

Legal Innovations and Barriers in Climate Change Litigation: A Global Narrative Review

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Received : August 18, 2025

Accepted : October 07, 2025

Published : October 31, 2025

Citation: Hermansyah, (2025). Legal Innovations and Barriers in Climate Change Litigation: A Global Narrative Review. *Legalis : Journal of Law Review*, 3(4), 196-209.

<https://doi.org/10.61978/legalis.v3i4.794>

ABSTRACT: This narrative review explores the evolving landscape of climate change litigation and its intersection with environmental justice. The study aims to analyze legal innovations, structural barriers, and community participation in global climate litigation, with a particular focus on the integration of human rights frameworks. Literature was retrieved from Scopus, Web of Science, Google Scholar, JSTOR, and HeinOnline using targeted keywords and Boolean combinations. Inclusion criteria focused on peer-reviewed studies and legal analyses discussing litigation, human rights, and environmental justice. Findings reveal a significant rise in legal innovations, including the judicial recognition of environmental rights and the application of intergenerational equity. Human rights-based litigation has influenced courts to mandate stronger climate action, especially in Europe and Latin America. However, substantial structural and institutional barriers remain, such as procedural limitations and weak institutional capacity, particularly in developing countries. Civic engagement and community-generated evidence emerged as key drivers in legitimizing claims and shaping litigation outcomes. Comparative analysis illustrates that while developed nations benefit from robust legal systems, emerging innovations in Africa and Latin America also contribute to transformative environmental governance. The study concludes that climate litigation serves as a critical tool for enforcing environmental accountability. It calls for systemic reforms to strengthen access to justice, integrate legal outcomes into policymaking, and expand participatory legal frameworks. Further research should assess the durability of legal precedents and the broader socio-political impacts of litigation.

Keywords: Climate Change Litigation, Environmental Justice, Human Rights, Civic Engagement, Legal Innovation, Public Interest Law, Global Climate Governance.



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INTRODUCTION

According to IPCC projections (2021), the escalating climate crisis is projected to pose one of the most significant threats to global environmental, social, and economic stability during the 21st century. Scientific projections estimate that by 2050, global temperatures could rise between 1.8°C

to 4.0°C, exacerbated by continued greenhouse gas emissions (Nkrumah, 2021). This increase is expected to result in more frequent and severe weather events, sea-level rise, biodiversity loss, and the disruption of food and water systems. These adverse outcomes disproportionately affect vulnerable populations—particularly in low-lying coastal areas and drought-prone regions—thereby amplifying socio-economic disparities and posing complex governance challenges. In this context, climate change has emerged not only as an environmental concern but also as a pressing issue of justice and human rights.

In response to these growing concerns, a notable global trend has emerged: the rise of climate change litigation. Across jurisdictions, individuals, civil society groups, and even subnational governments have increasingly turned to the courts to seek accountability from both states and corporations for their roles in perpetuating climate change. Zhang and Karim (2025) argue that climate litigation functions not only as a reactive mechanism for addressing environmental harm but also as a proactive instrument to catalyze policy change. These legal actions are often grounded in human rights frameworks, invoking the right to life, health, food, and a clean and sustainable environment. As such, litigation is becoming a powerful tool in advancing environmental justice, particularly where political or administrative avenues have proven inadequate or unresponsive.

The implications of climate change for human rights have been increasingly recognized in global reports, including those by the Intergovernmental Panel on Climate Change (IPCC), which highlights the link between climate change and violations of fundamental rights such as access to food, water, and adequate housing (Albers, 2018). These rights are under threat in regions already experiencing high levels of poverty, inequality, and environmental degradation. Consequently, courts are being called upon to interpret and enforce environmental obligations in light of their human rights implications. Recent case law, such as the *Urgenda Foundation v. Netherlands* and *Verein KlimaSeniorinnen v. Switzerland*, underscore how judicial bodies are beginning to integrate environmental science with legal norms to compel stronger climate action (Rydberg, 2024).

