

# Submission to UN Special Rapporteur consultation on the role of justice systems in addressing the climate crisis

Jameela Joy Reyes, Eoin Jackson, Emily Bradeen  
and Ian Higham

July 2026

The **Grantham Research Institute on Climate Change and the Environment** was established in 2008 at the London School of Economics and Political Science. The Institute brings together international expertise on economics, as well as finance, geography, the environment, international development and political economy to establish a world-leading centre for policy-relevant research, teaching and training in climate change and the environment. It is hosted by the Global School of Sustainability at LSE and is funded by the Grantham Foundation for the Protection of the Environment.  
[www.lse.ac.uk/granthaminstitute](http://www.lse.ac.uk/granthaminstitute)

### **About this submission**

This submission to the United Nations Special Rapporteur on the independence of judges and lawyers responds to the call for written inputs for her thematic report on the role of justice systems in addressing the climate crisis, to be presented at the 81st session of the UN General Assembly.

The version presented here has been lightly edited since submission on 2 June 2026.

The OHCHR's Call for Input can be viewed here: <https://www.ohchr.org/en/calls-for-input/2026/thematic-report-role-justice-systems-addressing-climate-crisis-call-input>

### **About the authors**

**Jameela Joy Reyes** is a Policy Officer at the Grantham Research Institute on Climate Change and the Environment.

**Eoin Jackson** is a PhD student in LSE Law School and Research Assistant at the Grantham Research Institute on Climate Change and the Environment.

**Emily Bradeen** is a Policy Analyst at the Grantham Research Institute on Climate Change and the Environment.

**Ian Higham** is a Research Fellow at the Grantham Research Institute on Climate Change and the Environment.

The views expressed in this submission represent those of the authors and do not necessarily represent those of the host institutions or funders. The authors declare no conflict of interest in the preparation of this report.

This submission was first published in July 2026 by the Grantham Research Institute on Climate Change and the Environment.

© The authors, 2026.

Licensed under CC BY-NC 4.0. Commercial permissions requests should be directed to [gri@lse.ac.uk](mailto:gri@lse.ac.uk).

Suggested citation: Reyes JJ, Jackson E, Bradeen E and Higham I (2026) *Submission to UN Special Rapporteur consultation on the role of justice systems in addressing the climate crisis*. London: Grantham Research Institute on Climate Change and the Environment, London School of Economics and Political Science.

## Key messages

- Courts have a breadth of remedies available in climate cases, but there is limited systematic evidence regarding which forms of relief are most effective in terms of achieving mitigation and adaptation outcomes.
- Direct orders requiring governments or companies to reduce greenhouse gas emissions remain relatively rare and difficult to obtain due to persistent concerns about judicial climate competence and the separation of powers.
- Courts have shown considerable willingness to require governments to strengthen their climate governance frameworks, including setting clearer targets and improving legislation.
- Pursuing claims on incorporating climate considerations into existing administrative processes like environmental impact assessments has proven a potentially effective way to enhance climate action.
- An expanding body of climate-specific and other business and human rights case law, grounded in a duty of care and 'polluter pays' principles, provides a promising route for holding corporations accountable for contributions to climate change and securing compensation for climate-related harm.
- Judiciaries show some caution in cases that raise politically sensitive and technically complex issues, such as determining fair shares of global emissions reductions.
- Enhancing judicial climate competence requires sustained investment in training. New toolkits and guides from the Grantham Research Institute and other experts can help.
- Lawyers play a central role in climate action through, *inter alia*, advocacy in a vast and growing number of climate lawsuits. But they are increasingly challenged by a confluence of threats: anti-climate backlash, democratic backsliding, deregulation, and shrinking civic and judicial space. In this context, climate lawyers face harassment in the form of strategic lawsuits against public participation (SLAPPs) – and even violence and death.

# Responses

## Judges

### 2. Effective Relief: What are the most effective forms of relief that judges may issue in cases relating to climate change or environmental harm?

Research on the effectiveness of climate change litigation and on its potential consequences remains limited; for a discussion on this topic, see Setzer and Higham (2025: 47–50).<sup>1</sup> Accordingly, we lack systematic analysis and adequate data to assess the most effective forms of relief that judges may issue. It is also relevant to consider what it means for legal instruments and decisions to be effective in relation to climate change, which will surely be contested. Nonetheless, existing jurisprudence and recent research provide important insights into the possibilities for judges to issue relief in these types of cases, with some indications as to their relative effectiveness.

