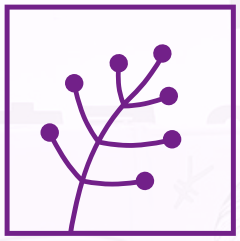

Climate Litigation Network

LAYING THE FOUNDATIONS FOR OUR SHARED FUTURE

How ten years of climate cases built a legal architecture for climate protection

ACKNOWLEDGEMENTS

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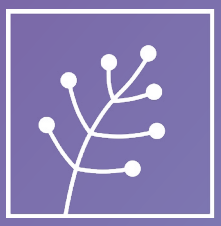

Climate
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THE CLIMATE LITIGATION NETWORK

The Climate Litigation Network (CLN) supports communities who use the law to protect our shared future. We provide individuals, organisations and grassroots groups around the world with the legal tools, insights and strategies to push big polluters to develop and implement emissions reductions plans that keep us all safe.

CLN was established by the Urgenda Foundation – the organisation behind the landmark climate case that compelled the Dutch Government to strengthen its emissions targets – to build on that legal strategy, support other cases, and help grow the global movement of climate litigation.

Youth climate campaigners in South Korea. Copyright: Youth4Climate.

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FOREWORD

Christiana Figueres

Former Executive Secretary of the UNFCCC, co-founder of Global Optimism, and co-host of the climate podcast Outrage + Optimism

I was sitting on the edge of my seat in July this year when International Court of Justice President Yuji Iwasawa delivered the Court's landmark advisory opinion on the obligations of States in respect of climate change. It really was an extraordinary moment: recognition from the highest court in the world that States have legal duties to protect their citizens from climate change. Scanning and cross-checking all relevant international treaties, the Court also drew from human rights principles, customary law, and oral testimonies from across the globe.

The Court was unequivocal and unanimous in its opinion: climate action is a legal duty, and States are obligated under international law to prevent dangerous climate change. States must pursue their "highest possible ambition" in their Nationally Determined Contributions and ensure collective measures can limit warming to 1.5˚C. Failure to act is unlawful: granting fossil fuel licenses, providing subsidies, or failing to regulate emissions may constitute an internationally wrongful act. And reparations are possible: countries could be required to compensate or remedy the damage caused by their emissions — anywhere in the world.

This landmark opinion constitutes a legal turning point — one that is also becoming visible in courtrooms across the globe. Climate litigation, once a relatively new idea, is now entering a more mature and complex phase. Over the past few years, as climate impacts have escalated, significant cases — including the KlimaSeniorinnen case, Milieudefensie vs. Shell, and Lliuya vs. RWE — have affirmed that governments and high-emitting corporations have a duty to prevent dangerous climate change and can be held accountable for the damages caused by their emissions.

This report shines a light on this emerging story, showing how each case, whether won or not, helps to shift public opinion and establish new legal norms. We have a golden opportunity now to elevate the role of climate litigation and to be clear: this is a story of hope, agency, and action. And this opportunity comes at a time of great convergence: the turning point in our energy system has also been reached. A new economy is now rising, powered by affordable, renewable energy that will inexorably crowd out fossil fuels.

As more and more people face devastating consequences from climate impacts they are not responsible for, there are clearer pathways towards real accountability than we've ever had before. Climate litigation is one of the key tools available to us to take climate action, and communities everywhere are joining in. The more we can shine a spotlight on their work, the more we can help create a virtuous reinforcing cycle of accountability and positive change.

President of PISFCC, Cynthia Houniuhi, speaks at the Peace Palace, The Hague.
Copyright: Pacific Island Students Fighting Climate Change.

Because each case, each action, is a ray of light — an incredible beacon of hope, truth, and clarity. I share my deepest gratitude and excitement with all of you out there working in this space.

Christiana Figueres, Former Executive Secretary of the UNFCCC, co-founder of Global Optimism, and co-host of the climate podcast Outrage + Optimism.

INTRODUCTION

Dennis van Berkel

Legal Counsel, Urgenda Foundation

This year marks a decade since the *Urgenda* case – the first time a court, anywhere in the world, ordered a government to take stronger climate action.[1] That single judgment reshaped the global debate, showing that when politics stalls, courts can step in, sparking a decade of litigation that has built a new legal architecture for climate action.

The *Urgenda* case arrived amid growing frustration with politicians' inability to live up to their promises and protect people from an escalating climate crisis. In the early nineties, global leaders acknowledged through the United Nations Framework Convention on Climate Change the grave danger of climate change and committed to 'protect the climate system for the benefit of present and future generations of humankind'.[2] Almost two decades later, the Copenhagen climate summit in 2009 set 2˚C as the political limit for dangerous warming – but failed to reach a binding agreement on how to achieve it. The years that followed were marked by mounting alarm from actors well beyond the traditional climate sphere. Reports from the United Nations Environment Programme warned of a widening emissions gap,[3] while the World Bank's *Turn Down the Heat* report painted an alarming picture of a world heading towards 4˚C of warming.[4] Several global leaders sounded the alarm – Christine Lagarde, then head of the International Monetary Fund, told an audience in 2013 that without urgent action 'we will be roasted, toasted, fried and grilled'.[5]

It was against this background of political inaction, that the *Urgenda* Foundation – a Dutch non-profit organisation – and nearly 1,000 citizens petitioned Dutch courts to hold the Government to its own commitments: to reduce emissions, protect citizens and uphold human rights. Our argument was simple: climate change is not only a political issue; it is also a legal one. When governments set rules, they also need to abide by them, and courts have the constitutional duty to ensure that governments act to protect their citizens from dangerous climate change. The aim was not to fight against government and politics, but to strengthen democracy and the rule of law by activating the 'trias politica' (the separation of powers between the executive, legislature and judiciary) as the foundation of democracy.[6]

In 2015, the District Court in The Hague agreed. It ordered the Dutch Government to reduce greenhouse gas emissions by at least 25% from 1990 levels by 2020, finding that the Government's existing plans fell short of best available science and violated its legal obligation to do 'its share' to protect its people from dangerous climate change. For the first time, a court mandated deeper emissions cuts from a government, transforming climate action from a distant political debate into a matter of enforceable obligations.

Shortly after the first judgment in the *Urgenda* case, world leaders adopted the Paris Agreement. This saw governments collectively recognise the need to limit global warming to 1.5˚C and pledge to pursue their 'highest possible ambition' towards achieving that goal. The Agreement broke years of diplomatic gridlock and renewed hope in multilateral cooperation. Yet its strength was also its weakness. In avoiding a top-down enforcement system, the Paris framework left accountability to the national level, with each government defining its own 'Nationally Determined Contribution' to staying within the long-term temperature limit. The Agreement therefore left the door firmly open for domestic courts to scrutinise governments' climate action.

And that is indeed what we saw. In the years that followed the *Urgenda* case and the adoption of the Paris Agreement, individuals and communities across the world turned to their own courts to demand stronger climate action from their governments. From New Zealand to Norway, Colombia to the Czech Republic, people from all backgrounds came together to push their governments to honour their promises, and to protect them and their children from dangerous climate change. Their demands were consistent: act faster, take a fair share of global responsibility and safeguard fundamental rights from climate harms. Not every case succeeded, but together they established the foundations of a global architecture of accountability.

That wave of domestic rulings soon rippled upwards. In 2024, the highest human rights court in Europe ruled against Switzerland for failing to ensure the necessary emissions reduction measures,[7] recognising that such inaction violated human rights – a decision binding on all 46 governments in the Council of Europe. Soon after, the International Tribunal for the Law of the Sea confirmed that States must prevent and control greenhouse gas emissions to protect the oceans.[8] The Inter-American Court of Human Rights then affirmed the right to a stable climate system as essential to the enjoyment of all human rights.[9]

By 2025, these strands of jurisprudence converged at the highest international level. Following an initiative spearheaded by Pacific Island students, the United Nations General Assembly requested an Advisory Opinion from the International Court of Justice on States' obligations in respect of the climate crisis.[10] In its landmark Advisory Opinion, the International Court of Justice confirmed what communities had argued for a decade: that governments have a whole host of legal duties arising as a result of the climate crisis, including the duty to take 'stringent' mitigation measures, act in line with fairness and scientific evidence, and regulate private actors.[11] What began in a Dutch District Court was, within a decade, affirmed by the world's top court in the same city.

The past decade is therefore a story of transformation. In just ten years, climate litigation has evolved from a handful of complaints before domestic courts to a global accountability system recognised by the highest international courts and tribunals. That transformation was built case by case, country by country. Some judgments failed, but each contributed – refining arguments, strengthening

alliances, raising public awareness and laying the groundwork for those that followed.

By defining climate action as a legal obligation rather than political convenience, these cases have strengthened democracy itself. Courts, as one of the three branches of the State, exist to ensure that the law is upheld, even when politics falters. By requiring governments to act now to safeguard rights into the future, judges have created a system of accountability that counters short-termism and vested interests, steering politics towards serving our common future.

In doing so, climate litigation follows a long legal tradition. Early twentieth-century legal battles were fundamental in addressing the pollution and harms of the industrial revolution, leading to safer work, cleaner cities and rivers, and longer life expectancies.[12] Today, litigation is helping us confront what remains the greatest threat to human society. Governments' legal duties to protect people from climate harm are now firmly established, and future cases will focus on ensuring those obligations are implemented in practice. At the same time, corporate responsibilities have started to take shape, building on gains made in the past decade, with courts starting to recognise major emitters' duties to mitigate *(Milieudefensie v Shell)* and to foot the bill for the climate impacts of their emissions *(Lliuya v RWE)*.

