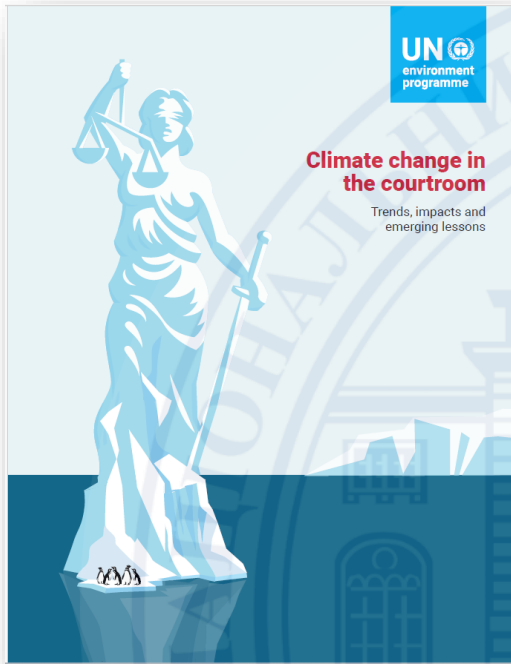


Climate Change Litigation as a Challenge



prof. Andrii SMITIUKH, ONU Mechnikov

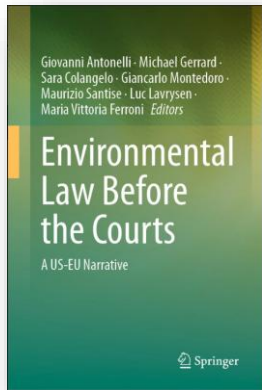


Global Climate Litigation Report

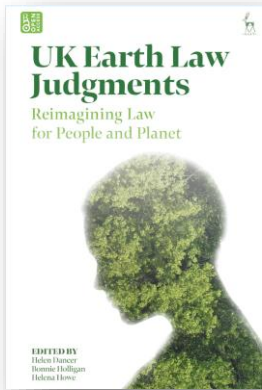
2017, 2020, 2023, 2025: October 3
(as of June 30, of 2025)



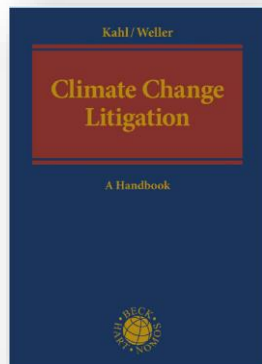
UN Authority
+
Columbia Law
School Division
(the ecosystem)



Antonelli, G., Gerrard, M. B., Colangelo, S., Montedoro, G., Santise, M., Lavrysen, L., & Ferroni, M. V. (Eds.). (2023). *Environmental law before the courts: A US-EU narrative*. Springer Nature.



Dancer, H., Holligan, B., & Howe, H. (Eds.). (2024). *UK Earth Law Judgments: Reimagining Law for People and Planet*. Hart Publishing.



Kahl, W., & Weller, M.-P. (Eds.). (2021). *Climate Change Litigation: A Handbook*. C.H. Beck / Nomos / Hart Publishing.

Climate Change Litigation aka Climate Litigation

cases that raise material issues of law or fact relating to climate change mitigation, adaptation or the science of climate change:

1. case is brought before judicial bodies, though in some exemplary instances, matters brought before administrative or investigatory bodies are also included*
2. climate change law, policy or science is a material issue of law or fact in the case



* including complaints submitted to Special Procedures at the United Nations Human Rights Council (UNHRC), the United Nations Secretary-General (UNSG), the United Nations Framework Convention on Climate Change (UNFCCC) bodies, the United Nations Human Rights Committee and the United Nations Committee on the Rights of the Child (CRC)



Global Climate Change Litigation Database

the most comprehensive resource tracking climate change litigation worldwide. It contains more than 3,000 cases that address climate change

 Columbia Law School | COLUMBIA CLIMATE SCHOOL
SABIN CENTER FOR CLIMATE CHANGE LAW

