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## CLIMATE CHANGE LITIGATION IN EU COURTS: EVOLUTION, CHALLENGES & IMPLICATIONS FOR INDIA

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Abhinav Karthik, BBA LLB, Christ Deemed to be University, Pune Lavasa

Priya Mondal, Assistant Professor (Law), Christ Deemed to be University, Pune Lavasa

### ABSTRACT

The world today is increasingly growing towards industrial and commercial needs whereas the natural environment has not sufficiently garnered enough measures for sustainability. The growing crisis of the green resources have worried the existential possibilities of the humanity in the near future. The existing trend of inconsiderate developments jeopardizes the biological ecosystem of the world and pushes the future towards an industrial wasteland. Amidst this misery, an emerging and successful reformative step towards mitigating the environmental crisis is the climate litigation. The present research paper throws light on the shift evolved in the European Union against the environmental depletion from narrow and isolated cases to systemic and extensive challenges against the governments and corporations. Further, it lays focus on the strategic legal framework supplementing the climate justice and enriching influence beyond the EU jurisdictions. Nations and corporations are extensively brought into the radar for depleting the natural habitat and a strong measure is considered towards adaptation and accountability against them. In light of this, the research emphasizes on how the European Union has set a strong future direction by welcoming and encouraging the climate cause of action and by promoting policy changes and human right claims to influence a global action.

**Keywords:** Climate litigation, Environment, European Convention, Human Rights, National Courts.

## Objective of the Research

As part of this research, this paper looks at how climate change litigation has evolved within the EU legal field, and its strategic legal frameworks and judicial activism. The study also attempts to draw lessons for India and identify ways for integrating EU inspired legal strategies to bolster climate accounting in the Indian setting. It will critically analyse the similarities and differences between the EU and India's legal landscapes and will develop actionable strategies for the strengthening of climate litigation in India.

## Statement of Research Problem

The rise of climate litigation in Europe highlights a growing recognition of the legal system's role in addressing environmental challenges. However, the effectiveness of such litigation in achieving meaningful environmental protection and climate justice remains contested. While some landmark cases have set important precedents, there is still limited understanding of the broader impact of climate litigation on policy, public awareness, and environmental outcomes. This research aims to investigate the current state of climate litigation in Europe, examine the legal frameworks and strategies employed, and assess the successes and limitations of these efforts in driving substantial climate action and policy changes.

## Introduction

### 1. Overview of Climate Change as a Global Crisis:

***"Man is a part of nature, and his war against nature is inevitably a war against himself."***

Climate Change is a persistent and escalating concern that essentially demands robust action not only in science and law but also in policy. The European Union at such critical turning point in its history, has the customary practice to employ its own legal frameworks more to deal with environmental crisis. Moreover, the climate change litigation, particularly public interest cases, has become an emerging key way to force governments, corporations, and institutions to account for their involvement in making things more difficult for the public.<sup>1</sup>

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<sup>1</sup> Karlsson Niska, Therese. "Climate Change Litigation and the European Court of Human Rights - A Strategic Next Step?" *The Journal of World Energy Law & Business*, vol. 13, no. 4, Aug. 2020, pp. 331–42. DOI.org (Crossref), <https://doi.org/10.1093/jwelb/jwaa028>.

Landmark cases, innovative legal strategies, and a rewriting of human rights in terms of the environment are gradually building the bridge between law and the environment in Europe.

*Early Forays:* The litigation has transformed as the centre stage after the Paris Agreement of 2015 and the European countries began attempts to integrate the obligation to mitigate the environmental deterioration from climate change. The technical aspects such as emissions trading systems, renewable energy support mechanisms including the project permits impacting the climate, were at the forefront of early legal cases. An early recognition of climate consideration in judicial decisions was *the Vienna Airport extension case* in Austria in which the administrative court rejected the expansion because it was not in line with Austria's climate aims.<sup>2</sup> Similarly, Norway also saw *Nature & Youth and Greenpeace Nord* in the country's Green Bench Court challenging the Government's decision to award oil and gas exploration licenses to companies in the **Arctic Barents Sea**.<sup>3</sup> These cases, endeavoured to lay the groundwork for stronger climate litigation, and while the Norwegian Supreme Court ultimately rejected the appeal on the basis of uncertainties concerning future emissions from exported oil, the outcomes are a departure from the accepted past practices of deference to parliament, executive branch government, and established institutions. A supranational union like the EU inculcating several climate lawsuits and establishing a better interpretation of environmental law and governance significantly impacts the international landscape towards a better foundation for future litigation against environmental crimes.