#### 2a. Which forms of relief have courts imposed, which ones are harder to obtain, and why?

Relief issued by courts may include but is not limited to: greenhouse gas emissions reduction orders; revisions to government frameworks to enhance climate targets and measures; integration of climate considerations into existing planning and administrative processes; and fines and other regulatory penalties against private sector polluters or other actors engaged in ‘climate-washing’ (Setzer and Higham, 2025).

Litigants seeking to obtain certain of these forms of relief can face particularly high obstacles in court. Direct greenhouse gas emissions reduction orders – i.e. a court ordering a government or company to reduce emissions by a certain percentage within a certain timeframe – remain the hardest form of relief for litigants to obtain. *Urgenda Foundation v. State of the Netherlands* was the first case in which a State was ordered to reduce greenhouse gas emissions by a specific amount (at least 25% by year-end 2020 compared to 1990 levels), but the case remains exceptional. In *Juliana v. United States*, the court dismissed the case, holding that it was beyond the powers of the court to order, supervise or implement a government plan to “phase out fossil fuel emissions and draw down excess atmospheric CO<sub>2</sub>” due to concerns about the separation of powers and the difficulties of judicial supervision of complex policy decisions.

Litigants have faced steeper challenges in obtaining relief orders against corporations. In *Milieudefensie et al. v. Royal Dutch Shell plc*, the Court of Appeal in The Hague overturned a previous, unprecedented order that required Shell to reduce its emissions by 45% by 2030, although the Court of Appeal reaffirmed the lower court’s view that Shell has an obligation to address climate change under the ‘standard of care’ in the Dutch Civil Code. The difficulty in obtaining this type of remedy stems in part from the scientific complexity of the cases, as courts may lack confidence when grappling with scientific evidence and standards, and in part from concerns about the separation of powers and who oversees whether institutions meet certain targets.

To date, courts have seldom required governments to contribute their ‘fair share’ to global climate mitigation efforts, based on the concept of each State’s remaining carbon budget being determined equitably while taking into account factors such as historical emissions, capacity and development needs. The decision in *Greenpeace Netherlands and 8 Citizens of Bonaire v. The Netherlands* indicates, however, that some courts may be willing to engage with this question more in the future. The court found that the Dutch Government had failed to take mitigation and adaptation measures that reflected its ‘fair share’ of the global carbon budget and must therefore adjust its targets and climate action measures accordingly. These types of cases can be politically contentious and have potentially uncomfortable implications for developed States

---

<sup>1</sup> Note that the 2026 edition of the *Global Trends in climate litigation* report was published on 25 June 2026; see <https://www.lse.ac.uk/granthaminstitute/publication/global-trends-in-climate-change-litigation-2026-snapshot/>

where, under fair share models based on equity and historical emissions responsibility, national carbon budgets could already be exhausted or near exhaustion (Rajamani et al., 2021).

Judges may be uncomfortable expanding existing doctrine where doing so could be perceived to expand their existing institutional roles. The contrast between the European Court of Human Rights' (ECtHR) treatment of *Duarte Agotinho and Others v. Portugal and 32 Other States* and *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* illustrates this tension. In the former, the claimants emphasised that climate change is an exceptional issue that warranted exceptional intervention by the court to grant them standing where domestic remedies had not been formally exhausted and to exercise extraterritorial jurisdiction. The court determined that the claim was insufficient to justify a departure from its normal procedural rules. In the latter case, the court determined that the claimants fulfilled procedural requirements, having exhausted domestic remedies, and it decided to address the substantive issues of the case, ultimately finding in favour of the claimants.

Finally, cases against corporations requesting forward-looking relief, such as emissions reduction orders or requirements to account for future emissions, are highly challenging because they tend to occur in the absence of regulation. For example, the *Milieudéfensie v. Shell* case reflects this situation, as does the decision of the Sixth Civil Panel of the Federal Court of Justice in Germany, issued in March 2026, on separate cases against BMW and Mercedes Benz. Similar cases such as *Notre Affaire à Tous and Others v. Total* and *Asmania et al. v. Holcim* have yet to reach final rulings, which may provide further insights into how courts deal with complex distributional questions in the absence of adequate regulation.