The Climate Litigation Database



Latest

27 September 2025

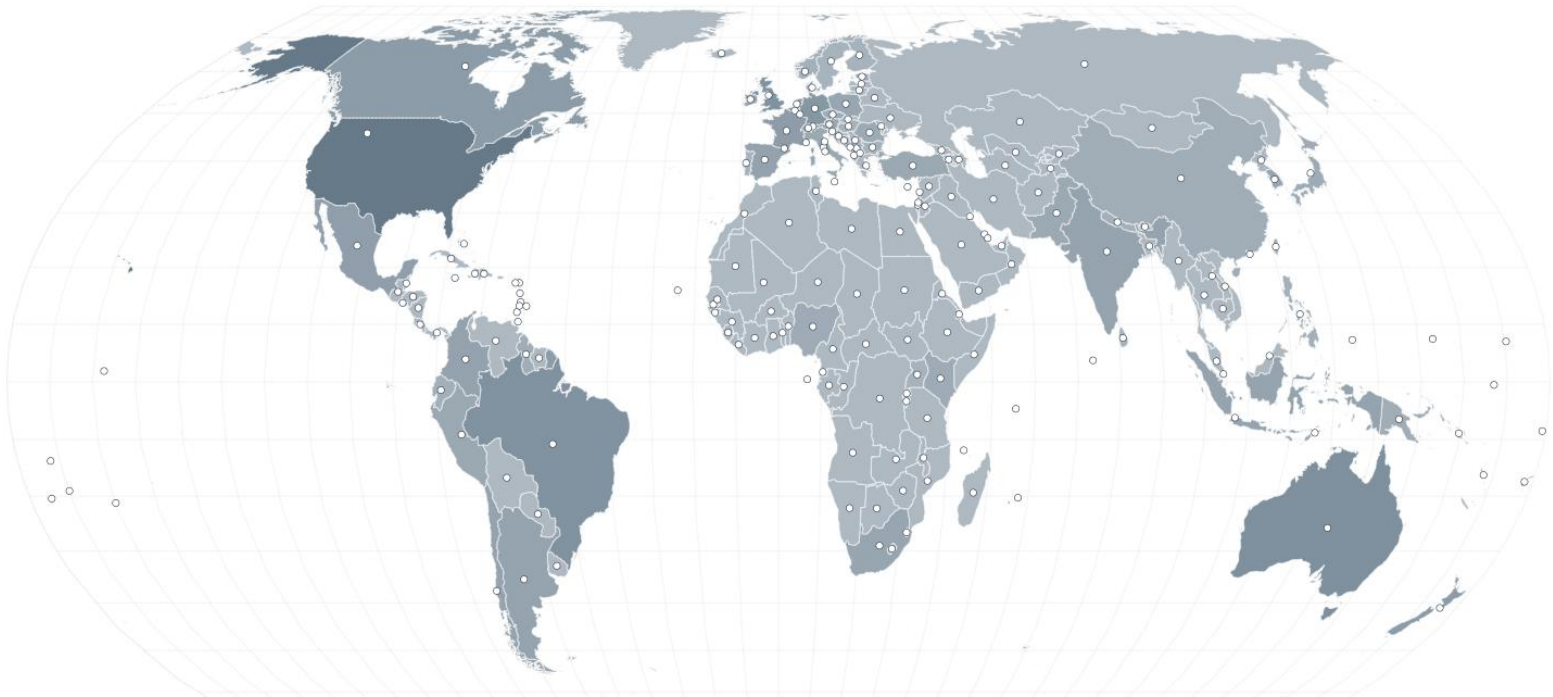
Former Juliana Youth v. United States of America (Jóvenes ex Juliana v. Estados Unidos de América)

[View all cases →](#)



<https://www.climatecasechart.com>

Search the globe





SABIN CENTER FOR
CLIMATE CHANGE LAW

Peer Review Network of Global Climate Litigation

Established in 2021 by Sabin Center

Aimed to update and maintain the Climate
Litigation Database

it is so cute, isn't it?

Consists of: “175
practitioners and scholars
who act as “national
rapporteurs” for 198
jurisdictions or international
or regional courts, tribunals,
quasi-judicial bodies or
other adjudicatory bodies”
(June 30 of 2025)



3099 at 2025

Total number of climate change cases



Number of jurisdictions represented (including international or regional courts, tribunals, quasi-judicial bodies or other adjudicial bodies)



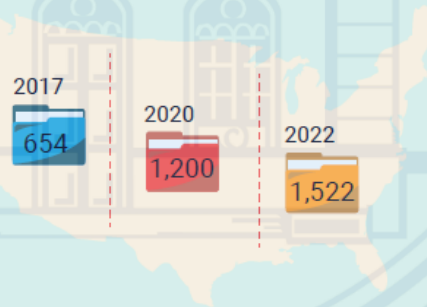
55 at 2025

Number of cases filed in all jurisdictions other than the United States of America



1113 at 2025

Number of cases filed in the United States of America



1986 at 2025

Legend:
Covering cumulative cases until:

2017

March 2017

2020

July 2020

2022

December 2022*

2025

Figure 1: Filings of climate litigation cases per year

Global and United States of America climate change litigation cases filed by year (1986-2025)

