

What's new in climate litigation?



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Where are we today?

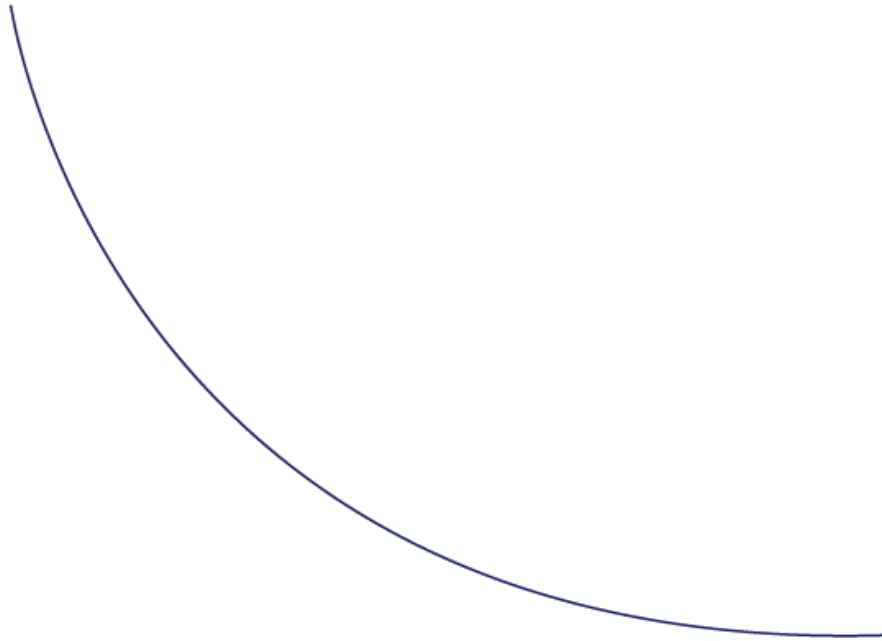
- First global debate on state liability for climate protection.
- Climate-related court cases have been rather rare at the international level.
- Legal action in climate matters is only possible in very limited circumstances.
- Uncertainty over state accountability in climate issues.
- Each country sets its own goals; EU targets apply only to member states.



A new era in International Climate Law – historic advisory opinion by the ICJ

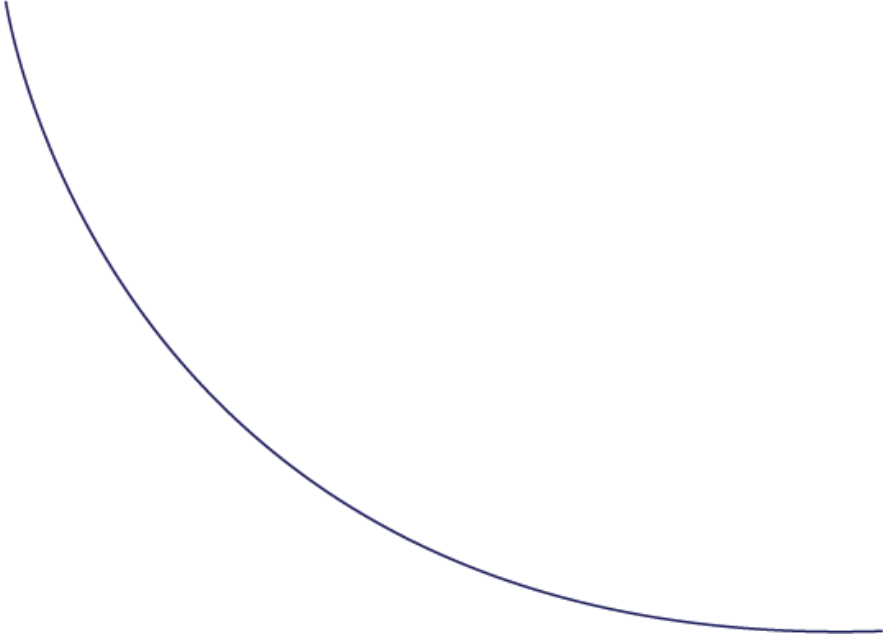
- The case was initiated by Vanuatu, a Pacific island nation facing existential threats from rising sea levels.
- Unprecedented Global Engagement.
 - 91 countries submitted written statements; 97 states and 11 international organizations participated in oral hearings.
 - Although all the countries did not participate, the ICJ's opinion is a global precedent.
- Key legal questions that needed answers:
 - Do states have binding obligations under international law to protect the climate, even outside formal treaties?
 - Can failure to act result in legal consequences?

What ICJ declared



- A state has an obligation to combat global warming even if it is not a party to any international climate agreement.
- This duty stems from customary international law, meaning even inaction may lead to legal consequences.
- Climate responsibilities are now considered universal and binding.
- States are obligated to use all available measures to avoid significant environmental damage.
- States must work together to prevent and mitigate climate change.