Co-plaintiffs celebrate the 2018 Court of Appeal ruling of the Urgenda case. Copyright: Chantal Bekker.

SUMMARY

This report charts the collective impact of ten years of climate litigation since the *Urgenda* ruling and explores future directions for corporate and governmental accountability.

It focuses on 'framework' climate litigation, also known as 'systemic mitigation' cases.[13] Like the *Urgenda* case, these cases challenge a government or company's overall mitigation ambition. They fall into two categories:[14]

- **Government framework cases** challenge the ambition or implementation of national climate targets and policies affecting the whole economy and society.
- **Corporate framework cases** seek to disincentivise companies from continuing with high-emitting activities by requiring changes in group-level policies, corporate governance and decision-making.

The report also considers recent legal breakthroughs in two other areas: limiting government support for fossil fuel production, and establishing big polluters' responsibility to compensate for loss and damage.

Framework cases form one strand of the broader climate litigation movement. Of the nearly 3,000 climate cases globally that have been filed since 2015, 151 are framework cases – with 128 cases against governments[15] and 23 against corporations.[16] Framework climate litigation is inherently systemic in nature: if successful, a case can lead to a significant increase in a country or company's overall mitigation ambition.

Climate litigation is a global movement, with norms and ideas spreading between plaintiffs and between courts. The individuals and communities that have initiated framework litigation are primarily located in the Global North, reflecting both the greater responsibility and capacity of those countries, and companies headquartered therein, to mitigate emissions. These efforts are strengthened by climate justice and litigation movements by communities in the Global South, especially those seeking to establish big polluters' responsibility to compensate for loss and damage.

Section 1 of this report explores why communities around the world have brought climate cases, drawing on their own words to explain their motivations. **Section 2** charts how, over ten years of framework litigation, courts have developed a global legal architecture for climate protection – establishing minimum legal standards for governments' emissions reductions, and more recently, applying legal norms in relation to companies' emissions reductions, to government support for fossil fuel production and compensation for loss and damage. **Section 3** concludes with an overview of how this litigation has driven policy and legislative change, inspired public mobilisation, shaped public opinion and created financial risk for high-emitting corporations. This report is based on materials as of October 2025.

Key findings

- Climate litigation is a direct response to the decades' long inability of politicians to deliver on their promise to protect current and future generations from the devastating impacts of climate change.
- Those most affected by climate change – young people, older generations and indigenous peoples – together with broad coalitions of civil society organisations and concerned individuals – have been the driving force behind the last ten years of climate litigation. What unites them is a shared conviction that courts can step in to protect their rights when their own political institutions have fallen short.
- Ten years of climate litigation has laid the foundations of a global legal architecture for climate protection, now recognised by the highest international courts and tribunals.
    - Governments have a legal duty to keep people safe, pull their weight in the global effort to limit global temperature rise to 1.5˚C, protect future generations and show that their actions match their promises.
    - Courts have also started to recognise companies' obligations to cut emissions to prevent public harm, to enforce legal limits on government support for fossil fuel production and to hold big polluters accountable for climate damages.
    - Taken together, these developments align with the IPCC's assessment that 'climate litigation has become a powerful force in climate governance'.[17]
- The global legal architecture has been created case by case, as plaintiffs take inspiration from court decisions around the world, and judges engage in a global dialogue.
- Climate litigation has had far reaching impacts beyond the courtroom. Following landmark climate rulings, governments have ramped up emissions reduction targets in Brazil, Germany and the Netherlands; adopted clearer plans to net zero and enshrined new emissions reduction targets in law in Germany, Ireland and South Korea (in progress); institutionalised judicial oversight to implement adaptation policies in Pakistan; rejected or reassessed fossil-fuel projects in Australia and the United Kingdom, among others; and committed to system-wide transportation decarbonisation in Hawaii. Climate cases in France, Belgium, the Netherlands and Norway helped to mobilise movements and shift public opinion, while corporate climate cases are now changing how investors and regulators view climate risk.

These achievements in advancing accountability through litigation have, however, faced fierce headwinds. Global conflicts have shifted priorities, economic shocks have narrowed political bandwidth and fossil fuel interests continue to resist and even unwind regulation.[18] Even with our very survival at stake, governments are struggling to look beyond the immediate challenges of the day and the most polluting corporations are seizing every opportunity to roll back on already inadequate climate ambition. The result is a world that remains dangerously off track, heading towards 2.8˚C of warming by the end of this century.[19] Without sustained public pressure, political mobilisation and continued litigation, neither governments nor corporations will act at the speed and scale needed to keep 1.5˚C within reach.

WHY ARE COMMUNITIES TURNING TO THE COURTS?

> ‘We didn’t just wake up one morning and decide to take the Swiss Government to court. We were inspired by what Urgenda had done in the Netherlands and came together out of a shared sense of urgency to protect our planet and the rights of future generations.’
>
> **Elisabeth Stern**, a plaintiff in Verein KlimaSeniorinnen Schweiz and Others v Switzerland.

> ‘Suing a giant energy company was intimidating, but as I watched the glaciers retreat faster and faster, I realised I had nothing to lose.’
>
> **Saúl Luciano Lliuya**, plaintiff in Luciano Lliuya v RWE AG.

The rise of climate litigation is a direct response to governmental and corporate failure to address the defining challenge of our time. Those most affected by the crisis are at the forefront of climate litigation: young people, older generations, women, Indigenous Peoples and people with disabilities are working alongside broader coalitions of civil society organisations and citizens concerned for the world that future generations will inherit. They are united by a shared conviction that the courts can, and should, step in to protect their rights when their own political institutions fall short.

The growing wave of climate cases reflects a deep public desire for stronger action. Globally, nearly nine in ten people (89%) want their governments to do more to tackle climate change.[20] Yet public trust in politics remains low: only one in five people believe their government will keep its promises.[21] In this context, climate litigation has become a means of restoring agency and trust. Litigation allows citizens (in countries where the rule of law operates) to seek accountability through independent courts, which promise to assess their plight according to the law rather than short-term political pressures.

But it is the voices of those who have brought climate cases that can best speak to the motivation. Their testimonies reveal what drives individuals and communities to go to court: the fear, the hope and the determination to secure a liveable future when all other avenues, such as democratic participation, protests and advocacy, appear to have failed.

> ***'Pakistan's vulnerability to climate change was becoming increasingly visible in 2015 with little acknowledgement or action at the government front. Belonging to an area that felt these impacts quite severely, I wanted to act. As a lawyer freshly out of law school, litigation was the only way I knew how to'.***
>
> **Asghar Leghari,** plaintiff in Leghari v Federation of Pakistan (2015)[22]

Leghari filed a case against the Pakistani Government demanding that it do more to protect the country from increasingly severe climate impacts. In 2015, the Lahore High Court ordered the establishment of a Climate Change Commission and tasked government agencies with implementing climate policies.[23]

> ***'I grew up in Bogotá witnessing how deforestation and increasingly frequent droughts directly threatened our local water supply. As part of a generation of youth activists leveraging litigation to combat the climate crisis, we sought to challenge our government's inaction and demand concrete steps to increase climate ambition by tackling deforestation in the Amazon'.***
>
> **Camila Bustos,** a plaintiff in Future Generations v Ministry of Environment and Others (2018)

Bustos was one of 25 youth plaintiffs who took the Colombian Government to court over its alleged failure to protect their constitutional rights by failing to stop deforestation and failing to take effective measures to combat climate change. In 2018, Colombia's highest court ordered the Government to make and implement plans to address deforestation – the first time that a national supreme court explicitly recognised that future generations have a right to a healthy environment.

> ***'We were the most unlikely group — 3,000 older women who came together to take our government to court — and win. We were inspired by what Urgenda had done in the Netherlands and we came together out of a shared sense of urgency to protect our planet and the rights of future generations. Of course, older people are particularly vulnerable to the impacts of climate change, but we are also strong and change-makers'.***
>
> **Elisabeth Stern**, a plaintiff in Verein KlimaSeniorinnen Schweiz and Others v Switzerland (2024)[24]

Stern is a member of KlimaSeniorinnen, a Swiss group of older women, who challenged their Government's climate inaction as a violation of their human rights. The case led to a landmark decision of the European Court of Human Rights (ECtHR) in 2024, which found that Switzerland was in breach of its human rights obligations – with implications for 46 other governments in Europe.[25]

Swiss Senior Women for Climate Protection Verdict at ECHR.
Copyright: Miriam Künzli / Ex-Press / Greenpeace.

'We were organising school strikes in coordination with other youth groups around the world, trying to persuade decision makers – but very little changed. We needed systemic change. It was clear we couldn't solely rely on the goodwill of policymakers, especially when young people have limited opportunity for participation in social matters in South Korea. That's why we went to court'.

Borim Kim, a plaintiff in Do-Hyun Kim et al v South Korea (2024)[26]

Kim was a one of a group of 19 youth activists who filed a case against the South Korean Government in 2020, arguing that its climate policy violated their constitutional rights. In 2024, South Korea's highest court held that the Government needed to enshrine targets for the 2031-2049 period, to protect future generations from shouldering a disproportionate share of the country's emissions reduction burdens.[27]

'We took the Government to court because our islands are being lost under rising seas. As a Boigu man, I have a cultural responsibility to protect my island and my community, but climate change is making it impossible and could mean they disappear forever. I can't imagine being forced to leave Boigu because this island is me and I am this island'.

