

SUMMARY REPORT

Global trends in climate change litigation:

2026 snapshot

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LSE Global School of
Sustainability



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Introduction

This year, we published the ninth edition in the Grantham Research Institute's annual *Global Trends in Climate Change Litigation Snapshot series*. The 2026 *Snapshot* reflects on more than a decade of growth and evolution in climate change litigation globally, focusing on cases filed and decided in 2025.

This summary report presents the key findings and identifies implications for policy and decision-making across a range of stakeholders spanning governments, legislators and regulators; judges and courts; companies; financial institutions; civil society organisations and communities; and scientists and researchers.

In line with the full report, this summary is structured under five themes:

1. The continued **maturity** of the field as a recognised dimension of global climate governance
2. Its ongoing **expansion and innovation** across new locations, actors and legal theories
3. The scale and coordination of the **pushback** now underway against both climate action, in general, and climate litigation specifically
4. The growing **complexity** of a field increasingly enmeshed in the politics and trade-offs involved in the implementation of climate policy responses
5. The current state of knowledge about the **implementation and impacts** of climate litigation in the real world.

Following each finding, we summarise insights for relevant stakeholder groups. These are not a set of recommendations, but an attempt to communicate the latest analysis in a way that speaks to the diverse range of people who engage with or are affected by climate litigation.

We identify the following key trends for the period January to December 2025:

- In 2025, 249 new climate cases were filed, bringing the total since 1986 to more than 3,600 cases.
- Over three-quarters of these cases have been filed since 2015, the year of the Paris Agreement.
- Cases have been filed across 62 countries, up from just 17 countries a decade ago. In 2025, cases were newly filed in Grenada, Guatemala, Kazakhstan, Malaysia, Singapore and Zambia.
- The United States remains the jurisdiction with the highest number of cases: 151 new cases were recorded in 2025, bringing the total to 2,078.
- At the end of 2025, the other jurisdictions with the highest number of cases filed over time were: Brazil (354 cases), Australia (193 cases), the United Kingdom (156 cases) and Germany (121 cases).
- 81% of climate cases filed in 2025 were climate-aligned cases.

Box 1 defines key terms used in this summary report, while **Table 1** sets out our typology and numerical analysis of strategic climate-aligned cases. We refer to these case strategies throughout this summary report.

Box 1.

Definitions in a nutshell

Climate change litigation: 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 for Climate Change Law uses in defining which cases to include in its *Climate Litigation Database*, the primary basis for our analysis.¹

Pro-climate or climate-aligned litigation: cases that appear, from published information, to seek outcomes that support climate action goals – fostering resilience to climate impacts or reducing greenhouse gas emissions.

Protective climate litigation: a sub-category of pro-climate litigation comprising cases brought specifically to resist regulatory rollback and preserve hard-won legal gains.

Anti-climate litigation: cases brought with the apparent intention of preventing, delaying or rolling back climate action.

Non-climate-aligned litigation: cases that are not straightforwardly pro- or anti-climate, but challenge the way in which climate action is being designed or implemented, rather than opposing the need for such action.

Strategic litigation: litigation where the claimant seeks to both win the individual case and influence the broader public debate or change the behaviour of a targeted group of actors in relation to climate action. The *Snapshot* series and this summary report focus on the use of strategic litigation.

¹ The Sabin Center's data is the most comprehensive source on developments in global climate litigation. However, other national, regional and thematic litigation databases and media sources have emerged in recent years. See Box A in the full report for a list of resources.

Table 1. Climate-aligned strategies in climate cases

Strategy types and case numbers filed between 2015 and 2025	Illustrative developments from 2025/2026 ²
<p>A. Government framework cases</p> <p>Cases that challenge the ambition or implementation of climate targets and policies affecting an entire national or sub-national economy and society.</p> <ul style="list-style-type: none"> ● At least 163 cases filed globally ● 15 new cases filed in 2025 	<p><i>Greenpeace Netherlands and 8 citizens of Bonaire v. The Netherlands</i>: The Hague District Court found that the Dutch Government violated the rights of inhabitants of the Caribbean island of Bonaire and discriminated against them by failing to introduce adequate adaptation measures and to do its fair share to cut emissions.</p>
<p>B. Integrating climate considerations cases</p> <p>Cases challenging decisions that have ignored, incorrectly assessed or inadequately applied climate considerations, standards or evidence. They typically aim to stop or modify specific policies or projects, and to mainstream climate concerns in policymaking.</p> <ul style="list-style-type: none"> ● Largest category of strategic climate cases ● More than 100 new cases filed in 2025 	<p><i>Denman Aberdeen Muswellbrook Scone Healthy Environment Group Inc (DAMSHEG) v. MACH Energy Australia Pty Ltd</i>: The New South Wales Court of Appeal ruled that consent to extend the operating period for the Mount Pleasant coal mine was invalid because the authorities failed to consider not only the impact of the mine on climate change, but also the impact of climate change on the local environment.</p>
<p>C. Systemic polluter pays (aggregate emissions liability) cases³</p> <p>Cases alleging that a company’s business operations have contributed to global climate change and seek damages because of climate-induced harm or anticipated harm. Many cases rely on arguments relating to disinformation about the impacts of the companies’ products on consumers.</p> <ul style="list-style-type: none"> ● At least 43 cases filed globally ● 6 new cases filed in 2025 	<p><i>Ma et al. v. KEPCO et al.</i>: Farmers in South Korea sued the state-owned power company KEPCO and its subsidiaries – the largest national greenhouse gas emitters – for damages to their livelihoods and psychological wellbeing.</p>
<p>D. Incidental polluter pays (climate-induced damage from unlawful activity) cases</p> <p>Cases alleging that a localised unlawful action (e.g. illegal deforestation or unlicensed facility operation) has led to emissions and damage to the climate system. They are typically brought by public actors against individuals, companies or both.</p> <ul style="list-style-type: none"> ● At least 241 cases filed globally ● No new cases filed in 2025 but close to 200 filed in 2024 (all in Brazil and all seeking compensation for damages to the climate) 	<p><i>MPF v. Oliveira Lima</i>: The court ordered the defendant to restore illegally cleared Amazon Rainforest and awarded compensation for damage to the climate system, calculated using the Amazon Research Institute’s carbon stock figure and the Amazon Fund pricing methodology. Collective moral damages were set at 5% of total material damages.</p>

² Please refer to the full report for further examples.

