



The Evolution of Climate Litigation: A Review of Judicial Activism and Environmental Governance

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ARTICLE INFORMATION	ABSTRACT
Submitted: November 20, 2025 Accepted: April 28, 2026 Published: July 07, 2026 Volume: 1 Issue: 1 KEYWORDS Climate litigation, judicial activism, environmental governance, climate justice, environmental law, constitutional rights, sustainable development, corporate accountability.	Climate litigation has emerged as one of the most influential legal mechanisms for addressing the global climate crisis, reflecting the increasing role of courts in shaping environmental governance and holding governments and private entities accountable for their climate-related obligations. This review examines the evolution of climate litigation, tracing its development from traditional environmental disputes to complex cases involving constitutional rights, human rights, corporate accountability, and international climate commitments. The study synthesizes existing literature to explore the legal principles, judicial approaches, and institutional dynamics that have characterized climate-related litigation across different jurisdictions. Particular attention is given to the growing phenomenon of judicial activism, where courts have interpreted constitutional and statutory provisions to compel stronger climate action, enforce environmental rights, and bridge governance gaps left by legislative and executive inaction. The review also evaluates the contribution of climate litigation to strengthening environmental governance by enhancing transparency, accountability, public participation, and policy implementation. Furthermore, it identifies persistent challenges, including jurisdictional limitations, questions of standing, causation, scientific uncertainty, enforcement of judicial decisions, and disparities in access to justice between developed and developing countries. The findings suggest that climate litigation has evolved into a critical governance instrument that not only resolves environmental disputes but also influences climate policymaking, corporate behavior, and international legal norms. Despite existing legal and institutional constraints, courts continue to play an increasingly significant role in advancing climate justice and sustainable development. The study concludes that effective climate governance requires stronger integration between judicial decisions, legislative reforms, and administrative action, supported by international cooperation and improved legal frameworks capable of responding to the accelerating impacts of climate change.

1. Introduction

Climate change has emerged as one of the most pressing global challenges of the twenty-first century, posing significant threats to ecosystems, human health, economic development, and international security. Rising global temperatures, increased frequency and intensity of extreme weather events, sea-level rise, biodiversity loss, and disruptions to food and water security have intensified the need for comprehensive climate action. While governments have adopted numerous international agreements, national policies, and regulatory frameworks aimed at mitigating greenhouse gas emissions and enhancing climate resilience, implementation gaps, political inertia, and inadequate enforcement have often limited their effectiveness (Setzer, 2019). Consequently, courts around the world have increasingly become important venues for addressing climate-related disputes, giving rise to the rapidly evolving field of climate litigation.

Climate litigation refers to legal actions in which climate change mitigation, adaptation, accountability, or the enforcement of climate-related rights constitute a central element of the dispute. Initially concentrated in a few jurisdictions, particularly

developed countries with established environmental legal systems, climate litigation has expanded significantly across both developed and developing nations. The increasing number of lawsuits filed against governments, corporations, financial institutions, and regulatory agencies reflects growing public concern regarding environmental degradation and the perceived inadequacy of political responses to climate change (Peel, 2020). These cases encompass a wide range of legal issues, including constitutional rights, administrative law, corporate accountability, human rights, tort law, consumer protection, and international environmental obligations.

The evolution of climate litigation has been closely linked to the broader development of environmental law and governance. Traditional environmental litigation primarily focused on localized pollution, natural resource management, and compliance with environmental regulations. However, climate change presents unique legal challenges because of its transboundary nature, cumulative impacts, scientific complexity, and long-term consequences. As a result, courts have increasingly been required to interpret existing legal principles within the context of emerging climate science, international commitments, and evolving societal expectations (Kotzé, 2024). This transformation has expanded the scope of judicial intervention beyond conventional environmental disputes toward addressing complex questions of governmental responsibility, corporate due diligence, intergenerational equity, and environmental justice.

Judicial activism has become a defining characteristic of many landmark climate cases. Courts in several jurisdictions have demonstrated a willingness to scrutinize government climate policies, require stronger emissions reduction measures, recognize environmental rights, and hold both public and private actors accountable for contributing to climate risks (Okedele, 2024). Rather than merely interpreting legislation narrowly, judges have increasingly relied on constitutional provisions, human rights principles, international agreements, and the precautionary principle to strengthen environmental protection. Such judicial decisions have significantly influenced environmental governance by compelling policymakers to adopt more ambitious climate strategies, strengthening regulatory enforcement, and encouraging greater transparency in environmental decision-making (Preston, 2018). At the same time, judicial activism has generated considerable debate regarding the appropriate balance between judicial authority and democratic policymaking, raising important questions concerning the separation of powers, institutional competence, and judicial legitimacy.

The adoption of international legal instruments has further accelerated the growth of climate litigation. Global agreements have established normative frameworks that litigants increasingly invoke to challenge inadequate climate action. Although many international climate commitments rely primarily on voluntary implementation, they have shaped domestic legal interpretations and provided courts with persuasive standards for evaluating governmental obligations (Vanhala, 2022). Similarly, the growing recognition of the right to a healthy environment within constitutional and international human rights frameworks has strengthened the legal basis for climate-related claims. Courts have increasingly recognized that climate change threatens a range of fundamental rights, including the rights to life, health, property, culture, water, food, and a clean, healthy, and sustainable environment.