Uncle Pabai Pabai, a plaintiff in Pabai v Commonwealth of Australia (No 2) (2025)[28]

Plaintiff Saúl Luciano Lliuya at glacial lake Palcacocha, which is growing because of the melting glacier due to climate change. Copyright: Walter Hupiu Tapia / Germanwatch e.V.

Two elders from the Torres Strait Islands, Uncle Pabai and Uncle Paul, filed a class action against the Australian Government in 2021 on behalf of their communities. Although unsuccessful, the case drew national attention to the existential threat climate change poses to Torres Strait Islanders and underscored the need for stronger Government action to safeguard their human rights and cultural heritage.[29]

> ***'The mountains are my home, and my home has been melting away before my eyes. In Huaraz, the changes are clear – greater flood risks, shrinking water supplies, and threats to our families and livelihoods. I felt I had to act, not just for myself, but for my community. In 2014, I connected with Germanwatch, and the idea of a lawsuit began to grow. Suing a giant energy company was intimidating, but as I watched the glaciers retreat faster and faster, I realised I had nothing to lose. This was not only about Huaraz, but about all of us who are suffering from the unchecked emissions of big polluters'.***
>
> **Saúl Luciano Lliuya,** plaintiff in Luciano Lliuya v RWE AG (2025)[30]

In 2015, Peruvian mountain guide and farmer Saúl Luciano Lliuya, took RWE, Germany's largest electricity producer, to court. He argued that the company's greenhouse gas (GHG) emissions contributed to the melting of glaciers in Peru and requested compensation to help pay for flood defences for the city of Huaraz. Although the case ultimately failed on the facts, the ruling itself was historic: the Court's decision means that if a major carbon emitter refuses to take 'protective measures' then it could be held responsible for costs proportional to its share of emissions – even before damages occur.[31]

> ***'Rising sea levels, stronger cyclones, and the loss of ancestral lands are not abstract threats, they are happening now in the Pacific. For decades, Pacific nations have advocated stronger climate action, but progress was too slow. We saw the ICJ Advisory Opinion as a peaceful, legal pathway to clarify States' obligations under international law, and to empower vulnerable nations with moral and legal authority in global climate negotiations'.***
>
> **Belyndar Rikimani,** Obligations of States in respect of Climate Change (2025)[32]

Rikimani is a member of Pacific Islands Students Fighting Climate Change, the organisation that led the campaign for an Advisory Opinion from the International Court of Justice (ICJ) on States' climate duties under international law. In 2025, the ICJ's landmark opinion confirmed that States have obligations under international law to take measures to reduce their emissions and limit global temperature rise to 1.5˚C.[33] It also confirmed that States have obligations to provide adaptation and address losses and damages.[34] Moreover, States that are found in breach of these climate obligations could potentially face the full range of legal consequences under international law.[35]

BUILDING A LEGAL ARCHITECTURE FOR CLIMATE PROTECTION

> ‘Courts are more inclined to make decisions changing the status quo of both the law and governance of a jurisdiction where there is an example of a court of another jurisdiction deciding likewise.’
>
> **Chief Justice Brian Preston** of the Land and Environment Court of New South Wales, Australia.

Scenic Aerial View of Tuvalu. Copyright: Bianca Vitale / Greenpeace.

Over the last ten years, individuals and communities around the world have challenged the long-held assumption that climate policy lies beyond the reach of the courts, and that governments and companies have unfettered discretion over the pace and scale of their emissions reductions. The efforts of these plaintiffs and the court decisions that have followed have laid the foundations of a global legal architecture for climate protection. This part of the report outlines the key building blocks of this architecture and explores how it is likely to evolve in the years ahead.

Since the 1990s, governments and corporations have relied on a predictable series of defences to resist accountability in the courts, including:

- The **'leave it to politics' defence** – arguing that climate policy is too complex and value-laden for courts to adjudicate;
- The **'drop in the ocean' defence** – claiming that a single country or company's emissions are too globally insignificant to create enforceable legal duties; and
- The **'choose any target' defence** – asserting that governments and companies are free to determine the level and timing of their emissions reductions, since neither international climate treaties nor other source of law contain binding standards.

Case by case, communities have challenged these defences by citing domestic and international law, decisions from courts in other countries, as well as climate legislation. Top courts in many countries, as well as at the regional and international level, have accepted communities' claims, set minimum standards for governments (and, more recently, companies) to comply with, and rejected these defences. In other cases, while courts have not ultimately upheld the claims, they have recognised important legal principles, which contribute to this architecture.

Part 2 of the report is divided into three sections which outline the development of this legal architecture for climate protection in relation to governments and to companies, and the interlinkages between them.

Section 2.1 shows how, viewed with a ten-year perspective, the decisions of national, regional and international courts have created legal building blocks defining how governments must reduce emissions to prevent dangerous climate change. The key building blocks are:

1. Governments must keep people safe by preventing dangerous climate change;
2. Governments must pull their weight in the global effort to limit temperature increase to 1.5˚C, guided by science;
3. Governments must protect future generations by adopting fair and achievable climate plans; and
4. Governments must show that their actions match their promises, by implementing robust measures to achieve their climate targets.

Section 2.2 highlights three areas in which the legal architecture is being further constructed, based on recent landmark decisions. These relate to:

1. **Corporations have a legal duty to cut their emissions to prevent public harm;**
2. **Governments' duty to protect people from dangerous climate change limits their support for fossil fuel production; and**
3. **Big polluters can be held accountable for climate damages.**

Section 2.3 illustrates the interlinkages between these cases, as courts around the world have built on each other's decisions.

The term legal 'architecture' reflects its composite and overarching nature. It is comprised of numerous building blocks, each of which is the product of numerous court decisions. In most cases, a building block starts with the decision of a national court that binds only a specific government or company. Then, over time, we see national courts in other countries and regional and international courts and tribunals issuing similar decisions (usually based on common norms, even though the legal instruments they are using may be different), which further develops the building block. Recently, regional and international courts have played a pivotal role in cementing the building blocks into a global legal architecture, as their decisions and opinions apply to dozens or hundreds of governments globally.

2.1 LEGAL BUILDING BLOCKS FOR GOVERNMENT EMISSIONS REDUCTIONS

2.1.1 Governments must keep people safe by preventing dangerous climate change

The first building block of the global legal architecture is that governments must keep people safe by preventing dangerous climate change. This principle, first articulated by a Dutch court in the 2015 *Urgenda* judgment,[36] has since been affirmed by other courts across the world – national, regional and international – drawing on a range of legal bases.

The *Urgenda* decision established, for the first time, that despite climate change being a global problem, the Dutch Government had an individual obligation to reduce its emissions to protect people from dangerous climate change. The District Court of the Hague rejected the Dutch Government's 'leave it to politics' defence, finding that existing legal principles protecting people from harm could apply to the problem of climate change. It also dismissed the Government's claim that the Netherlands' contribution to global emissions was too small to matter – the so-called 'drop in the ocean' defence – stressing that effective global action depends on the responsibility of each state to do its fair share. The court ordered the Government to reduce its

Marjan Minesma, Urgenda, at the 2018 Court of Appeal ruling of the Urgenda case. Copyright: Chantal Bekker.

emissions by at least 25% by 2020, compared to 1990 levels – a decision that was upheld twice on appeal.[37] The *Urgenda* case had a transformative impact on Dutch climate policy and the Dutch Government achieved the target set, as outlined in **Section 3.1**.

Several months later in 2015, the Lahore High Court in Pakistan reached a similar conclusion in *Leghari*. The Court held that the Government's human rights obligations required it to adopt stronger climate adaptation measures and established a Climate Change Commission to ensure compliance.[38]

Since these early cases, the highest courts of Brazil,[39] Colombia,[40] Germany,[41] India,[42] Nepal,[43] South Korea,[44] and lower courts in other countries, have confirmed that climate change poses a significant threat to people's lives and human rights, and that governments have an individual legal obligation to prevent dangerous climate change.

National courts have interpreted this obligation as requiring governments to adopt a range of actions, for example:

- The Government of Colombia was required to formulate a short-, medium-, and long-term action plan to counteract deforestation in the Amazon;[45]

- The Government of Brazil was instructed to 'unfreeze' the national Climate Fund after two years of inactivity, and allocate funds towards mitigation projects;[46] and
- The Government of Nepal was charged to adopt a comprehensive law on climate change and to adequately address the existing impacts of climate change.[47]

In the past three years, this obligation to act has been reaffirmed by regional and international courts and tribunals. The ICJ,[48] the International Tribunal for the Law of the Sea (ITLOS),[49] the ECtHR,[50] the Inter-American Court of Human Rights[51] (IACtHR) and the United Nations (UN) Human Rights Committee[52] have all recognised the individual legal responsibility of governments to reduce emissions (among other obligations). Meanwhile, the African Court of Human and Peoples' Rights is currently preparing an Advisory Opinion on similar issues.[53]

2.1.2 Governments must pull their weight in the global effort to limit temperature increase to 1.5˚C, guided by science

The second building block of the global legal architecture is that governments must set emissions reduction targets grounded in science and fairness principles from international law. Starting with the *Urgenda* case and reinforced by recent regional and international court decisions, judges have recognised that there are minimum standards that inform how ambitious national climate targets must be. Crucially, courts have found that emissions reduction measures must be based on best available science, reflect the fairness principles enshrined in the international climate treaties (such as the increased responsibility of developed country governments), and aim to limit global temperature increase to 1.5˚C. While governments still have broad discretion to choose how they achieve emission reductions, they are bound by minimum requirements when setting their targets.