³ This year’s report separates the *polluter pays* category from previous reports into two: *systemic polluter pays* cases and *incidental polluter pays* cases. This reflects important distinctions between cases based on the harm associated with a company’s overall contributions to global greenhouse gas emissions, and cases linking localised harm like deforestation to damage to the climate system.

Strategy types and case numbers filed between 2015 and 2025	Illustrative developments from 2025/2026
<p>E. Corporate framework cases</p> <p>Cases that seek to develop standards preventing companies from continuing with high-emitting activities by requiring changes in group-level policies, corporate governance and decision-making extending through the companies' operations.</p> <ul style="list-style-type: none"> ● At least 25 cases filed globally ● 1 new case filed in 2025 	<p><i>Greenpeace Italy et al. v. ENI S.p.A., the Italian Ministry of Economy and Finance and Cassa Depositi e Prestiti S.p.A.</i>: An Italian court allowed non-governmental organisations (NGOs), citizens and residents to proceed to trial against energy company ENI and its controlling shareholders, alleging that the company's excessive emissions breach their legal obligations.</p>
<p>F. Failure-to-adapt cases</p> <p>Cases that challenge a government or company for failure to take climate risks into account.</p> <ul style="list-style-type: none"> ● At least 89 cases filed globally ● 4 new cases filed in 2025 	<p><i>Conservation Law Foundation v. Shell Oil Co. (New Haven Terminal case)</i>: This case alleging that Shell has taken insufficient steps to protect local communities from the risks associated with oil storage facilities in case of climate-related flooding is progressing through the discovery phase.</p>
<p>G. Transition risk cases</p> <p>Cases that concern the (mis)management of transition risk by directors, officers and others tasked with ensuring the success of a business. This category is now expanded to include cases challenging regulatory action that limits the integration of environmental, social and governance (ESG) factors into capital allocation.</p> <ul style="list-style-type: none"> ● 26 cases filed globally ● 4 new cases filed in 2025 	<p><i>Glass, Lewis & Co. v. Paxton</i>: Proxy advisors challenged legislation in the US state of Texas that would require them to publicly state that their advice is not "solely" based on the financial best interests of shareholders if they consider ESG factors.</p>
<p>H. Climate-washing cases</p> <p>Cases that challenge inaccurate government or corporate narratives regarding contributions to the transition to a low-carbon future or cases that challenge misinformation or disinformation campaigns that seek to discredit climate science.</p> <ul style="list-style-type: none"> ● At least 226 cases filed globally ● 31 new cases filed in 2025 	<p><i>Greenpeace France and Others v. TotalEnergies SE and TotalEnergies Electricité et Gaz France</i>: The Judicial Tribunal of Paris ruled in favour of NGO claimants who argued that TotalEnergies was misleading consumers through communications stating a dual objective of achieving carbon neutrality and being a major player in the energy transition.</p>
<p>I. Turning-off-the-taps cases</p> <p>Cases that challenge the flow of finance to projects and activities that are not aligned with climate action.</p> <ul style="list-style-type: none"> ● At least 49 cases filed globally ● 5 new cases filed in 2025 	<p><i>Friends of the Earth U.S. v. Export-Import Bank of the United States</i>: A case challenging the US export credit agency over its financing of a liquefied natural gas (LNG) project in Mozambique.</p>

1. A maturing field

Climate litigation has matured on two fronts: clearer state obligations and tentative advances in corporate accountability. Both are underpinned by an evolving scientific evidence base.

State obligations to act on climate change are consolidating across national, regional and international courts.

- 215 cases filed against governments since 2015 have reached an ‘apex court’ – the highest courts in their respective jurisdictions, which usually hear novel or weighty legal issues.
- More than half of all decisions in these cases can be understood to have outcomes that are positive for climate action.

An increasing number of *government framework* cases have reached apex courts. Successful cases include now famous decisions from courts in the [Netherlands](#), [Brazil](#), [Colombia](#), [France](#), [Germany](#), [India](#), [Ireland](#), [Nepal](#), [Pakistan](#), [South Korea](#) and the UK. However, outcomes vary significantly by country and region.

Domestic litigation is not developing in isolation. International and regional courts are building a coherent body of climate obligations, which encourages new domestic cases. Three major advisory opinions from international courts were issued between 2024 and 2025 by the International Tribunal on the Law of the Sea (ITLOS), the Inter-American Court of Human Rights (IACtHR) and the International Court of Justice (ICJ). The political reception for the ICJ’s opinion took a further significant step on 20 May 2026, when the UN General Assembly adopted a resolution welcoming its findings.

Within months of the three advisory opinions’ delivery, they were being cited in domestic courtrooms across the world. These developments come at a geopolitically

contentious moment, when environmental protection has been downgraded as a political priority in multiple states. The question is no longer whether climate obligations exist in law, but whether and how they can be made effective in conditions of institutional stress.

Key implications

- **Governments, legislators and regulators:** State obligations to act on climate change are settled law in many jurisdictions. The question is no longer whether to act, but instead whether action to reduce emissions and protect people from climate impacts is sufficient.
- **Judges and courts:** Many climate arguments now carry substantial international authority. The advisory opinions, judgements from regional courts, and rulings from domestic apex courts provide a body of legal authority that courts in all systems can engage with.
- **Civil society, NGOs and affected communities:** Doctrinal consolidation strengthens new cases. Arguments that were novel a decade ago now carry substantial weight. There are different jurisdictional pathways for deploying international authority in domestic proceedings.



There is significant momentum around litigation challenging government approvals of fossil fuel projects, with cases targeting both their contribution to global emissions and their climate impacts on local communities.