## 2. Importance of Litigation in Enforcing Climate Accountability:

The gap between policy commitment and practicality has been bridged by litigation, which is now a major tool of climate accountability. Through strategic lawsuits, awareness among public, communities, and organizations there is a strong force against the governments and corporations to develop real plans to reduce greenhouse gas emissions and protect vulnerable populations. This mirrors a recognition among the judiciary's role in closing the gap in political and legislative bodies' efforts to fight climate change.<sup>4</sup>

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<sup>2</sup> Monica Feria-Tinta, 'Climate Change Litigation in the European Court of Human Rights: Causation, Imminence and other Key Underlying Notions' 2021(1) 3, Europe of Rights & Liberties/Europe des Droits & Libertés, pp. 52-71.

<sup>3</sup> Pouikli, K. (2022). A Short History of the Climate Change Litigation Boom Across Europe. ERA Forum, 22, 569-586.

<sup>4</sup> Karlsson Niska, T. (2020). Climate Change Litigation and the European Court of Human Rights - A Strategic Next Step? Journal of World Energy Law and Business.

As initiated by the 2018 Report of IPCC (**Intergovernmental Panel on Climate Change**) the quintessential goal of decreasing the Global Warming to 1.5 Degrees has become significant milestone desired to be achieved. In this regard, the relevance and scope of EU as a leading global hub of climate action, the European Union (EU) takes the lead and commits its member states to take action of their own by supporting ambitious, climate policies. The EU as powerful entity, also has a special position, in that it can influence both the internal (member states) with a strong aspirations arrayed to other nations on the international level. The legal frameworks of the EU guarantee the commitment to environmental protection and the EU is a key player in world's battle against climate change. An ambitious goal is prominent from the *EU's Carbon Neutrality 2050*, the Union has developed a comprehensive legal framework, the **European Green Deal and the EU Climate Law**, which establish legally binding targets. Furthermore, the purpose of these frameworks is not only to govern the workings of the European Union's but also pushed the internal policy for developed nations by serving as examples of best climate governance in the world. It is emerging to become the leader of enacting stringent climate regulations and the active efforts, it has made to simplify them, which is the case in the EU, exemplifying the establishing of a global standard in climate accounting<sup>5</sup>

### 3. The Urgenda Case: A Watershed Moment

The Urgenda case in the Netherlands is considered to be the most iconic example of European climate litigation. The Urgenda Foundation brings a landmark case which was initiated in 2013 against the Dutch government.<sup>6</sup> It envisaged to hold the government legally responsible for not doing enough to cut greenhouse gas emissions. The 2015 Hague District Court's judgment to reduce CO<sub>2</sub> emissions to 25 percent of the 1990 levels by 2020 sparked circus around the world. Rather than just the result of the Urgenda case, its importance was born out of the reliance of the case on the state's duty of care in protecting its citizens from environmental harm. However, the critics denounced the ruling as judicial overreach, and the 2018 Hague Court of Appeal and the Dutch Supreme Court's affirmation in the year 2019 drew the judgment from human rights law principles, in particular under the umbrella of Articles 2 and 8 of the European Convention on Human Rights (ECHR). They enshrine both the right to life, right to private and family life that the courts transported into the duty to prevent climate related

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<sup>5</sup> Pouikli, K. (2022). A Short History of the Climate Change Litigation Boom Across Europe. ERA Forum, 22, 569-586.

<sup>6</sup> 'Urgenda Foundation v. State of the Netherlands'. Climate Change Litigation, <https://climatecasechart.com/non-us-case/urgenda-foundation-v-kingdom-of-the-netherlands/>. Accessed 13 Jan. 2025.

harm. Therefore, this stood out to be a great precedent and a cornerstone in preventing the alarming global warming scenario from reaching new dangers.

