Global trends in climate change litigation: 2023 snapshot

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Case numbers rising year on year

- Over 2,340 cases
- 1,590 in the US
- But also in 50+ other countries, with high density in Europe
- 2/3 since the Paris Agreement
- 190 cases in the last 12 months
- 2021 highest annual number of cases

Note: Up to end of May 2023, based on Sabin Center databases
Climate litigation as a governance tool

SPM (E.3.3): Litigation affects “the outcome and ambition of climate governance”

And much more....

Chapters 1, 4, 13 (Section 13.4.2. Shaping climate governance through litigation), 14 and 16.
Strategic cases increasing in numbers and diversity

**Climate-aligned**
- Government framework (80+)
- Corporate framework (17)
- Integrating climate considerations (206)
- Turning off the taps (28)
- Global guidance (4)
- Failure to adapt (14)
- Polluter pays (17)
- Climate-washing (57)
- Personal responsibility (8)

**Just transition cases**
- Distributional impacts of policies
- Challenge JT policies

**Non-climate-aligned**
- Regulatory powers
- Stranded assets
- SLAPPs
Government framework cases

- Implementation
- Ambition
Cases against corporates and financial institutions

• Polluter Pays

• Framework Cases (aligning with 1.5)

• Turning off the taps

• Climate-washing
Corporate cases: more sectors, because there are more legal arguments

Number of cases against corporations by sector type including US and Global cases (2015–2022)
Outcomes vs. impacts

Indirect impacts:
• Influencing policy
• Shaping narratives
• Amplifying Climate Risk
Market responses to climate cases

- Climate litigation filed or a decision against a company saw company value drop on average by 0.41%
- Higher for carbon majors
  - Effect largest for negative decisions against Carbon majors
- No effect before 2019
Could new legislation fill the gaps?

| **Fit for 55** | Government framework cases
| Just Transition cases |
| **Corporate Sustainability Due Diligence Directive** | Framework cases
| Polluter pays? |
| **EU Green Claims Directive** | Climate-washing cases |
| **Sustainable Finance Reporting Regulation (Reform)** | Climate-washing cases |

Higham et al, *Climate change law in Europe: what do new EU climate laws mean for the courts?* 2023
Thank you!

- Access the 2023 report

- Access the database:
  https://climate-laws.org

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