- International and regional courts have confirmed that states have relevant obligations to consider climate impacts from fossil fuel projects, including through assessing scope 3 emissions. The European Court of Human Rights' October 2025 decision in *Greenpeace Nordic and Others v. Norway* is a recent example.
- Apart from fossil fuel exploration and production, cases have also challenged high-emitting infrastructure, such as *airports*, and other forms of energy generation, such as *biomass*.

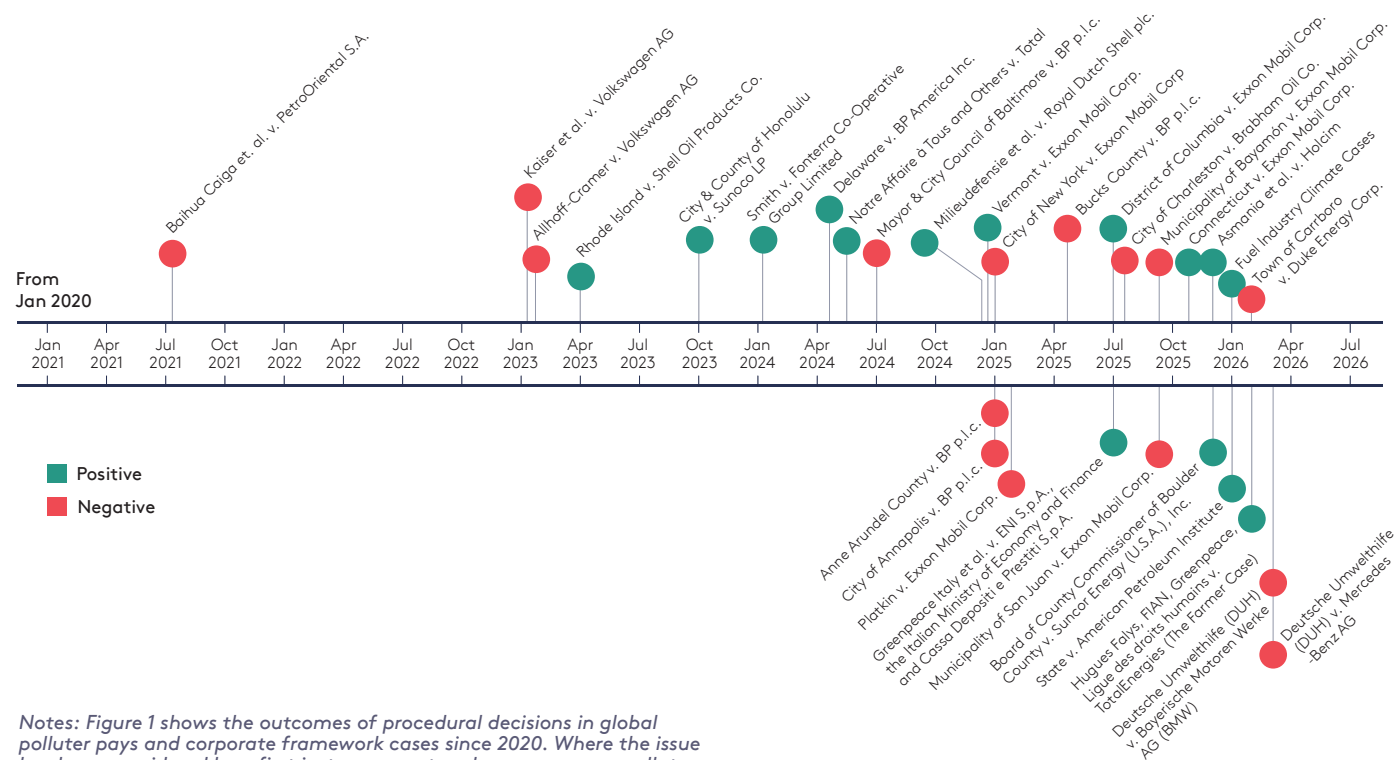
The legal requirement to conduct environmental impact assessments (EIAs) for new projects has been adopted in almost every country in the world. Decisions in recent years from European appellate and regional courts, as well as the three advisory opinions, indicate growing recognition that to reflect impacts adequately, emissions across the whole value chain must be assessed.

Systemic polluter pays and *corporate framework* cases are increasingly surmounting early procedural hurdles. Developments in these corporate cases are closely connected to developments in cases against governments.

- Until 2020, only one case challenging a company's contribution to climate-related harm had been declared legally admissible. But since 2020, half of the 30 cases that reached a significant admissibility decision have been allowed to proceed (some of these cases remain under appeal).

- Claimants cited *government framework* cases in more than 70% of the 25 *corporate framework* cases examined. Where decisions have been issued, engagement with *government framework* cases was identified in at least 50% of the relevant documents.
- In Europe, a new generation of cases builds on previously unsuccessful *systemic polluter pays* and *corporate framework* cases: *Pakistan Climate Cost Case* filed in Germany, *Casquejo and others v. Shell plc* and another (the *Odette Case*) in the UK, and a second action filed by *Milieudefensie* against *Shell* in the Netherlands.

Figure 1. Procedural decisions in *polluter pays* and *corporate framework* cases, 2020–2026



Notes: Figure 1 shows the outcomes of procedural decisions in global *polluter pays* and *corporate framework* cases since 2020. Where the issue has been considered by a first instance court and one or more appellate courts, we include the decision by the highest court in the timeline.

Key implications

- **Governments, legislators and regulators:** Climate impact assessment requirements are spreading. In many jurisdictions, EIAs that do not explicitly account for downstream emissions might be challenged.
- **Companies:** To mitigate litigation risk and delays, EIAs should comprehensively address both contributions to global emissions and specific climate impacts in a relevant locality.
- **Financial institutions:** Enhanced due diligence over EIAs in project financing is necessary for prudent risk management.

Although so far not a single *systemic polluter pays* or *corporate framework* case has succeeded on both the law and the facts, courts are increasingly willing to engage with the arguments (see Figure 1). Litigants are building on the consolidation of state obligations in government cases. However, corporate cases continue to be dismissed because of arguments such as the separation of powers (the principle that divides authority between the executive, legislature and judiciary).

