NOVEMBER 2025

JUSTICE TAKES ROOT

Three Legal Imperatives at COP30

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ClientEarth

Introduction

What do we expect from COP30?

The World Economic Forum's Global Risks Report 2025 puts **misinformation and disinformation** as the top short-term global risks for the second consecutive year, threatening societal cohesion, eroding trust in institutions, and complicating international cooperation. As Parties grapple with a growing wave of climate disinformation, which the COP Presidency, the UN, and many others have identified as a key threat to climate action, it is imperative that COP30 delivers a strong political call from Parties in support of information integrity and against climate disinformation tactics.

This is the first COP since the International Court of Justice's landmark Advisory Opinion in July 2025, which will shape the legal landscape for future climate action. This ruling provided unprecedented clarity on State obligations under international law. **The Advisory Opinion has significant legal effects**: providing a roadmap that sets the direction of climate action by confirming, clarifying, and detailing States' legal obligations. It also provided an indication of how international, regional, and national courts will approach future climate litigation. It will help **shape future climate laws**, and serve as a powerful tool in advocacy for climate justice. COP30 is therefore a moment to galvanise governments everywhere to showcase climate leadership as we approach the extended deadline for countries to submit new nationally determined contributions. We expect COP30 Parties to take stock of the **International Court of Justice**'s Advisory Opinion, and build on this legal clarity by translating the ruling into enforceable domestic frameworks through a new generation of climate laws.

And as the **first COP to be held in the Amazon**, COP30 will serve as a moment to strengthen value chains in a way that halts the deforestation, biodiversity loss, and climate change that impacts forest biomes both regionally and globally, with an eye toward transforming global food systems and the present agribusiness supply chains that contribute to these harms. This effort includes enforceable action that seeks to minimise and remedy deforestation, land conversion, and rights violations, as well as for the companies accountable for roles in generating these impacts.

About ClientEarth

We are the non-profit lawyers for the planet. We use the power of the law to bring about the positive shift we urgently need to protect all life on Earth.

The law has an immense power to shape the world around us. That's why the rule of law and legal systems are at the heart of our work. The law forms part of society's organising systems and is one of the most effective levers for sustained environmental transformation. We use the full life cycle of the law to hold power to account, to create legal foundations to turn global promises into real, enforceable action, and to bring about systemic change. We're nearly **300 people**, working on over **140 active cases** across **60 countries**. We have one ambitious vision – a future where people and planet thrive together.

Using the Power of the Law across its Life Cycle

ClientEarth's Approach to Legal Solutions

ClientEarth uses the power of the law to bring about systemic change to protect all life on Earth. Just as there are negative tipping points in terms of environmental degradation, there can be positive tipping points in our collective action to address these crises. We believe that the law is a powerful tool in this respect. Used in the right way, it can leverage the change we need to ensure that we remain within our planetary boundaries.

We use legal tools in different ways, according to geography and intended impact.

- **We work to strengthen the law**: advocating for the right legislation and policy positions, and sometimes providing technical expertise to governments and regulators;
- **We build the field**: training lawyers and prosecutors in the use of environmental law; building the legal capacity of community groups and partner NGOs; convening key stakeholders; and providing legal guidance to people, authorities and businesses;
- **We use strategic litigation and other legal interventions**: ensuring compliance with legislation, holding governments and corporates to account, and establishing new norms and precedents.

At the centre of ClientEarth's work are legal systems, the rule of law, and justice. The law is fundamental to how society is organised, and it is one of the most effective levers for sustained, intra-generational transformation. We need to reshape entire industries and economies – and to do that at the scale and speed required, we need the law to set new standards to drive that transformation. We need to strengthen the entire system of rule of law – from how laws are written, to how they are applied and how they are interpreted and enforced by courts and regulators. We need to ensure that the people and communities most affected by climate change and environmental degradation can protect their fundamental rights. And we need to create, improve, and defend laws that allow people, prosecutors, and civil society organisations, like ClientEarth, to access the information they need to advocate for change, participate in environmental decision-making, and go to court when laws are broken. These include local, national, regional, and international legal frameworks.

