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Litigation Note on Government Framework Cases

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About this publication

Background

On 23 July 2025, the International Court of Justice (ICJ) delivered its historic unanimous advisory opinion (AO) on States' obligations in relation to climate change. Following the landmark climate advisory opinions from the International Tribunal for the Law of the Sea and the Inter-American Court of Human Rights, the ICJ provided exceptional clarity regarding the scope and content of States' duties under international law in the context of the climate crisis. This clarity has the potential to substantially enhance and inform ongoing climate cases as well as future claims before domestic, regional, and international courts. Indeed, since its issuance, the opinion has already been quietly and pervasively taken up across the litigation landscape.

To translate the ICJ AO's normative clarity into practical litigation tools, a coalition of climate litigation practitioners have developed this compendium of structured "Litigation Notes". These notes are designed to assist lawyers in integrating relevant conclusions of the ICJ AO into ongoing and future cases before domestic, regional, and international courts and quasi-judicial bodies towards advancing climate justice.

The litigation notes break down the opinion by topic, prioritizing topics particularly charged in courts at present and/or critical for evolving strategies and the next "generation" or phase of climate litigation. The notes do not aim to be comprehensive in scope. Each contains sections on:

- Key excerpts (including paragraph numbers and specific references) of the most relevant text from the opinion
- Situating the core findings in examples from the broader jurisprudential landscape to highlight what types of cases and claims could use such excerpts

The compendium also includes a list of selected excerpts of overarching importance.

This thematic brief is part of a broader litigation notes compendium organized by topic; the full compilation is available here: www.ciel.org/reports/icj-litigation-notes-digest

Litigation Note on Government Framework Cases

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Introduction

The International Court of Justice (ICJ)'s Climate Advisory Opinion (AO) features a range of pronouncements that could significantly advance government framework litigation. Framework cases target the overall emissions reduction targets that governments adopt, and the regulatory framework to support them (or lack thereof).[3] These types of cases generally challenge governments' insufficient mitigation ambition (also known as "Ambition Gap cases") or governments' failure to implement measures to meet their climate targets (also known as "Implementation Gap cases"). The ICJ AO is highly relevant to these cases because (1) most such cases challenge emissions reduction targets that are based on, or reflected in, governments' Nationally Determined Contributions (NDCs) under the Paris Agreement, and (2) plaintiffs often rely, directly or indirectly, on governments' obligations under international law, which forms the basis of the Opinion.[4]

Over the last ten years, there have been a number of groundbreaking decisions in government framework litigation, where national and regional courts have found governments' insufficient climate policies in breach of their legal obligations. The ICJ AO builds on these precedents and provides greater clarity on some of the most contentious aspects of framework cases, in particular the standards against which a State's compliance with its climate obligations must be assessed. The following note illuminates these key findings and explains how they are relevant to government framework litigation.[5] Two sections follow: key excerpts from the AO and categories of climate litigation for which those excerpts may be relevant.

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[1] Climate Litigation Network (CLN)
[2] Egyptian Foundation for Environmental Rights (EFER)
[3] Catherine Higham, Joana Setzer & Emily Bradeen, *Challenging government responses to climate change through framework litigation* (LSE Grantham Research Institute on Climate Change and the Environment, Sept. 2022), www.lse.ac.uk/granthaminstitute/wp-content/uploads/2022/09/Challenging-government-responses-to-climate-change-through-framework-litigation-final.pdf (last accessed Dec. 12, 2025).
[4] This note draws from the following blog: Joe Udell and Floris Tan, *New Standards in Government Framework Litigation: Legal Implications of the ICJ Advisory Opinion on Climate Change* (Sabin Center for Climate Change Law, Aug. 5, 2025), blogs.law.columbia.edu/climatechange/2025/08/05/new-standards-in-government-framework-litigation-legal-implications-of-the-icj-advisory-opinion-on-climate-change (last accessed Dec. 12, 2025).
[5] Lucy Maxwell and others, *Laying the foundations for our shared future: How ten years of climate cases built a legal architecture for climate protection* (Climate Litigation Network, 2025), climatelitigationnetwork.org/wp-content/uploads/Laying-the-foundations-for-our-shared-future-Climate-Litigation-Network-ONLINE.pdf (last accessed Dec. 12, 2025).