Urgenda was also the first case to establish the existence of standards against which courts can assess the adequacy of a government's emissions reduction targets. The Dutch trial court found that the Government's targets had to be informed by best available science and its international climate change commitments.[54] The Dutch Supreme Court then affirmed that these international commitments shape the Government's legal duties in relation to climate change and require it to do 'its part'[55] and contribute its 'fair share' to avert dangerous climate change.[56] The Supreme Court outlined these standards as follows:

> ***'...the Dutch constitutional system of decision-making on the reduction of greenhouse gas emissions is a power of the government and parliament. They have a large degree of discretion to make the political considerations that are necessary in this regard. It is up to the courts to decide whether, in availing themselves of this discretion, the government and parliament have remained within the limits of the law by which they are bound'.***[57]

Courts in Germany[58] and Belgium[59] followed suit, finding that the respective governments' emissions reduction targets must be in line with best available science, and reflect the fairness principles of international climate treaties. Other courts were more hesitant to engage with the issue of target setting, citing the absence of standards for courts to use. Courts in Australia,[60] the Czech Republic,[61] Italy[62] and Spain[63] rejected claims on that basis, refusing to assess the adequacy of the respective government's targets.

While firmly recognising the different responsibilities of governments and courts, recent regional and international decisions have resoundingly confirmed that there *are* legal boundaries within which governments must set their climate targets, and courts can assess whether these boundaries are being overstepped.

In 2024, the ECtHR issued its first climate change judgment in a case against Switzerland.[64] The Court found that the Swiss Government's primary legal obligation to protect human rights was to adopt regulations and measures that are 'capable' of mitigating dangerous climate change.[65] Accordingly, the Government must quantify a national carbon budget or equivalent, and set emissions reduction targets consistent with holding global temperature rise below 1.5˚C and international law, including principles of fairness.[66] The ruling applies to all 46 Council of Europe member states – significantly, however, few, if any, have emissions reduction targets consistent with a carbon budget

Climate Seniors' Band-aid to Protest Climate Inaction at Swiss Glacier. Copyright: Miriam Künzli / Ex-Press / Greenpeace.

that reflects the 1.5˚C long-term temperature limit, so communities are taking their governments to court to enforce this obligation.[67]

Elisabeth Stern, one of the plaintiffs who brought the Swiss case, describes the impact of the ruling:

> ***'Climate litigation gives us a chance to hold a mirror up to our governments. We can use the law to illuminate the gap between what governments say they're doing and what scientists say is needed to protect the people and places we love most.***
>
> ***The ruling means that all 46 member states of the Council of Europe now have an obligation to set a carbon budget and develop an emissions reduction plan that keeps us safe. We only got this because we used the system designed to protect our rights to hold our Government to account'.***

A year later, the IACtHR adopted a similar approach to the ECtHR, by delivering an Advisory Opinion that emphasised the need for targets to be set in relation to what is necessary to hold temperatures below 1.5˚C.[68] This sets the standard for the 24 governments who are party to the American Convention on Human Rights.

Finally, in July 2025, the ICJ issued a landmark Advisory Opinion which reflected the principles developed over a decade by national and regional courts.[69] The ICJ insisted that governments have 'limited' discretion when it comes to setting their five-yearly climate plans under the Paris Agreement (known as Nationally Determined Contributions, or NDCs)[70] and outlined the minimum requirements for governments' NDCs, including that they:

- must be capable of making an 'adequate contribution'; to the global warming limit, which it defined as 1.5˚C;[71]
- reflect each government's 'highest possible ambition';[72]
- become 'more demanding over time'[73]; and
- reflect fairness principles set out in the international climate treaties, including developed countries' historical contributions to climate change.[74]

Crucially, the ICJ recognised the role of courts in ensuring accountability and integrity around climate action – finding that a competent court or tribunal could order a state to adopt an NDC that is consistent with its obligations under the Paris Agreement.[75] **Margaretha Wewerinke-Singh**, counsel for Vanuatu before the ICJ, stated:

> ***'The ICJ Advisory Opinion anchors climate justice in international law. States must, under longstanding legal obligations, take and cooperate in equitable, science-based measures to prevent, reduce and redress climate-related harm. The world's top court has now clarified that the onus is fairly on States to show how they are complying with their legal duties. Those that don't are leaving themselves open to host of legal consequences, including a duty to make full reparations'.***

Together, these decisions establish a clear global standard: governments must adopt fair, science-based emissions reduction targets consistent with 1.5˚C. The question now is whether governments will meet this legal standard in practice – or leave it to future courts to compel compliance.

2.1.3 Governments must protect future generations by adopting fair and achievable climate plans

The third building block of the global legal architecture is that governments must protect future generations by adopting fair and achievable climate plans.

Across the world, communities – especially young people – have taken their governments to court because existing climate plans are vague, push proposed emissions reductions to the future and are not based on credible pathways. Children and young people, often excluded from political decision-making due to their age, have been the driving force behind these cases.

The Colombian Supreme Court, the country's highest court, made a significant contribution to this principle by recognising the rights of future generations in the context of the climate crisis for the first time. In 2018, the Court ruled that Colombia had failed to effectively protect the Amazon rainforest against deforestation, which contributed to driving climate change among other environmental impacts.[76] The threat that climate change poses to the lives and health of the youth plaintiffs led the Court to rule that Colombia

Youth climate campaigners in South Korea. Copyright: Youth4Climate

must formulate a short-, medium- and long-term action plan to counteract deforestation in the Amazon. The Court considered future generations to be the direct victims of deforestation, unless the present generation reduces it to zero.

Courts in Germany and South Korea took intergenerational burden-sharing a step further. In 2021, the German Constitutional Court found that national climate legislation violated constitutional rights by pushing the major emissions reduction burden to after 2030, an approach that would force today's young people to engage in 'radical abstinence' due to the depletion of Germany's remaining carbon budget.[77] **Luke Recktenwald**, one of the plaintiffs in the case, describes the ruling:

> ***'The court made it clear that climate protection must not be postponed at the expense of future generations. Climate protection is a human right! The media were calling it a "historic climate decision", because it was. The decision gave us all hope'.***

In 2024, the South Korean Constitutional Court reached a similar conclusion, finding that: 'given the nature of the climate crisis as [a] risk situation, the most ambitious reduction target must be set and continuously be advanced to avoid exacerbating future burdens'.[78] The Court explained that because future generations are not represented in the democratic process, judicial review was all the more important.[79] The Court held that the South Korean Government must adopt medium-term emissions reduction targets, otherwise there would be uncertainty regarding the gradual and continuous reductions of emissions leading up to the 2050 net-zero target year.[80] **Borim Kim**, one of the plaintiffs, describes the significance of the ruling for the Asian region:

> ***'This case marked the first court victory in Asia related to ambition — it shows that people can use the law to address the climate crisis in the region. We waited four and a half years for the decision — at times it felt like the Court was the only remaining institution in the society that would listen and respond to young people'.***

Decisions from Ireland and the United Kingdom (UK) also emphasised the legal requirement for clarity and feasibility in national climate target-setting. In 2020, Ireland's highest court struck down the Government's National Mitigation Plan for being 'excessively vague or aspirational',[81] ordering the Government to formulate a more detailed plan that would enable public scrutiny and democratic debate on how it planned to achieve its climate goals. Similarly, in the UK, successful challenges to the national Net Zero Strategy [8283] forced the Government to clarify how it planned to meet its own targets.

Together, these rulings establish that governments cannot hide behind far-away targets and vague promises that 'some action will be taken someday'. They affirm that governments' long-term climate goals must be supported by immediate and well-defined shorter-term measures. And they underscore the unique role of litigation in ensuring that governments take a long-term view of climate action, which protects young people and future generations whose interests are often left out due to their exclusion from the political process and short-term political cycles.

2.1.4 Governments must show that their actions match their promises, by implementing robust measures to achieve their climate targets

The fourth building block of the global legal architecture is that governments must show that their actions match their promises, by implementing robust measures to achieve their climate targets. For decades, many governments have set stronger climate targets but failed to adopt the measures needed to achieve them. Closing the implementation gap can meaningfully reduce global warming: governments' current climate policies are expected to result in a 2.8˚C increase in global warming by 2100[84] – but if governments fully implement their unconditional or conditional NDCs this figure would be 2.5˚C and 2.3˚C, respectively.[85] Seeing this impact, individuals and communities have been turning to the courts to ensure that governments' action lives up their stated ambition.

In 2021, France's Council of State found that the French Government had blown through its own limit for GHG emissions (as set out in its statutory carbon budget for 2015-2018), and postponed significant efforts to reduce emissions until after 2020.[86] The Council ordered the Government to 'take all measures necessary' by March 2022 to meet its existing climate goals, including a 40% reduction in emissions by 2030.[87] In 2025, the Council determined that France had properly executed the judgment.[88] Another French court, in a parallel challenge, ordered the Government to make up for excess emissions from 2015-2018 in subsequent carbon budgets.[89]

Similarly, in Germany, a court ordered the federal Government to adopt an emergency climate programme intended to bring the building and transportation sectors back into compliance with annual emissions limits through to 2030.[90] Meanwhile, Brazil's highest court ordered the Government to 'unfreeze' the national Climate Fund after two years of inactivity, and allocate funds towards mitigation projects – on the basis of its obligations to protect the constitutional right to a healthy environment and its commitments under the Paris Agreement.[91]

The obligation to implement emissions reduction targets was recently affirmed by the ECtHR and the ICJ, setting the obligations for governments globally. The ECtHR found that the Swiss Government's failure to meet its 2020 emissions target contributed to a violation of the applicants' human rights.[92] The ICJ held that, under the Paris Agreement, States must 'be proactive and pursue measures that are reasonably capable of achieving the NDCs set by them'.[93] This includes: 'putting in place a national system, including legislation,

International Court of Justice Advisory Opinion, The Hague.
Copyright: Tengbeh Kamara / Greenpeace.

administrative procedures and an enforcement mechanism, and exercising adequate vigilance to make such a system function effectively, with a view to achieving the objectives in their NDCs'.[94]

The message from courts around the world is clear: setting targets and making plans is not enough. They must be acted upon. And when ground gets lost, it must be compensated, because it is only through genuine emissions reductions that climate protection can be achieved.