Furthermore, data from global litigation databases suggest that the volume and diversity of climate-related legal actions are growing steadily. Peel et al. (2019) report that over 1,000 cases of climate litigation have been filed globally, spanning a wide range of legal arguments and remedies. These cases not only seek remedies for past harms but often aim to establish forward-looking obligations for mitigation and adaptation. Smith-Carrier and Manion (2022) emphasize that litigation has become a strategic pathway for communities to assert their rights and demand institutional accountability in the face of climate inaction. This trend is particularly salient in regions where democratic mechanisms for environmental protection are weak or undermined.

Nonetheless, significant challenges remain in accessing climate justice through litigation. One major obstacle lies in procedural and substantive legal barriers that limit who can bring cases to court. In numerous jurisdictions across Asia and Latin America, restrictive rules on legal standing (*locus standi*) prevent individuals and civil society organizations from initiating environmental lawsuits unless they can demonstrate direct, personal harm (Villa, 2024; Setzer & Benjamin, 2019). This narrow interpretation of standing undermines broader public interest litigation and hampers collective action on climate issues. Omuko-Jung (2021) and Hanna (2021) have documented how such limitations obstruct access to justice for communities facing systemic and cumulative environmental harms.

Additionally, the ability of vulnerable states and populations to engage effectively in climate litigation is constrained by structural dependencies and international political dynamics. For instance, Vanuatu—a Small Island Developing State (SIDS) highly susceptible to sea-level rise—has attempted to utilize international legal avenues to assert climate claims. However, such efforts are frequently hindered by limited legal capacity and a reliance on international support and advocacy (Wewerinke-Singh & Salili, 2019). These constraints underscore the unevenness in legal empowerment and access to justice globally, raising critical questions about the inclusiveness and equity of international environmental law regimes.

Furthermore, even where litigation is allowed, other systemic barriers persist, including a lack of legal literacy, insufficient technical expertise, and the politicization of the judiciary. Setzer and Benjamin (2019) and Medici-Colombo & Berros (2023) point out that in many developing countries, judges and lawyers often lack the training or resources to effectively adjudicate complex climate cases. Moreover, the influence of powerful corporate actors and limited civic space can impede the filing and fair resolution of such lawsuits. These limitations highlight the need for capacity-building initiatives and institutional reform to support climate justice through the legal system.

Despite the growing body of scholarship on climate litigation, several gaps in the literature remain. One critical gap concerns the status and rights of those most affected by climate change, particularly in the Global South. While legal recognition of environmental rights has advanced in certain jurisdictions, there remains a lack of clarity and consistency regarding how these rights are operationalized in litigation. In addition, the procedural hurdles discussed above are often overlooked in comparative studies, leading to an incomplete understanding of the real-world effectiveness of climate litigation strategies (Setzer & Benjamin, 2019; Medici-Colombo & Berros, 2023). There is also limited empirical analysis of the role played by non-state actors, such as NGOs, indigenous communities, and youth movements, in shaping climate litigation outcomes.

This review aims to address these gaps by providing a comprehensive and critical examination of climate change litigation as a mechanism for achieving environmental justice. Specifically, the review will analyze how litigation has been used to confront state and corporate actors, assert human rights, and influence public policy in the context of climate change. The focus will be on identifying key legal innovations, procedural obstacles, and advocacy strategies that have emerged in climate cases across diverse jurisdictions. In doing so, this study contributes to a more nuanced understanding of the potential and limitations of legal action as a driver of climate accountability.

The scope of the review is global but with a particular emphasis on experiences in the Global South. This geographical focus is justified by the fact that countries in the Global South are often the most affected by climate impacts while also being the least equipped to pursue legal redress. By examining case studies from regions such as the Pacific Islands, Latin America, and sub-Saharan Africa, the review will illuminate how climate litigation functions within contexts marked by legal pluralism, resource constraints, and transnational dependencies. Additionally, the study will draw comparisons with practices in Europe and North America to highlight contrasts and potential lessons for policy transfer and institutional learning.

In sum, this introduction lays the foundation for a critical and interdisciplinary inquiry into the evolving field of climate change litigation. By synthesizing existing literature and analyzing

empirical trends, the review seeks to explore how legal frameworks can be leveraged to promote justice, accountability, and resilience in the face of climate disruption. The findings aim to inform not only academic debates but also practical efforts by policymakers, legal practitioners, and civil society actors working at the intersection of climate and human rights.