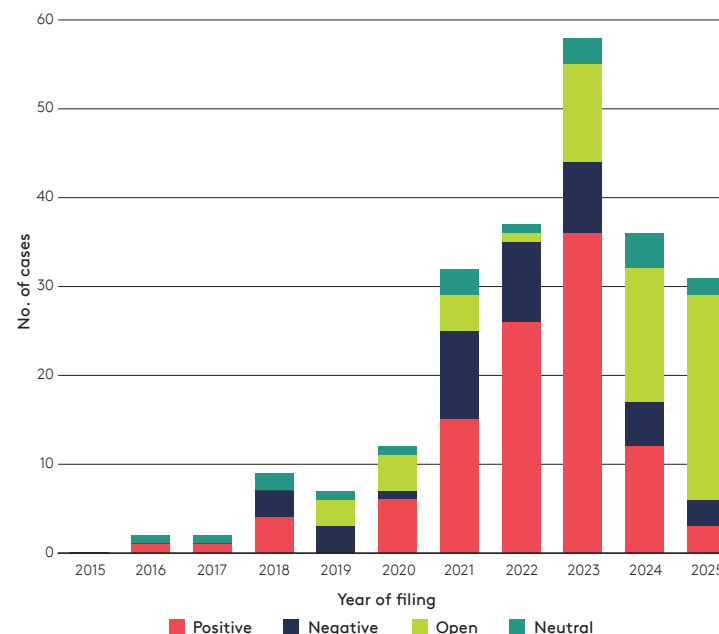
Key implications

- **Companies:** Corporate climate liability has crossed a critical threshold. It appears likely that the question is no longer whether liability is arguable, but at what stage and on what evidence a claim will be upheld.
- **Judges and courts:** Courts are increasingly willing to rule on the merits of corporate climate cases seeking damages or emissions reduction orders. Awareness of the factual and methodological foundations of these cases is important.
- **Scientists and researchers:** New scientific research informs the evidence base for these cases. Regional data gaps, particularly in vulnerable coastal areas, are being identified as evidentiary obstacles.

Climate-washing litigation is clarifying standards for corporate climate claims, but the pace of new cases being filed has slowed, and attention may be shifting towards total corporate inaction.

- More than 65% of all *climate-washing* cases decided over time have been resolved in the claimants' favour.
- However, the rate of new filings is slowing: from 58 cases in 2023, to 36 in 2024, and 31 in 2025.

Figure 2. Climate-washing cases by year of filing between 2015 and 2025, and by outcome



Note: 'Open' indicates the case is ongoing. 'Neutral' indicates that it was not possible to determine whether the outcome should be classed as 'positive' or 'negative'. This is often applied in the context of settlements.

Climate-washing remains the most common type of case involving corporate actors, and decisions have so far favoured claimants. The slowdown in number of cases filed observed this year may be connected to broader backlash against the environmental, social and governance (ESG) agenda, as NGOs and regulators become more hesitant to bring lawsuits that may deter companies from maintaining commitments. It may also reflect greater corporate awareness of the risks of unsubstantiated green claims and implementation of improved guidance on evidence-based disclosures. Future cases may focus on addressing total inaction, rather than the 'say-do' gap. But 'greenhushing' (holding back from any sustainability claims) does not eliminate litigation risk. This is illustrated in the Brazilian case of *IDEC v. GOL Linhas Aéreas*, where a consumer protection NGO, IDEC, filed a case against a

low-cost airline, GOL, even after the airline had stopped publicising its passenger offset programme, which invited consumers to offset their flight emissions by purchasing digital tokens issued by a partner company.

Key implications

- **Companies:** Well-evidenced transition plans reduce litigation risk. *Climate-washing* cases continue to succeed at high rates. Honest, substantiated disclosure reduces litigation risk; silence or pre-emptive retreat does not.
- **Governments, legislators and regulators:** Regulation should stimulate climate ambition from the private sector, while ensuring that companies do not make unsubstantiated green claims that present a false sense of progress.

2. Expansion and innovation

Climate cases continue to be filed in new jurisdictions. New defendants, claimants and subject matter are emerging and expanding the scope of climate litigation and what it can achieve.

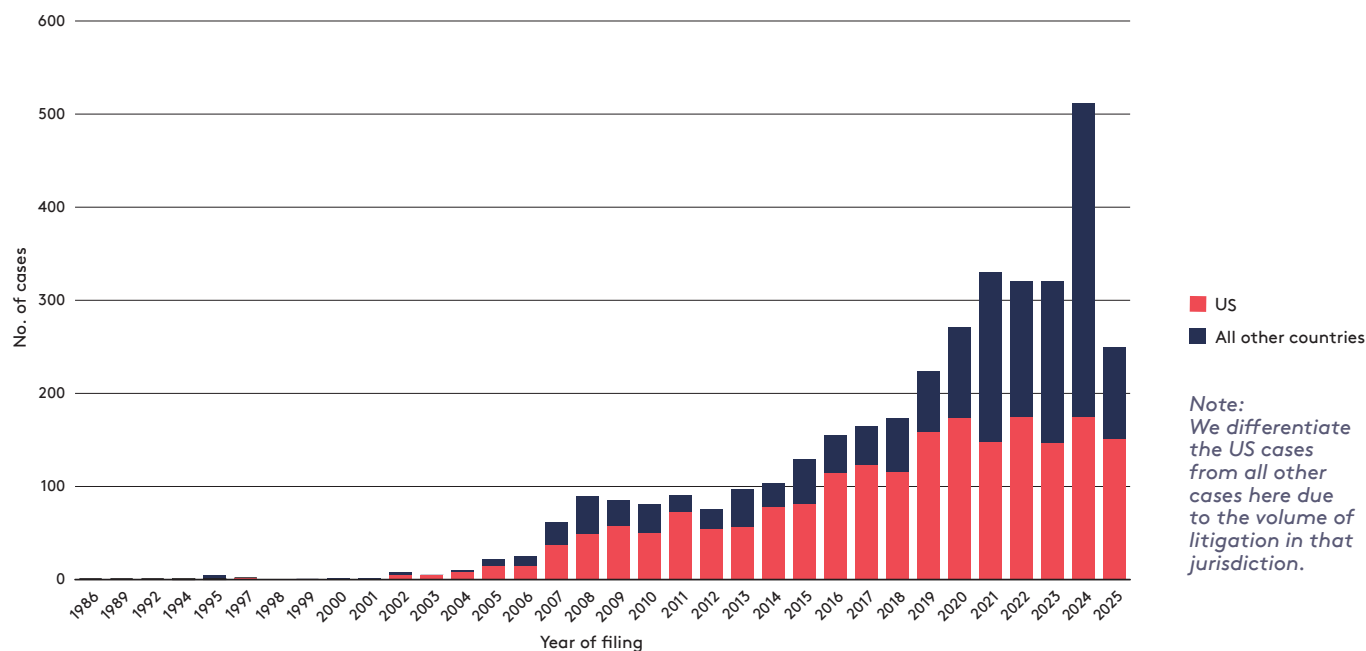
Climate litigation continues to expand in geographical scope, though unevenly. New cases rarely emerge in isolation, and the field operates as a connected transnational ecosystem.