2.1.5 Conclusion

The next phase of government framework litigation will be defined by cases focused on implementation and enforcement, ensuring that the global legal architecture built over the past decade helps to delivers measurable emissions reductions. With over 40 government framework cases now pending worldwide, courts will increasingly be asked not merely to clarify government duties, but to ensure that those duties are fulfilled in practice.

2.2. LOOKING AHEAD: CORPORATE EMISSIONS, NEW FOSSIL FUELS AND LOSS AND DAMAGE

Since 2015, a growing number of court decisions have provided us with global legal building blocks defining how governments must reduce emissions to prevent dangerous climate change – turning mitigation from a political choice to a matter of legal obligation that communities can enforce at the national level.

This second section of Part 2 highlights three areas in which courts are further constructing the legal architecture – applying it to corporate emissions reduction action, to government support for fossil fuel production and to compensation for loss and damage. Recent landmark rulings signal where climate litigation is heading in each of these areas.

2.2.1 Corporations have a legal duty to cut their emissions to prevent public harm

A small number of companies have made an outsized contribution to the global climate crisis: just 75 investor-owned companies are linked to over one fifth of all fossil fuel and cement carbon dioxide (CO_2) emissions since 1751.[95] In 2023, half of global CO_2 emissions could be traced to only 36 fossil fuel companies.[96] Yet international standards, such as the UN Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines for Multinational Enterprises (OECD Guidelines), remain voluntary, and national regulation of corporate emissions remains weak. This accountability gap has driven communities to court, seeking to establish whether corporations, like governments, have an independent legal duty to prevent dangerous climate change.

That question lay at the heart of *Milieudefensie v Royal Dutch Shell*, a case modelled on *Urgenda* and brought by a coalition of Dutch environmental NGOs and over 17,000 individual co-plaintiffs. In 2021, the District Court of The Hague made history by ordering Shell to reduce its global CO_2 emissions by 45% by 2030 compared with 2019 levels. Crucially, the order covered Shell's scope 1, 2, and 3 emissions – including not only the company's direct operations but also the vast majority (around 95%) of emissions from the use of its products.[97] This was the first time a court imposed a specific emissions reduction obligation on a private company.[98]

In November 2024, the Dutch Court of Appeal overturned that specific order, finding that it could not determine the precise reduction level required of a company like Shell.[99] Yet the Court confirmed the foundational building block for accountability: that '[c]ompanies like Shell … have their own responsibility

Donald Pols director of Milieudefensie, and Roger Cox, lawyer for Milieudefensie, are seen standing before a placard full of signatures in front of the building of Shell during the anti-Shell demonstration. Copyright: SOPA Images.

in achieving the targets of the Paris Agreement'.[100] Noting their outsized contribution to climate change, the Court recognised that the company has 'an obligation to limit CO_2 emissions in order to counter dangerous climate change', even if this obligation is not explicitly laid down in domestic law.[101] The Court rooted this duty in domestic tort law, human rights and widely recognised international soft law, including the UNGPs and the OECD Guidelines. The Court also suggested that Shell's ongoing investments in new oil and gas projects may violate its duty to mitigate, even though this issue was not formally before it.[102] Milieudefensie, a Dutch NGO, has appealed the ruling to the Dutch Supreme Court,[103] and launched a separate challenge against Shell's new oil and gas investments.[104]

Public opinion in the Netherlands supports Milieudefensie's position in its fight against Shell. At the time of the 2024 appeal decision, seven in ten Dutch citizens said they wanted to see the company held accountable, including a majority of voters from both the far-right and liberal-right parties.[105] Campaigner **Nine de Pater** explains:

> *'After Urgenda won the historic case against the Dutch government we knew there was momentum for the next step. Multinational corporations such as Shell continued to increase their emissions and ignored the Paris Agreement. We believed that our court case could be the answer to this problem. We also knew that we did not want to do this case by ourselves. We were able to mobilise over 17,000 individual co-plaintiffs'.*
>
> *In 2021 the Court ruled in our favour – Shell had to reduce its emissions by 45% in 2030! It was a historic outcome that surprised many and inspired organisations and activists all around the world. The reactions we received were overwhelming. We showed that it is possible to win against one of the most powerful companies. In 2024 the Court of Appeal confirmed that major polluters such as Shell have an obligation to reduce their emissions, which was another major step forward for the legal community and for campaigners'.*

The *Milieudefensie* case is just one of many similar legal actions now pending against major corporations in Belgium,[106] France,[107] Italy,[108] Japan,[109] New Zealand[110] and Switzerland.[111] A growing number of these cases target the financial sector, with lawsuits pending against ING,[112] BNP Paribas[113] and BNDES[114] which seek to compel these banks to align their financed emissions with the Paris Agreement and phase out investments in new fossil-fuel projects. These cases will shape the future of corporate climate litigation.

The *Milieudefensie* case also had measurable ripple effects in legislation and policy. In 2022, a year after the District Court's ruling, the European Commission proposed the Corporate Sustainability Due Diligence Directive (CSDDD),[115] introducing mandatory human rights and environmental due diligence obligations for large companies operating in the EU. Article 22 of the Directive, adopted in 2024,[116] requires companies to adopt and implement climate transition plans aligned with the 1.5˚C limit to global temperature rise – arguably a codification of the *Milieudefensie* case norm. The influence of the *Milieudefensie* judgment was explicitly recognised in documents transposing the Directive into Dutch law.[117]

Regrettably, after an intense corporate lobbying campaign,[118] an Omnibus amendment was proposed in February 2025 that significantly diluted the CSDDD, including by removing the obligation in Article 22 to put corporate transition plans 'into effect'.[119] The outsized ability of private actors to interfere in legislative processes underscores the need for courts to set robust and enforceable legal standards that keep the public safe. As legal scholars have flagged,[120] the Omnibus will only increase litigation risks for both governments (due to their failure to regulate) and for private actors (due to their failure to mitigate). Ultimately, binding legislation is the best instrument to create a level playing field and support the energy transition.

2.2.2 Governments' duty to protect people from dangerous climate change limits their support for fossil fuel production

The science is clear: all new fossil fuel projects are fundamentally incompatible with keeping global temperature rise below 1.5˚C.[121] Even existing projects contain more fossil fuels than can be safely burned.[122] Yet many governments, particularly in the Global North, continue to approve and subsidise new exploration and extraction activities – despite committing to the 1.5˚C temperature limit.[123] This contradiction is partly due to the territorial focus of the international climate change treaties, which account only for governments' domestic emissions, while ignoring their exported or financed emissions.

For years now, litigants across the world have argued that governments must assess the full climate impact of new fossil fuel projects before giving them the green light, including the emissions released when those fuels are ultimately burned (known as Scope 3 emissions). This principle was resoundingly affirmed in October 2025 in a groundbreaking judgment by the ECtHR in *People v Arctic Oil*[124] – which, like the *KlimaSeniorinnen* decision, has implications for all 46 Council of Europe member states. The judgment found that, before any drilling takes place, it is necessary to conduct and make public a comprehensive environmental assessment, based on the best available

science, that accounts for global emissions from burning fossil fuels, and that assesses the project's compliance with national and international law.[125] Failure to take this step is a violation of human rights. The judgment also identified a direct causal relationship between drilling and climate harm.[126] The Court concluded that Norway had not, at this point, violated human rights by granting a license to explore for new oil and gas. But it set key limits on fossil fuel production that Norway (and the 46 other Council of Europe member states) must now comply with.

This win builds on years of climate litigation. In 2019, an Australian court in the *Rocky Hill* case determined – for the first time globally – that a new coal mine could not be developed in part due to its impacts on the climate system, including climate impacts from extracted coal.[127] Another significant breakthrough occurred in 2024 when the UK Supreme Court, the country's highest court, held in *R (Finch on behalf of the Weald Action Group & Others) v Surrey County Council (& Others)* that the government must assess Scope 3 emissions before approving a fossil fuel project.[128] As the Court noted, '[t]he whole purpose of extracting fossil fuels is to make hydrocarbons available for combustion', making it a 'virtual certainty' that they will contribute to global warming.[129] Because the environmental assessment in question had ignored downstream emissions, project approval was overturned. Similar reasoning has been adopted by courts in Australia,[130] Guyana,[131] Norway[132] and South Africa[133] as well as by the European Free Trade Association (EFTA) Court.[134]

With scientific consensus and legal authority now aligning, the next frontier for litigation is clear: recognition that, in light the best available science and

Protest in Norway on Oil Rig Bound for Arctic Drilling. Copyright: Tengbeh Kamara / Greenpeace.

governments' duties to prevent harm to the climate system and to uphold human rights (as discussed in **Section 2.1**), governments must go beyond assessing impacts, and reject new fossil fuel projects altogether.