Relevant Excerpts from the ICJ AO

The ICJ AO's findings address several topics common to government framework litigation. Notably, the ICJ clarified governments' binding mitigation obligations under the climate treaty regime; definitively stated that 1.5°C is the temperature limit of the Paris Agreement; affirmed a "stringent" due diligence standard of care regarding mitigation action; stressed the importance of the principle of common but differentiated responsibilities and respective capabilities (CBDR-RC) in determining States' NDCs; confirmed that human rights obligations apply to climate change; advanced the principle of intergenerational equity; and strengthened the legal foundation for broader climate remedies.

A. Scientific basis of the Advisory Opinion

Reports of the Intergovernmental Panel on Climate Change (IPCC) represent the best available science on the causes, nature, and consequences of climate change.

Para. 74: States agreed that IPCC reports "constitute the best available science on the causes, nature and consequences of climate change."

Para. 76: "According to the IPCC, climate change refers to '[a] change in the state of the climate that . . . may be due to natural internal processes or external forcings such as modulations of the solar cycles, volcanic eruptions and persistent anthropogenic changes in the composition of the atmosphere or in land use' (IPCC 2023 Glossary, p. 122).

For the purposes of this Advisory Opinion, the Court notes that this definition is consistent with that of Article 1, paragraph 2, of the UNFCCC, which characterizes climate change as 'a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods'."

Para. 78: "The IPCC has determined that approximately 3.3 to 3.6 billion people are highly vulnerable to climate change."

Para. 284: "The Court is aware that scientific research on climate change is well developed. In this regard, reports by the IPCC constitute comprehensive and authoritative restatements of the best available science about climate change at the time of their publication (see paragraphs 74, 77–83 and 277–279 above)."

B. Mitigation obligations under the United Nations Framework Convention on Climate Change (UNFCCC)

States must take action that is actually capable of mitigating climate change under the UNFCCC.

Para. 208: "[I]t cannot be said that an obligation of result, such as an obligation [under Article 4.2(a)] to 'adopt national policies and take corresponding measures on the mitigation of climate change', will be met merely by the adoption of any policies and the taking of corresponding measures. To comply with this obligation of result, the policies so adopted and the measures so taken must be such that they are able to achieve the required goal. In other words, the adoption of a policy, and the taking of related measures, as a mere formality is not sufficient to discharge the obligation of result."

C. Paris Agreement temperature goal

Para. 224: The ICJ definitively concluded that 1.5°C is "the parties' agreed primary temperature goal for limiting the global average temperature increase under the Paris Agreement."

D. Mitigation obligations under the Paris Agreement

Nationally Determined Contributions (NDCs)

States' NDCs must (1) represent an adequate contribution to the global effort for 1.5°C, (2) collectively add up with other NDCs to achieve that goal, and (3) be fair and ambitious, in line with CBDR-RC – and thus historic responsibility.

Para. 236: "[T]he mere formal preparation, communication and maintenance of successive NDCs is not sufficient to comply with the obligations under Article 4 […]. The content of the NDCs is equally relevant to determine compliance."

Para. 240: Although Article 4, paragraph 3, of the Paris Agreement uses "will" rather than "shall" in relation to the content of NDCs, the Court explained that this provision "is not to be read as merely hortatory." Instead, "'will' is used here in a prescriptive sense, reflecting the expectation that 'successive nationally determined contributions will represent a progression' and 'reflect [a party's] highest possible ambition', without prescribing precisely what constitutes a progression, or what reflects a party's highest possible ambition."