### Climate Change Litigation in the Historical Evolution of the EU

Certain wave of cases similar to Urgenda followed, all across Europe. Plaintiffs brought constitutional and human right challenges to the insufficient climate change policies in Germany, Belgium, Spain, France and Ireland. Hence, in the **Grande Synthe case**, the French Conseil d'État demanded that the government is ought to explain how it will achieve its 2030 climate targets.<sup>7</sup> Meanwhile, in *L’Affaire du Siècle* (“The Case of the Century”), French NGOs successfully argued that the government’s failure to meet its emission reduction targets constituted ecological damage under French civil law.<sup>8</sup> In the prominent case of *Sergio Euben Lopez Burgos v. Uruguay*, the International Covenant on Civil and Political Rights (ICCPR) has had a crucial inference drawn by the Human Rights Committee and it was held that, *it would be unconscionable to so interpret the responsibility under Article 2 of the Covenant as to permit a State party to perpetrate violations of the Covenant on the territory of another State, which violations it could not perpetrate on its own territory*.<sup>9</sup> Moreover, climate litigation also took place before the European Court of Human Rights (ECtHR). In September 2020 six young Portuguese applicants sued 33 European states for unfair treatment, claiming violation of their rights under Articles 2 and 8 of the ECHR because inaction in the fight against global warming was inadequate. Within its obiter dictum regarding victim status the Court emphasized how lack of domestic remedy exhaustion prevents it from gaining clarity regarding applicant circumstances. The Court determined that the applicants needed to use Portuguese legal channels first since their nation supports actio popularis lawsuits based on its explicit constitutional right to environment health protection.

Subsequently, the *Friends of the Irish Environment v. Government of Ireland* is considered to be the recent climate change case from Ireland, this time against the Government of

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<sup>7</sup> Karlsson Niska, T. (2020). Climate Change Litigation and the European Court of Human Rights - A Strategic Next Step?. Journal of World Energy Law and Business.

<sup>8</sup> Prof – Dr- I Lavrysen, “Public Interest Litigation in Europe – The case of Climate change”

<sup>9</sup> Monica Faria-Tinta, ‘Climate Change Litigation in the European Court of Human Rights: Causation, Imminence and other Key Underlying Notions’ 2021(1) 3, Europe of Rights & Liberties/Europe des Droits & Libertés, pp. 52-71.

Ireland.<sup>10</sup> The National Mitigation Plan was approved by Government of Ireland, roughly on 19 July 2017. The suit was brought by the State in the High Court by the advocacy group Friends of the Irish Environment who argue that land. Briefly, on 19 July 2017, the Government of Ireland approved the National Mitigation Plan. The advocacy group Friends of the Irish Environment filed a suit in the High Court against the State, claiming that The National Mitigation Plan failed to set out how it is to work and execute the objectives. In addition to that the claimants also argued that the National Mitigation Plan constituted violations of the right to life the right to bodily integrity with a great impact upon the right to a healthy environment as contained within the Constitution of Ireland, and the right to life. Then the *Friends of the Irish Environment group* filed a suit in the High Court against the State, claiming that the National Mitigation Plan failed to specify the manner in which it is supposed to achieve the “national transition objective” of a 25% to 40% reduction from 1990 levels of GHG emissions by 2020 as required by the **Climate Action and Low Carbon Development Act 2015**. The claimant also argued that the National Mitigation Plan contravened the right to life, the right to bodily integrity and the right to an environment according to the Constitution of Ireland and violated the right to life and the under the European Convention of Human Rights it has the right to private and family life. Now the Government must make a more ambitious National Mitigation Plan that conforms to Ireland’s national international climate obligations.

In the case of **Oxfam France, Notre Affaire à Tous and Others v. France**, the Administrative Court of Paris ruled that France did not act to meet its obligations in terms of reducing carbon emissions in line with either domestic or international law.<sup>11</sup> The questionnaires were submitted to the government on 15<sup>th</sup> February 2019, so the lawsuit, which came from Oxfam France, the Nicolas Hulot Foundation, Greenpeace France and Notre Affaire à Tous, was initiated after the government refused to give them what they asked for. It that the NGOs proposed measures to cut emissions, increase renewable energy, boost energy efficiency, adapt to climate change and protect human beings' health and lives, based on Articles 2 and 8 of the European Convention on Human Rights. On 3<sup>rd</sup> February 2021 the Court ruled that France had been acting remiss,

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<sup>10</sup> Renglet, Charlotte. ‘The Decision of the Irish Supreme Court in <em>Friends of the Irish Environment v Ireland</em>: A Significant Step Towards Government Accountability for Climate Change?’ *Carbon & Climate Law Review*, vol. 14, no. 3, 2020, pp. 163–76. *JSTOR*, <https://www.jstor.org/stable/27076686>.