The ICJ's Advisory Opinion adds weight to this position. It affirms that governments have a duty to protect the climate system, including through regulation of the private sector:

> ***'Failure of a State to take appropriate action to protect the climate system from GHG emissions – including through fossil fuel production, fossil fuel consumption, the granting of fossil fuel exploration licences or the provision of fossil fuel subsidies – may constitute an internationally wrongful act which is attributable to that State'.***[135]

Governments' approval or facilitation of new fossil fuel production is thus likely to become an increasing focus of litigation.

2.2.3 Big polluters can be held accountable for climate damages

A parallel, growing strand of litigation aims to reshape the accountability of the actors who hold the greatest responsibility for the climate crisis, known as loss and damage claims. Looking ahead, these are set to complement corporate and government framework claims, creating additional pressure for rapid emissions reductions, and compensation for the communities worst affected by climate change.

May 2025 saw a world first, as Germany's Hamm Higher Regional Court confirmed in *Lliuya v RWE* that companies responsible for significant GHG emissions can be held civilly liable for the climate-related harms to which they contribute.[136] The case began in 2015 when Peruvian farmer and mountain guide Saúl Luciano Lliuya sued the German energy giant RWE, seeking compensation for foreseeable harm to his home from a rapidly melting mountain glacier. The Court held that if a major carbon emitter refuses to take protective measures, then it could be held responsible for costs proportional to its share of emissions – even before damages occur.

The claim ultimately failed on the facts – as the Court found that the specific risk of flood to his home was insufficient – but the ruling itself is historic. **Lliuya** describes the impact of the ruling as follows:

> ***'The ruling felt like a breakthrough, like a door had finally been opened to hold big polluters accountable. The court did not find that my house was at the highest risk, but it recognised that Huaraz as a whole is under serious threat. That recognition matters. The precedent means that others can now bring similar claims. As I said after the judgment: we didn't get everything, but this was a big step forward for other lawsuits'.***

Like *Milieudefensie*, the Lliuya case has redefined what is possible in climate litigation. Plaintiffs in Belgium[137] and Switzerland[138] have now included loss and damage claims in legal challenges against TotalEnergies and Holcim that

are primarily focused on reducing emissions. And two new claims for climate damages were launched in October 2025, one by typhoon-affected people from the Philippines against Shell in a UK court,[139] and another case against RWE and cement producer Heidelberg in a German court by a group of flood-affected Pakistani farmers.[140] Meanwhile, in the United States, numerous cases brought by cities and states seeking compensation from fossil fuel companies are proceeding through the courts, with one case in Hawaii approaching trial.[141]

Recent legal developments also signal that governments may soon be held accountable for climate-related damages. In its 2025 Advisory Opinion, the ICJ clarified that States may bring claims against other States under international law, seeking reparations for harm caused by wrongful acts.[142] This reasoning builds on decisions by other national, regional and international bodies recognising obligations to make climate reparations, including the IACtHR Advisory Opinion which finds that States must provide effective judicial and administrative mechanisms to access reparations,[143] and the Commission on Human Rights of the Philippines, which calls for high-emitting companies to provide remediation to victims.[144]

Together, these developments signal a growing international consensus that both governments and corporations bear responsibility not only to reduce emissions but also to remedy the loss and damage they have caused and will cause in the future.

Candlelight Vigil at the ICJAO Hearings in The Hague. Copyright: Emiel Hornman / Greenpeace.

2.3. INTERLINKAGES BETWEEN CASES

The flow of ideas and legal norms between communities in different countries and between courts has helped to create the global legal architecture for climate protection – as plaintiffs take inspiration from court decisions around the world, and judges engage in a global dialogue, building on each other's decisions.

Despite the differences between legal systems, shared legal norms have made it possible to create this legal architecture, both at the national level (especially under human rights and private law) and at the regional and international levels (through human rights and climate treaties). It has also been facilitated by a dialogue between courts in different countries. As Chief **Justice Brian Preston** of the Land and Environment Court of New South Wales, Australia, writes:

> ***'The types and nature of climate change cases have expanded rapidly. Part of this trend may be attributed to the ripple effect of climate litigation. Potential litigants are inspired by climate change cases, whether successful or unsuccessful, leading to further cases being brought. For litigants, the successes and failures of particular causes of action are closely examined to enhance and advance climate law. For courts, other jurisdictions may provide guidance on how novel arguments have been understood and adjudicated'.***[145]

Cordelia Bähr, Lead Counsel for the Senior Women for Climate Protection at the European Court of Human Rights. Copyright: Shervine Nafissi / Greenpeace.

Justice Syed Mansoor Ali Shah, Senior Puisne Judge of the Supreme Court of Pakistan, further explains:

> ***'Across the world, judges are in quiet conversation through their judgments — shaping a new grammar of justice. From the Global South emerges an adaptive jurisprudence: one that focuses not merely on reducing emissions, but on sustaining lives, rebuilding communities, and securing futures. This adaptive approach, born from the lived realities of climate vulnerability, is broader in its canvas and multi-sectoral in its reach. Comparative climate jurisprudence now offers judges a shared corpus of reasoning, where new remedies are imagined and fundamental rights are reinterpreted to encompass water justice, intergenerational justice, and the very democracy of climate action. Judges can unite more easily in building climate resilience as we stand above politics and pressure — answerable only to justice and to generations yet to come'.***

The table below illustrates the dialogue between courts in the climate cases discussed in this report. It's a dialogue that occurs at different levels: between national courts in different countries, as they refer to each other's decisions; between national and regional/international courts, as the latter have drawn upon national decisions in their own landmark decisions and advisory opinions which apply to hundreds of governments; and between different types of climate cases, as courts apply norms developed in government framework cases (such as *Urgenda* in the Netherlands and *Neubauer* in Germany) to new corporate liability cases (such as the *Milieudefensie* case in the Netherlands and *RWE* in Germany) or to cases related to new fossil fuel projects (such as the *Rocky Hill* case in Australia). The effect is a constantly evolving legal architecture for climate protection.

Table key

National court decisions

- Government framework cases
- Corporate framework cases
- Corporate loss and damage cases
- Challenges to fossil fuel projects
- Regional and international court decisions and advisory opinions

Table: How key climate cases have influenced other landmark decisions

Case name	Court refers to climate change decision of another court *Note: similar reasoning on certain themes but no explicit citation to case by court[146]
Future Generations v Ministry of the Environment and Others[147] [2018] Colombia	• Urgenda Foundation v State of the Netherlands*
Gloucester Resources Limited v Minister for Planning ('Rocky Hill')[148] [2019] Australia	• Urgenda Foundation v State of the Netherlands
Friends of the Irish Environment v Ireland[149] [2020] Ireland	• Urgenda Foundation v State of the Netherlands
Nature and Youth Norway v The State of Norway (People v Arctic Oil)[150] [2020] Norway	• Urgenda Foundation v State of the Netherlands* • Future Generations v Ministry of the Environment and Others*
Neubauer et al v Germany[151] [2021] Germany	• Urgenda Foundation v State of the Netherlands
PSB et al v Brazil (on Climate Fund)[8] [2022] Brazil	• Leghari v Federation of Pakistan* • Future Generations v Ministry of the Environment and Others*
VZW Klimaatzaak v the Kingdom of Belgium and Others[152] [2023] Belgium	• Urgenda Foundation v State of the Netherlands • Neubauer et al v Germany
Greenpeace Nordic and Nature & Youth v Energy Ministry (The North Sea Fields Case)[9] [2024] Norway	• People v Arctic Oil
Verein KlimaSeniorinnen Schweiz and Others v Switzerland[153] [2024] European Court of Human Rights	• Urgenda Foundation v State of the Netherlands • Friends of the Irish Environment v Ireland • Notre Affaire à Tous et al v France[154] • Commune de Grande-Synthe v France[155] • Neubauer et al v Germany • VZW Klimaatzaak v the Kingdom of Belgium and Others • People v Arctic Oil

R (Finch on behalf of the Weald Action Group & Others) v Surrey County Council (& Others) (Finch)[156] [2024] United Kingdom	• The North Sea Fields Case
Do-Hyun Kim et al v South Korea[157] [2024] South Korea	• Urgenda Foundation v State of the Netherlands* • Neubauer et al v Germany* • Verein KlimaSeniorinnen Schweiz and Others v Switzerland*
Milieudefensie et al v Royal Dutch Shell[158] [2024], the Netherlands	• Urgenda Foundation v State of the Netherlands • Leghari v Federation of Pakistan • Future Generations v Ministry of the Environment and Others • PSB et al v Brazil (on Climate Fund) • Verein KlimaSeniorinnen Schweiz and Others v Switzerland
Luciano Lliuya v RWE AG[159] [2025] Germany	• Neubauer et al v Germany
Climate Emergency and Human Rights (IACtHR Advisory Opinion)[160] [2025]	• Leghari v Federation of Pakistan • Shrestha v the Office of the Prime Minister of Nepal[161] • Urgenda Foundation and Others v the Netherlands • Friends of the Irish Environment v Ireland • Notre Affaire à Tous et al v France • Commune de Grande-Synthe v France • Future Generations v Ministry of the Environment and Others • Neubauer et al v Germany • PSB et al v Brazil (on Climate Fund) • VZW Klimaatzaak v the Kingdom of Belgium and Others • Verein KlimaSeniorinnen Schweiz and Others v Switzerland • Milieudefensie v Royal Dutch Shell • Smith v Fonterra[162] • ITLOS Advisory Opinion[163]
Request for an advisory opinion on the obligations of States with respect to climate change (ICJ Advisory Opinion)[164] [2025]	• Verein KlimaSeniorinnen Schweiz and Others v Switzerland • ITLOS Advisory Opinion • IACtHR Advisory Opinion

IMPACTS OF CLIMATE LITIGATION OUTSIDE THE COURTROOM

> ‘Back in 2018 … the public debate about climate change was still very much focused on individual responsibility of consumers and governments. With the [Shell] case we were able to shift the debate and discuss the power and systemic role of fossil fuel companies.’
>
> **Nine de Pater**, Team Lead, climate litigation, Milieudefensie

> ‘The biggest change we have achieved so far through this case … is that people are beginning to see climate change in terms of human rights. Tackling climate change is not just about energy mixes and complex modelling, which are questions for experts, but it’s about our lives and our rights, and this is a question for everyone.’
>
> **Borim Kim**, a plaintiff in Do-Hyun Kim et al v South Korea

Paul Kabai and Pabai Pabai, plaintiffs in the Australia Climate Case.
Copyright: Talei Elu.