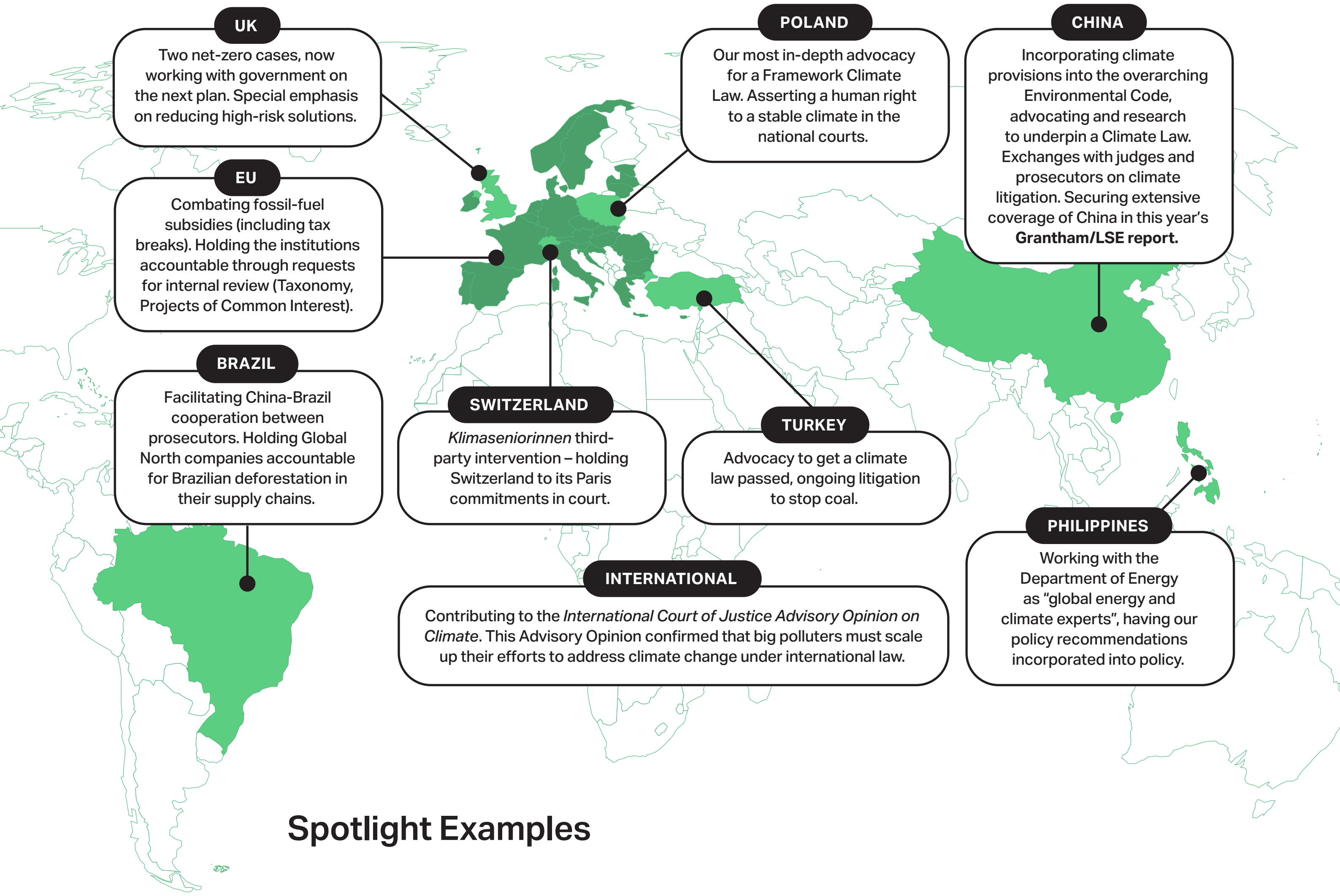
"Climate litigation has evolved into a powerful global tool for advancing climate action, and accountability."

INGER ANDERSEN, EXECUTIVE DIRECTOR OF UN ENVIRONMENT PROGRAMME.