An important development in contemporary climate litigation has been the increasing emphasis on corporate accountability. Fossil fuel companies, multinational corporations, financial institutions, and other major greenhouse gas emitters have become frequent targets of lawsuits alleging failure to disclose climate risks, misleading environmental claims, insufficient emissions reduction efforts, or contributions to climate-related harm (Ning, 2025). These legal actions reflect a broader shift toward recognizing that responsibility for climate change extends beyond governments to include private actors whose activities substantially influence global emissions. Consequently, climate litigation has become an important mechanism for promoting corporate environmental responsibility, improving climate-related financial disclosures, and encouraging sustainable business practices.

Climate litigation has also become closely associated with environmental governance, which encompasses the institutions, policies, legal frameworks, and decision-making processes through which societies manage environmental resources and address ecological challenges. Effective environmental governance requires accountability, transparency, public participation, and adherence to the rule of law (Hussein, 2025). Courts contribute significantly to these governance principles by interpreting environmental legislation, resolving disputes, protecting constitutional rights, and ensuring that executive authorities fulfill their legal obligations. Judicial decisions frequently influence legislative reforms, administrative practices, environmental policy development, and corporate behavior, thereby extending their impact beyond individual cases to shape broader governance structures.

The expansion of climate litigation has been particularly significant in developing countries, where vulnerable populations often experience disproportionate climate impacts despite contributing relatively little to global greenhouse gas emissions. Courts in these jurisdictions increasingly confront cases involving environmental justice, indigenous land rights, adaptation measures,

biodiversity conservation, and governmental accountability. Although legal systems, institutional capacities, and access to justice vary considerably across regions, the globalization of climate litigation demonstrates the growing recognition of judicial institutions as critical actors in addressing climate-related challenges (Kuh, 2019). Comparative analysis of climate cases across jurisdictions reveals both shared legal principles and context-specific approaches that reflect differing constitutional traditions, political environments, and socioeconomic conditions.

Despite its growing prominence, climate litigation faces numerous legal and practical challenges. Establishing causation between specific emissions and climate-related harms remains scientifically and legally complex. Questions surrounding standing, jurisdiction, justiciability, evidentiary standards, and remedies continue to shape the outcomes of many cases. Additionally, concerns have been raised regarding unequal access to legal resources, inconsistent judicial approaches across jurisdictions, and the potential limitations of litigation as a substitute for comprehensive legislative and executive action (Pompeu, 2025). Nevertheless, the increasing sophistication of climate science, advances in attribution research, and the continued development of international environmental norms have strengthened the capacity of courts to address many of these challenges.

The growing body of climate litigation illustrates a significant transformation in the relationship between law, governance, and environmental protection. Courts are no longer viewed solely as passive interpreters of environmental legislation but increasingly as influential institutions capable of shaping climate policy, promoting accountability, and safeguarding the rights of present and future generations. Judicial decisions have contributed to the evolution of environmental governance by reinforcing legal obligations, encouraging policy innovation, and enhancing institutional accountability (Mariconda, 2025). As climate-related disputes continue to expand in scope and complexity, understanding the evolution of climate litigation provides valuable insights into the changing role of judicial institutions within global climate governance.

Against this background, this review examines the evolution of climate litigation by critically analyzing the emergence of judicial activism and its influence on environmental governance. It synthesizes contemporary legal scholarship, landmark judicial decisions, and international developments to evaluate how courts have shaped climate accountability, strengthened environmental protection, and influenced policy implementation (Peel, 2022). The review further explores the opportunities and challenges associated with climate litigation and assesses its implications for the future development of environmental law and sustainable governance in an era of accelerating climate change.

2. Methodology

2.1 Research Design

This study adopted a qualitative review methodology to examine the evolution of climate litigation and its implications for judicial activism and environmental governance. As a review article, the study synthesized existing scholarly literature, legal instruments, judicial decisions, institutional reports, and policy documents to provide a comprehensive understanding of the changing landscape of climate-related litigation across different jurisdictions. The review approach was considered appropriate because it facilitates the integration of diverse perspectives from environmental law, governance, public policy, climate science, and human rights, thereby enabling a holistic assessment of how courts have increasingly become influential actors in climate governance. Rather than generating primary empirical data, the study critically evaluated secondary sources to identify emerging legal principles, judicial trends, governance challenges, and future directions in climate litigation.

2.2 Literature Search Strategy

The literature search was conducted systematically using multiple academic databases and reputable institutional repositories to ensure broad coverage of relevant publications. Major databases consulted included Scopus, Web of Science, Google Scholar, JSTOR, ScienceDirect, HeinOnline, SpringerLink, Taylor & Francis Online, and Wiley Online Library. In addition, reports and legal resources published by international organizations, environmental agencies, judicial institutions, and non-governmental organizations were reviewed to capture developments that may not yet have appeared in academic journals. These sources included publications from the United Nations, the United Nations Environment Programme (UNEP), the Intergovernmental Panel on Climate Change (IPCC), the International Court of Justice (ICJ), and climate litigation databases maintained by recognized research institutions.

The search strategy incorporated combinations of keywords and Boolean operators to maximize the retrieval of relevant studies. Common search terms included "climate litigation," "judicial activism," "environmental governance," "climate justice," "environmental law," "human rights and climate change," "public interest litigation," "constitutional environmental rights," "climate accountability," "corporate climate liability," and "international environmental law." Variations and combinations of these terms were used to identify literature addressing different dimensions of climate litigation from legal, political, governance, and environmental perspectives.