In the decade since the Paris Agreement, courts have incrementally built a legal architecture for climate protection, first by cementing legal building blocks that define how governments must reduce emissions to prevent dangerous climate change, then by constructing new building blocks to hold major polluters accountable. In this part of the report, we examine how that legal framework has begun to shape the world beyond the courtroom, exploring how climate litigation has contributed to policy and legislative reform, inspired public mobilisation and shaped public opinion, and created financial risk for high emitting corporations.

Each climate case occurs in a complex political landscape, with numerous factors driving and pushing back against climate action. In some cases, the link between a court order and subsequent climate action can be quite direct, such as when politicians directly refer to the court order as the reason for increased climate action. In other cases, a successful court decision is one factor in the political environment, alongside elections, public protests and other movements, that has driven the momentum towards greater climate protection.

3.1 CLIMATE LITIGATION LEADING TO POLICY OR LEGISLATIVE CHANGE

The examples below illustrate how, in the last ten years, landmark climate cases around the world have contributed to policy or legislative change.

Leghari v Federation of Pakistan, Pakistan (2015)

In 2015, the Lahore High Court found the Pakistani Government's failure to implement climate adaptation policies to be unconstitutional.[165] It ordered the creation of a Climate Change Commission to monitor implementation of Government policies, and three years later, a supplementary report revealed that over 66% of the identified priority climate actions had been successfully implemented.[166] The Court then replaced the Commission with a Standing Committee on Climate Change that would continue to facilitate Pakistan's implementation efforts and act as a link between the judicial and executive branches.

Asghar Leghari, the pioneering lawyer who brought the case, has shared nuanced reflections on litigation's role in driving climate action in Pakistan.[167] He described the impact of the case on government decision-making as follows:

> ***'The most significant impact was [that] climate change was, as a result of the case, part of the conversations we were having in Pakistan thereafter. Climate change as a term was introduced in the administrative lexicon of the state. Of particular surprise was the lack of resistance in most of the state bureaucracy. It made me realise largely everyone wants to have a positive impact – lack of will is hardly ever the issue'.[168]***

Urgenda v The Netherlands, The Netherlands (2015)

The Dutch courts ordered the Government to reduce its GHG emissions by at least 25% from 1990 levels by 2020, in three decisions spanning 2015-2019.[169] The case had a transformative impact on Dutch climate policy. Even as the Government appealed the ruling, it took steps to cut emissions, including bringing forward the closure of the Hemweg coal-fired power plant by five years.[170]

After prevailing at the second stage of appeal, the *Urgenda* Foundation – together with more than 800 organisations – presented the Government with a menu of 54 policy measures to achieve timely compliance with the reduction order.[171] Shortly after the 2019 Supreme Court ruling, the Government adopted a legislative and policy package worth approximately €3 billion, incorporating approximately 30 of *Urgenda*'s proposals.[172] Measures included subsidies for home energy efficiency and renewable energy, as well as incentives to reduce cattle and pig herds. Parliament also enacted a statutory coal phase-out by 2030, committing to close the remaining coal-fired power plants (some of which had come online just two years prior) and to cap their emissions to ensure durable compliance with the 25% target.[173] The Netherlands met the *Urgenda* target, achieving a 25.5% emissions reduction from 1990 levels by 2020.[174] The effects of the *Urgenda* decision, however, extended well beyond the 2020 deadline. In 2021, the Government announced an additional €6 billion climate package to reduce emissions towards 2030, citing the obligation from the *Urgenda* judgment as the basis for that political decision.[175]

2015 judgment of Urgenda climate case in the Netherlands.
Copyright: Chantal Bekker.

Rob Jetten, Dutch Climate and Energy Policy Minister (2022-24), explained the impact of the *Urgenda* ruling as follows:

> ***'Ever since the verdict the debate is much more about our own responsibility. [...] it's very useful to use the verdict in my debates with other ministers and Parliament, and tell them there is no choice, we have got to do this'.***[176]

Gloucester Resources Ltd v Minister for Planning ('Rocky Hill'), Australia (2019)

In 2019, the Land and Environment Court of New South Wales refused to grant permission for a new open cut coal mine, in part due to the GHG emissions that would result from burning the extracted coal. This was the first time permission for a new coal mine was refused on the basis of future climate impacts.[177] As well as inspiring other cases around the world, the judgment has been highly influential on subsequent decisions from the New South Wales Independent Planning Commission, which hears applications and objections to new fossil fuel projects. In September 2019, the Commission rejected a large coal mine based on similar reasoning to the Rocky Hill judgment, which would have generated around 0.2 gigatonnes of GHG emissions across its lifetime.[178] In July 2025, the New South Wales Court of Appeal overturned approval for another large coal mine expansion which would have extended the mine's lifetime by 22 years.[179] The Court acted on the grounds that the government hadn't taken into account emissions from burning fossil fuels, which again builds on the foundation established in the *Rocky Hill* case, according to legal experts.[180]

Friends of the Irish Environment v Ireland ('Climate Case Ireland'), Ireland (2020)

In 2020, Ireland's highest court struck down the Government's National Mitigation Plan for being 'excessively vague or aspirational', ordering the adoption of a more detailed Plan that would enable public scrutiny and democratic debate on how the Government planned to achieve its climate goals.[181] In response to the judgment, **Eamon Ryan** (then Minister for the Environment, Climate and Communications) said:

> ***'We must use this judgement to raise ambition, empower action and ensure that our shared future delivers a better quality of life for all'.***[182]

In 2021, the Irish Government proposed a revised Climate law which laid out a more defined mitigation plan; this was subsequently passed by Parliament. Key measures included a net-zero target year of 2050 and an interim target of reducing emissions by 51% by 2030 compared to 2018 levels; statutory five-year carbon budgets aligned with the Paris Agreement, a strengthened Climate Change Advisory Council and a requirement for detailed annual climate action plans.[183]

Friends of the Irish Environment (from third left to right) Clodagh Daly, David Healy, Andrew Jackson, Sadhbh O'Neill and Tony Lowes and supporters at the Four Courts in Dublin ahead of the judgment in Climate Case Ireland. Copyright: Brian Lawless/PA Images.

Luisa Neubauer and others from Fridays for Future demonstrate in Berlin, Germany. Copyright: Peter Schatz / Alamy Live News.

Neubauer et al v Germany, Germany (2021)

In 2021, Germany's highest court ruled the national climate law to be unconstitutional due to its failure to properly distribute emissions reductions across coming decades. The Court ruled that this approach would place unfair and excessive burdens on young people and future generations beyond 2030.[184] Within weeks, the Government proposed amendments to the law which were adopted by Parliament less than two months after the ruling.[185] The revised Act increased Germany's 2030 emissions reduction target from 55% to 65%;[186] established new targets between 2030 and 2040, as well as a new 2040 target; and brought forward its net-zero deadline from 2050 to 2045. The Government also quickly established a €8 billion fund to help achieve these goals – a similar approach to that taken in the Netherlands following the *Urgenda* ruling.[187]

The German Government's official website explains the impact of the *Neubauer* ruling as follows:

> ***'The court ruling obliges the state to take action to prevent any future disproportionate restrictions in the fundamental liberties of today's young generation'.***[188]

Six Youths v Minister of Environment and Others, Brazil (2023)

In November 2023, the Brazilian Government settled a challenge to its NDC, brought by six young people who alleged that Brazil's 2020 NDC was less ambitious than the previous one.[189] In the settlement, the Government acknowledged the need to return to the level of ambition stated in the 2015 NDC (which was achieved via an update to the 2020 NDC),[190] and committed to setting the country's next NDC via a transparent process with broad civil society participation.[191]

In November 2024, Brazil submitted its latest NDC,[192] which the Government described as 'developed through a consultation process involving the Federal Government, society, the private sector, academia, states, and municipalities'.[193]

Navahine F v Hawaii Department of Transportation, Hawaii, United States (2024)

In June 2024, the Hawaii Department of Transportation and other government defendants settled a claim brought by 13 youth plaintiffs challenging the operation of a fossil fuel-based transportation system.[194] In the agreement, the Department of Transportation recognised the plaintiffs' constitutional rights to a life-sustaining climate,[195] and committed to decarbonise the state's transportation system and achieve zero emissions in all ground inter-island sea and air transportation by 2045.[196] The Hawaii Circuit Court will maintain jurisdiction to enforce the agreement. In October 2025, the Department of Transportation published a comprehensive plan that lays out strategies to achieve its zero-emissions transportation goals; this plan will be updated annually to reflect new data, technology and community feedback.[197]

Plaintiff **Rylee Brooke K** said:

> ***'Being heard and moving forward in unity with the state to combat climate change is incredibly gratifying, and empowering. This partnership marks a pivotal step towards preserving Hawaii for future generations — one that will have a ripple effect on the world. I hope our case inspires youth to always use their voices to hold leaders accountable for the future they will inherit'.***[198]

Youth plaintiffs in Navahine F. v Hawaii Department of Transportation wait for their hearing to start in the Oahu First Circuit Court in Honolulu. Copyright: Robin Loznak/ ZUMA Press Wire.