<sup>11</sup> ‘Notre Affaire à Tous and Others v. France’. Climate Change Litigation, <https://climatecasechart.com/non-us-case/notre-affaire-a-tous-and-others-v-france/>. Accessed 13 Jan. 2025.

and causing environmental damage, and ordered the government to redress these failures, ‘symbolically’ awarding a euro of moral and ecological damage.

In Germany, the Federal Climate Change Act judgment laid out the premise for strong climate measures, ringing a warning bell on the state’s duty to shield future generations from the already pernicious consequences of climate change. The judgment represented an indication of the need for comprehensive climate action owed by governments to their citizens and judicial acknowledgement of the urgent duty of care owed by governments to their citizens.<sup>12</sup> Considered together, these decisions helped lay the groundwork for the legal recognition of climate obligations tied to human rights, and helped to inspire subsequent climate litigation across Europe.

### **Systemic Litigation Role of Institutions**

Once the EU saw isolated lawsuits, it now found broader systemic demands against national governments, including multinational corporations. This is a trend pointing to greater recognition of the interlinkage of climate governance and corporate responsibility. Systemic litigation seeks systemic change, with declarations to reform policy and large corporations that lead to just sustainable environmental outcomes.<sup>13</sup> Adapting such measures would be substantiated by strategic decision making and will be backed up with robust schemes of rehabilitation. The policies under this litigation will reflect the institutional practices that contribute to widespread structural changes affecting the public on the larger side. The uncertainty persisting in the environmental litigation could be attempted to be resolved by establishing stricter compliances and regulations against the corporate and state pollutions.

European courts and institutions have paved a clinical evolution and their role in climate change litigation has developed, consistent with their growing engagement in holding accountable for environmental accountability and human rights. In their priorities for the field, as well as under *Articles 2 (right to life) and 8 (right to respect for private and family life) of the European Convention on Human Rights* (ECHR), the European Court of Human Rights (ECtHR) has become a key forum for cases of this nature. **Duarte Agostinho and Others v**

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<sup>12</sup> Feria-Tinta, M. (2021). Climate Change Litigation in the European Court of Human Rights: Causation, Imminence and Other Key Underlying Notions. *Europe of Rights & Liberties*, 3, 52-71.

<sup>13</sup> Karlsson Niska, T. (2020). Climate Change Litigation and the European Court of Human Rights - A Strategic Next Step?. *Journal of World Energy Law and Business*.

**Portugal** (and 32 other States) where Portuguese youth claim that their human rights is violated under the ECHR because these states fail to comply with their obligations to reduce their emissions can be viewed as a significant ruling which is certainly beyond European jurisdictions impacting a global scenario of concern and awareness towards the climate change. In fact, their case is similar, to the Union of Swiss Senior Women for Climate Protection v. The ECtHR which is a case of Swiss federal council, where vulnerable groups like senior citizens use it to challenge the lack of sufficient government action against climate change to their detriment, under the ECHR. The strict locus standi requirements under *Article 263 TFEU* have been a major barrier in the admission of cases at the EU level in cases such as People's Climate and EU Biomass, in which individuals and groups aimed to challenge EU legislative acts on environmental related issues. Surpassing the immediate jurisdiction to institute the climate litigation amidst such rigid requisites is quite challenging. Nevertheless, the judiciary has to contemplate The Urgenda Foundation case, although decided by a domestic court in a Kingdom of the Netherlands case (*Kingdom of the Netherlands v. Same sex spouse of an EU official*) the case has set a precedent in the EU context and been relied upon in recent cases such as *Commune de Grande-Synthe v. R (a Jehovah's Witness)*.<sup>14</sup> The French government was ordered to defend its climate action plans ahead of France and coping with its 2030 goals. European courts' increasing recognition and appreciation of the necessity of stringent climate action and its defence of human rights in these cases, attest to an emerging activism in judicial functions in arresting climate change.