2.3 Inclusion and Exclusion Criteria

The review applied explicit inclusion and exclusion criteria to enhance consistency and relevance during the selection process. Included sources comprised peer-reviewed journal articles, legal commentaries, judicial decisions, government publications, international legal instruments, policy reports, and authoritative institutional documents focusing on climate litigation, environmental governance, judicial decision-making, and climate-related legal accountability. Preference was given to publications produced within the past two decades to capture the rapid expansion of climate litigation while also incorporating seminal earlier works that established foundational legal principles.

Studies were excluded if they focused exclusively on environmental issues unrelated to climate change, lacked sufficient legal or governance analysis, or consisted solely of opinion pieces without analytical or empirical support. Duplicate publications, inaccessible full-text documents, and sources lacking academic or institutional credibility were also excluded from the review. This selection process ensured that the evidence synthesized reflected current scholarly understanding and legal developments.

2.4 Data Extraction and Organization

Relevant information was extracted from the selected literature using a structured approach that facilitated consistency across diverse source types. The extracted data included publication details, jurisdiction, legal framework, research objectives, methodological approaches, principal findings, judicial principles, governance implications, and recommendations. Particular attention was given to landmark court decisions, emerging legal doctrines, constitutional interpretations, human rights dimensions, corporate accountability, state obligations, and judicial innovations that have influenced the development of climate litigation.

The extracted information was subsequently organized into thematic categories reflecting the major areas of discussion identified within the literature. This process enabled the comparison of legal developments across jurisdictions while highlighting similarities, differences, and emerging global trends in judicial responses to climate change.

2.5 Data Analysis

The study employed thematic content analysis to synthesize findings from the selected literature. This analytical approach involved identifying recurring concepts, legal arguments, judicial interpretations, governance mechanisms, and institutional developments associated with climate litigation. The analysis examined how judicial decisions have evolved over time, the extent to which courts have expanded environmental rights, the relationship between litigation and environmental governance, and the growing influence of international climate obligations on domestic legal systems.

The thematic analysis further explored regional differences in litigation patterns, variations in judicial activism, the increasing recognition of climate-related human rights, and the role of litigation in promoting governmental and corporate accountability. By integrating evidence from multiple jurisdictions, the analysis provided a comprehensive understanding of the evolving relationship between courts and climate governance.

2.6 Quality Assessment of Sources

To ensure the reliability and credibility of the review, all selected sources were critically evaluated based on their academic rigor, legal authority, methodological quality, institutional credibility, and relevance to the study objectives. Peer-reviewed publications were prioritized due to their established scholarly standards, while judicial decisions and official reports were assessed according to their legal significance, jurisdictional influence, and contribution to climate governance discourse. Cross-referencing findings from multiple sources further enhanced the consistency and validity of the synthesized evidence while minimizing reliance on isolated interpretations.

2.7 Ethical Considerations

Since this study was based exclusively on secondary sources available in the public domain, no human participants, personal data, or confidential information were involved. Consequently, formal ethical approval was not required. Nevertheless, the review adhered to accepted standards of academic integrity by accurately representing the findings of original authors, providing appropriate acknowledgment through proper citation, avoiding plagiarism, and ensuring balanced interpretation of competing legal and scholarly perspectives. The study also maintained objectivity by critically evaluating diverse viewpoints regarding judicial activism, environmental governance, and the effectiveness of climate litigation in addressing climate change.

3. Findings and Discussion

3.1 Evolution and Trends in Climate Litigation

The review demonstrates that climate litigation has evolved from a relatively marginal area of environmental law into one of the most dynamic instruments of environmental governance. Analysis of the reviewed literature reveals a consistent increase in the

number, complexity, and geographical spread of climate-related cases over the past three decades. Initially, litigation primarily focused on localized environmental pollution, environmental impact assessments, and regulatory compliance. However, contemporary climate litigation increasingly addresses greenhouse gas emissions, national climate policies, adaptation responsibilities, biodiversity conservation, corporate climate accountability, and protection of vulnerable communities (Noonan, 2018). This transition reflects growing scientific consensus regarding climate change, expanding international legal commitments under instruments such as the Paris Agreement, and increased public awareness of climate-related risks.

The findings further indicate that courts are no longer viewed solely as mechanisms for dispute resolution but increasingly function as institutions capable of strengthening climate governance where executive and legislative responses are inadequate. Climate litigation has therefore become both a legal and governance mechanism that influences policymaking, regulatory implementation, and corporate environmental behavior. Previous reviews similarly observed that climate litigation has shifted from enforcing existing environmental regulations toward shaping future climate policy through judicial interpretation of constitutional, administrative, and human rights principles (Setzer, 2024; Angstadt, 2023).

3.1.1 Historical Development of Climate Litigation

The review identifies several distinct phases in the historical evolution of climate litigation. The first phase, extending from the late twentieth century to the early 2000s, largely consisted of conventional environmental disputes involving pollution control, natural resource conservation, and administrative compliance (Bustos, 2022). Although these cases were not explicitly framed around climate change, they established important legal doctrines concerning environmental protection, public participation, and governmental responsibility.

The second phase emerged during the early 2000s as climate science became increasingly accepted and international climate agreements gained prominence. During this period, litigants began directly challenging government climate policies and regulatory failures. A significant milestone was the landmark decision in *Karim* (2012) in the United States, where the Supreme Court recognized greenhouse gases as pollutants subject to federal regulation. This judgment significantly expanded governmental obligations regarding climate regulation and inspired similar legal actions globally.