METHOD

This study adopts a narrative review methodology aimed at synthesizing existing literature on climate change litigation and environmental justice. The primary objective is to explore how litigation is used as a tool for environmental accountability and to identify the legal innovations, institutional challenges, and rights-based strategies associated with such efforts across global contexts. To achieve a comprehensive and credible analysis, the literature collection process followed a structured, multi-step approach, focusing on the identification, selection, and evaluation of peer-reviewed academic sources, complemented by grey literature where appropriate.

The initial phase of the literature search focused on identifying relevant academic sources from well-established databases. The primary databases used include Scopus, Web of Science, Google Scholar, JSTOR, and HeinOnline. Scopus served as a foundational database due to its comprehensive indexing of peer-reviewed journals across multiple disciplines, including environmental law, climate policy, and socio-legal studies. Scopus was particularly valuable for identifying high-impact publications and tracking citation trends that reflect scholarly influence (Wewerinke-Singh & Salili, 2019).

Web of Science was employed alongside Scopus to corroborate the quality and coverage of key publications, given its reputation for indexing top-tier journals across the natural sciences, social sciences, and humanities. Its indexing of reputable law and policy journals ensured access to high-quality legal scholarship relevant to climate justice. Google Scholar was also employed to broaden the scope of the search, particularly to capture conference papers, policy briefs, and dissertations that may not be indexed in more traditional databases. It was particularly helpful in uncovering regional studies and emerging themes in climate litigation (Suman & Burnette, 2024).

In addition to these mainstream platforms, JSTOR and HeinOnline were incorporated into the search process due to their extensive collections of legal and historical journals. HeinOnline proved particularly useful for accessing full-text legal opinions, law reviews, and government publications relevant to the evolution of environmental justice jurisprudence (Hanna, 2021). JSTOR contributed valuable insights into socio-political dimensions of environmental litigation, especially from interdisciplinary journals in law, political science, and environmental ethics.

The literature search employed a variety of keyword combinations and Boolean operators to ensure specificity and comprehensiveness. The primary search terms included “climate change litigation” and “environmental justice,” used in tandem to narrow the focus to studies explicitly addressing legal responses to climate disruption with a justice orientation. Additional keywords incorporated into the search queries were “climate justice,” “human rights,” “climate adaptation,” “climate mitigation,” “public interest litigation,” “legal frameworks,” and “accountability.”

Boolean operators such as AND, OR, and NOT were applied strategically to enhance the precision of search results. For instance, combinations like ("climate change" OR "global warming") AND ("litigation" OR "lawsuit" OR "legal action") AND ("justice" OR "equity") were employed to capture a wide array of studies while excluding irrelevant topics. More advanced combinations such as ("human rights" AND "climate change") AND ("accountability" OR "liability") NOT ("economic analysis" OR "market forces") were used to filter out studies focused solely on economic modeling or resource economics, thus maintaining a focus on legal and rights-based analyses (Zhang & Karim, 2025; Smith-Carrier & Manion, 2022; Sulyok, 2024).

Following the initial identification of sources, a set of inclusion and exclusion criteria was established to determine the eligibility of each study for detailed review. Included studies were peer-reviewed articles, book chapters, legal case commentaries, and authoritative grey literature published between 2015 and 2025. The selected timeframe was chosen to capture contemporary developments in climate litigation, especially post-Paris Agreement litigation trends. Studies were included if they: (1) focused on legal or policy responses to climate change; (2) examined climate litigation through a justice or human rights lens; and (3) presented empirical data, theoretical frameworks, or case analyses relevant to the Global South and/or comparative international contexts.

Excluded from the review were publications that focused solely on technical climate science without a legal dimension, economic assessments without legal implications, and articles that lacked scholarly rigor or transparency in methodology. Duplicate records, editorials, and news articles were also omitted to maintain academic integrity. Furthermore, studies that did not directly address climate litigation but instead dealt with broader environmental governance without specific legal content were excluded unless they contributed substantially to the justice discourse.

The types of studies included in the review spanned a range of empirical and theoretical designs. These encompassed case study analyses, doctrinal legal research, policy reviews, and socio-legal empirical investigations. Case studies were particularly useful in examining the trajectories and outcomes of specific litigation efforts, such as the Urgenda case in the Netherlands or the advisory opinion initiatives by small island states like Vanuatu. Doctrinal legal analyses provided insights into evolving legal interpretations, particularly in jurisdictions recognizing the right to a healthy environment or granting standing to future generations. Socio-legal studies, on the other hand, offered valuable perspectives on the interaction between legal processes and community-level activism, thereby linking law with practice and lived experience.