### Challenges and Criticisms

Its successes are plagued by some problems in the field of climate litigation. Judicial intervention in climate policy amounts to interference with democratic processes and a breach of the separation of powers, critics say. Furthermore, proving causation as well as putting a finger on the direct drivers of specific environmental outcomes is still a complicated proposition.

A second notable feature is that there are important disparities in judicial receptivity to climate litigation across Europe, suggesting uneven progress in the development of this litigation. Nations like the Netherlands and France have made the proactive choice, while other countries

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<sup>14</sup> 'Commune de Grande-Synthe v. France'. *Climate Change Litigation*, <https://climatecasechart.com/non-us-case/commune-de-grande-synthe-v-france/>. Accessed 13 Jan. 2025.



are either cautious or dismissive of the ruling, a reflection of wider tensions between the environmental advocate's voice and economic expediency.

Judicial activism has achieved great result, but it also has the risk of overstepping legislative boundary. In respect of climate litigation, a difficult tension continues to emerge between the exercise of judicial prerogatives and those of the legislature.<sup>15</sup> One camp of critics argues that too much judicial interference tends to undermine democratic processes while proponents say, such intervention is indeed crucial to address the urgency of the climate crisis and holding Governments to their accounting.

### Legal Strategies and Principles

For climate litigation to succeed in Europe, much often depends on sophisticated and fresh legal strategies as well as the reconsideration of existing principles. Among these, the following stand out:

**1. Human Rights Framing:** Litigants also have raised and enhanced their claims by linking environmental harm to basic human rights, thereby broadening judicial receptivity. In particular, ECHR's provisions have been interpreted under the Paris Agreement and intergenerational equity.

**2. Scientific Evidence:** Increasingly, courts have used scientific reports like those generated by the Intergovernmental Panel on Climate Change (IPCC), to establish causation and the need for action. The risks of climate inaction that are literally made tangible in this integration of science and law.

**3. Precautionary Principle:** Considered as a central phenomenon to the environmental law as it initiates the proactive developments amidst the growing scientific concerns regarding the climate across the world. This principle is central to environmental law and has been relied on to permit proactive measures in the face of scientific uncertainty. They have also insisted upon acting before irreversible damage occurs.

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<sup>15</sup> Pouikli, K. (2022). A Short History of the Climate Change Litigation Boom Across Europe. ERA Forum, 22, 569-586.

**4. Standing and Access to Justice:** Patient standing, however, remains a challenge for climate litigation. Even cases such as Urgenda have overcome the difficulty of proving collective harm while others, for example the Armando Carvalho case before the EU General Court, have struggled to due to strict admissibility criteria.

### **Climate justice within the EU: the Public Interest Litigation (PIL) role.**

Public Interest Litigation in EU has been a powerful instrument for delivering climate justice by holding governments, corporations accountable for environmental harm. However, beyond the landmark Urgenda Foundation case have helped to shape the contours of European climate change law in the case of Kingdom of the Netherlands. In **Commune de Grande-Synthe**, the French Council of State ordered the French government to show it planned to reach its **2030 climate target in France**, and to protect vulnerable communities from climate impacts, a line which it would repeat in various other cases.<sup>16</sup> It showed not only the very important role that national courts play in interpreting international agreements, such as the Paris Agreement, within domestic law, but also that this all laid the groundwork for what became the legal framework for climate accountability. **L’Affaire du Siècle** was another big French case: A number of NGOs sued the French government for not meeting its own emission reduction targets. This case reflected the possibility of domestic legal provision to promote environmental litigation and heighten governmental responsibility.

PILs have a role in transcend national courts to supranational institutions. For example, in the case of *Armando Carvalho and Others v. ‘European Parliament*, the Council of the EU sought the annulment of EU climate legislation considering it insufficient and asked for more ambitious emission reduction targets. However, the dismissal by the General Court in case for the lack of standing did not change the fact that the procedural hurdles in EU courts are still stringent and the fight to make supranational bodies accountable for climate policies is ongoing. These are some of the examples of how PILs are now playing a big role in Europe as a tool to force States to fulfil their climate commitments and drive policy change. I might add that they are part of a wider trend in which courts are increasingly recognizing the urgency of climate action and the legal obligations of states to protect their citizens from environmental

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<sup>16</sup> ‘Commune de Grande-Synthe v. France’. *Climate Change Litigation*, <https://climatecasechart.com/non-us-case/commune-de-grande-synthe-v-france/>. Accessed 12 Jan. 2025.

harm. However, as climate litigation develops, PILs are likely to become more significant tools in drafting environmental governance and enshrining climate commitments.