Accordingly, the ICJ took it upon itself to – in its own words – "shed light" on the substantive content and obligations related to NDCs. *This is significant as the Court's findings counter the notion that NDCs are purely procedural, voluntary, and/or aspirational.*

Substantive NDC content

Para. 226: The principle of CBDR-RC plays a "key role" in the interpretation and implementation of the Paris Agreement;

Paras. 240–241: The provision in Article 4, paragraph 3, that "[e]ach Party's successive nationally determined contribution will represent a progression" over its current NDC, "means that a party's NDCs must become more demanding over time;"

Para. 242: "[A] party's NDCs must reflect 'its highest possible ambition;'"

Para. 242: The content of an NDC "must [. . .] be capable of making an adequate contribution to the achievement of the temperature goal," which is to " hold the increase in the global average temperature to below 1.5°C;"

Para. 243: "NDCs must be 'informed by the outcomes of the global stocktake;'"

Para. 244: NDCs must be sufficiently transparent;

Para. 245: "[T]he discretion of parties in the preparation of their NDCs is limited;"

Para. 245: States must collectively ensure that "when taken together, [their NDCs] are capable of achieving the temperature goal" of 1.5°C;

Para. 247: Assessing NDCs "will vary depending, *inter alia*, on historical contributions to cumulative GHG emissions, and the level of development and national circumstances of the party in question;"

Para. 248: The Paris Rulebook "requires each party to provide information together with its NDCs on how it considers the NDCs fair and ambitious in light of its national circumstances, including in relation to '[f]airness considerations' and 'equity'."

Due diligence

States must adhere to a "stringent" due diligence standard and do their "utmost" to carry out their highest possible ambition in line with CBDR-RC and historical responsibility.

Para. 246: "[T]he **standard of due diligence** to be applied in preparing the NDCs is **stringent** […]. This means that each party has to do its utmost to ensure that the NDCs it

puts forward represent its highest possible ambition in order to realize the objectives of the Agreement." (*emphasis added*)

Para. 247: There "exists a link between the concept of due diligence and the principle of common but differentiated responsibilities and respective capabilities in light of different national circumstances […]"

Para. 252: Each Party must exercise stringent "due diligence in its efforts and in deploying appropriate means to take domestic mitigation measures, including in relation to activities carried out by private actors." (see also **para. 254**)

Implementing NDCs

All States must individually and proactively pursue measures that are reasonably capable of implementing their NDCs.

Para. 251: "The obligation that parties 'shall pursue domestic mitigation measures' is substantive in nature. The obligation is incumbent on '[p]arties', which must be read as 'all parties', thus creating individual obligations for each party to the Agreement."

Para. 253: "What is required of parties under Article 4, paragraph 2, is not a guarantee that communicated NDCs will be achieved, but rather that they will make best efforts to obtain such a result. The Court considers that the obligation to 'pursue domestic mitigation measures' that aim to achieve the objectives of their NDCs requires States to be proactive and pursue measures that are reasonably capable of achieving the NDCs set by them. These measures may include putting in place a national system, including legislation, administrative procedures and an enforcement mechanism, and exercising adequate vigilance to make such a system function effectively, with a view to achieving the objectives in their NDCs."

Para. 254: "[T]he standard of due diligence attaching to the obligation to pursue domestic mitigation measures is stringent on account of the fact that the best available science indicates that the '[r]isks and projected adverse impacts and related losses and damages from climate change escalate with every increment of global warming (very high confidence)' […]."

E. Customary international law

States have independent customary international law duties to take climate action on the basis of the duty to prevent significant transboundary harm and the duty to cooperate, regardless of the diffuse nature of climate change or whether they are party to the climate change treaties.

Para. 278: "The determination of 'significant harm to the climate system and other parts of the environment' must take into account the best available science, which is currently to be found in the reports of the IPCC."