Do-Hyun Kim et al v South Korea, South Korea (2024)

In 2024, South Korea's highest court found the country's climate law to be unconstitutional due to the absence of emissions reduction targets between 2030 and net zero in 2050.[199] Since then, the National Assembly and the Government have engaged in a wide-ranging exercise to determine the country's 2035 target, including: establishing a specialist committee to oversee the amendment of the climate law in line with the Court's decision;[200] announcing a 'long-term reduction roadmap in consideration of the future generation';[201] and public consultation.[202] The National Assembly is currently considering five alternative emissions reduction targets for 2035 – three of which are based on 'fair share' levels,[203] with the other two adopting the IPCC 1.5˚C global reduction pathway.[204] This is the first time either criterion has been used as a benchmark for GHG target setting in South Korea – or any country in Asia – which is a direct result of the Constitutional Court decision.

R (Finch on behalf of the Weald Action Group & Others) v Surrey County Council (& Others), United Kingdom (2024)

In 2024, the United Kingdom's highest court blocked the development of an oil drilling project, finding that the government decision-maker must take into account the emissions from the combustion of the oil in order to assess the project's full environmental impact.[205] The implications of the *Finch* ruling have been widespread in the UK. Two other licences awarded by the UK Government for major oil fields in the North Sea were declared unlawful in court because the government decision-maker had not considered Scope 3 emissions.[206]

In June 2025, the UK Government translated the *Finch* ruling into policy, directly referring to it and other court decisions – when it introduced new guidance confirming that the Government must assess Scope 3 emissions for offshore oil and gas projects.[207]

Sarah Finch of the Weald Action Group, who successfully challenged Surrey County Council over an oil drilling project. Copyright: Eleventh Hour Photography.

3.2 WIDER IMPACTS OF CLIMATE LITIGATION

The influence of climate litigation extends beyond changes to climate policy and legislation; it inspires public mobilisation, shapes public opinion and creates financial risk for high-emitting corporations.[208] Climate litigation can, of course, also lead to unintended negative outcomes, both where cases are successful and unsuccessful.[209]

Climate lawsuits have been a powerful tool for public mobilisation.[210] In France, a petition in support of a legal challenge to the French Government (*L'Affaire du Siècle*, discussed in **Section 2.1** above) attracted more than two million signatures within a month, making it the largest petition in French history,[211] and triggered nationwide demonstrations in around 200 French cities.[212] In Belgium, nearly 60,000 citizens joined the *Klimaatzaak* legal challenge against the Belgium Government as co-plaintiffs[213] and its central demand for a 61% emissions reduction target by 2030 became one of civil society's primary political demands.[214]

High-profile climate cases can shift how the public perceives responsibility and urgency. In Norway, *People v Arctic Oil* – the legal challenge to the Government's approval of licences to explore new oil fields,[215] helped shift public opinion in favour of ending oil and gas expansion. In a 2017 poll for popular national newspaper *Dagbladet*, when asked if they were willing to leave some oil in the ground to save the climate, 42% of Norwegians said 'no'.[216] By the time *People v Arctic Oil* reached the country's top court, support had grown: this time, more than half the polled respondents (53%) agreed that Norway should stop exploring additional oil and gas in the Arctic to protect the climate.[217] Even though the case did not result in a finding that Norway had violated the law, it raised public awareness and created stronger support for stopping exploration of additional oil and gas reserves on new oil fields.[218]

Corporate climate litigation has also changed how investors and regulators view climate risk. A major network of 148 central banks and supervisors, including the European Central Bank (ECB), the Bank of England and the People's Bank of China,[219] has warned that climate litigation can 'impact on the value of the firm, its creditworthiness and/or its financing costs … [and create] significant transition risks'.[220] A forthcoming study of 811 equity investors and analysts found that nearly 80% considered climate litigation to be at least a moderately important financial risk.[221] ECB experts have described *Milieudefensie*-type cases, seeking overall reductions in emissions, as having 'revolutionary' real economy repercussions, given that 'such a duty is not currently priced into, nor part of, firms' business and transition plans'.[222]

These risks are measurable. After international NGO Fossil Free announced a lawsuit against the pension fund ABP in September 2021,[223] the fund divested from Royal Dutch Shell.[224] A study of 108 climate change lawsuits against companies in the United States and Europe found that on average a filing or

unfavourable court decision reduced the firm's value by -0.41%.[225] This impact rose to -1.5% for unfavourable judgments against companies within the 'Carbon Majors' group of high-emitting companies.[226]

Even when unsuccessful, climate cases can provide an opportunity for those most affected by climate change to be heard in court and put climate science on the record.[227] Courts can make important findings of fact – about the impacts of climate change and the (lack of) regard to climate science by major polluters – even if they do not ultimately uphold the claim, and such findings can, in turn, drive further media attention, political advocacy and public debate.

For example, in 2025, an Australian court rejected a climate case brought by First Nations peoples living in the Torres Strait Islands.[228] The Court ruled that the Australian Government does not 'currently' have a legal duty of care to protect Torres Strait people from climate harm.[229] Nevertheless, the Court found that the Torres Strait Islands, its people and culture are being 'ravaged by human induced climate change'[230] and that climate change poses 'an existential threat to the whole of humanity'.[231] Significantly, the Court also established that 'when the Commonwealth identified and set Australia's greenhouse gas emissions targets in 2015, 2020 and 2021, it failed to engage with or give any real or genuine consideration to what the best available science indicated was required for Australia to play its part in the global effort to moderate or reduce climate change and its impacts'.[232] The plaintiffs are currently considering an appeal and numerous politicians have taken up their demands. **Uncle Pabai Pabai**, one of the lead plaintiffs, describes the court's ruling as follows:

> ***'Our families and communities have been heartbroken by the decision but we also remain proud and strong. This case was the first time the Federal Court came to sit on Saibai, Boigu, and hear evidence from our people and from the land and the sea. When we stepped out of the courtroom in Cairns after the decision I was overwhelmed because I saw hundreds of my people looking back at me standing strong. There is a rising movement of strong leaders all over the Torres Strait who will keep fighting and speaking truth to power'.***

Climate litigation is, of course, not a 'one and done' exercise. Even when cases succeed, no single judgment can address all of the shortcomings in a government or corporation's mitigation plan. As a result, many communities return to court – even after landmark wins. This is representative of the iterative nature of an evolving accountability framework, not a sign of failure. Each ruling creates a new legal benchmark that governments and companies must then meet. In Germany, for example, over 54,000 plaintiffs have launched a fresh challenge arguing that recent reforms fall short of the *Neubauer* judgment's standards.[233] In Ireland, citizens are again in court,[234] after the Environmental Protection Agency warned that current policies would achieve only a 29% reduction by 2030[235] – well below the 51% target set in the revised Climate Act.[236] Together, these cases show how litigation functions as a continuous mechanism for accountability, compelling governments and companies to translate ambition into action.

CONCLUSION

Milestone anniversaries offer important moments of reflection, especially for social movements – a time to pause, to see collective outcomes emerge from diverse initiatives, to celebrate successes and to consider the challenges that lie ahead.

Looking back over ten years of climate litigation since Urgenda, courts have created a legal architecture for climate protection, in response to the demands of concerned people around the world. The existence of such a framework – recognised by the world's highest court and top courts around the world – would have been inconceivable to those sitting in a Dutch court in The Hague in 2015, hearing the words, '[d]ue to the severity of the consequences of climate change and the great risk of hazardous climate change occurring – without mitigating measures – the court concludes that the State has a duty of care to take mitigation measures'.[237]

Climate litigation is not a silver bullet, but it is one of the most powerful tools there is to force a systemic shift in climate action. Irrespective of political winds, courts are constitutionally bound to enforce legal commitments, ensure fairness and protect human rights, including for those who cannot participate in the political system. In response to climate rulings, governments have ramped up mitigation targets, clarified their climate plans, set new emissions reduction targets and implemented their pledges. Climate cases have inspired public mobilisation and shaped public opinion, and started to hold corporations accountable for their role in causing the climate crisis.

The latest results from the UN on governments' climate pledges show much still needs to be done, with current policies pushing the world to catastrophic warming of 2.8˚C that would cause immeasurable suffering around the globe.

For governments' mitigation action, the legal structure now exists. The challenge is to enforce it – to translate judicial recognition into systemic change, and to ensure that court orders and laws passed by parliaments drive the emissions cuts that politics alone has yet to achieve. This legal structure can – and must – now be applied to high-emitting corporations, whose failure to do their part to achieve the Paris Agreement goals is imperilling our shared future. And with the 1.5˚C temperature limit likely to be passed in the coming years, the types of climate cases filed against both governments and companies will increasingly diversify, towards establishing responsibility for damage that is no longer avoidable, and drawing down carbon from the atmosphere in order to return to the 1.5˚C limit.

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The Climate Litigation Network (CLN) supports communities who use the law to protect our shared future. We provide individuals, organisations and grass-roots groups around the world with the legal tools, insights and strategies to push big polluters to develop and implement emissions reductions plans that keep us all safe.

Climate Litigation Network