- Cases have now been documented in 62 countries, up from just 17 countries in 2015.
- 81% of cases have been filed in the Global North, 14% in the Global South and 5% before international or regional courts.

- New cases tend to replicate and adapt case strategies from other jurisdictions. Among the most frequently cited foreign jurisdictional caselaw are the Netherlands (cited 52 times), US (48 times), UK (29 times) and Germany (28 times).

Tracking citations between cases reveals an emerging pattern of transnational exchange – litigants and judges are grappling with similar challenges in applying established legal principles to questions about climate change. For example, a new case filed in Malaysia by the environmental NGO RimbaWatch challenges the failure of government ministries to regulate fossil fuel company advertising. It explicitly references the *climate-washing* enforcement actions taken by other jurisdictions in the region and invokes the ICJ’s advisory opinion.

Figure 3. Number of cases filed by year, 1986–2025



Key implications

- **Judges and courts:** Cross-jurisdictional citations are frequent; awareness of how other courts have reasoned on similar issues provides insights to novel questions, even when foreign judgments do not carry precedential value.
- **Governments, companies and financial institutions:** Climate litigation continues to grow across new jurisdictions, with litigants learning from one another. Managing litigation risk requires an understanding of developments globally.
- **Civil society, NGOs and affected communities:** Cross-pollination between strategies and jurisdictions is accelerating. However, case strategies must be adapted to local contexts and legal systems.

Figure 4. Number of cases filed before national courts around the world (from 1986 to end of 2025)

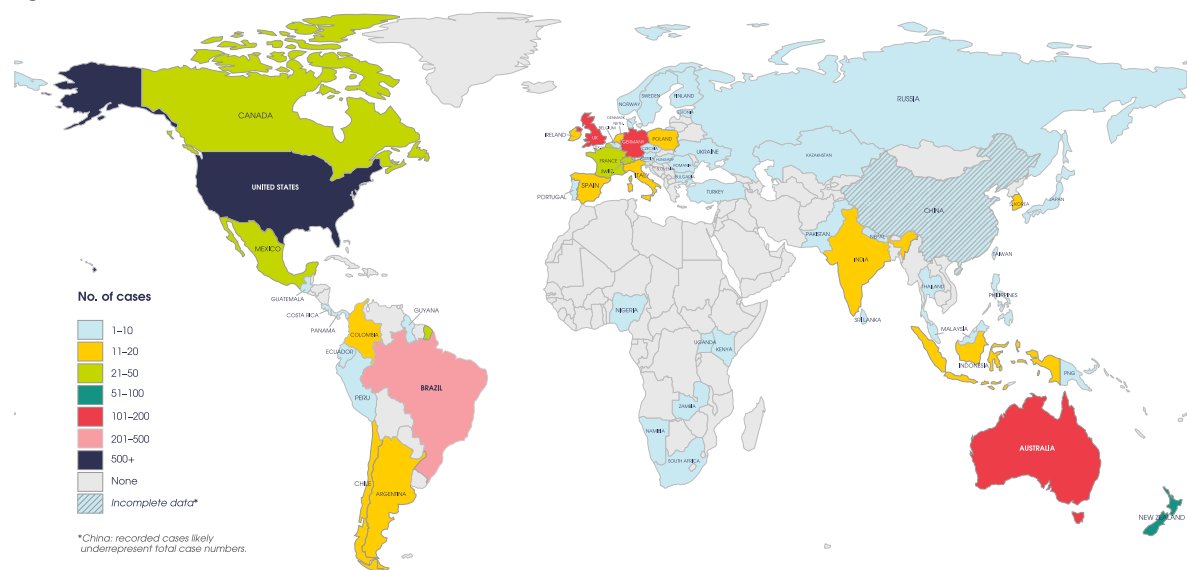
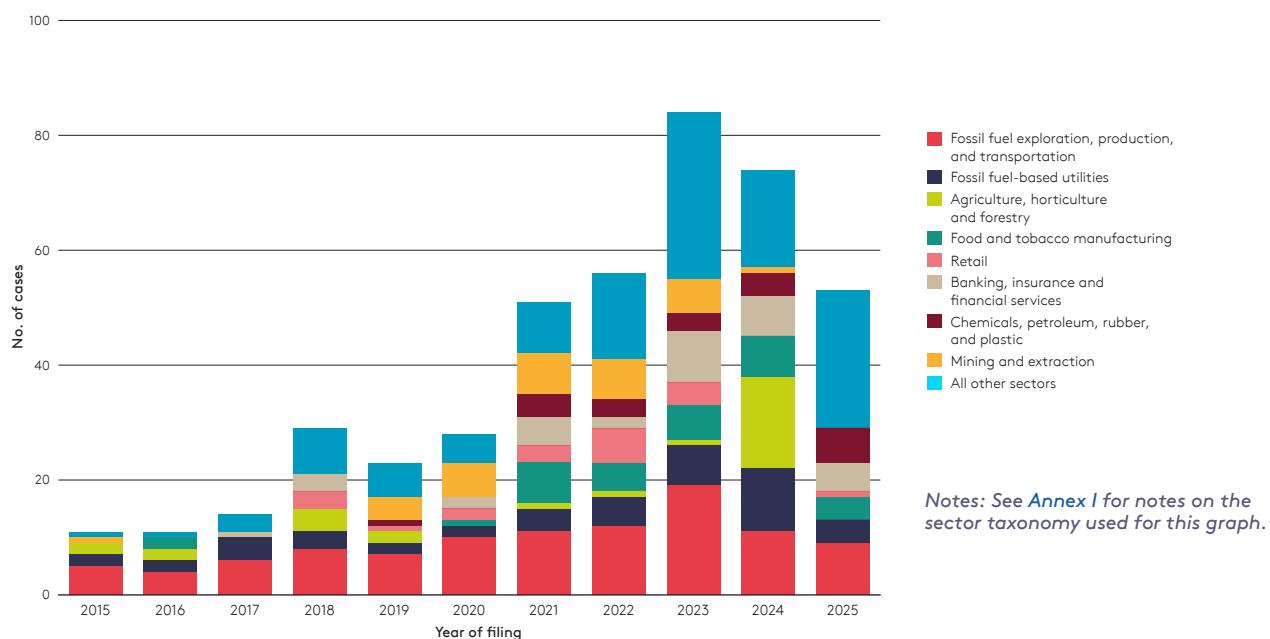