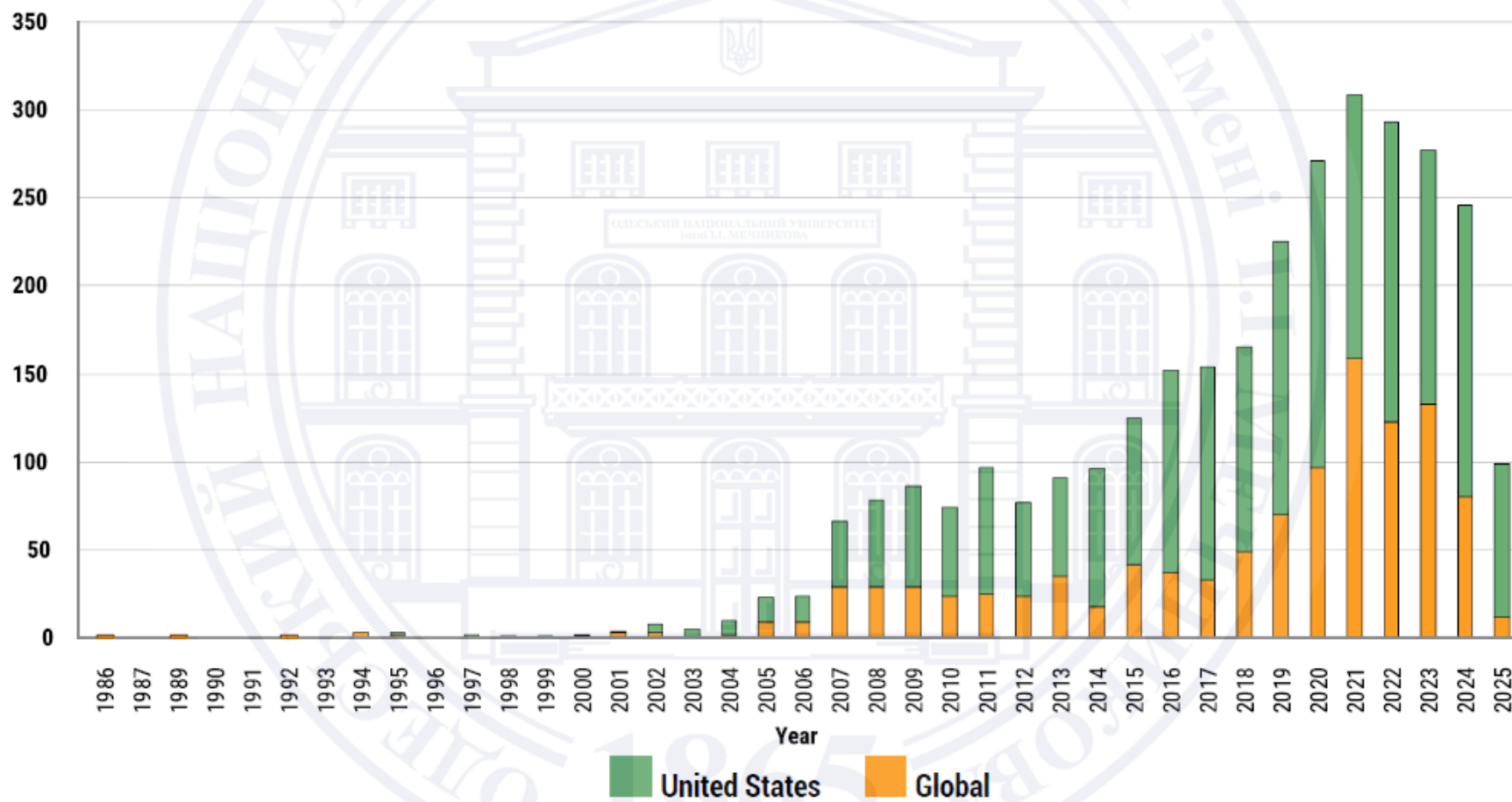


Figure 3: Cumulative percentage of cases according to geographical representation (cases in the Global South vs. cases in the Global North, including cases from the United States of America), through 30 June 2025 (Finance Centre for South-South Cooperation 2022)

Global and United States of America climate change litigation cases filed by region (1986-2025)

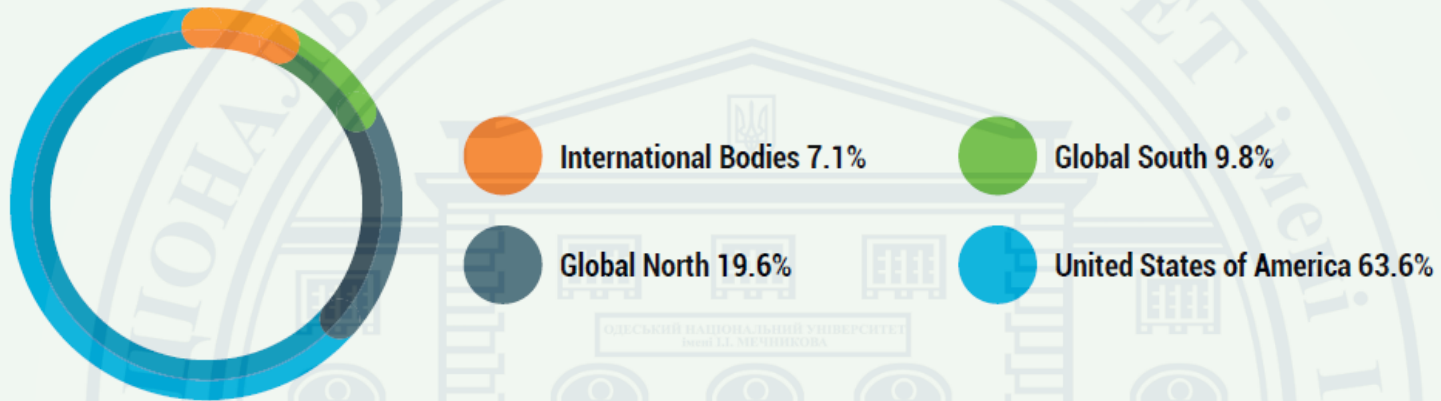


Figure 4: Cumulative percentage of cases according to geographical representation (cases in the Global South vs. cases in the Global North, excluding the United States of America), through 30 June 2025

Global climate change litigation cases filed by region, excluding the United States of America (1986-2025)