Para. 279: "Accordingly, the Court considers that the diffuse and multifaceted nature of various forms of conduct which contribute to anthropogenic climate change does not preclude the application of the duty to prevent significant harm to the climate system and other parts of the environment. This duty arises as a result of the general risk of significant harm to which States contribute, in markedly different ways, through the activities undertaken within their jurisdiction or control."

Paras. 280–300: The Court reaffirmed (**para. 280**) "that States must fulfil their duty to prevent significant harm to the environment by acting with due diligence. Due diligence is a standard of conduct whose content in a specific situation derives from various elements, including the circumstances of the State concerned, and which may evolve over time." The Court then explained that the following elements are relevant to determining what is required of a State in the climate context: appropriate measures; scientific and technological information; relevant international rules and standards; different capabilities; the precautionary principle and respective measures; risk and environmental impact assessments; and notification and consultation.

Para. 292: "While developed States, in the context of climate change, must take more demanding measures to prevent environmental harm and must satisfy a more demanding standard of conduct, the standard required in each case ultimately depends on the specific situation of each State, namely 'all the means at its disposal'."

Para. 305: "The duty to co-operate takes on a special importance in the context of the need to reach a collective temperature goal (see, in the context of treaty obligations, paragraphs 224–229 above). States must co-operate to achieve concrete emission reduction targets or a methodology for determining contributions of individual States, including with respect to the fulfilment of any collective temperature goal. The duty to co-operate is applicable to all States, although its level may vary depending on additional criteria, first and foremost the common but differentiated responsibilities and respective capabilities principle."

Para. 306: "The Court recognizes that the duty to co-operate leaves States some discretion in determining the means for regulating their GHG emissions. However, this discretion cannot serve as an excuse for States to refrain from co-operating with the required level of due diligence or to present their effort as an entirely voluntary contribution which cannot be subjected to scrutiny. The duty to co-operate is founded on the recognition of the interdependence of States, requiring more than the transfer of finance or technology, in particular efforts by States to continuously develop, maintain and

implement a collective climate policy that is based on an equitable distribution of burdens and in accordance with the principle of common but differentiated responsibilities and respective capabilities."

Para. 314: "[C]ompliance in full and in good faith by a State with the climate change treaties, as interpreted by the Court […], suggests that this State substantially complies with the general customary duties to prevent significant environmental harm and to co-operate. This does not mean, however, that the customary obligations would be fulfilled simply by States complying with their obligations under the climate change treaties […]. While the treaties and customary international law inform each other, they establish independent obligations that do not necessarily overlap."

Para. 315: "Customary obligations are the same for all States and exist independently regardless of whether a State is a party to the climate change treaties." *The Court's ruling on the obligations of non-party States here is relevant when assessing the obligations of countries that are not parties to, or have withdrawn from, relevant climate treaties.*

F. Human rights

States must take effective climate action in order to fulfill their human rights obligations.

Para. 403: "Taking into account the adverse effects of climate change on the enjoyment of human rights, the Court considers that the full enjoyment of human rights cannot be ensured without the protection of the climate system and other parts of the environment. In order to guarantee the effective enjoyment of human rights, States must take measures to protect the climate system and other parts of the environment. These measures may include, *inter alia*, taking mitigation and adaptation measures, with due account given to the protection of human rights, the adoption of standards and legislation, and the regulation of the activities of private actors. Under international human rights law, States are required to take necessary measures in this regard."

Para. 404: "[I]nternational human rights law, the climate change treaties and other relevant environmental treaties, as well as the relevant obligations under customary international law, inform each other …. States must therefore take their obligations under international human rights law into account when implementing their obligations under the climate change treaties and other relevant environmental treaties and under customary international law, just as they must take their obligations under the climate change treaties and other relevant environmental treaties and under customary international law into account when implementing their human rights obligations."

On the right to a clean, healthy, and sustainable environment

Para. 393: "[U]nder international law, the human right to a clean, healthy and sustainable environment is essential for the enjoyment of other human rights."

G. Intergenerational equity

States must take intergenerational equity into account when defining and carrying out their climate actions.