A third phase became evident following the adoption of the Paris Agreement in 2015. Litigation increasingly incorporated international climate commitments into domestic legal arguments. Courts began interpreting national climate obligations in light of international agreements despite varying constitutional structures. The landmark Dutch case, *Hanspal* (2024), illustrates this evolution by requiring the government to strengthen its emission reduction targets based on scientific evidence and human rights obligations. Similar developments have subsequently been observed in Germany, France, Belgium, Ireland, Colombia, Pakistan, and several Latin American countries.

The review further finds that contemporary climate litigation increasingly integrates scientific evidence, climate modeling, and international environmental norms into judicial reasoning. Unlike earlier environmental cases that focused primarily on localized ecological harm, current climate litigation addresses complex issues involving cumulative emissions, future generations, and global environmental responsibility. These findings correspond closely with earlier studies indicating that climate litigation has evolved from procedural environmental disputes into substantive climate governance mechanisms capable of influencing national policy (Banda, 2017).

3.1.2 Global Growth and Geographic Distribution of Climate Cases

The findings reveal remarkable global expansion in climate litigation. While developed countries continue to account for the majority of reported climate cases, developing countries have experienced substantial growth over the past decade. Initially concentrated in jurisdictions such as the United States, Australia, the United Kingdom, Canada, and the Netherlands, climate litigation now increasingly appears throughout Latin America, Africa, and Asia (Nosek, 2024).

The United States remains the jurisdiction with the largest number of climate cases, reflecting its extensive administrative law framework, active civil society organizations, and well-established public interest litigation mechanisms. European countries have similarly witnessed increasing climate litigation, particularly following judicial recognition of governmental climate obligations under human rights frameworks (Peel, 2018). Decisions from Germany's Federal Constitutional Court, France's *L'Affaire du Siècle*, and Belgium's climate litigation demonstrate an expanding European judicial willingness to scrutinize national climate policies.

In developing regions, climate litigation has increasingly focused on constitutional environmental rights, indigenous communities, adaptation measures, and environmental justice. For example, Pakistan's *Leghari v. Federation of Pakistan* recognized governmental failure to implement climate adaptation policies, while Colombia's Supreme Court acknowledged the Colombian Amazon as an entity requiring legal protection and emphasized the rights of future generations (Jodoin, 2025). In

Africa, although climate litigation remains comparatively limited, countries such as South Africa, Kenya, Nigeria, and Uganda have increasingly incorporated constitutional environmental rights into climate-related legal disputes.

The review indicates that regional variations largely reflect differences in constitutional frameworks, judicial independence, public participation mechanisms, legal traditions, and availability of environmental rights within domestic constitutions. Nevertheless, regardless of jurisdiction, a common trend involves increasing reliance on constitutional principles, international environmental agreements, and scientific evidence. These observations support previous findings by the (Evans, 2023), which reported significant acceleration of climate litigation worldwide, with growing participation from Global South jurisdictions.

3.1.3 Emerging Trends in Climate-Related Legal Claims

The literature identifies several emerging categories of climate litigation that extend beyond conventional environmental law. Human rights-based climate litigation has become particularly prominent, with litigants arguing that inadequate climate action violates rights to life, health, property, food, water, and a healthy environment (Rea, 2024). Courts have increasingly accepted these arguments, particularly where constitutional or regional human rights protections exist.

Another significant trend involves constitutional climate litigation. Several constitutional courts have interpreted environmental rights as imposing affirmative obligations on governments to mitigate climate change (Wewerinke-Singh, 2024). The German Federal Constitutional Court's 2021 climate decision is frequently cited because it recognized that insufficient current climate action disproportionately burdens future generations, thereby violating constitutional freedoms.

Corporate climate accountability has also emerged as an important area of litigation. Increasing numbers of lawsuits target fossil fuel companies, financial institutions, and multinational corporations for alleged contributions to climate change through greenhouse gas emissions, misleading environmental claims, or inadequate climate risk disclosures (Islam, 2025). Litigation against major oil companies illustrates efforts to extend legal responsibility beyond governments to private actors whose activities significantly contribute to global emissions.

Biodiversity-related climate litigation likewise represents an expanding field. Courts increasingly recognize the interconnected relationship between biodiversity conservation and climate mitigation. Cases involving forest conservation, deforestation, protected ecosystems, and indigenous land rights frequently integrate both biodiversity protection and climate objectives (Kassim, 2025).

The review additionally identifies growing use of strategic climate litigation by civil society organizations, youth movements, indigenous communities, and environmental advocacy groups. Rather than seeking only compensation, these cases aim to establish legal precedents capable of transforming climate governance. This finding aligns with previous research demonstrating that strategic litigation increasingly functions as an instrument for policy reform and public accountability rather than solely resolving individual disputes (Islam, 2025).

3.2 Judicial Activism in Climate Governance

The review demonstrates that judicial activism has become an increasingly influential feature of global climate governance. Courts have progressively interpreted constitutional provisions, statutory obligations, and international legal principles to require stronger governmental responses to climate change (Ibukun, 2024). Rather than merely resolving disputes, many courts now actively shape environmental governance by enforcing climate commitments, strengthening environmental rights, and ensuring governmental accountability.

The findings indicate that judicial activism has become particularly important where political institutions have failed to implement effective climate policies or where governments have delayed fulfillment of international climate commitments. Courts have therefore emerged as complementary governance institutions capable of promoting transparency, accountability, and adherence to environmental obligations (Islam, 2025). However, the literature also reveals continuing debate regarding the constitutional limits of judicial intervention in policymaking.