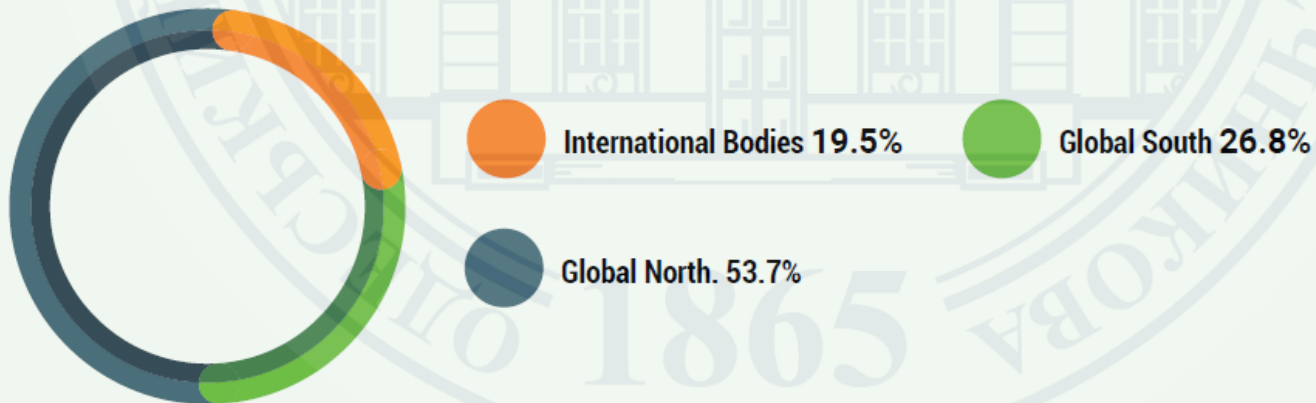
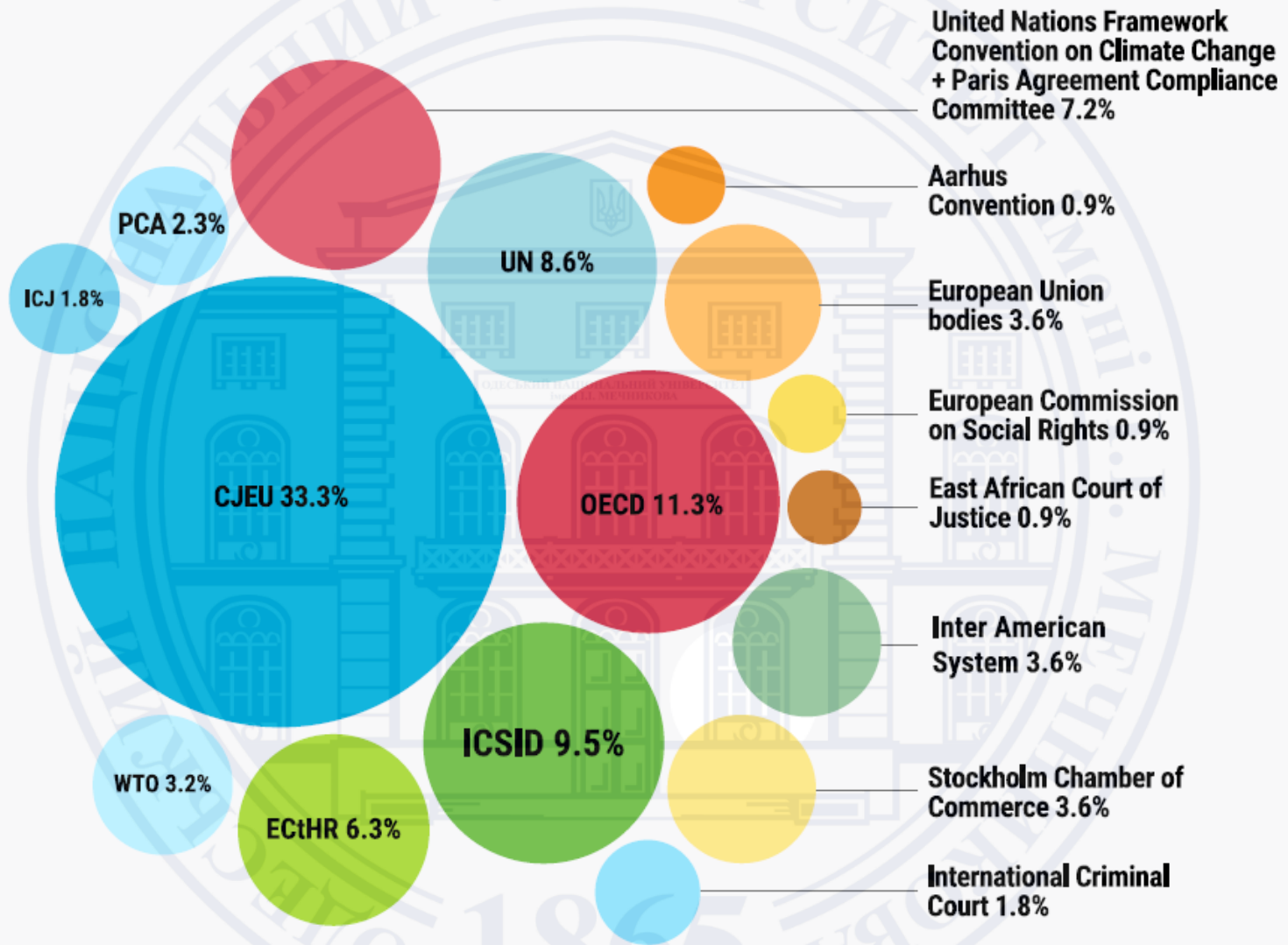


Table 1: Cumulative number of cases by jurisdiction (including all cases in the Sabin Center's databases as of 30 June 2025)

Jurisdiction	Number of cases
United States of America	1986
Australia	161
Brazil	135
United Kingdom of Great Britain and Northern Ireland	132
Germany	66
Canada	38
New Zealand	36
France	33
Mexico	26
Switzerland	22
Spain	17
Colombia	16
Indonesia	15
Argentina, India, Netherlands	14 each
Chile, South Korea	12 each
South Africa	11
Ireland	10
Austria, Poland	9 each
Peru, Turkey	8 each
Belgium, Italy	7 each
Estonia, Pakistan, Romania	6 each
China, Japan, Kenya, Nigeria	5 each
Guyana, Nepal, Papua New Guinea	4 each
Czech Republic, Ecuador, Norway, Philippines	3 each
Costa Rica , Denmark, Finland, Portugal , Sweden, Uganda, Ukraine	2 each
Bulgaria, Grenada, Hungary, Luxembourg, Namibia, Panama, Russian Federation, Thailand	1 each

Figure 6: Cases before international bodies, through 30 June 2025





European Court of Human Rights



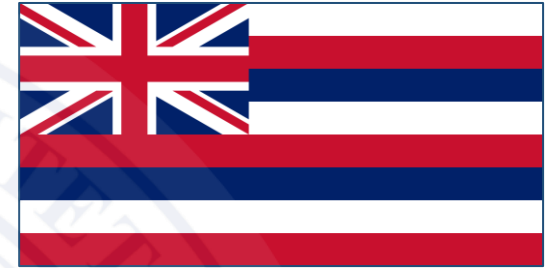
KlimaSeniorinnen v Switzerland (2024)

Senior Women for Climate Protection Switzerland NGO took the Swiss government to the ECHR because their health is threatened by heat waves made worse by the climate crisis: Switzerland's inadequate climate policies violate right for life and health under Articles 2 and 8 of the ECHR by failing to implement sufficient climate change mitigation measures.

