

OPEN ACCESS

**Citation:** Vedpathak, M., Chavan, A., Ghule, S., & Godase, T. (2024). Environmental law and climate change litigation: Tools, trends, and implications. *International Journal of Commerce, Management, Leadership, and Law*, 1(1), 50–57.

**\*Corresponding author**

[mvedpathak512@gmail.com](mailto:mvedpathak512@gmail.com)

**Copyright:** ©2024. This is an open access article distributed under the terms of the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the

**Keywords:** Environmental Law, Climate Change Litigation, Climate Policy, Environmental Justice, International Agreements

**Published By**  
**Notation Publishing**  
[www.notationpublishing.com](http://www.notationpublishing.com)

## Environmental Law and Climate Change Litigation: Tools, Trends and Implications

*Mangesh vedpathak<sup>1\*</sup>, Akshay Chavan<sup>2</sup>, Sanket Ghule<sup>3</sup> and Tejaswini Godase<sup>4</sup>*

<sup>1\*</sup> School of Technology, Department of Civil Engineering, Sanjay Ghodawat University, Kolhapur, Maharashtra-416118, India.

<sup>2</sup> Flat. No. 301, Ankit Arcade, Damani nagar, Solapur Maharashtra, 413001 India.

<sup>3</sup> Ascent College Solapur, Kandalgaon, Tal S. Solapur, Maharashtra, 413221, India.

<sup>4</sup> A/P Yeoti, Tal Mohol, Solapur, Maharashtra, 413248, India

### ABSTRACT

Climate change litigation is an emerging field within environmental law, focusing on holding governments and corporations accountable for their contributions to climate change. Environmental laws, regulations, and international agreements form the foundation of climate change litigation, offering mechanisms to address environmental harm and encourage mitigation and adaptation measures. This paper examines the role of environmental law in climate change litigation, exploring legal frameworks, landmark cases, and the social and environmental implications of these lawsuits. Through analysis of recent cases, the paper assesses how litigation is evolving as a tool for advancing climate policy and promoting environmental justice.

### 1. Introduction

Environmental law governs human interaction with the natural world, establishing regulations and standards to prevent environmental harm, protect natural resources, and ensure sustainable development. With climate change becoming an urgent global issue, environmental law has taken on new dimensions, particularly through climate change litigation. Climate change litigation refers to lawsuits that seek accountability for environmental harm caused by greenhouse gas emissions and inadequate climate policies.

This paper will examine the intersections of environmental law and climate change litigation, exploring how legal frameworks are being used to address climate impacts, hold polluters accountable, and advance climate justice. It will also analyze how litigation is evolving as a powerful tool to drive policy change, protect vulnerable communities, and promote corporate responsibility.

## **2. Key Frameworks in Environmental Law for Climate Change**

### **2.1 National Environmental Laws**

Environmental laws vary widely across countries, but most include frameworks that govern emissions, resource management, pollution control, and land use. In the United States, for example, the Clean Air Act provides a legal basis for regulating greenhouse gas emissions, while the National Environmental Policy Act requires environmental impact assessments for major projects. Similar laws exist in other countries, each establishing guidelines for environmental protection and resource conservation.

### **2.2 International Climate Agreements**

International agreements are vital for coordinated global action on climate change. In 2015, the Paris Agreement was signed by almost 200 countries. It aims to limit the increase of global temperatures to 2 degrees Celsius. Other agreements, like the Kyoto Protocol and the Montreal Protocol, also target emissions reductions and protection of the ozone layer. These treaties provide a framework for international climate action and serve as a foundation for climate litigation, as plaintiffs often argue that governments are failing to meet their commitments.

### **2.3 Human Rights and Environmental Law**

A new area of environmental law is linking human rights and climate change. It argues that the effects of climate change on the health and well-being of vulnerable individuals are harmful to their rights. In 2021, the United Nations Human Rights Council made it clear that the right to an environment that is healthy is a human right. This marks a significant step toward establishing the legal basis for addressing climate change on behalf of vulnerable communities.