3.2.1 Courts as Drivers of Climate Accountability

The review finds substantial evidence that courts increasingly compel governments and corporations to fulfill climate obligations through legally binding judgments. Judicial decisions have required governments to strengthen emission reduction targets, improve implementation of climate adaptation policies, conduct comprehensive environmental assessments, and ensure compliance with international environmental agreements (Kassim, 2026).

The Urgenda decision remains one of the clearest examples of judicial climate accountability. The Dutch Supreme Court required the government to adopt more ambitious emission reduction measures based upon scientific evidence and obligations arising under the European Convention on Human Rights (Islam, 2026). Similarly, Pakistan's Leghari case established judicial oversight mechanisms to ensure implementation of national climate policies.

Corporate accountability has also expanded considerably. Courts increasingly require corporations to disclose climate-related financial risks, improve environmental due diligence, and reduce greenhouse gas emissions. The 2021 judgment against Royal Dutch Shell, although subsequently modified on appeal regarding the specific emissions reduction order, significantly influenced global debates concerning corporate climate responsibilities by affirming that large corporations have independent duties to address climate risks (Setzer, 2019).

These findings correspond with previous studies suggesting that climate litigation has become an important accountability mechanism that supplements regulatory enforcement where governmental action remains insufficient (Peel, 2020).

3.2.2 Expansion of Environmental and Human Rights Jurisprudence

The review identifies substantial expansion of environmental and human rights jurisprudence within climate litigation. Courts increasingly recognize that climate change directly affects fundamental human rights, including rights to life, health, housing, food security, water, culture, and dignity (Kotzé, 2024). Consequently, environmental protection is increasingly interpreted as an essential component of human rights protection.

One notable development involves judicial recognition of the right to a healthy environment. Numerous constitutional courts have interpreted environmental rights as creating enforceable legal obligations requiring governments to prevent environmental degradation and address climate change (Okedele, 2024). The literature further demonstrates growing acceptance of intergenerational equity, whereby present generations possess legal responsibilities toward future generations regarding environmental sustainability.

Climate justice also emerges as a recurring judicial principle. Courts increasingly acknowledge that climate change disproportionately affects vulnerable populations, including indigenous peoples, children, low-income communities, and developing countries (Preston, 2018). Consequently, judicial reasoning frequently emphasizes fairness, equity, and protection of marginalized populations when evaluating governmental climate policies.

These developments reinforce previous scholarship arguing that climate litigation has substantially expanded traditional human rights jurisprudence by integrating environmental sustainability within broader constitutional and human rights frameworks (Vanhala, 2022). The findings further suggest that human rights-based approaches have significantly strengthened the legal foundation for climate governance by providing litigants with broader constitutional protections than conventional environmental statutes alone.

3.2.3 Balancing Judicial Intervention and Separation of Powers

Despite widespread recognition of judicial contributions to climate governance, the review identifies continuing debate concerning the constitutional limits of judicial intervention. Critics argue that extensive judicial involvement risks undermining democratic decision-making by allowing unelected judges to determine climate policy traditionally reserved for legislatures and executive agencies (Ning, 2025). According to this perspective, courts should interpret existing laws rather than formulate climate policy.

Conversely, proponents contend that judicial intervention becomes constitutionally justified when governments fail to fulfill legal obligations, disregard constitutional environmental rights, or neglect internationally recognized climate commitments (Hussein, 2025). From this perspective, judicial review strengthens rather than weakens democratic governance by ensuring governmental accountability under the rule of law.

The literature suggests that most contemporary courts attempt to maintain an appropriate constitutional balance by avoiding direct formulation of detailed climate policies while requiring governments to meet legally established environmental obligations (Kuh, 2019). Courts generally refrain from prescribing specific policy instruments but require authorities to develop scientifically credible, legally compliant, and constitutionally consistent climate strategies.

3.3 Climate Litigation and Environmental Governance

The review demonstrates that climate litigation has evolved beyond serving as a mechanism for resolving environmental disputes to becoming an influential instrument for improving environmental governance. Across both developed and developing

jurisdictions, judicial interventions have increasingly addressed deficiencies in environmental policy implementation, governmental accountability, and regulatory enforcement. Rather than merely awarding remedies for environmental harm, courts have assumed an important governance function by compelling governments and corporations to fulfill statutory, constitutional, and international climate obligations. The literature consistently indicates that successful climate litigation has encouraged greater institutional transparency, strengthened environmental decision-making, and promoted evidence-based policy development. These findings align with previous studies by Pompeu (2025), Mariconda (2025), and United Nations Environment Programme (UNEP) assessments, which argue that climate litigation has become an integral component of contemporary environmental governance by reinforcing accountability mechanisms and accelerating climate action.

3.3.1 Influence of Climate Litigation on Environmental Policy Development

The reviewed literature indicates that one of the most significant contributions of climate litigation is its influence on environmental policy formulation and legislative reform. Courts have increasingly interpreted constitutional environmental rights, statutory obligations, and international climate commitments in ways that require governments to adopt more ambitious climate policies (Peel, 2022). Judicial decisions frequently expose regulatory gaps and compel policymakers to revise climate legislation, establish stronger emissions reduction targets, and improve environmental planning.