### **Comparative Analysis: Lessons for Indian Climate Change Litigation from the EU.**

The Indian approach to climate change litigation can be traced back to the deep roots of Judicial Activism upon the subjects of environmental crisis. The courts of law have addressed several lacunas in the protection measures to endeavour a sustainable future and protect the rights of the citizens to a healthy environment. The surge of public interest litigation in the late 1990's witnessed major environmental issues seeking judicial intervention. Eventually the cases transformed into landmark precedents and recognised the polluter pays principle. Moreover, the institution of National Green Tribunal has been instrumental in enforcing environmental laws and regulations, thereby mitigating the severe climate impacts.

The idea of EU legal principles has moved beyond the EU's borders, and informs climate litigation strategies in India too. The EU's way forwards on linking human rights to environmental protection provide a useful model for other regions with the same puzzle. Setting high legal standards and enforcing them effectively, the EU has provided inspiration to legal reforms and judicial response in countries in comparable environmental crises.

India's climate litigation landscape, though still evolving, has seen notable cases that mirror the EU's approach, emphasizing the protection of constitutional rights against environmental harm. All the cases involving the renowned activist M.C. Mehta and the precedents set against the environmental damage in India have been important in the environmental jurisprudence, and have drawn the judiciary into playing the necessary role in upholding environmental standards and the public health.

The EU's legal principles, in particular the integration of human rights frameworks in environmental protection, can be of greater value to Indian courts to enhance value and forward-looking impact of judicial review. They provide a strong foundation upon which to build climate litigation in India, as the Constitution of India recognizes a right to life and a right to a healthy environment which can be used in legal arguments for climate cases. India's environmental jurisprudence has been built on Public Interest Litigations (PILs). The way of working PILs in the area of climate can be improved by adapting EU strategies, for instance by furthering judicial activism and leveraging constitutional mandates. India can strengthen its

environmental governance and raise accountability of polluters by incorporating EU inspired legal frameworks and judiciary. India is undoubtedly engaging in vast expansion of country's synergies in various segments which also brings up the primal responsibility to restore the core balance of the resources

Challenges here that India faces to replicate EU's success will be the institutional inertia, political resistance and the awareness in the society. Nevertheless, it is essentially important to strengthening the legal frameworks and encouraging public participation in this arena. In addition, capacity building efforts to develop the judiciary and legal practitioners to better handle the complex climate litigation are also undertaken. Remaining similar in approaching PILs for environmental justice is the EU and India; its approach, however, is characterized by more stringent regulation. Knowing these differences might help to get the most out of PILs in both jurisdictions. Also relevant is Europe's experience, which stresses the outstanding importance of the existence of robust legal frameworks and of supportive institutional mechanisms in terms of PIL effectiveness. The EU's experiences with PILs are something India can learn from, taking best practices on legal strategies for environmental justice that can be adopted. This cross-jurisdictional learning can help India's climate litigation efforts be more proactive and responsive in their approach to the environment. The framework of environmental litigation in India has registered substantial advancement because of Public Interest Litigations and active judicial involvement. India can enhance its environmental governance by implementing EU-inspired methods such as improved environmental justice accessibility and strict liability systems and comprehensive environmental regulations which all combine with integrating environmental concerns into trade policies. Learning Environmental protection strategies from different jurisdictions performs as a path toward better results in environmental protection and sustainable development.

## **Conclusion**

As we move forward, we have to work together, to raise the level of climate justice through collaborative work globally where nations learn from each other's experiences. EU's leadership is a model of how legal strategies can be melded to global environmental goals, and how a collective approach to slowing climate change and safeguarding the planet for future

generations.<sup>17</sup> With climate change increasing, so, too will the role played by the courts to respond to its consequences. Future litigation has a good chance of extending from governments to multinational corporations and financial institutions for their part in global emissions. The jurisdiction of regional and International Courts, including the ECtHR and the *Court of Justice of the European Union (CJEU)* are also significant in promoting the harmonization of the environment laws and stressing on the principle of uniform accountability and greater incindivity to the nations to ensure climate justice. Decisions on these issues could bring much needed clarity to matters like collective responsibility, whether human's rights are applicable throughout environmental harm, and enforceability of international agreements like the Paris Accord.