## **2b. Which forms of relief have proven most effective in terms of improving mitigation and adaptation frameworks, as well as providing compensation?**

Arguably the most effective form of relief has been ordering governments to amend their climate frameworks to be more specific, thereby ensuring legislated targets are actually met while respecting separation of powers. Successful litigation challenging the stringency of framework legislation has led to important amendments to existing framework laws and has also had a positive impact on climate governance beyond the direct implementation of court rulings (Averchenkova et al., 2024). For example, in *Neubauer, et al. v. Germany*, the German Federal Constitutional Court struck down parts of the *Federal Climate Protection Act* for failing to set reduction targets beyond 2030, which was found to violate fundamental rights as "intertemporal guarantees of freedom". Within two months of the ruling, the Bundestag responded by raising the 2030 emissions reduction target from 55% to 65%, adding a 2040 emissions reduction target of 88%, and moving forward the climate neutrality goal from 2050 to 2045.

Rulings that leave governments some discretion within established frameworks while forcing more ambitious policies within those frameworks could also be seen as more effective in improving the frameworks. This is found in numerous mitigation-focused cases. In *Friends of the Irish Environment v. Ireland*, for example, the Supreme Court of Ireland ruled that the Irish National Mitigation Plan was insufficiently detailed to meet the requirements of the *Climate Action and Low Carbon Development Act 2015*, which the government subsequently amended in 2021. Similarly, in *Do-Hyun Kim et al. v. South Korea*, the South Korean Government's failure to legislate emissions reduction targets for the period 2031–49 was found to be unconstitutional. The court stressed that national targets must reflect the State's fair share of global mitigation efforts and the disproportionate burden placed on future generations. Adaptation focused cases, such as *Amarnath Jha v. Office of the Prime Minister and Council of Ministers* in Nepal, also resulted in governments being ordered to improve preparation and response plans to climate-related flooding, here in light of harm that had already occurred.

Cases that have required reconsideration of greenhouse gas emissions in environmental impact assessments may also be particularly effective by embedding climate considerations into existing administrative processes. For example, in *R (on the application of Finch on behalf of the Weald Action Group) v. Surrey County Council and others*, the UK Supreme Court found that a council's

decision to grant planning permission to a developer was unlawful because the environmental impact assessment had failed to consider the effect of related scope 3 emissions. In *Held v. State of Montana*, the state government's energy system was found to have violated claimants' constitutional right to a clean and healthy environment. Apex courts have been especially receptive to these kinds of claims. A landmark study recently found that out of 105 claims filed since 2015 that reached apex courts requesting this kind of relief, at least 42 were successful (Jackson and Setzer, 2026).

Several complementary approaches have shown promise of being effective in addressing issues of corporate accountability and compensation. 'Polluter pays' cases in Brazil and Indonesia have seen courts building on regulatory innovations encompassing unlawful greenhouse gas emissions when holding polluters accountable for local environmental harms such as deforestation. Efforts to reshape tort-based duties of care have also provided opportunities to integrate climate change within existing legal doctrines. The appeal in the *Milieudéfensie v. Shell* case, while overturning the specific target, nonetheless affirmed that Shell has a legally binding duty to reduce emissions and that "protection from dangerous climate change is a human right" that companies must respect. Similarly, in *Smith v. Fonterra Co-Operative Group Limited*, the Supreme Court of New Zealand allowed a common law tort claim against corporate emitters to proceed to trial, providing further scope for recognition of the existing duty of care. The recognition that corporations may have to pay proportionally for their contributions to climate change was recognised in principle in *Luciano Lliuya v. RWE AG*, which could spur further judicial consideration of 'polluter pays' claims from individuals experiencing climate harm linked to corporate emissions.

More broadly, efforts to expand parent company liability for transnational human rights and environmental harms may have implications for future climate cases against corporations. Relevant cases include, for example, *Vedanta Resources PLC and another v. Lungowe and others* and *Okpabi and others v. Royal Dutch Shell plc and another*, both in the UK. *Casquejo and others v. Shell plc and another* (known as 'The Odette Case'), filed in 2025 in the UK, involves a group of Philippines citizens who have suffered from a climate-exacerbated flood seeking compensation from Shell, relying in part on the precedents set in *Vedanta* and *Okpabi*. The Advisory Opinion of the Inter-American Court of Human Rights on the climate emergency and human rights further suggests that a reversal of the burden of proof might, in certain circumstances, be appropriate as a means facilitating further claims against corporations.