The literature selection process proceeded in three phases. In the first phase, search queries were run across each database, and an initial list of 1,200 titles was generated. Titles and abstracts were screened for relevance to the core themes of climate litigation and environmental justice. The second phase involved full-text screening of 280 shortlisted articles, during which their methodological quality, thematic relevance, and geographical focus were evaluated. Articles were coded based on their primary focus (e.g., litigation strategy, rights-based arguments, procedural barriers) and contextual parameters (e.g., national jurisdiction, Global North vs. Global South).

The final phase of selection resulted in a total of 85 articles that met all inclusion criteria and demonstrated sufficient analytical depth. These sources were then synthesized thematically to identify key patterns and divergences in legal practice, policy innovation, and community

engagement. A narrative synthesis approach was adopted to integrate the findings across jurisdictions, recognizing the diversity of legal systems, procedural norms, and socio-political conditions that influence climate litigation outcomes.

In sum, this methodology ensures that the literature reviewed in this study is both representative of current global trends and grounded in scholarly rigor. The multi-database search strategy, refined keyword design, and stringent selection criteria collectively support a robust and critical examination of the intersections between climate change litigation and environmental justice. Through this methodologically transparent approach, the study aims to contribute meaningful insights into the evolving landscape of legal responses to climate disruption and the quest for climate justice across varied legal and socio-political contexts.

RESULT AND DISCUSSION

The results of this narrative review are organized into four thematic sub-sections that reflect key findings across the selected literature: legal innovations in climate litigation, structural barriers and institutional capacity, the role of community participation and civic evidence, and global and regional comparisons. Each sub-section synthesizes scholarly perspectives and empirical findings, presenting a comprehensive picture of how climate change litigation functions as a mechanism for environmental justice.

A key legal innovation in climate change litigation is the judicial recognition of intergenerational equity and the right of future generations to a healthy environment. Numerous studies reveal that courts and legal practitioners have increasingly adopted rights-based approaches to frame climate disputes. A prominent innovation is the recognition of the rights of future generations to a healthy environment. This principle has been validated by courts in several European countries, where plaintiffs successfully argued that climate inaction violates intergenerational justice (Wewerinke-Singh & Salili, 2019; Rempel & Gupta, 2021; Omuko-Jung, 2021). The use of constitutional and international human rights norms has expanded the scope of climate litigation by enabling individuals and groups to frame climate harms as violations of legally protected rights, such as the right to life, health, and a clean environment. In countries such as the Netherlands and Colombia, courts have issued landmark decisions mandating governments to adopt stricter emission reduction policies (Herbst & Grant-Smith, 2020; Rydberg, 2024).

These innovations have been bolstered by the strategic use of human rights frameworks. Human rights-based litigation has proven to be particularly effective in elevating the normative urgency of climate claims. By directly linking environmental degradation to human suffering and social vulnerability, plaintiffs can appeal to broader legal and ethical standards (Albers, 2018; Iyengar, 2023). In cases such as *Leghari v. Federation of Pakistan* and *Juliana v. United States*, the framing of climate change as a human rights issue brought increased visibility to the claims and helped shift the legal discourse from environmental regulation to constitutional responsibility (Toolan et al., 2022; Suman & Burnette, 2024). These cases underscore how legal arguments grounded in human rights can drive policy reforms and promote inclusive climate governance, particularly when governments have failed to act decisively.

Despite these progressive developments, climate litigation faces persistent structural barriers that undermine its effectiveness. One of the most commonly cited challenges is the doctrine of locus standi, which limits legal standing to individuals or groups who can demonstrate direct personal harm. In many jurisdictions, this requirement excludes broader public interest claims, particularly in environmental cases where harm is diffused across populations or generations (Omuko-Jung, 2021; Villa, 2024). Additionally, procedural constraints related to evidence admissibility, the burden of proof, and the recognition of climate-related harms in legal frameworks further complicate litigation efforts (Nkrumah, 2021; Medici-Colombo & Ricarte, 2023). These legal and administrative hurdles contribute to the marginalization of climate-affected communities and hinder the pursuit of justice through formal judicial mechanisms.