ECHR found a violation of the right to respect for private and family life (Article 8), encompasses a right to effective protection by the State authorities from the serious adverse effects of climate change on lives, health, well-being and quality of life. The Swiss authorities had not acted in time and in an appropriate way to devise, develop, and implement relevant legislation and measures in this case.



Domestic Climate Litigation Against Governments: Climate Rights Litigation



Navahine F. v. Hawai'i Department of Transportation (2024)

youth plaintiffs reached a settlement with
Hawaii state agencies as defendants

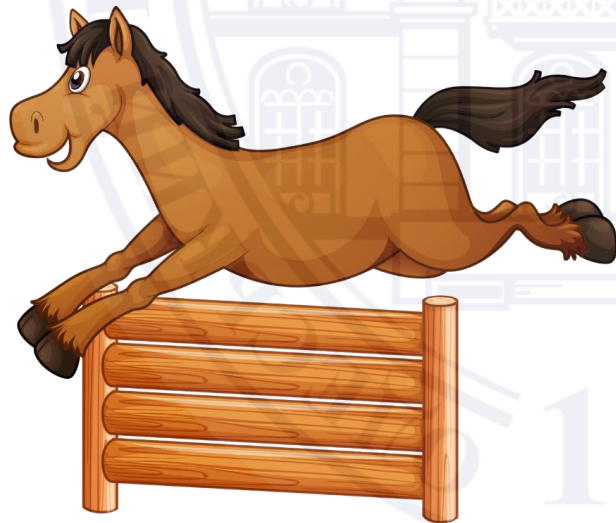


Youth plaintiffs claimed that Hawai'i's fossil fuelbased transportation system violates the Hawai'i Constitution's public trust doctrine and right to a clean and healthful environment. In the settlement, the Hawai'i Department of Transportation agreed to take actions to achieve a zero emissions target for transportation sectors by 2045.

Domestic Climate Litigation Against Governments: Domestic Enforcement of International Climate Change commitments

Systemic Mitigation Cases
(push for greater ambition
in climate mitigation)

Implementation Cases
(aim to enforce existing
legal commitments)



Systemic Mitigation Cases
(push for greater ambition
in climate mitigation)

1. human rights arguments to establish that the government's failure to mitigate GHG emissions constitutes a breach of fundamental rights
2. typically rely on innovative interpretations of international and human rights law to contest slow and inadequate efforts to reduce GHG emissions
3. build on commitments made under the Paris Agreement and international human rights frameworks to demand concrete climate action

GO
BEYOND
LIMITS



Domestic Climate Litigation Against Governments: Systemic Mitigation Case #1



Urgenda Foundation v. State of the Netherlands (2018)

A Dutch environmental group, the Urgenda Foundation, and 900 Dutch citizens sued the Dutch government to require it **to do more** to prevent global climate change

The Hague District court ordered the Dutch state to limit GHG emissions to 25% below 1990 levels, finding **the government's existing pledge to reduce emissions by 17% insufficient** to meet the state's fair contribution toward the UN goal of keeping global temperature increases within two degrees Celsius of pre-industrial conditions.

By failing to reduce greenhouse gas emissions by at least 25%, the Dutch government is acting unlawfully in contravention of its duty of care under Articles 2 and 8 of the ECHR
Upheld by the Supreme Court

the first decision in the world ordering states to limit greenhouse gas emissions for reasons other than statutory mandates





Domestic Climate Litigation Against Governments: Systemic Mitigation



Neubauer, et al. v. Germany (2021)

Youth argued at the Federal Constitutional Court that Germany's GHG reduction goals under Federal Climate Protection Act (KSG) violated human rights

The Court declared some parts of KSG invalid

KSG's target of reducing GHGs by 55% until 2030 from 1990 levels was insufficient, KSG therefore violated claimants' human rights as protected by the Constitution. KSG's 2030 target did not take into account Germany's and the EU's obligation under the Paris Agreement to limit global temperature rise to "well below 2 degrees Celsius." The complainants argued that in order to "do its part" to achieve the Paris Agreement targets, Germany would need to reduce GHGs by 70% from 1990 levels by 2030.



the legislature must follow a carbon budget approach to limit warming to well below 2°C, but the legislature had not proportionally distributed the budget between current and future generations: "one generation must not be allowed to consume large portions of the CO2 budget while bearing a relatively minor share of the reduction effort"

article 20a of the Basic Law not only obliges the legislature to protect the climate and aim towards achieving climate neutrality, but "also concerns how environmental burdens are spread out between different generations ... the fundamental rights - as intertemporal guarantees of freedom - afford protection against the greenhouse gas reduction burdens imposed by Art. 20a of the Basic Law being unilaterally offloaded onto the future".



The Court
found that

As a result the federal lawmakers passed a bill approving an adapted KSG that requires, at a minimum, reduction of 65% in GHGs from 1990 levels by 2030. It has been in effect since August 31, 2021.



Domestic Climate Litigation Against Governments:



A Sud et al. v. Italy (2024)

Environmental NGO and 200 other plaintiffs allege that the Italian government, by failing to take actions necessary to meet Paris Agreement temperature targets, is violating fundamental rights under ECHR articles 2 (right to life) and 8 (right to privacy) + articles 2043 and 2051 of Italian Civil Code (liability for illegal actions). The lawsuit seeks a court order to reduce emissions 92% by 2030 compared to 1990 levels.