Climate litigation is rapidly expanding

The recent UN Environment Programme report Climate Change in the courtroom explored how climate litigation has evolved over the past decades. As of 30 June 2025, a cumulative **3,099 climate-related cases** have been filed in **55 national jurisdictions** and **24 international or regional courts, tribunals, or quasi-judicial bodies**. This continues a trend in climate-related cases filed by 2022 (2,180 cases), 2020 (1,550 cases), and 2017 (884 cases). While cases from the Global South still represent less than 10 per cent in 2025, their share is steadily growing. Litigation now covers virtually all aspects of climate governance, and similar patterns are appearing in litigation on the related biodiversity and pollution crises. Courts are increasingly recognising the scientific basis for climate-related claims, including through attribution science that links specific extreme weather events to greenhouse gas emissions.

ClientEarth's Recent Legal Advocacy



Spotlight Examples

AFRICA

ClientEarth is working with partner organisations across West and Central Africa (Côte d'Ivoire, Liberia, Ghana, Republic of Congo) at the national grassroots level to strengthen supply chain governance. This highly effective governance work is tackling the devastating deforestation impacts of the cocoa supply chain, and supporting communities to prepare for - and maximise the benefits of - the incoming EU Deforestation Regulation. ClientEarth has also been instrumental in the implementation of Ghana's Forest Law Enforcement, Governance & Trade (FLEGT) Voluntary Partnership Agreement - a groundbreaking new licensing system which certifies that timber exported to the EU is legal and has been harvested in accordance with Ghanaian laws.

JUDICIAL CONVENING IN INDONESIA AND THE ASIA PACIFIC

ClientEarth is proud to have supported the organisation of the "Asia Pacific Judicial Convening on Environmental and Climate Law Adjudication". The convening was co-organised by the Working Group on Judicial Education and Training (WG JET) of the Council of ASEAN Chief Justices (CACJ), through the Judicial Training Center (JTC), in collaboration with the Indonesian Center for Environmental Law (ICEL). The main objectives of the sessions were to enhance the understanding and adjudicating capacity of judges from Indonesia and the Asia Pacific on global legal developments in environmental and climate law, provide a platform for sharing resources on key legal and scientific advancements across the region to support the effective adjudication of relevant disputes, and foster a collaborative environment for the exchange of insights and best practices.

LATIN AMERICA AND CARIBBEAN

ClientEarth is actively scoping several possible legal mechanisms for seeking greater corporate accountability and shifting business practices in global agribusiness supply chains, in which large multinational companies are presently exploiting the land, people, and resources of Latin America and the Caribbean in their pursuit of greater profit. As a result, the carbon footprint of Latin America and the Caribbean - and in particular that of Brazil, the regional economic and political powerhouse - is driven by food systems-related emissions and the destruction of carbon sinks like the Amazon through widespread deforestation. We hope to complement our early-stage work in the region, which includes a complaint to the OECD's U.S. National Contact Point alleging Cargill's inadequate soy due diligence practices in Brazil and extensive regulatory advocacy in Europe relating to commodities imported from Latin America and the Caribbean, with further legal interventions of greater depth and breadth that will aim to hold companies liable for their misconduct and seek remedy for local communities most impacted.

UNITED KINGDOM

In October 2025, the UK Government published its Carbon Budget and Growth Delivery Plan, meeting a court-ordered deadline after two successful legal challenges by ClientEarth and partners found previous plans breached the Climate Change Act. The Government claims the new plan fully accounts for risk in its emissions projections, as required by the 2023 High Court case, which would mark an important step toward transparency and better public scrutiny. From a policy perspective, we welcome the focus on areas that benefit people and nature, such as good green jobs, lower bills, community energy, tree planting, peatland restoration, and sustainable farming, which are vital for a fair and resilient transition. However, we remain cautious about the continued emphasis on high-risk, unproven technologies like carbon capture and hydrogen, which could divert funds from proven solutions like home insulation, renewable energy, and public transport. ClientEarth will continue to scrutinise the plan over the coming months to ensure it aligns with the UK's legal and climate obligations.