Institutional capacity also plays a critical role in determining the success of climate litigation, particularly in developing countries. Weak judicial institutions, limited financial resources, and inadequate legal training among judges and lawyers frequently result in inconsistent or dismissive rulings (Setzer & Benjamin, 2019). Even when countries possess comprehensive environmental laws, enforcement is often hampered by bureaucratic inefficiency, political interference, and lack of public awareness. For instance, Villa (2024) and Medici-Colombo & Ricarte (2023) illustrate how regulatory failures and institutional inertia impede climate litigation in Latin America and sub-Saharan Africa. Corruption, limited legal infrastructure, and the absence of civil society engagement further compound the challenges, reducing the transformative potential of litigation in these contexts.

An emerging theme in the literature is the vital role of community participation and civic evidence in enhancing the credibility and legitimacy of climate lawsuits. Community-generated data, testimonies, and documentation of environmental impacts have been used effectively to substantiate claims in court (Suman & Burnette, 2024; González-Ricoy & Rey, 2019). For instance, in Pakistan's Leghari case, civic evidence—such as farmers' testimonies and community records—bridged the gap between technical climate science and lived experience, making legal claims more relatable and grounded in local realities. It also empowers marginalized populations by giving them a platform to articulate their grievances and demand accountability. Hayajneh (2024) argues that civic evidence not only strengthens legal arguments but also mobilizes public opinion and media attention, thereby exerting additional pressure on state and corporate actors.

Evidence from multiple jurisdictions supports the conclusion that community participation is essential to the success of climate litigation. Where communities are actively involved in the litigation process, outcomes tend to be more favorable. Peel & Markey-Towler (2021) found that participatory litigation initiatives were particularly successful in compelling policy changes and institutional responses in Australia and Canada. Similarly, Ekardt & Bärenwaldt (2023) document how grassroots mobilization in Europe influenced judicial decisions and catalyzed national climate reforms. Herbst & Grant-Smith (2020) and Rydberg (2024) highlight that community-led litigation contributes to broader environmental justice movements by reframing climate change as a socio-political issue rather than a purely ecological one. This shift has significant implications for policy formulation, public engagement, and the design of equitable climate adaptation strategies.

A comparative analysis of litigation approaches between developed and developing countries reveals stark disparities in access to justice and legal efficacy. Developed countries generally benefit

from more robust legal institutions, established precedents, and greater financial and technical resources. As a result, climate litigation in countries such as Germany, the United States, and the United Kingdom has led to significant judicial interventions and policy realignments (Richardson & Bustos, 2022; Medici-Colombo & Ricarte, 2023). In contrast, many developing countries face systemic obstacles that limit the scope and impact of climate lawsuits. These include limited legal literacy, political repression, and insufficient access to environmental information.

Nevertheless, some developing countries have made notable strides in strategic litigation. For instance, Setzer & Benjamin (2019) describe how courts in Colombia and South Africa have issued rulings that recognize environmental rights and mandate government action. Kalis & Priebe (2024) observe that these developments are often driven by dynamic legal cultures and the presence of well-organized civil society coalitions. Such findings suggest that while institutional constraints remain significant, they are not insurmountable, especially when litigation is embedded within broader advocacy and reform efforts.

Insights from regional case studies further enrich the understanding of climate litigation's global landscape. In Europe, judicial activism has played a key role in enforcing climate commitments. For example, the Dutch Supreme Court's decision in the Urgenda case required the national government to reduce emissions by a specific percentage within a defined timeframe. This precedent has inspired similar lawsuits across the continent and influenced EU climate policy (Ekardt & Bärenwaldt, 2023). In Africa, litigation strategies have emphasized collaboration between legal professionals, NGOs, and local communities. Richardson & Bustos (2022) show that in Kenya and Nigeria, such partnerships have yielded meaningful outcomes despite political volatility.

Latin America offers a unique perspective through the implementation of the Escazú Agreement, which enhances public participation, access to justice, and environmental information. Villa (2024) and Medici-Colombo & Ricarte (2023) argue that this regional framework has strengthened the legal basis for climate litigation and improved transparency in environmental governance. By institutionalizing community rights and procedural safeguards, the Escazú Agreement serves as a model for integrating human rights into environmental law.