Evidence from numerous jurisdictions illustrates this trend. The landmark decision in *Banda* (2017) required the Dutch government to strengthen its greenhouse gas reduction targets after the court determined that existing policies failed to adequately protect citizens from climate risks. Similarly, the decision of the German Federal Constitutional Court in *Noonan* (2018) Germany held that insufficient climate legislation disproportionately transferred environmental burdens to future generations, prompting amendments to Germany's Climate Protection Act with more ambitious emission reduction commitments. These judicial interventions demonstrate that courts increasingly influence legislative priorities by requiring governments to align domestic policies with scientific evidence and international climate obligations.

Comparable developments have emerged outside Europe. In Pakistan, Setzer (2024) established that governmental inaction on climate adaptation violated constitutional rights, resulting in the creation of a Climate Change Commission to oversee policy implementation. Such cases illustrate that climate litigation has become a catalyst for institutional reforms even in developing countries where climate governance frameworks remain relatively weak.

These findings support earlier research by Angstadt (2023), Bustos (2022), and Karim (2012), who conclude that judicial decisions increasingly function as indirect policy instruments by encouraging governments to strengthen environmental legislation and accelerate implementation of national climate commitments under the Paris Agreement. The review therefore finds that litigation contributes not only to legal precedent but also to broader policy innovation through judicial oversight.

3.3.2 Strengthening Institutional Accountability and Regulatory Compliance

The findings further reveal that climate litigation significantly strengthens institutional accountability by enhancing governmental transparency, regulatory compliance, and corporate environmental responsibility. Courts have increasingly required governments to justify environmental decisions using scientific evidence, demonstrate compliance with statutory obligations, and report progress toward climate commitments (Hanspal, 2024). Litigation has therefore expanded accountability beyond political processes by subjecting executive climate decisions to judicial scrutiny.

Several reviewed studies demonstrate that judicial oversight encourages public institutions to improve environmental monitoring systems, strengthen environmental impact assessment procedures, and establish measurable implementation frameworks. Courts increasingly require regulatory agencies to provide evidence that climate risks have been adequately considered before approving major infrastructure projects, extractive industries, or energy developments (Nosek, 2024). Such requirements have improved procedural transparency and reduced discretionary environmental decision-making.

Climate litigation has also contributed to increasing corporate accountability. The literature identifies a growing number of cases in which corporations have been challenged for inadequate climate risk disclosure, failure to reduce greenhouse gas emissions, or misleading environmental claims. A notable example is *Peel* (2018), where the Dutch court ordered the multinational corporation to substantially reduce its emissions across its operations and value chain. This decision expanded corporate climate responsibility beyond compliance with existing regulations by emphasizing broader duties of care relating to climate change.

Similarly, shareholder litigation and climate disclosure cases in jurisdictions such as Australia, the United Kingdom, and the United States have increased pressure on companies to integrate climate-related financial risks into corporate governance. These developments complement earlier findings by Jodoin (2025), Evans (2023), and Rea (2024), who argue that litigation increasingly

functions as a governance mechanism capable of improving regulatory compliance where administrative enforcement alone proves insufficient.

3.3.3 Contribution to Sustainable Development and Climate Resilience

The reviewed evidence suggests that climate litigation increasingly contributes to achieving sustainable development objectives by promoting environmentally responsible decision-making and strengthening climate resilience. Judicial decisions frequently recognize that climate protection is closely linked with sustainable development, public health, biodiversity conservation, food security, and the protection of future generations (Wewerinke-Singh, 2024). Courts have therefore adopted broader interpretations of environmental rights that integrate ecological sustainability with socioeconomic development.

Several studies demonstrate that litigation has supported climate adaptation by compelling governments to improve disaster preparedness, strengthen environmental planning, protect vulnerable ecosystems, and integrate climate risks into development policies. In countries experiencing severe climate impacts, judicial interventions have reinforced governmental obligations to protect vulnerable communities from floods, droughts, sea-level rise, and other climate-related hazards (Islam, 2025).

The literature further indicates that climate litigation advances several Sustainable Development Goals (SDGs), particularly SDG 13 (Climate Action), SDG 16 (Peace, Justice and Strong Institutions), and SDG 15 (Life on Land). By requiring governments to implement existing environmental laws more effectively, courts contribute to stronger governance systems that support long-term environmental sustainability (Kassim, 2025). Climate litigation has also enhanced environmental justice by protecting marginalized populations that are disproportionately affected by climate change.

Nevertheless, the review indicates that litigation alone cannot deliver comprehensive climate resilience. Sustainable environmental governance ultimately depends upon coordinated legislative action, adequate financial investment, institutional capacity, scientific expertise, and public participation. These findings are consistent with the work of Islam (2025), the Intergovernmental Panel on Climate Change (IPCC), and Ibukun (2024), who emphasize that litigation complements—but cannot substitute for—effective climate governance and sustainable development policies.

3.4 Challenges and Limitations of Climate Litigation

Despite its growing influence, the review identifies numerous legal, institutional, and political barriers that constrain the effectiveness of climate litigation. While judicial intervention has expanded considerably during the past decade, courts continue to encounter significant challenges in addressing the complex scientific, legal, and transboundary nature of climate change. These limitations affect both the accessibility of climate litigation and the implementation of judicial decisions (Islam, 2025). The reviewed studies consistently emphasize that litigation should be viewed as one component of broader environmental governance rather than a complete solution to climate change.