Figure 5. Climate-aligned strategic cases filed against corporate actors, by sector of lead defendant company, 2015–2025



New frontiers are emerging in corporate climate litigation: the range of corporate defendants continues to widen.

- More than 50 strategic climate-aligned cases were filed against companies in 2025, spanning energy, finance, transport, real estate and consumer goods. This brings the total to 434 cases since 2015.
- State-owned enterprises and financial institutions, including multilateral institutions, are defendants in at least 42 of these cases. More than 40% of those have been filed since 2023.

The steady expansion of corporate climate litigation reflects the recognition that responsibility for climate action extends well beyond direct fossil fuel producers, and the growing sophistication of litigants in identifying the full range of actors along the supply chain of emissions-intensive activities. This includes individual landowners involved in supply chains that contribute to deforestation in Brazil, for example.

Key implications

- **Companies and financial institutions:** New defendants further along supply chains are now within the scope of climate litigation. Monitoring evolving climate litigation trends, and assessing potential exposure, is part of prudent risk management.
- **Governments, legislators and regulators:** As corporate climate litigation develops, legislative and regulatory alternatives to allocate responsibility for mitigating and addressing climate-related harm will become increasingly urgent.

Alongside NGO strategic litigation, government and quasi-governmental agencies, insurers and shareholders are becoming more active claimants.

- More than 70% of climate cases are filed by NGOs, individuals or both acting together. Globally, young and Indigenous people are the most frequently referenced vulnerable groups.
- In Brazil, prosecutors have filed almost 200 cases (since 2024) targeting unlawful deforestation and seeking compensation for damage to the climate system from those responsible. In Europe, the European Central Bank has issued enforcement actions against two banks for their failure to assess climate and environmental risks, while in Australia, consumer and investor protection watchdogs are active as enforcement claimants.
- Motivated by the need to recover financial losses, insurers and shareholders have filed claims in the aftermath of extreme weather events.

Key implications

- **Companies and financial institutions:** Climate risks and contributions to climate change are treated as material issues with financial implications, at least in some jurisdictions.
- **Civil society, NGOs and affected communities:** Climate accountability arguments are being pursued by a wider range of claimants against a wider range of defendants.

New topics that are being debated in climate policy circles are making their way into climate litigation cases, including carbon dioxide removal infrastructure, the climate-related impacts of data centres and plastic pollution.

- Litigation relating to CO₂ removal covers issues including: property rights challenges to underground storage projects in the US; obligations on EU oil and gas suppliers to develop carbon storage capacity; and questions about how much governments can rely on carbon removal to meet emissions targets.
- Data centres have become a litigation hotspot given their significant environmental footprint.
- Climate and plastics litigation are increasingly converging, given the overlap in companies and industrial processes involved in both.

Key implications

- **Governments, legislators and regulators:** Litigation trends can indicate areas that could benefit from proactive regulation. At the same time, new regulation can lead to novel forms of litigation and enforcement action.
- **Companies and financial institutions:** Developers and finance providers should engage in proactive assessments of litigation exposure.



The steady expansion of corporate climate litigation reflects the recognition that responsibility for climate action extends well beyond direct fossil fuel producers.”

3. Pushback: anti-climate cases, shrinking civic space and access to justice, and the rise of protective litigation

Climate action is facing headwinds and growing resistance. There are three intersecting legal dimensions to the pushback: anti-climate litigation directly opposing climate action, shrinking civic and judicial space, and protective litigation responding to regulatory rollback.

Anti-climate action, particularly in the US, is advancing through regulatory rollback, funding freezes and litigation. Fragmentation between the US climate litigation landscape and the landscape in other regions is widening.

- Around 12% of cases filed in 2025 can be understood as anti-climate litigation (31 cases in total). This pattern is clearest and best documented in the US.
- In 2025, we identified only four anti-climate cases outside the US.

The current US administration has built on the record of the first President Trump administration and become an ever-more active anti-climate litigant challenging state and municipal climate initiatives. Anti-ESG litigation also continues to proliferate. In 2025, anti-ESG litigants achieved a notable victory in the case of *Spence v. American Airlines* when a federal court in Texas ruled that American Airlines had breached a fiduciary duty by allowing corporate interests and its investment manager's ESG interests to influence their management of employee retirement plans.