There are EU inspired strategies that India can incorporate to strengthen its legal framework by using EU strategies, using regulatory oversight and creating more accountability on the part of the judiciary in climate related issues. If India can adapt to a more robust form of environmental governance, it is not only able to meet its own climate problems, but also play a role in solving problems for the world as a whole.<sup>18</sup>

The emergence of climate change litigation in the EU mirrors a more general evolution of the relationship between law and the environment, with overtones that extend to environmental globalization. European courts are carving out legal arrows through landmark cases and deploying inventive legal arguments in the interests of growing public understanding of the moral imperative to act, and helping to drive the climate crisis toward greater accountability and justice.

Despite daunting challenges, the spirit of litigants thrives thanks to their resilience and the judiciary on the other end certainly acts as a beacon of hope, having embraced adaptation and innovation, leaving little behind for it to do. They forge a powerful alliance together which stretches the realms of law and environment itself, it's an acknowledgment of humanity's ability to overcome the most challenging struggles it faces. This work of the body has instilled into us the courage to take risks and a fire lit deep in our bones that will incite us all to push forward towards a more sustainable future. This is not a fight for survival, it's a battle for justice

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<sup>17</sup> Karlsson Niska, T. (2020). Climate Change Litigation and the European Court of Human Rights - A Strategic Next Step?. *Journal of World Energy Law and Business*.

<sup>18</sup> Lavrysen, L. (2017). Public Interest Litigation in Europe - The Case of Climate Change. *EU Forum of Judges for the Environment*.

for a sustainable and safe future this planet we all call home. It is quintessential to acknowledge that our nature is thriving amidst this critical climate change and it cannot last long thus, calling for immediate concerns with persistent vision to prevent any environmental collapse.

**References:**

1. Karlsson Niska, Therese. “Climate Change Litigation and the European Court of Human Rights - A Strategic Next Step?” *The Journal of World Energy Law & Business*, vol. 13, no. 4, Aug. 2020, pp. 331–42. *DOI.org (Crossref)*,  
  
<https://doi.org/10.1093/jwelb/jwaa028>.
2. Monica Feria-Tinta, ‘Climate Change Litigation in the European Court of Human Rights: Causation, Imminence and other Key Underlying Notions’ 2021(1) 3, *Europe of Rights & Liberties/Europe des Droits & Libertés*, pp. 52-71.
3. Pouikli, K. (2022). A Short History of the Climate Change Litigation Boom Across Europe. *ERA Forum*, 22, 569-586.
4. ‘Urgenda Foundation v. State of the Netherlands’. Climate Change Litigation, <https://climatecasechart.com/non-us-case/urgenda-foundation-v-kingdom-of-the-netherlands/>.
5. ‘Notre Affaire à Tous and Others v. France’. Climate Change Litigation,  
  
<https://climatecasechart.com/non-us-case/notre-affaire-a-tous-and-others-v-france/>.
6. Feria-Tinta, M. (2021). Climate Change Litigation in the European Court of Human Rights: Causation, Imminence and Other Key Underlying Notions. *Europe of Rights & Liberties*, 3, 52-71.
7. Lavrysen, L. (2017). Public Interest Litigation in Europe - The Case of Climate Change. *EU Forum of Judges for the Environment*.
8. Renglet, Charlotte. ‘The Decision of the Irish Supreme Court in Friends of the Irish Environment v Ireland: A Significant Step Towards Government Accountability for Climate Change?’ *Carbon & Climate Law Review*, vol. 14, no. 3, 2020, pp. 163–76. *JSTOR*, <https://www.jstor.org/stable/27076686>.
9. Goswami, Bhavishya. ‘Battling the Climate Crisis in Court: The Mutual Relationship Between Climate Litigation and India’s Environmental Future’. *NLIU Law Review*, 12

Nov. 2024,

<https://nliulawreview.nliu.ac.in/blog/battling-the-climate-crisis-in-court-the-mutual-relationship-between-climate-litigation-and-indias-environmental-future/>

10. Commune de Grande-Synthe v. France'. *Climate Change Litigation*,

<https://climatecasechart.com/non-us-case/commune-de-grande-synthe-v-france/>.