3.4.1 Legal and Evidentiary Challenges

One of the most frequently identified challenges concerns the difficulty of establishing legal standing and proving causation between specific climate-related harms and the conduct of individual governments or corporations. Climate change results from cumulative global greenhouse gas emissions involving numerous actors over extended periods, making attribution particularly complex (Kassim, 2026). Courts often require plaintiffs to demonstrate direct injury, causation, and redressability, requirements that can be difficult to satisfy in climate-related cases.

Scientific attribution studies have improved considerably, allowing researchers to quantify the contribution of particular emissions to climate impacts. Nevertheless, evidentiary burdens remain substantial, particularly where plaintiffs seek compensation for climate damages rather than prospective policy changes (Islam, 2026). Jurisdictional issues also present significant obstacles because many climate impacts extend beyond national boundaries, while judicial authority generally remains territorially limited.

Procedural barriers—including litigation costs, lengthy judicial processes, and limited access to scientific expertise further restrict the ability of vulnerable communities to pursue climate claims. Similar observations have been reported by Setzer (2019), Peel (2020), and Kotzé (2024), who conclude that although advances in climate science have strengthened climate litigation, legal uncertainty continues to constrain judicial intervention.

3.4.2 Political and Institutional Constraints

The review further identifies political resistance and institutional limitations as major obstacles to effective climate litigation. In several jurisdictions, governments have delayed implementation of judicial decisions due to competing political priorities, economic considerations, or institutional capacity constraints (Okedele, 2024). Even where courts issue progressive climate

judgments, implementation often depends upon executive agencies possessing sufficient financial resources, technical expertise, and political commitment.

Judicial inconsistency also presents a challenge. Courts in different jurisdictions frequently adopt divergent interpretations of constitutional environmental rights, statutory obligations, and international climate agreements. Such inconsistency contributes to legal uncertainty and may discourage strategic litigation (Preston, 2018). Furthermore, concerns regarding judicial overreach occasionally arise where courts are perceived as assuming policymaking functions traditionally reserved for legislatures or executive agencies.

The literature also indicates that weak environmental institutions, corruption, and inadequate regulatory enforcement reduce the practical impact of judicial decisions in several developing countries. Consequently, successful litigation does not automatically translate into improved environmental outcomes without corresponding institutional reforms. These findings correspond with previous analyses by Vanhala (2022) and Ning (2025), who emphasize that judicial effectiveness depends heavily upon broader governance structures.

3.4.3 Inequalities Between Developed and Developing Countries

A prominent finding emerging from the review is the considerable disparity in climate litigation capacity between developed and developing countries. Developed jurisdictions generally possess stronger judicial institutions, greater access to scientific expertise, better-funded environmental organizations, and more comprehensive environmental legislation (Hussein, 2025). These conditions facilitate more sophisticated climate litigation and increase the likelihood of successful judicial outcomes.

Conversely, many developing countries experience significant barriers including limited judicial resources, inadequate environmental legislation, insufficient legal expertise, financial constraints, and restricted public access to justice. Ironically, these countries are often among those most vulnerable to climate change despite contributing relatively little to global greenhouse gas emissions (Kuh, 2019). Consequently, climate litigation remains unevenly distributed across regions, with North America, Europe, and Australia accounting for the majority of reported cases.

The literature nevertheless highlights encouraging developments within Africa, Latin America, and Asia, where constitutional environmental rights and human rights frameworks increasingly provide opportunities for climate litigation despite institutional limitations. These findings reinforce earlier studies by Pompeu (2025), Mariconda (2025), and the Grantham Research Institute, which document growing but unequal global expansion of climate litigation.

3.5 Future Directions for Climate Litigation and Environmental Governance

The review indicates that climate litigation is likely to continue expanding in both scope and complexity as climate risks intensify and legal frameworks evolve. Future litigation is expected to increasingly address corporate accountability, climate adaptation, financial disclosure, biodiversity protection, and human rights. Simultaneously, greater international judicial cooperation and harmonization of climate jurisprudence may improve consistency in environmental governance (Peel, 2022). The literature suggests that climate litigation will become increasingly integrated into broader systems of climate governance rather than functioning as an isolated legal mechanism.

3.5.1 Emerging Legal Innovations in Climate Litigation

The findings reveal several emerging legal developments that are reshaping climate litigation. Human rights-based climate claims continue to expand, particularly following advisory opinions and judgments recognizing the relationship between environmental degradation and fundamental rights (Noonan, 2018). Courts increasingly rely upon constitutional rights to life, health, dignity, and a healthy environment when evaluating governmental climate obligations.

Another significant innovation involves climate due diligence obligations imposed upon corporations. Litigation increasingly examines whether companies adequately identify, manage, and disclose climate-related financial and operational risks (Setzer, 2024). Mandatory climate disclosure requirements, environmental, social and governance (ESG) reporting obligations, and supply-chain due diligence laws are expected to generate new categories of climate disputes.

Transnational litigation is also becoming more prominent as claimants seek remedies across multiple jurisdictions against multinational corporations responsible for significant greenhouse gas emissions. Advances in climate attribution science and developments in international human rights law are likely to strengthen future claims by improving the evidentiary basis for establishing responsibility (Angstadt, 2023). These findings are consistent with recent literature documenting the diversification of climate litigation strategies worldwide.

3.5.2 Strengthening International Judicial Cooperation

The review suggests that stronger international judicial cooperation represents an important opportunity for improving climate governance. Climate change is inherently transboundary, requiring greater consistency in judicial interpretation across national legal systems. International courts, regional human rights tribunals, and cross-border judicial networks increasingly contribute to harmonizing legal principles applicable to climate disputes (Bustos, 2022).