### **3. Climate Competence: What steps would best ensure that judges have the skills to engage effectively with scientific evidence concerning climate change and environmental harm?**

#### **3c. How do non-government actors (e.g. NGOs, corporations, private foundations, universities, etc.) influence the development of judicial climate competence.**

The Grantham Research Institute at the London School of Economics and the Grantham Institute at Imperial College London jointly publish the *Grantham Climate Litigation Guide Series*, which provide guidance for legal professionals on the use of climate science and evidence in legal and policy contexts in concise, non-technical language. The guides draw on expertise in the social and natural sciences from our sister institutes. As noted in the first guide in the series, the reports of the Intergovernmental Panel on Climate Change (IPCC) synthesise peer reviewed research and reflect the broad scientific consensus on climate change, thereby providing judges with a trusted foundation for evaluating climate-related claims (Walker-Crawford et al., 2026). The IPCC reports thereby leverage the expertise of university researchers and other relevant actors to influence judicial climate competence, but the IPCC reports are not necessarily conducive to understanding the science in all current legal contexts.

The Environmental Law Institute's *Climate Judiciary Project* is another important initiative. It provides judges with authoritative and objective education on the science and impacts of climate change, as well as the ways that climate science is being introduced and used in legal contexts.

### **3d. How are judges able to access new knowledge about climate change?**

Specialised forums and networks that bring together members of the judiciary are one way for judges to learn about developments in climate change and related issues. The European Union Forum of Judges for the Environment (EUFJE), established in 2003, is one such network. The EUFJE convenes an annual conference that provides an opportunity for experts to educate member judges on topics related to environmental law, sustainable development and climate change. Researchers from the Grantham Research Institute have previously engaged in this forum to produce and share knowledge on climate litigation with member judges. They found a persistent knowledge gap on climate change and climate litigation among judges in the EU (Setzer et al., 2022).

### **3e. What evaluative tools or strategies would be useful for assessing and maintaining judicial climate competence?**

Integrating climate change-focused modules into existing judicial training prospectuses at national and international levels would be a useful means of ensuring continuity in judicial climate education. It would also help to ensure that the material covered reflects the latest developments in climate science. Networks such as the European Judicial Training Network and the International Organisation for Judicial Training offer occasional modules on climate change, but emerging and novel legal challenges posed by climate change may necessitate development of training programmes for judges that are integrated into judicial colleges' core curricula.

## **Lawyers**

### **1. How do lawyers respond to the climate crisis, having particular regard to their participation in litigation, in civil and criminal cases involving environmental defenders, in community education, and in legal empowerment efforts?**

Lawyers may engage in climate action on many fronts, including advising governments on the development of legislation and policy, advising governments on diplomatic negotiations including at United Nations Framework Convention on Climate Change (UNFCCC) conferences, and representing claimants (and defendants) in climate litigation. Lawyers have been particularly engaged in climate litigation, with a consistently expanding number of cases totalling over 3,000 across nearly 60 countries. Not all of the cases in this figure are 'climate aligned', and some filings involving climate law or science run contrary to international emissions and temperature goals. These cases naturally also involve lawyers, but the majority of cases filed remain aligned with increasing climate ambitions or protecting existing laws and policies from rollbacks (Setzer and Higham, 2025).

### **3. What challenges or threats are faced by lawyers working on environmental or climate change-related cases? What are the best practices for supporting and protecting these lawyers?**

The climate litigation movement faces numerous challenges from 'backlash' against climate action (sometimes called 'anti-ESG backlash') and from more general 'backsliding' on democracy and the rule of law. As civic space is shrinking in many democratic states, climate activists are turning to legal mobilisation as a potential alternative strategy to protest and civil disobedience. This naturally creates new opportunities for lawyers to become involved in climate cases. Yet judicial space is also shrinking in some states such as the US and Poland, where the judiciary is becoming increasingly politicised. Lawyers and activists involved in climate litigation can also face direct retaliation for their involvement in cases and can more generally be tied up in cases that seek to stymie climate action. The intertwined trends of compromised judicial independence, deregulation and anti-climate litigation are thus creating unprecedented challenges for climate lawyers (Eilstrup-Sangiovanni et al., 2025).