*Table 1: Key Environmental Laws and International Agreements*

<b>Law/Agreement</b>	<b>Description</b>	<b>Relevance to Climate Litigation</b>
Clean Air Act (US)	Regulates air emissions, including greenhouse gases	Basis for lawsuits against federal agencies
Paris Agreement	International treaty to limit global warming to 2°C	Used to hold countries accountable for targets
UN Human Rights Declaration	Recognizes environmental protection as a human right	Provides grounds for human rights-based claims

## **3. Climate Change Litigation: Types and Trends**

### **3.1 Government Accountability Lawsuits**

Government accountability lawsuits seek to compel governments to adopt more ambitious climate policies or enforce existing environmental laws. In 2015, the Netherlands' Supreme Court ruled that governments have a legal obligation to cut down on greenhouse gas emissions in order to protect their citizens from the effects of climate change. The case has inspired similar lawsuits in other countries.

### **3.2 Corporate Accountability Cases**

Corporate accountability cases target companies for their role in contributing to climate change, often through emissions or misleading practices. For instance, in *State of Rhode Island v. Chevron Corporation*, Rhode Island sued multiple fossil fuel companies, claiming they knowingly contributed to climate impacts like rising sea levels. Such cases often seek damages for environmental harm or require companies to fund adaptation measures.

### **3.3 Human Rights-Based Litigation**

Climate change is considered a violation of several human rights, such as those related to health, life, and the environment. One particular example is the case of *Juliana v. United States*, where young plaintiffs claimed that the government's inaction on climate change jeopardized their rights to a habitable environment. Although the case has been challenging, it highlights how important principles related to human rights are in this field.

## **4. Landmark Cases in Climate Change Litigation**

### **4.1 Urgenda Foundation v. State of the Netherlands (2015)**

In the first case of its kind, the Dutch court ruled that the government violated its citizens' rights by failing to take action against climate change. The Urgenda case set a standard for other climate litigations around the world.

### **4.2 Juliana v. United States (2015)**

In the case of *Juliana v. the U.S.*, the young plaintiffs claimed that the government's inaction on climate change violated their fundamental rights to life, property, and liberty. Although the case encountered numerous procedural obstacles, it highlighted the importance of following a rights-based approach to addressing environmental issues.

### **4.3 Leghari v. Federation of Pakistan (2015)**

In a case involving Pakistan's government, Ashgar Leghari, a farmer, sued the administration for failing to implement policies concerning climate change. The court ruled in favor of Leghari, ordering

the government to create a climate adaptation plan. This case is significant because it shows that climate litigation is not limited to developed countries but is also relevant in regions facing severe climate vulnerabilities.

#### **4.4 Milieudefensie et al. v. Royal Dutch Shell (2021)**

This case was a historic win for climate activists, as a Dutch court ordered Royal Dutch Shell to reduce its global emissions by 45% by 2030. The court held that Shell’s business practices violated human rights by contributing to climate change. This ruling is particularly significant as it holds a private company responsible for aligning its business operations with the Paris Agreement targets.

*Table 2: Summary of Landmark Climate Litigation Cases*

<b>Case</b>	<b>Country</b>	<b>Year</b>	<b>Outcome</b>	<b>Significance</b>
Urgenda v. Netherlands	Netherlands	2015	Government required to reduce emissions	Set precedent for government accountability
Juliana v. United States	United States	2015	Case ongoing, rights-based claim	Youth-led, rights-based approach
Leghari v. Pakistan	Pakistan	2015	Government ordered to create adaptation plan	Landmark case in developing country context
Milieudefensie v. Royal Dutch Shell	Netherlands	2021	Shell ordered to reduce emissions	First corporate ruling aligning with Paris targets

### **5. The Role of Climate Litigation in Advancing Environmental Justice**

The increasing number of climate lawsuits focuses on the injustices that affect marginalized groups, such as Indigenous peoples and the youth. Despite the minimal contribution of greenhouse gases to the climate, these individuals still bear the brunt of the effects. These actions can help increase the voices of those who are affected by environmental issues.