DISMISSED

The Civil Court of Rome declared the plaintiffs' claims inadmissible for absolute lack of jurisdiction: decisions related to the management of climate change fall within the scope of the political bodies' decision-making authorities and it is not the role of the court to annul such decisions.



Domestic Climate Litigation Against Governments: Systemic Mitigation Case 1

Urgenda Foundation v. State of the Netherlands (2018)

A Dutch environmental group, the Urgenda Foundation, and 900 Dutch citizens sued the Dutch government to require it **to do more** to prevent global climate change

the first decision in the world ordering states to limit greenhouse gas emissions for reasons other than statutory mandates



The Hague District court ordered the Dutch state to limit CO₂ emissions to 25% below 1990 levels, finding the government's existing pledge to reduce emissions by 17% insufficient to meet the state's fair contribution toward the UN goal of keeping global temperature increases within two degrees Celsius of pre-industrial conditions.

By failing to reduce greenhouse gas emissions by at least 25%, the Dutch government is acting unlawfully in contravention of its duty of care under Articles 2 and 8 of the ECHR
Upheld by the Supreme Court



Domestic Climate Litigation Against Corporations: Corporate duty to mitigate emissions



Milieudefensie et al. v. Royal Dutch Shell plc.

The plaintiffs seek a ruling from the court that Shell must reduce its CO2 emissions by 45% by 2030 compared to 2010 levels and to zero by 2050, in line with the Paris Climate Agreement.

The case follows Urgenda decision BUT plaintiffs extend this argument to private companies, arguing that given the Paris Agreement's goals and the scientific evidence regarding the dangers of climate change, Shell has a duty of care to take action to reduce its greenhouse gas emissions.

The claims are based on: duty of care argument on Article 6:162 of the Dutch Civil Code as further informed by Articles 2 and 8 of the ECHR which guarantee rights to life (Article 2) and rights to a private life, family life, home, and correspondence (Article 8)



Shell's long knowledge
of climate change,
misleading statements
on climate change,
and inadequate action to reduce
climate change help support
a finding of Shell's
unlawful endangerment
of Dutch citizens
and actions constituting
hazardous
negligence



Targeting a single company
for a global issue is unrealistic:
emissions policy
should be directed at government
there is no legal standard,
statutory or otherwise,
that would establish
that Shell is acting in conflict
with an unwritten legal standard
by failing to comply
with emissions caps.
Plaintiffs' claims are too general
to fall within the scope
of ECHR Articles 2 and 8





Hague District Court,
2021

ordered Shell to reduce its emissions by a net 45% across both emissions from its own operations and emissions from the use of the oil it produces

Shell appealed the ruling



Dutch Court of Appeal,
2024

dismissed a 2021 ruling that had required Shell to cut its absolute carbon emissions by 45% by 2030, relative to 2019 levels



no "social standard of care" requiring Shell to reduce emissions by an exact percentage, though there is Shell's responsibility under human rights to help prevent dangerous climate change



Domestic Climate Litigation Against Corporations: Loss and Damages



Asmania et al. vs Holcim

4 inhabitants of the Indonesian island of Pari (supported by 3 NGOs: HEKS/EPER (Switzerland), the European Center for Constitutional and European Rights (ECCHR) and WALHI (Indonesia) have sued Holcim in 2022 before the Justice of the Peace of the Canton of Zug, Switzerland



The plaintiff's request:

- proportional compensation for climate change-related damages on Pari
- reduction of CO2 emissions by 43 % by 2030 and by 69% by 2040, relative to 2019 levels
- financial contribution to adaptation measures on Pari

Unprecedentedly combines reduction of GHGs and compensation

Article 28 of the Swiss Civil Code (infringement of personal rights) and Article 41 of the Code of Obligations (redress for unjust harm)



Domestic Climate Litigation Against Corporations: Loss and Damages



Hugues Falys, FIAN,
Greenpeace, Ligue des droits
humains v. TotalEnergies

PENDING

Hugues Falys, a farmer and several associations (FIAN, Greenpeace, Ligue des droits humains) launched an action at the Commercial Court of Tournai against Total Energies in 2024

The legal basis is Belgian extra-contractual civil liability (articles 1382 and 1383 of the former Civil Code)

- (i) immediately halt investment in new fossil fuel projects (gas and oil);
- (ii) reduce its GHG emissions linked to the production and delivery of fossil fuels by at least 60% by 2030, compared with 2023 levels;
- (iii) reduce oil production by 47% by 2030, 75% by 2040 and 90% by 2050 compared to 2020 levels;
- (iv) reduce its gas production by 47% by 2030, 75% by 2040 and 85% by 2050 compared with 2020;
- (v) adopt and communicate to the applicant a realistic transition plan, including the above three points, based on the best current scientific knowledge and aligned with the objectives of the Paris Agreement.
- (vi) a penalty of one million euros per month of delay in complying with the injunctions to be issued



Plaintiff's claims





Domestic Climate Litigation Against Corporations: Climate Damages



Federal Public Prosecutor's Office v. José Silva (2024)

Federal Public Prosecutor alleged that the defendant unlawfully occupied and deforested approximately 170 hectares of land designated for traditional extractivist communities and managed by the Instituto Nacional de Colonização e Reforma Agrária



The court ordered restoration of the degraded area and awarded compensation for material environmental damage (to be quantified later), collective moral damages, climate damages, based on unauthorized emissions of 98,367.84 tons of CO₂ and a valuation of US\$5 per ton



Domestic Climate Litigation Against Corporations: Climate Damages



30+ ongoing cases where state and local authorities seek damages and other types of relief from fossil fuel industry defendants for harms allegedly sustained as a result of climate change (City of New York v. BP p.l.c., Connecticut v. Exxon Mobil Corp., Vermont v. Exxon Mobil Corp., District of Columbia v. Exxon Mobil Corp., City of Oakland v. BP p.l.c., County of San Mateo v. Chevron Corp. et al.)