Indeed, lawyers involved in climate litigation are targeted by state and private actors, tying them up in legal and political battles that can be time-consuming, emotionally draining and financially

damaging. Examples are, unfortunately, increasingly common. Recently, the US House of Representatives Committee on the Judiciary summoned legal experts at the Sabin Center for Climate Change Law at Columbia University, as an affiliate of the Environmental Law Institute and Climate Judiciary Project, to improperly influence federal judges. Lawyers themselves can face strategic lawsuits against public participation (SLAPPs), as was the case in *Mineral Sands Resources (Pty) Ltd and Others v. Reddell and Others* in the South African Constitutional Court. In this SLAPP, two mining companies and their directors filed a defamation case against six environmental activists, including lawyers. The court affirmed a common law defence against SLAPPs, recognising them as a form of the common law doctrine of abuse of process. But applicants are frequently aware that they are filing meritless cases, and SLAPPs are, by definition, about overwhelming the targets rather than about winning the case (see discussion in Setzer and Higham, 2025: 45). Sadly, SLAPPs are not the extent of the harassment faced by climate lawyers. Global Witness (2025) reports 2,253 killings or disappearances of environmental defenders (including lawyers) from 2012 to 2024.

## References

- Averchenkova A, Higham C, Chan T, Keuschnigg I (2024) *Impacts of climate framework laws: lessons from Germany, Ireland and New Zealand*. London: Grantham Research Institute on Climate Change and the Environment, London School of Economics and Political Science.  
<https://www.lse.ac.uk/granthaminstitute/publication/impacts-of-climate-framework-laws/>
- Eilstrup-Sangiovanni M, Hall N, Vanhala L, Setzer J, Higham I, van Asselt H (2025) Reorienting climate litigation in a time of backlash. *Nature Climate Change* 15: 1133–1135.  
<https://doi.org/10.1038/s41558-025-02475-y>
- Global Witness (2025) *Roots of resistance: documenting the global struggles of defenders protecting land and environmental rights*. London: Global Witness.  
[https://gw.hacdn.io/media/documents/Defenders\\_Annual\\_Report\\_2025\\_online\\_EN.pdf](https://gw.hacdn.io/media/documents/Defenders_Annual_Report_2025_online_EN.pdf)
- Jackson E, Setzer J (2026) *Climate at the apex: the emerging role of apex courts in global climate governance*. LSE Legal Studies Working Paper No. 1/2026.  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=6789358](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=6789358)
- Rajamani L, Jeffrey L, Höhne N, Hans F, Glass A, Ganti G, et al. (2021) National ‘fair shares’ in reducing greenhouse gas emissions within the principled framework of international environmental law. *Climate Policy* 21(8): 983–1004. <https://doi.org/10.1080/14693062.2021.1970504>
- Setzer J, Higham C (2025) *Global trends in climate change litigation: 2025 snapshot*. London: Grantham Research Institute on Climate Change and the Environment, London School of Economics and Political Science. <https://www.lse.ac.uk/granthaminstitute/publication/global-trends-in-climate-change-litigation-2025-snapshot/>
- Setzer J, Narulla H, Higham C, Bradeen E (2022) *Climate litigation in Europe: a summary report for the European Union Forum of Judges for the Environment*. London: Grantham Research Institute on Climate Change and the Environment, London School of Economics and Political Science.  
<https://www.lse.ac.uk/granthaminstitute/publication/climate-litigation-in-europe-a-summary-report-for-the-european-union-forum-of-judges-for-the-environment/>
- Walker-Crawford N, Reyes JJ, Petkov N, Palazzo Corner S (2026) *Science in the courtroom: evidentiary needs in climate litigation*. London: Grantham Research Institute on Climate Change and the Environment, London School of Economics and Political Science and Grantham Institute – Climate Change and the Environment, Imperial College London.  
<https://www.lse.ac.uk/granthaminstitute/publication/science-in-the-courtroom-evidentiary-needs-in-climate-litigation/>