beginning to respond. The European Banking Authority's 2025 ESG Risk Management Guidelines, for instance, now require banks to have procedures in place to identify and mitigate climate-related risks, including litigation risk. Meanwhile, broader surveys support the conclusion that litigation is increasingly seen as a structural component of climate-related financial risk. Dilger et al. (2024) report that many banks view litigation risk as part of the evolving climate governance landscape, even if its financial implications may materialise gradually.

At present, reputational and greenwashing risks appear to be of greatest concern to financial institutions (Smoleńska et al., 2025). However, more significant financial exposures are expected to emerge if precedent-setting cases result in large-scale judgments or settlements. Commentary by regulators has also amplified the urgency of addressing litigation risk. ECB Executive Board member Frank Elderson (2024) warned that 70% of 95 analysed European banks could face elevated litigation exposure due to misalignment between their credit portfolios and their public Paris-aligned commitments. This reinforces calls from scholars to treat litigation risk as a core driver of climate-related financial risk rather than a peripheral issue (Wetzer et al., 2024).

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Conclusion

As climate change intensifies and its impacts become increasingly visible, litigation continues to evolve as a critical tool for shaping climate governance and accountability. Over the course of 2024 and into 2025, while the overall pace of new case filings has moderated, the field of climate litigation has expanded in complexity, reach and influence.

The global landscape of cases now reflects a broader array of actors, strategies and jurisdictions than ever before. Not only is climate-aligned strategic litigation maturing but non-climate-aligned cases are on the rise, presenting new challenges to climate action. Importantly, climate litigation is no longer a niche concern: increasingly, it is a recognised financial risk. Independently of the outcome, climate litigation can affect investor behaviour and disclosure practices. Banks are also under pressure, facing direct legal exposure and indirect risk through clients.

In 2024 and early 2025, landmark developments have reinforced the importance of legal pathways in advancing or hindering climate action: these include rulings from apex courts, new advisory opinions from international tribunals, and the deepening intersection of climate, human rights and financial regulation. However, the field is also facing growing headwinds, including political backlash against ESG principles and attempts to limit climate regulation, particularly under the new US administration.

At the same time, new trends are emerging. Cases focusing on loss and damage, the integration of climate physical and transition risks into broader regulatory frameworks, and responsibility for Scope 3 emissions are becoming increasingly prominent. The evidence base for climate litigation is also being strengthened, with new databases and scientific tools helping litigants and courts navigate complex attribution and liability questions.

As climate action accelerates under national and international mandates, just transition and green v. green litigation might become a more prominent feature of the legal landscape. These cases signal a broader societal expectation that climate responses must also be aligned with biodiversity protection, procedural fairness and public accountability. They challenge legal and policy actors to design integrated solutions that can deliver climate goals without sacrificing other critical social and environmental objectives.

Looking forward, the role of litigation in global climate governance will likely become even more pivotal – and contested. As litigation increasingly intersects with questions of democracy, corporate governance and international law, courts will face growing pressure to interpret and enforce obligations in a rapidly changing legal and political environment.

This report has provided a snapshot of a dynamic and evolving field. The coming years will show whether litigation can continue to catalyse action in the face of intensifying climate risks and shifting political currents – or whether new strategies, coalitions and legal innovations will be needed to sustain momentum towards a more just and sustainable future.

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