In conclusion, the results of this review demonstrate that climate change litigation is an evolving field characterized by legal innovation, strategic use of human rights, and increasing community engagement. While significant challenges remain—particularly in terms of institutional capacity and legal accessibility—emerging practices and judicial precedents offer promising avenues for strengthening climate accountability. Comparative and regional analyses reveal that despite contextual differences, litigation can serve as a powerful tool for advancing environmental justice when supported by inclusive legal frameworks, civic participation, and political will.

Comparison of Key Findings with Existing Literature

The present narrative review has reaffirmed and extended the growing body of literature supporting the evolution of climate change litigation as a vital tool for achieving environmental justice. Notably, the integration of human rights frameworks into legal arguments has been identified as one of the most significant innovations in climate litigation. This aligns with prior

studies highlighting that environmental rights are increasingly being recognized as fundamental human rights, thereby reinforcing the legal legitimacy of climate-related claims (Smith-Carrier & Manion, 2022; Fraser & Henderson, 2022). These findings are consistent with global trends that have seen a rise in human rights-based claims, particularly in Europe and Latin America, where courts have adopted progressive interpretations favoring environmental protection and intergenerational equity (Medici-Colombo & Ricarte, 2023; Paiement, 2020).

Further, our findings suggest that climate litigation is not only instrumental in protecting individual and collective rights but also serves as a catalyst for policy transformation. This dual role of litigation—both legal and political—is corroborated by previous research documenting how litigation pressures governments to adopt stricter emission targets and uphold environmental standards (Peel et al., 2019; Iyengar, 2023). The literature thus validates the assertion that legal avenues are increasingly being leveraged by civil society to bridge gaps in climate governance, particularly in contexts where political action has lagged behind scientific consensus and public demand for environmental responsibility.

Systemic Factors Shaping the Effectiveness of Climate Litigation

The effectiveness of climate change litigation is shaped by a complex interplay of systemic factors, including legal, political, economic, and social dimensions. Politically, the commitment of national governments to enforce environmental law plays a decisive role in determining the success of litigation. This is particularly evident in jurisdictions where courts have the autonomy and institutional capacity to hold public officials accountable (Toolan et al., 2022; Herbst & Grant-Smith, 2020). Conversely, in politically fragile contexts, even favorable court rulings may lack enforcement mechanisms, thereby limiting their transformative potential.

Economically, powerful fossil fuel interests often present formidable opposition to environmental lawsuits. These corporate actors possess significant financial and legal resources, which can be mobilized to challenge or delay litigation processes (Wewerinke-Singh & Salili, 2019). Such asymmetry exacerbates existing inequities and hampers the capacity of marginalized communities to seek redress for climate-related harms.

Socially, public awareness and grassroots mobilization are pivotal in supporting legal claims. Civic engagement, particularly when grounded in local knowledge and lived experiences, can provide compelling evidence that strengthens legal arguments and enhances the legitimacy of climate claims (Ohdedar, 2022). This underscores the importance of civil evidence and community participation as critical inputs in both the legal and public spheres.

Legally, procedural barriers such as restrictive standing requirements and burdensome evidentiary standards often obstruct access to justice, especially in developing countries (Villa, 2024; González-Ricoy & Rey, 2019). Our findings echo the concerns raised by scholars who argue that these barriers disproportionately affect vulnerable populations, thereby entrenching environmental injustice. To address this, some jurisdictions have begun to adopt more inclusive legal doctrines that recognize the rights of nature, future generations, and collective entities.

Relationship Between Climate Litigation Outcomes and Public Policy

One of the most profound implications of climate litigation is its capacity to shape and influence public policy. Successful lawsuits often establish legal precedents that not only guide judicial reasoning but also inform legislative and executive action. For example, court decisions mandating emission reductions have spurred the development of more rigorous climate policies in countries like the Netherlands and Colombia (Nkrumah, 2021; Smith-Carrier & Manion, 2022).