**Case Example:** In *Pabai Pabai and Guy Paul Kabai v. Commonwealth of Australia* (2021), two Torres Strait Islander leaders filed a case against the Australian government, arguing that climate change threatened their culture and livelihoods. They sought stronger emissions reductions to protect their homeland from sea-level rise, showcasing how climate litigation can be a tool for Indigenous rights and cultural preservation.

### **6. Challenges and Limitations of Climate Change Litigation**

While climate litigation has made significant strides, it faces several challenges:

- a. **Legal Standing:** Plaintiffs must demonstrate harm or a tangible threat, which can be difficult in cases related to future climate impacts.
- b. **Scientific Uncertainty:** Climate cases rely heavily on scientific evidence to demonstrate causation. Defendants may argue that climate impacts cannot be directly attributed to their actions, complicating the litigation process.
- c. **Political and Economic Resistance:** Powerful industries and political entities may resist regulatory changes or settlements, especially when litigation threatens their economic interests.

These challenges underscore the need for clear legal standards, robust scientific support, and public support to advance climate litigation effectively.

## 7. Future Directions and Implications

### 7.1 Expanding the Scope of Climate Litigation

The scope of climate litigation is expanding, with cases increasingly addressing sectors like finance, energy, and agriculture. Lawsuits targeting financial institutions for funding fossil fuel projects, for example, mark a new frontier in holding industries accountable for their indirect role in climate change.

### 7.2 Strengthening Legal Frameworks and International Cooperation

As climate litigation becomes more prevalent, there is a growing need to strengthen legal frameworks at both national and international levels. Environmental laws in many countries still lack specific provisions for climate accountability, creating loopholes that make it difficult for plaintiffs to hold corporations and governments responsible. By establishing clear, enforceable standards for emissions reductions and climate responsibilities, legal systems can offer more robust support for climate litigation.

International cooperation is also critical. The global nature of climate change means that actions taken by one country can have significant impacts elsewhere. Harmonizing environmental regulations and climate laws across borders—perhaps through amendments to the Paris Agreement or other binding treaties—could streamline climate litigation, enabling courts to enforce climate responsibilities more consistently worldwide. Cases like *Milieudefensie et al. v. Royal Dutch Shell*, which had implications

beyond the Netherlands, illustrate the potential of cross-border standards to influence multinational companies and foster accountability.

### **7.3 The Role of Climate Litigation in Shaping Corporate Practices**

As cases like *Milieudefensie et al. v. Royal Dutch Shell* demonstrate, climate litigation is increasingly impacting corporate practices. Companies are being compelled to assess their environmental impact more rigorously, adopt emissions reduction targets, and transition to sustainable practices. Shareholders and investors are increasingly viewing sustainability as a financial imperative, with litigation risks affecting corporate valuations and investment decisions.

For example, litigation targeting financial institutions that fund fossil fuel projects, such as recent cases against banks and asset managers, highlights the interconnectedness of the financial sector and climate change. By challenging the financing of environmentally harmful projects, litigation is beginning to reshape investment patterns, encouraging divestment from fossil fuels and greater support for renewable energy projects. This shift signals a broader trend where businesses are held accountable not only for direct emissions but also for their indirect contributions to climate change.

### **7.4 Advancing Climate Justice through Litigation**

Climate litigation has emerged as a tool for advancing climate justice, particularly for vulnerable communities disproportionately affected by climate change. Cases led by Indigenous groups, youth activists, and local communities in climate-vulnerable regions underscore the role of litigation in advocating for the rights of those most impacted by environmental degradation. Through these cases, plaintiffs are demanding that governments and corporations not only mitigate future climate risks but also address current inequalities exacerbated by climate impacts.

Human rights arguments can be used in climate litigation, such as those presented in cases like *Guy Paul Kabai v. the Commonwealth of Australia and Pabai*. This allows plaintiffs to establish a stronger legal basis for their claims and mobilize support from the public. Through this approach, courts can also encourage discussions about the long-term effects of climate change and the need for urgent action.