UNITED STATES OF AMERICA

In the U.S., ClientEarth represents a group of property owners in Colorado in a landmark suit against a U.S. oil and gas company alleging its role in perpetuating the national "zombie wells" crisis, in which it and other fossil fuel companies like it have abandoned millions of disused, polluting oil and gas wells across the country. This practice worsens climate change, pollutes communities, and costs the taxpayer billions of dollars. Following its victory on the motion to dismiss earlier this year, the ClientEarth team recently secured class certification for plaintiffs, which is another significant positive step forward in the ongoing litigation. If ultimately successful, the case has the potential to dramatically overhaul the burden of responsibility for cleaning up these toxic wells, shifting it from the state back onto the companies, with which ultimate accountability should rightfully lie.

Our three COP30 asks:

All countries must recognise the threat of climate disinformation and use the power of the law to uphold information integrity and protect climate action

We urge the Presidency and Parties to deliver a strong, ambitious COP decision that recognises the scale of climate disinformation and the threat it poses to delivering the Paris Agreement, and establishes mandatory and verifiable actions to counter it. Internationally, we call on Parties to join the Global Initiative for Information Integrity on Climate Change. Domestically, governments must use legislative and regulatory powers to hold to account the vested interests responsible for climate disinformation, and those who enable and amplify it for profit.

All countries need to respond to the ICJ's findings by implementing 1.5°C-compatible NDCs into their domestic legal frameworks

We call on Parties to recognise the ICJ's Advisory Opinion on climate and integrate its findings into ambitious, progressive, and science-driven NDCs. We expect these NDCs to include absolute emissions reductions and cover all greenhouse gas emissions and sectors, with implementable actions on adaptation and, more widely, to guarantee the protection of human rights. ClientEarth hopes to see these 1.5°C-compatible NDCs by COP30, and a political will to translate these climate commitments into a new generation of domestic climate laws.

All countries should use COP30's Action Agenda to commit to legal frameworks for corporate accountability

We call upon Parties to adopt or enforce existing domestic legal frameworks that increase corporate accountability for climate, environmental, and human rights impacts and guide corporate actors towards climate-friendly and sustainable practices. This includes minimising deforestation and other forms of biodiversity loss in unsustainable agricultural and other value chains, and promoting the rule of law and regenerative practices in their place.

Climate disinformation

Disinformation: a systemic risk to climate action

Parties must use the fact that information integrity is on the COP agenda for the first time[1] to present a united front against climate disinformation and misinformation and require action internationally and domestically to uphold and protect climate information integrity and advocacy. One of the main reasons it is difficult to implement the known solutions to tackle climate change is our information ecosystem is being heavily polluted. Decades of work towards building consensus and driving action at the international, national, and local level on the climate crisis is being undermined by sophisticated tactics, such as those used by the fossil fuel industry and others with vested interests. Their aim is to distract, delay, or derail progress towards a low-carbon future. As a result, the environment on which our lives and those of future generations depend continues to deteriorate. Meanwhile, oil majors and others record unprecedented profits, while people across the world experience the rising cost of living.

COP30 POLICY ASK: **All countries must recognise the threat of climate disinformation and use the power of the law to uphold information integrity and protect climate action**

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> “Big Oil, Big Plastic, Big Chem and Big Beef have known for decades that their business model would destroy the environment that we depend on. Rather than change course, they are doubling down and using disinformation tactics to distract, derail and delay action when it matters most. Governments must use the power of the law to hold to account those who create or enable this deception.”
> — ClientEarth

1 Thanks in large part to the efforts of civil society organisations, including Climate Action Against Disinformation (CAAD) and the Global Initiative for Information Integrity on Climate Change (co-led by the UN, UNESCO, and Brazil).