PENDING

Plaintiffs claim that defendants' concealment of fossil fuel products' dangers substantially contributed to the plaintiffs' climate change injuries, though in some cases the plaintiffs allege that the production, marketing and sale of the fossil fuels is in itself sufficient to impose liability. In most of these cases, the plaintiffs assert state law claims including nuisance, failure to warn, trespass and/or violations of state or local consumer protection laws.



Domestic Climate Litigation Against Corporations: Climate Damages



Leon v. Exxon Mobil Corp.

The daughter of a woman who died from hyperthermia in Seattle during the 2021 Pacific Northwest heat dome filed a lawsuit in Washington Superior Court



The Plaintiff requests economic and non-economic damages, general and special damages, equitable relief (including a “public education campaign to rectify Defendants’ decades of misinformation”), exemplary or punitive damages, and costs and attorneys’ fees



- (i) The defendant is liable for causing the acceleration of climate change and the extreme heat event that caused plaintiff's mother's death.
- (ii) The defendant had known for decades that fossil fuel combustion was the primary cause of the accumulation of carbon dioxide in the atmosphere and that elevated concentrations of carbon dioxide would increase global temperatures and have destructive consequences for human and environment
- (iii) Defendant's deceptive conduct delayed measures to mitigate and adapt to climate change and was the proximate cause of the plaintiff's mother's death. The plaintiff asserted claims of wrongful death under Washington's wrongful death statute, failure to warn under the Washington Product Liability Act, and public nuisance under Washington's public nuisance statute.



Plaintiff's
reasoning







Domestic Climate Litigation Against Governments: Climate Damage



Luciano Lliuya v. RWE AG (2025)

Saúl Luciano Lliuya, a Peruvian farmer supported by NGO Germanwatch filed claims for declaratory judgment and damages in the District Court Essen, Germany against RWE



The plaintiff argued that, by knowingly emitting large amounts of greenhouse gases, RWE bore partial responsibility for glacier melt that enlarged a lake above the farmer's home and should therefore cover 0.47% of the expected flood protection costs — corresponding to its estimated share of global industrial emissions since 1751

At the Court of Appeal (Hamm Higher Regional Court)

The Court examined whether Luciano Lliuya's home is:

- (a) threatened by flooding or mudslides as a result of the recent increase in the volume of the glacial lake located nearby, and
- (b) how RWE's greenhouse gas emissions contribute to that risk.

A site visit took place in the Andean city of Huaraz in May 2022. Judges of the Higher Regional Court (OLG) of Hamm (Germany), court-appointed experts and lawyers for both parties travelled to Peru to examine whether the plaintiff's house is threatened by a possible flood wave from the glacier lake Palcacocha above the city



- (i) Lliuya's situation would be the same even if RWE stopped emitting and there was no 'linear causal chain' within the complex causal relationship between particular emissions and climate change impacts. RWE was not a 'disturber by conduct' under BGB §1004, and given the number of contributors to climate change, attributing individual damage to specific actors was impossible.
- (ii) The court found that there was no concrete danger to the plaintiff's property: the likelihood of water from a nearby glacier lake reaching his home within the next 30 years was assessed at only about one percent—a probability the court deemed too low to justify legal intervention. Even if such an event were to occur, the flood would reach the house with a height of just a few centimeters and a flow speed insufficient to compromise the building's structural integrity