Key implications

- **Companies:** As the regulatory landscape for ESG disclosures fragments further, careful jurisdiction-by-jurisdiction assessment is essential.
- **Governments, legislators and regulators:** Monitoring US trends may provide indications for how anti-climate litigation may arise elsewhere.
- **Civil society, NGOs and affected communities:** Organisations may engage in increased resource-sharing and knowledge exchange on anti-climate litigation tactics.

Legislative efforts to shutdown both climate protest and climate litigation are expanding into more jurisdictions.

- Strategic lawsuits against public participation (SLAPPs) are being filed to deter climate activists. As documented globally by the [Business and Human Rights Centre](#), the majority of SLAPPs include some form of criminal charges. In response, climate activists overwhelmingly file corporate cases in jurisdictions with anti-SLAPP protections.
- In parallel, new forms of legislative intervention are emerging in [New Zealand](#) and [Germany](#) to prevent climate cases against companies and, in the US, to block state efforts to regulate companies.

Shrinking civic space is shaping the boundaries of possible future litigation and who can benefit from access to justice. In the most prominent recent SLAPP case, *Energy Transfer LP v. Greenpeace International*, a North Dakota jury awarded Energy Transfer LP US\$667 million against Greenpeace International in March 2025 over its role in supporting the Standing Rock protests against the Dakota Access Pipeline. Although a judge has now cut the award by half, the deterrent effect is profound. Greenpeace International has filed anti-SLAPP proceedings in the Dutch Courts in response to the litigation relying on Dutch anti-SLAPP legislation. SLAPPs impose disproportionate burdens on smaller organisations.

Key implications

- **Civil society, NGOs and affected communities:** When targeting corporate defendants, claimants must account for the risk of SLAPP cases when selecting forums. Campaigns for anti-SLAPP legislation may increase access to justice.
- **Governments, legislators and regulators:** Moves to shrink civic space and shut down climate cases without regulatory solutions leave victims of climate-related harm and taxpayers to bear the cost of climate inaction.



Protective climate litigation (cases resisting regulatory rollback and funding freezes) is not new, but its scale and geographical spread is growing significantly in the current political environment.

- In the US approximately 20% of climate cases filed in 2025 can be classed as protective litigation.
- In Europe, civil society have raised concerns about the legality of aspects of the European Commission’s Omnibus packages of regulatory simplifications, and complaints have been filed with the EU Ombudsperson.
- In Brazil, cases pending before the Federal Supreme Court challenge state laws designed to end the Soy Moratorium (ADI 7775 and ADI 7774), a successful voluntary environmental governance mechanism.

NGOs, state attorneys general and municipalities are using litigation to challenge the regulatory rollback. This will be a critical area to track through the remainder of 2026, particularly around the repeal in February of the Environmental Protection Agency’s (EPA) endangerment finding for greenhouse gases, the foundation underpinning much federal climate regulation in the US.

Key implications

- **Governments, legislators and regulators:** Deregulation can be challenged through protective litigation. This creates litigation exposure for governments pursuing deregulation.
- **Civil society, NGOs and affected communities:** Protective climate cases might be needed to oppose rollback and deregulation even where this diverts resources from pushing for increased ambition.
- **Scientists and researchers:** The implications of the revocation of the US EPA endangerment finding for US federal climate regulation are significant and will require engagement from the scientific community.

4. Complexity: non-climate-aligned cases

Not all climate litigation is clearly for or against climate action. Courts are increasingly being called on to decide on the legality of how climate policy is designed or implemented, and how the burdens of the transition are distributed.

Just transition cases are likely to involve transboundary issues, particularly in relation to critical minerals and carbon markets.

- *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.
- According to the [Business and Human Rights Centre](#), 95 cases have been filed globally since 2009 by Indigenous Peoples, frontline communities, human rights defenders and workers harmed by renewable energy or mineral projects supplying the energy transition.
- Some cases have a transnational dimension, e.g. European NGOs working with Global South communities to pursue climate and environmental justice claims through human rights due diligence frameworks. This trend is likely to continue, given the geographical distribution of critical mineral extraction and carbon credit schemes.
- In 2025, a new type of *just transition* litigation also emerged in Australia in the case of *In re Dartbrook Operations Pty Ltd*. This case concerned the impact of plans for the closure of a coal mine in New South Wales on the workforce – raising distributional justice concerns around the winding down of existing assets now stranded by the shift to a new green-energy economy.

Key implications

- **Governments, legislators and regulators:** The transition generates its own legal challenges. *Just transition* cases illustrate the importance of inclusive project design and genuine prior consultation. It may also point to the need for legislation that clarifies how different interests should be balanced.
- **Civil society, NGOs and affected communities:** Climate-related litigation is expanding to serve more communities. It is important to consider both local and transboundary impacts of the transition.

Green v. green litigation reveals increasing tensions between frameworks that govern biodiversity protection and species conservation on the one hand, and climate action and decarbonisation on the other.

- *Green v. green* cases have been recorded in diverse locations including [India](#), [Romania](#) and [Australia](#). The [CLICCS Climate Lawsuits database](#) hosted by the University of Hamburg records 22 cases in Germany that seek to constrain the rollout of wind and solar infrastructure.
- In the absence of clear legislation, courts are being asked to balance the imperative to decarbonise rapidly against obligations to protect specific ecosystems, species and landscapes that renewable energy projects may disturb.

Key implications

- **Governments, legislators and regulators:** Balancing a supportive environment for scaling up energy transition infrastructure and ensuring sufficient protections for the environment requires a delicate balancing act.
- **Companies:** It is important that renewable energy developers consider how planning and environmental legal and regulatory frameworks interact in each jurisdiction to mitigate legal risk, cost and delays.

Cases related to adaptation are underrepresented, and a new group of non-aligned cases involving climate adaptation considerations has emerged.