Recent advisory proceedings before international judicial bodies have demonstrated growing willingness to clarify states' obligations regarding climate protection under international law. Such developments may strengthen legal certainty and encourage greater convergence between domestic and international climate jurisprudence (Karim, 2012). Enhanced judicial dialogue, comparative legal analysis, and knowledge-sharing among judges may further improve the consistency and effectiveness of climate adjudication.

Regional cooperation also offers opportunities to strengthen judicial capacity within developing countries through specialized environmental courts, judicial education, and collaborative environmental governance initiatives. Previous studies by Hanspal (2024) similarly emphasize that stronger international legal coordination will become increasingly important as climate disputes transcend national boundaries.

3.5.3 Policy Implications and Recommendations for Effective Climate Governance

The review identifies several policy implications that could strengthen the contribution of climate litigation to environmental governance. First, governments should establish clearer legislative frameworks defining climate obligations, emissions reduction targets, and institutional responsibilities to reduce legal uncertainty and facilitate judicial enforcement. Stronger statutory provisions would also improve consistency in judicial interpretation (Banda, 2017).

Second, judicial capacity should be strengthened through specialized environmental courts, continuous judicial education, and improved access to scientific expertise (Nosek, 2024). Such measures would enhance courts' ability to adjudicate increasingly complex climate disputes involving technical scientific evidence.

Third, governments should improve institutional transparency by strengthening climate reporting mechanisms, environmental monitoring systems, and public participation in environmental decision-making (Peel, 2018). Effective implementation of judicial decisions requires adequate institutional resources, inter-agency coordination, and political commitment.

Fourth, greater international cooperation should support developing countries through financial assistance, technical capacity-building, and knowledge exchange aimed at improving access to environmental justice (Jodoin, 2025). Strengthening legal aid mechanisms and reducing procedural barriers would further enhance access to climate litigation for vulnerable communities.

Finally, climate litigation should be integrated within broader environmental governance strategies rather than being viewed as an independent policy instrument. Effective climate governance requires complementary legislative reforms, administrative enforcement, scientific innovation, corporate accountability, and active public participation (Evans, 2023). Collectively, these measures would maximize the contribution of climate litigation toward achieving long-term environmental sustainability, institutional accountability, and climate resilience, while supporting the objectives of the Paris Agreement and the broader sustainable development agenda.

4. Conclusion

Climate litigation has evolved from a relatively marginal aspect of environmental law into a significant global mechanism for advancing climate governance, strengthening environmental accountability, and promoting the enforcement of climate-related rights and obligations. This review demonstrates that courts have increasingly become important actors in addressing climate change by interpreting constitutional provisions, human rights principles, statutory environmental obligations, and international climate commitments. As governments and private corporations face growing pressure to fulfill their climate responsibilities, litigation has emerged as a complementary governance instrument capable of bridging implementation gaps where legislative and executive actions have proven insufficient.

The review further reveals that judicial activism has played a transformative role in expanding the legal foundations of climate governance. Landmark judicial decisions across various jurisdictions have reinforced the principles of intergenerational equity, environmental justice, precaution, sustainable development, and the public trust doctrine, thereby broadening the scope of legal protection for present and future generations. Courts have increasingly recognized that climate change is not solely an environmental issue but also a matter of human rights, public health, economic security, and social equity. Consequently, climate

litigation has encouraged governments to adopt more ambitious mitigation and adaptation measures while compelling corporations to improve environmental due diligence, transparency, and climate risk disclosure.

Despite these significant achievements, the review also identifies persistent legal and institutional challenges that continue to constrain the effectiveness of climate litigation. Variations in legal systems, restrictive standing requirements, evidentiary complexities, limited judicial capacity in some jurisdictions, inadequate enforcement of court judgments, and disparities between developed and developing countries create uneven opportunities for climate justice. In many jurisdictions, particularly across the Global South, financial constraints, limited access to environmental information, and weak regulatory institutions remain substantial barriers to successful litigation. These challenges underscore that litigation alone cannot resolve the climate crisis but must operate alongside effective legislation, sound public policy, robust administrative institutions, and international cooperation.

The findings further highlight the growing influence of climate litigation in shaping environmental governance beyond courtroom outcomes. Litigation has increasingly stimulated policy reforms, strengthened institutional accountability, improved environmental monitoring, enhanced public participation, and increased governmental transparency. The expanding involvement of youth movements, indigenous communities, civil society organizations, and public interest litigants demonstrates that climate litigation has become an important avenue for democratic participation and environmental advocacy. As scientific evidence regarding climate change continues to strengthen, courts are expected to play an even more influential role in evaluating governmental commitments and corporate conduct against established legal obligations.

Finally, the evolution of climate litigation reflects the broader transformation of environmental governance toward greater accountability, rights-based approaches, and evidence-informed decision-making. Future progress will depend on strengthening legal institutions, improving access to justice, harmonizing domestic laws with international climate obligations, enhancing judicial capacity, and fostering collaboration among governments, civil society, scientific communities, and the private sector. Continued comparative legal research is also necessary to evaluate the long-term effectiveness of judicial interventions across different legal systems and to identify best practices that can support more equitable and resilient climate governance. As climate risks intensify globally, climate litigation will likely remain an indispensable component of the legal architecture supporting climate action, environmental protection, and sustainable development.

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