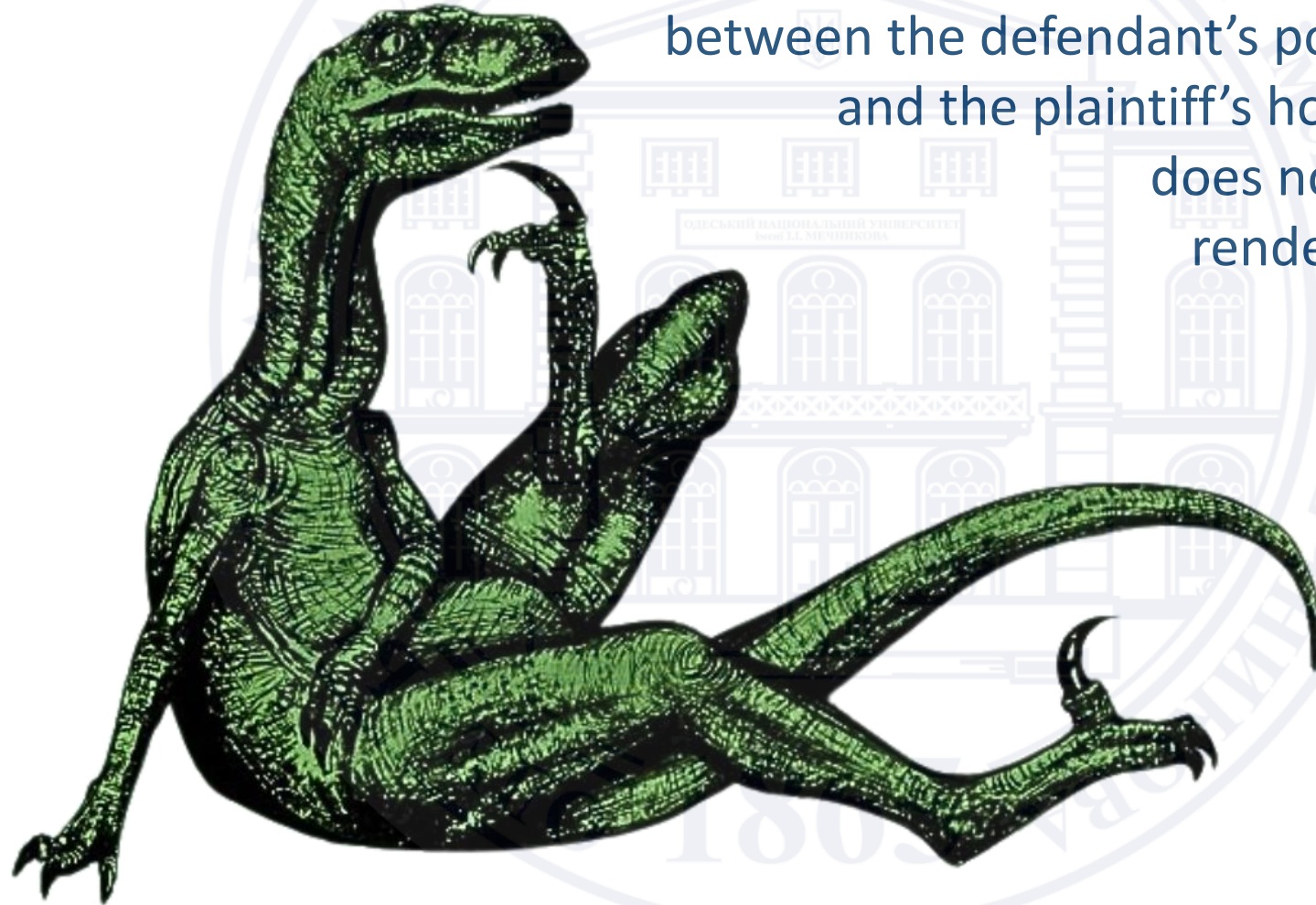


Courts'
reasoning

Essen District Court: 1st
Instance Dismissed

Hamm Higher Regional
Court: Appeal
Dismissed





HOWEVER

court further emphasized that the geographical distance between the defendant's power plants and the plaintiff's home in Peru does not, by itself, render the claim unfounded



Domestic Climate Litigation Against Corporations: Responsibility of financial institutions



Milieudefensie v. ING Group and ING Bank

The suit filed by Milieudefensie and 30K co-plaintiffs before the Amsterdam District Court and addressed to ING, headquartered in Amsterdam and classified as a systemically important bank, is accused of facilitating dangerous climate change through continued financing of greenhouse gas-intensive industries without adequate climate safeguards.



Milieudefensie alleges that ING's climate conduct violates the societal duty of care under Article 6:162 of the Dutch Civil Code. Drawing from precedent (Urgenda v Netherlands, Milieudefensie v. Shell), international climate science (IPCC, IEA), and soft law instruments (UNGPs, OECD Guidelines), the claimant argues that ING's failure to adopt effective emissions reduction policies constitutes a tortious act.

- (i) Halve ING total emissions by 2030, and continue reducing thereafter, in line with the UN Intergovernmental Panel on Climate Change 1.5°C pathway.
- (ii) Reduce emissions in eight major sectors it finances (e.g., steel, aviation) in line with the International Energy Agency's Net Zero Emissions (NZE) scenario.
- (iii) Cease all financing and investment in companies starting new oil and gas projects.
- (iv) Require all large corporate clients to submit credible, science-based climate plans.

ING ranks among the top 30 fossil fuel financiers globally, having facilitated over €106 billion in fossil fuel investments since the Paris Agreement



Plaintiff's
claims



Domestic Climate Litigation Against Corporations: Greenwashing & Climatewashing

Greenwashing / Climatewashing cases target misleading or false claims about climate impacts made by corporations, often in violation of advertising, consumer protection or fair competition laws.

Greenwashing cases

typically allege that companies have misrepresented the environmental benefits or climate neutrality of their products or services—especially in sectors like transport, energy and retail—misleading consumers and distorting markets.

Climatewashing cases

go further, challenging broader narratives or public messaging about an actor's contribution to climate solutions, including exaggerated claims of alignment with net-zero goals or low-carbon transitions



Domestic Climate Litigation Against Corporations: Greenwashing



Berrin v. Delta Air Lines Inc.

2023 Greenwashing class action lawsuit alleging that Delta misrepresented itself as a carbon-neutral airline.

From 2020 onwards, Delta Air Lines pledged to go carbon-neutral, subsequently branding itself as "the world's first carbon-neutral airline." The plaintiff alleges that the defendant airline made false carbon-neutrality representations in violation of California laws.

She has purchased flights from the defendant witnessed their use of the phrase "the world's first carbon-neutral airline" and it led her to believe that Delta was currently a carbon-neutral business



Class Certification – to certify the proposed class of consumers and appoint the plaintiff and her counsel as class representatives

Compensatory Damages – to recover monetary compensation for all losses suffered by the plaintiff and class members

Statutory Damages – to obtain any damages provided by applicable consumer protection statutes

Restitution – to restore all amounts paid by consumers due to Delta’s allegedly misleading “carbon-neutral” claims

Disgorgement of Profits – to require Delta to surrender all profits unlawfully obtained through the alleged deceptive practices.

Injunctive Relief – to permanently prohibit Delta from continuing deceptive or misleading advertising or “greenwashing” statements.



Plaintiff’s claims



Scientific Evidence

Human Rights to Ground Obligations

Victim status

Feasible and Enforceable Remedies

Shaping Climate Litigation



That's about it
for now