- The vast majority of strategic climate cases concern mitigation. References to adaptation-related topics in the Sabin Center's [Climate Litigation Database](#) is scarce: 31% of cases contain no reference to it, and only 26% appear to show deeper engagement.⁴ This may start to change as climate hazards worsen, particularly given implementation gaps in climate governance.
- In 2025–26, adaptation cases reveal new tensions: some invoke adaptation to justify new infrastructure that conflicts with mitigation objectives and long-term climate resilience, while other cases raise distributional concerns across the Global North–South divide.

⁴ In part, this may reflect a definitional bias towards Global North litigation patterns. Cases in the Global South relating to drought, land conflicts and agrarian debt fundamentally concern issues of climate vulnerability, adaptation and rights, and are not classified as climate litigation in the narrow sense.

At present, most adaptation cases are designed to push decision-makers to prepare and plan for unavoidable climate impacts. However, new dynamics in non-aligned cases are emerging. The Brazilian case *ADPF 1215 (Paving of BR-319)* illustrates one tension: worsening droughts affecting Amazon River levels have created demand for new road links, but road construction would increase deforestation and generate billions of metric tonnes of CO₂. Two [South African cases](#) illustrate another tension: insurers are seeking to recover flood losses from a municipality and state-owned entities, arguing that failure to maintain infrastructure allowed floodwaters to devastate an industrial area. If successful, the cases would redirect scarce public resources towards compensating Global North corporate insurance losses, rather than towards the communities who bore the greatest physical burden of the floods.

Key implications

- **Governments, legislators and regulators:** Inadequate adaptation planning carries litigation risk and places greater burdens on local communities. Equally, policymakers must consider how adaptation measures interact with mitigation objectives and long-term resilience.
- **Companies (insurers):** Early engagement with corporate clients on how facilities are adapted to climate-induced harm is important for both commercial viability and broader justice concerns.
- **Civil society, NGOs and affected communities:** Given implementation gaps and the fact that all states have an obligation to adapt, human rights challenges raising adaptation concerns are likely to become increasingly prevalent.

5. Impacts and implementation of climate litigation

Whether climate litigation drives real-world change is more than a question of courtroom outcomes. A maturing research field now tracks the types of policy and behavioural changes climate litigation produces, over varying timescales, and examines who benefits. An empirical evidence base is growing and covers impacts on: legislation and policy frameworks; financial markets and risk perception; civil society, public discourse and social mobilisation.

Tracking implementation of decisions is an important part of understanding the impact of climate litigation globally. However, implementation and enforcement of climate decisions remain uneven and insufficiently explored.

Case study: the impacts of *Finch v. Surrey County Council*

The UK Supreme Court ruled in 2024 that the scope 3 emissions of an oil well project in Surrey must be quantified and assessed before the development could proceed. The short-term impacts of the case were material. Drilling at the specific oil well site in Surrey was suspended and a group of further fossil fuel projects planned in the UK saw their licences suspended in the wake of the decision. A coal mine in West Cumbria has since been [permanently shelved](#) by developers. New government [guidance](#) has also since been issued clarifying that scope 3 emissions must be assessed for new projects. The case also sparked new debate around whether equivalent standards should apply to the lifecycle emissions of renewable energy infrastructure.



Case studies from government framework cases in South Korea and New York State

Two recent decisions illustrate that ensuring compliance with ambitious legal frameworks is far from straightforward. In South Korea, civil society leveraged a decision by the [Constitutional Court](#) ordering the legislature to set binding emissions targets for 2031–2049, shifting the national narrative around the ambition of climate targets. In New York, [Citizen Action of New York v. New York State Department of Environmental Conservation](#) (DEC) filed in 2025 highlights the challenges of implementing judicial decisions in the face of political opposition, even where strong legal frameworks exist.

The next generation of government framework cases is starting to engage with questions of overshooting the global temperature goal of 1.5°C of warming.

If domestic actions alone are insufficient for states to meet their fair share of global emissions reductions, climate litigation may start challenging how states can close the gap: for example, through providing financial support for reductions in other countries or through investing in increased carbon dioxide removals to achieve net negative emissions and stabilise temperatures even if the 1.5°C threshold is initially breached. A UK *government framework case*, [R \(SOS UK, Tipping Point and Save Hemsby Coastline\) v. Secretary of State for Net Zero](#), filed in early 2026, illustrates this shift. Three activist groups argue that to meet its fair share, the UK needs to supplement measures under the Climate Change Act with measures targeted at supporting and accelerating reductions elsewhere.

Key implications

- **Governments, legislators and regulators:** Implementation is a defining challenge. Favourable judgments require sustained political will to translate into change. Legislators and regulators need to show leadership to ensure climate ambition remains a priority.
- **Judges and courts:** Litigation can produce real-world impacts, but these depend on how remedies are framed. The growing body of impact research may increasingly inform what kinds of orders are enforceable.
- **Civil society, NGOs and affected communities:** Implementation and enforcement are emerging as distinct strategic phases of climate cases. Dedicated resources for post-judgment follow-up are essential.
- **Scientists and researchers:** Research is beginning to answer questions about the conditions under which litigation drives real-world change. This work is essential to understanding how litigation can most effectively advance action to reduce emissions and foster resilience.

Conclusion

Climate litigation is now a permanent feature of the global climate governance landscape. When we started this annual *Snapshot* series in 2017, it was not clear whether climate litigation would be viable at all. Nine years on, the field has grown significantly. Courts around the world are willing to hear and decide on cases against governments, companies, banks and financial institutions for their direct and indirect contributions to climate change.

However, the geopolitical context is changing, implementation of court decisions can be challenging, and climate action is only becoming more urgent. Global climate litigation trends are starting to reflect this complexity: among other trends, this year's report has highlighted the rise of anti-climate cases, SLAPPs and protective litigation, as well as emerging tensions between mitigation, adaptation, environmental protection and climate justice outcomes.

In the coming years, the question is not *whether* climate litigation will impact climate action, but how much, in which direction and at what pace. The developments documented here suggest that the answer will be shaped by the cumulative effect of hundreds of cases, in dozens of jurisdictions, advanced by actors who are learning from each other across legal systems and continental boundaries with increasing speed.

Read the full 2026
Snapshot report [here](#)

(link to come later)