Para. 157: "Due regard for the interests of future generations and the long-term implications of conduct are equitable considerations that need to be taken into account where States contemplate, decide on and implement policies and measures in fulfilment of their obligations under the relevant treaties and customary international law."

H. Remedies

Courts have a strong legal foundation to require States to adopt an NDC consistent with the Paris Agreement, as well as order broad climate remedies, including cessation, non-repetition, and full reparation.

Para. 445: "[B]reaches of States' obligations under question (a) may give rise to the entire panoply of legal consequences provided for under the law of State responsibility. These include obligations of cessation and non-repetition, which are consequences that apply irrespective of the existence of harm, as well as the consequences requiring full reparation, including restitution, compensation and/or satisfaction."

Para. 446: "[I]n the case of a State party setting an inadequate NDC under Article 4 of the Paris Agreement, a competent court or tribunal could order that State to perform its obligations by adopting an NDC consistent with its obligations under the Paris Agreement."

Para. 448: "The duty of cessation may also require States to employ all means at their disposal to reduce their GHG emissions and take other measures in a manner, and to the extent, that ensures compliance with their obligations."

Categories of Climate Cases Relevant to the Excerpts

The ICJ's aforementioned findings have the potential to positively bolster government framework cases – particularly but not limited to challenges of inadequate ambition as expressed in NDCs assessed against the best available science – although their

authoritative weight will vary by jurisdiction and legal system. This section highlights the most likely types of cases and claims that the AO will support. The examples provided are for illustrative purposes only and do not suggest that the ICJ AO has been invoked or applied in those proceedings. Please note that the case categories are not mutually exclusive, and cases can fall into one or more of the following categories.

"Ambition Gap" framework cases

The Court's findings strengthen litigation challenging governments' weak mitigation ambition, as such cases frequently challenge the sufficiency of emissions reduction targets based on or reflected in NDCs, pursuant to domestic law. As States' 2035 NDCs are largely insufficient – both individually and collectively – to hold global temperature rise to 1.5°C,[6] these submissions could provide the basis for new framework litigation subject to the standards described above. For example, claims could relate to:

- Failure of a government to set its NDC in line with holding global temperature increase to 1.5°C;
- Failure of a government to take into account its historical contributions to climate change and the principle of CBDR-RC in setting its NDC;
- No assessment by the government that its NDC represents its "highest possible ambition" (in terms of both reductions and removals on its territory);
- Lack of transparency in the details of its NDC (including how reductions or removals will be achieved);
- Evidence that a country's NDC is a downgrade in ambition, compared to previous targets (including via changes in baseline years); or,
- Absence of interim targets on the road to net zero, which suggests that the burden of emissions reductions is not spread fairly over time, leading to higher cumulative emissions and causing a negative impact on intergenerational equity (see further below).

These "Ambition Gap" claims are often grounded in human rights law and contain arguments regarding intergenerational equity, which are discussed separately below. Additionally, "Ambition Gap" cases often involve "Implementation Gap" claims, which are also bolstered by the ICJ's conclusion that States' implementing measures must be "reasonably capable" of achieving their NDC, and indicating that anything short of their "best efforts" to do so falls short of their obligations.

Examples: ***Verein KlimaSeniorinnen Schweiz and Others v. Switzerland***,[7] where the European Court of Human Rights determined that Switzerland violated Article 8 of the European Convention on Human Rights (ECHR) due to the absence of a national carbon

[6] *See e.g.*, United Nations Environment Programme, *Emissions Gap Report 2025: Off-Target*, p. xiii (UNEP, Nov. 4 2025), www.unep.org/resources/emissions-gap-report-2025 (last accessed Dec. 12, 2025).
[7] *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, App no 53600/20 (European Court of Human Rights).

budget or other equivalent quantification in its climate regulatory framework (including its NDC); ***Do-Hyun Kim et al. v. South Korea***,[8] where the Constitutional Court of Korea required the government to adopt targets for the 2031–2049 period in line with scientific facts and international standards; and ***VZW Klimaatzaak v. Kingdom of Belgium & Others***[9] and ***Urgenda Foundation v. State of the Netherlands***,[10] where the respective courts mandated specific emissions reduction orders as existing targets were insufficiently ambitious, in light of best available science and fairness principles.