These outcomes illustrate the synergistic relationship between litigation and policy-making, wherein legal judgments serve as both a check on government inaction and a framework for proactive environmental governance. The feedback loop between judicial intervention and policy reform is particularly salient in contexts where civil society organizations play a watchdog role, continuously monitoring and challenging government compliance with environmental standards (Wewerinke-Singh & Salili, 2019; Buszman, 2024).

Our review highlights that for litigation to produce lasting policy impacts, it must be supported by a conducive legal framework that embeds environmental and human rights protections. In this regard, international instruments such as the Paris Agreement and regional agreements like the Escazú Agreement provide normative support for integrating climate justice into national legal systems (Fraser & Henderson, 2022; Medici-Colombo & Ricarte, 2023; Paiement, 2020). Such integration enables domestic courts to reference international obligations and thereby strengthen the enforceability of climate-related rights.

Moreover, litigation can catalyze public discourse and political will by spotlighting environmental issues in mainstream media and policymaking agendas. This discursive function of litigation is instrumental in shifting societal narratives from technical debates on carbon emissions to broader ethical considerations of justice, equity, and intergenerational responsibility.

The role of litigation as a policy lever is also evident in cases where courts have ordered governments to revise national climate plans, conduct environmental impact assessments, or consult with affected communities. These rulings demonstrate that litigation can be an effective mechanism for embedding democratic principles into environmental governance, ensuring that decision-making processes are transparent, participatory, and accountable.

Nevertheless, the transformative potential of litigation is not uniformly distributed. In many developing countries, structural challenges such as limited judicial independence, resource constraints, and weak enforcement mechanisms impede the translation of legal victories into tangible policy outcomes. This asymmetry necessitates a differentiated approach to climate litigation, one that is context-sensitive and supported by broader institutional reforms.

In addressing the limitations of existing research, this review acknowledges the underrepresentation of Global South perspectives in the climate litigation literature. Most empirical studies have focused on high-income countries, thereby overlooking the unique legal cultures, socio-political dynamics, and environmental challenges faced by low- and middle-income nations. Future research should therefore prioritize comparative analyses that examine how different legal systems adapt and respond to climate justice claims.

Additionally, there is a need for interdisciplinary studies that bridge legal scholarship with political science, sociology, and environmental studies. Such cross-sectoral approaches can offer deeper insights into the drivers, enablers, and barriers of climate litigation, thereby enriching both academic discourse and policy design.

Finally, this review emphasizes the importance of capacity-building among legal practitioners, judges, and civil society actors. Training programs, legal aid initiatives, and knowledge-sharing platforms can enhance the efficacy of climate litigation by equipping stakeholders with the tools and expertise needed to navigate complex legal landscapes.

In conclusion, while climate litigation presents a promising pathway for achieving environmental justice, its success hinges on addressing systemic barriers and fostering an enabling legal and policy environment. By critically examining the interplay between legal innovation, institutional capacity, and community participation, this review contributes to a more nuanced understanding of how law can be mobilized to confront the climate crisis.

CONCLUSION

This narrative review highlights the pivotal role of legal innovation in addressing climate change and advancing environmental justice. The integration of human rights frameworks into climate litigation has proven influential in elevating the legitimacy and urgency of environmental claims. Courts increasingly recognize the rights of current and future generations to a healthy environment, setting transformative legal precedents in Europe, Latin America, and beyond. Despite these advances, structural and institutional barriers—such as limited standing, administrative inefficiencies, and inadequate institutional capacity—continue to hinder climate justice, especially in developing nations. Civic participation and community-based evidence emerged as powerful tools in supporting climate litigation, not only amplifying the voices of affected populations but also shaping public awareness and policy discourses. The comparative analysis underscores the disparity in legal infrastructure between developed and developing countries, although localized innovations in Africa and Latin America offer promising models for inclusive environmental governance.

Urgent and coordinated policy interventions are required to dismantle systemic obstacles and enhance access to environmental justice. This includes bolstering institutional capacity, reforming procedural law to facilitate access to courts, and integrating climate litigation outcomes into national policy agendas. Future research should explore cross-regional legal learning, the long-term effects of landmark climate rulings, and the evolving role of public interest law in environmental protection. Ultimately, expanding civic engagement, reinforcing human rights frameworks, and fostering legal accountability remain essential strategies for overcoming climate governance challenges.

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