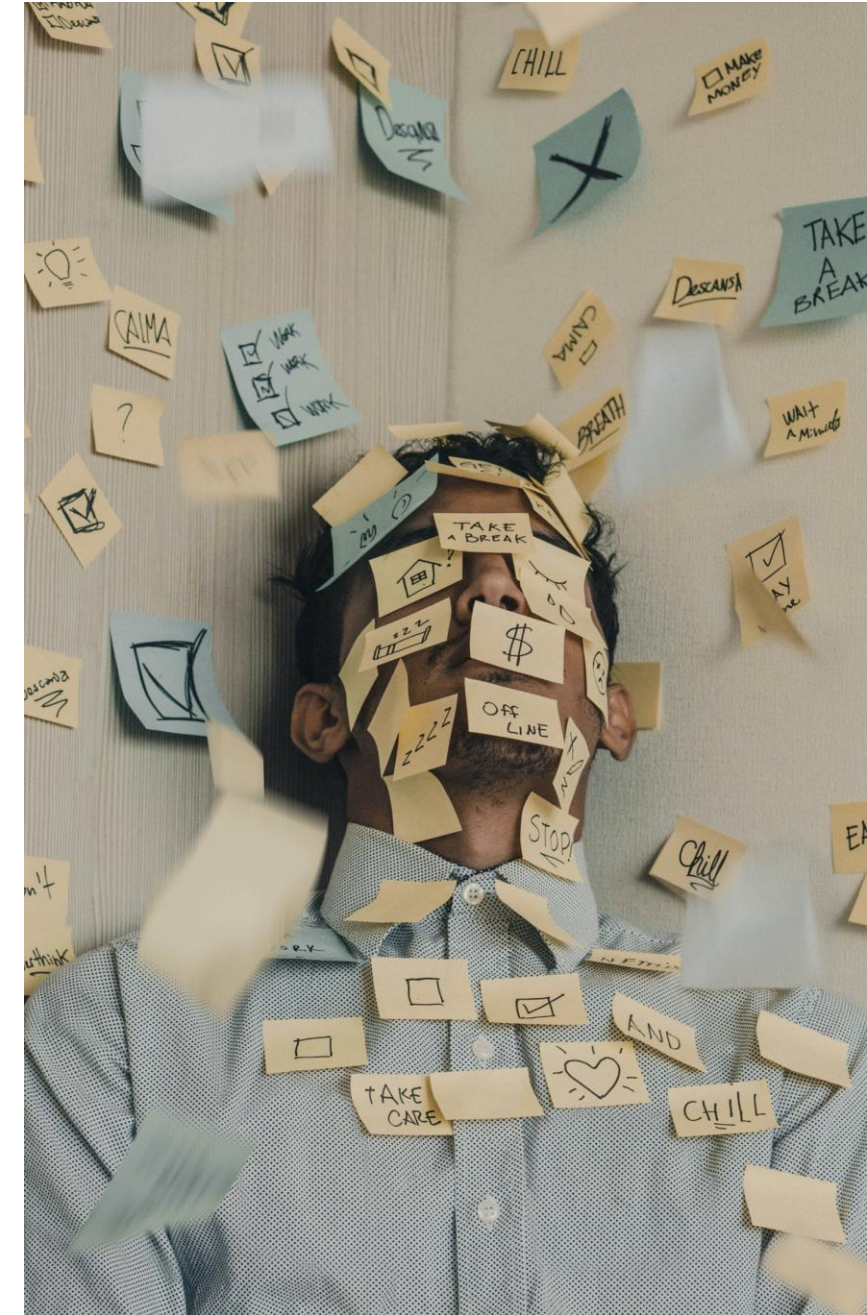
Human rights dimension



- The ICJ affirmed that the **right to a clean, healthy, and sustainable environment** is a **human right**, essential for safeguarding life and health.
- This opens the door to **popular claims**—individuals or groups challenging state inaction on climate grounds.

What to consider after ICJ decision?

- **States must ensure businesses take steps prevent environmental harm:**
 - Failure to do so may result in state liability for damages.
- **New climate-related regulations and obligations for businesses.**
 - Businesses must prepare for increasing restrictions and liability.
 - Corporate leaders must balance national climate goals with shareholder interests.
 - Executives may face personal liability if climate actions—or inaction—harm profitability
- **The risk are rising:**
 - Climate-related legal claims are expected to increase.
 - Directors and officers' liability insurance demand is projected to grow significantly.
- **Climate regulation tightening is no longer hypothetical—it's inevitable:**
 - Businesses that adapt early will gain a competitive edge in the evolving legal landscape.



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