## **8. Conclusion**

Climate change litigation represents a powerful and evolving tool within environmental law, reflecting society's growing demand for accountability and action on climate issues. However, climate litigation faces ongoing challenges, including establishing legal standing, overcoming scientific uncertainty, and

addressing resistance from powerful economic interests. To enhance the effectiveness of climate litigation, there is a need for stronger legal frameworks, clearer regulations, and broader public support. By expanding the scope of litigation to include financial and indirect contributors to climate change, advocates can continue pushing for systemic changes that promote sustainability and climate justice.

As climate litigation grows in prominence, its potential to drive meaningful action on climate change becomes increasingly apparent. Future developments in climate litigation could redefine corporate accountability, shape national and international policy, and address longstanding inequalities within environmental justice. Environmental law, in combination with climate litigation, stands at the forefront of the fight against climate change, offering a pathway toward a more sustainable and equitable future.

### References

Food and Agriculture Organization. (2022). *Community-based adaptation and climate-resilient agriculture: Strategies for sustainable food systems*. FAO. Retrieved from <https://www.fao.org>

Internal Displacement Monitoring Centre. (2021). *Global report on internal displacement: Understanding the impact of climate change on migration patterns*. IDMC. Retrieved from <https://www.internal-displacement.org>

Intergovernmental Panel on Climate Change. (2021). *Climate change 2021: Impacts, adaptation, and vulnerability*. IPCC Sixth Assessment Report. Retrieved from <https://www.ipcc.ch>

Oxfam International. (2021). *Confronting carbon inequality: Putting climate justice at the heart of the global response to climate change*. Retrieved from <https://www.oxfam.org>

Pew Research Center. (2022). *Climate change and environmental concerns by age group: A global perspective*. Retrieved from <https://www.pewresearch.org/global>

United Nations. (2022). *World urbanization prospects: The 2022 revision*. Department of Economic and Social Affairs, Population Division. Retrieved from <https://population.un.org/wup/>

United Nations Framework Convention on Climate Change. (2022). *The Paris Agreement: Key policies and progress*. UNFCCC. Retrieved from <https://unfccc.int>

World Bank. (2021). *CO<sub>2</sub> emissions and ecological footprints in high-income nations: A report on consumption patterns and sustainability*. World Bank. Retrieved from <https://data.worldbank.org>

World Health Organization. (2021). *Climate change and health: Protecting populations from climate-related health risks*. WHO. Retrieved from <https://www.who.int>

World Economic Forum. (2022). *Global risks report: Assessing the impact of climate change on economic stability*. Retrieved from <https://www.weforum.org>

- Beck, U. (1992). *Risk society: Towards a new modernity*. SAGE Publications.
- Catton, W. R., & Dunlap, R. E. (1978). Environmental sociology: A new paradigm. *The American Sociologist*, 13(1), 41-49.
- Crenshaw, K. (1989). *Demarginalizing the intersection of race and gender in the context of environmental justice*. University of Chicago Legal Forum, 1989(1), 139-167.
- Dunlap, R. E., & Brulle, R. J. (Eds.). (2015). *Climate change and society: Sociological perspectives*. Oxford University Press.
- Giddens, A. (2009). *The politics of climate change*. Polity Press.
- Gould, K. A., Pellow, D. N., & Schnaiberg, A. (2008). *The treadmill of production: Injustice and unsustainability in the global economy*. Paradigm Publishers.
- Jamieson, D. (2014). *Reason in a dark time: Why the struggle against climate change failed—and what it means for our future*. Oxford University Press.
- Stern, N. H. (2007). *The economics of climate change: The Stern Review*. Cambridge University Press.
- Weber, E. U. (2010). What shapes perceptions of climate change? *Wiley Interdisciplinary Reviews: Climate Change*, 1(3), 332-342.
- York, R., Rosa, E. A., & Dietz, T. (2003). Footprints on the earth: The environmental consequences of modernity. *American Sociological Review*, 68(2), 279-300.