Government framework cases invoking human rights law or the domestic right to a healthy environment

The ICJ's findings will particularly strengthen rights-based challenges, both on the merits and potentially to obtain access to courts and remedies. Moreover, the Court's conclusion that States must take their international climate change obligations into account when implementing their human rights obligations adds significant weight to findings by other courts that in order to effectively safeguard human rights, governments must adopt mitigation and adaptation measures, including fair and ambitious emissions reductions targets (e.g., *KlimaSeniorinnen*, *Urgenda*), and paves the way for other courts to reach similar conclusions in the future. Finally, the ICJ's willingness to interpret the right to a healthy environment as a binding norm of international law will likely bolster national framework cases that rely on this right. As the right to a healthy environment is enshrined in the laws and constitutions of over 100 countries (**para. 391**), this finding has great potential to bolster framework cases in a range of jurisdictions.

Examples: *KlimaSeniorinnen* and *Urgenda* demonstrate how human rights law – here, the ECHR – can help plaintiffs hold a government responsible for doing "its part" to address climate change. Examples of cases where plaintiffs successfully leveraged the domestic right to a healthy environment include the ***Hungarian Climate Case***,[11] where the Constitutional Court declared a key provision of the country's climate law unconstitutional and ordered the government to adopt a more ambitious 2030 target; ***Future Generations v. Ministry of the Environment and Others***,[12] where the Supreme Court of Colombia recognized the Amazon rainforest as a subject of rights and ordered the creation and implementation of deforestation plans to protect the human rights of the youth plaintiffs;

[8] *Do-Hyun Kim et al. v. South Korea* [2024] 2020HunMa389, 2021HunMa1264, 2022HunMa854, 2023HunMa846 (Constitutional Court of Korea).
[9] *VZW Klimaatzaak v. Kingdom of Belgium & Others* [2023] 2022/AR/891 (Brussels Court of Appeal).
[10] *State of the Netherlands v. Urgenda Foundation* [2019] ECLI:NL:HR:2019:2007 (Supreme Court of the Netherlands).
[11] *Decision of the Hungarian Constitutional Court in case II/3536/2021 (on the constitutionality of Article 3(1) of the Climate Protection Act)* [2025] Case No. II/3536/2021 (Constitutional Court of Hungary).
[12] *Future Generations v. Ministry of the Environment and Others* (*Demanda Generaciones Futuras v. Minambiente*) [2018] 11001 22 03 000 2018 00319 00 (Supreme Court of Justice of Colombia).

and ***Shrestha v. Office of the Prime Minister et al.***,[13] where the Supreme Court of Nepal ordered the government to introduce new legislation to remedy climate inaction.

Government framework cases and intergenerational equity

The ICJ's conclusion that the sufficiency of governments' climate commitments must now be considered through an intergenerational equity lens will likely give a boost to framework cases featuring youth plaintiffs and other cases highlighting the disproportionate impacts of both climate change and mitigation measures, and experience by younger generations. This is further reinforced by the **Inter-American Court of Human Rights' Advisory Opinion**, which considered that "States should ensure an equitable distribution of the burden of climate action and climate impacts (…) [which] should avoid the imposition of disproportionate burdens on members of both future and present generations."[14] This principle would be violated if "climate action is unjustifiably postponed, leaving the damage and cost to future generations."[15]

Examples: *KlimaSeniorinnen*, the *Hungarian Climate Case*, *Do-Hyun Kim*, *Future Generations*, and *Shrestha* all relied on intergenerational equity considerations to help determine that the government defendants had violated their respective legal obligations. Another such case is ***Neubauer et al. v. Germany***,[16] where the German Constitutional Court determined that achieving the 2050 net-zero goal without intermediate climate targets would impose a disproportionate burden of emissions reductions on future generations.

Remedies

Courts presiding over these cases could rely on the strengthened legal basis in the AO, and the ICJ's findings on remedies, for example, to order the defendant government to set more ambitious targets or to reduce its emissions by a specific amount, as in the *Hungarian Climate Case,* as well as *Klimaatzaak* and *Urgenda*, respectively.

However, as the remaining global carbon budget consistent with limiting warming to 1.5°C (50% chance) is virtually exhausted – and most States have already exceeded their fair share carbon budget under even the most lenient equal per capita methodology – legal

[13] *Advocate Padam Bahadur Shrestha v. The office of the Prime Minister and Council of Ministers*, Singhadurbar, Kathmandu and others, Decision no 10210, NKP, Part 61, Vol 3) (Supreme Court of Nepal).
[14] *Climate Emergency and Human Rights*, Advisory Opinion AO-32/25, Inter-American Court of Human Rights Series A No 32, para. 310 (May 29, 2025).
[15] *Ibid.*
[16] *Neubauer and Others v. Germany* [2021] 1 BvR 2656/18, 1 BvR 96/20, 1 BvR 78/20, 1 BvR 288/20, 1 BvR 96/20, 1 BvR 78/20 (German Constitutional Court).

teams, such as those in **France**[17] and the **Netherlands**,[18] have asked that governments assess and aim for their highest possible ambition in domestic reductions and sustainable carbon removals on their territory, and compensate for any mitigation shortfall with emissions reductions abroad.[19] In the latter ***Bonaire*** case, the Hague District Court relied on the ICJ AO in part to find multiple violations of the ECHR and ordered the Netherlands to set new legally binding mitigation targets within 18 months for the period up until 2050, including intermediate targets and pathways, and quantify the remaining emissions space for that timeframe – in accordance with climate treaty obligations.[20] This court further considered that the Netherlands should submit its own NDC, as it considered the EU NDC to fall short. The ICJ's conclusions could continue to play a crucial future role in the framing of similar novel requests as well as in the determination of corresponding remedial orders.

[17] *See e.g.*, the climate case against the French Government launched December 2025, which focuses on the carbon budget for 1.5°C, and the different measures to reduce its emissions. The case asks that France meet its Land Use, Land-Use Change, and Forestry (LULUCF) target and take all measures to stay within a 1.5°C carbon budget: www.linkedin.com/posts/paul-mougeolle-a47b95b9_202511-document-presse-ppj-activity-7402302367947366400-2E4v/?utm_source=share&utm_medium=member_desktop&rcm=ACoAABS1n68BZF-yQK4y1tBBW2GWSo3OcvBQko8 .

[18] *See e.g.*, the climate case against the Dutch Government brought by the people of Bonaire (a press release on their October 2025 hearing www.greenpeace.org/international/story/79117/bonaire-climate-case-a-fight-for-justice-in-dutch-court). The case demands that the Netherlands reduce emissions in line with its fair share to hold global emissions to 1.5°C, and that because this fair share is already, or will soon be depleted, that the Government support emissions reductions – including negative emissions – outside of its territory. In addition, the case demands that territorial net-emissions are reduced to zero in 2040, which includes a share of negative emissions on its own territory.

[19] *See e.g.*, Roda Verheyen & Johannes Franke, *The 2040 EU Climate Target – Legal benchmarks and obligations following from International Court of Justice's Advisory Opinion on Climate Change* (Rechtsanwälte Günther), cdn.table.media/assets/europe/legal-opinion-2040-target.pdf (last accessed Dec. 12, 2025).

[20] *Greenpeace Netherlands v. The State of the Netherlands*, (2026) ECLI:NL:RBDHA:2026:1344 (The Hague District Court (Rechtbank Den Haag)).