Climate disinformation: Distract, Derail, Delay

Climate disinformation and misinformation ('climate dis/misinformation') can be described as deceptive, misleading, or inaccurate information or content about climate change and climate action.[2] Climate disinformation is generally understood to be disseminated intentionally, with knowledge that it is misleading or inaccurate, for political, financial, or ideological reasons. Whereas misinformation refers to information shared without malicious intent or knowledge of inaccuracy. The lines can be blurred and, regardless of intention, both disinformation and misinformation obstruct efforts to mitigate and adapt to climate change and respond effectively to climate-related harms.[3]

Forms of climate dis/misinformation include climate denial, climate delay, conspiracy narratives, and greenwashing. Many of these tactics have long been used by the fossil fuel industry and associated vested interests to obstruct climate action, maintain their social licence to operate, and perpetuate demand for their products. They do so by:[4, 5]

- Undermining the fact that climate change is happening, including by undermining its impacts, the role of human activity, and the need for urgent action;
- Misrepresenting data, including by omission or cherry-picking, to erode trust in climate science, climate-focused institutions, experts, and solutions, or to downplay the overwhelming public support for climate action;
- Falsely publicising efforts as supportive of climate goals when they, in fact, contribute to climate change or contravene the scientific consensus on mitigation or adaptation.

This serves to pollute the information ecosystem within which society operates and depends on – seeding clouds of doubt over the need for climate action amongst decision makers and the public, or simply providing an excuse for inaction. In a global survey of stakeholders in government, the private sector, civil society, and academia, dis/misinformation was seen as the third most important global risk – out of twenty-eight risks from across the economy, environment, politics, society, and technology – and fourth in terms of risks that the global community is least prepared for.[6]

Climate dis/misinformation has been acknowledged by the IPCC,[7] NATO[8] and the UN Secretary General's office[9] as a threat to our collective ability, including through the COP process and the Paris Agreement, to mitigate and adapt to climate change. On the ground, it erodes public and political will to take the action urgently needed to prevent the worst impacts of climate change. As the climate changes, extreme weather and climate events increase, exposing millions of people across the world – but especially in the Global South – to acute food insecurity and reduced water security,[10] and directly threatening lives, livelihoods and critical infrastructure through more frequent and intense heatwaves, droughts, heavy precipitation, tropical cyclones and floods.[11] In this context, climate dis/misinformation can hinder government and first responder efforts to provide assistance.[12] Given the existential risk posed by climate change to people's livelihoods and lives, it is time for governments to treat climate dis/misinformation as a systemic risk to society, which touches on public health, security, and fundamental rights.

2 UN (2025), What are climate misinformation and disinformation and how can we tackle them? (accessed [INSERT DATE]).
3 Ibid
4 Climate Action Against Disinformation, Misinformation and disinformation: universal definition (accessed [INSERT DATE]).
5 Sparkman, G. et al (2022), Americans experience a false social reality by underestimating popular climate support by nearly half. Nature Communications 13, 4779
6 UN (2025), UN Global Risk Report.
7 IPCC (2022), Climate Change 2022: Impacts, Adaptation and Vulnerability. Working Group II Contribution to the Sixth Assessment Report.
8 NATO (2024), NATO Climate Change and Security Impact Assessment, Third Edition 2024
9 UN Secretary General (2023), Our Common Agenda – Policy Brief 8: Information Integrity on Digital Platforms
10 IPCC (2023), Climate Change 2023: Synthesis Report, Summary for Policymakers
11 World Meteorological Organization (2025), State of the Global Climate 2024.
12 Center for Countering Digital Hate (2025), Extreme Weather.

Disinformation creators, spreaders, and enablers

Challenging and disrupting information integrity have primarily originated from actors with an economic, political, or ideological interest in undermining climate action.[13] This includes: fossil fuel companies and adjacent industries, such as car manufacturers, airlines, and energy companies; interest/lobby groups and think tanks; politicians and political parties; as well as certain States and State-affiliated actors. It is also vital to recognise that their efforts are enabled and amplified by others, including the PR, advertising, media, and Big Tech industries that help to create, propagate, and monetise climate dis/misinformation.[14]

The Global Initiative for Information Integrity on Climate Change

Launched by the Brazilian COP Presidency, the UN, and UNESCO in November 2024 to kick start the road to COP30, the initiative is a dedicated multilateral collaboration to fund research and action promoting information integrity on climate issues. It responds to the commitment in the Global Digital Compact adopted by UN Member States at the Summit for the Future in September 2024 to encourage stakeholders to assess the impact of dis/misinformation on the achievement of the Sustainable Development Goals.

Information integrity refers to an information ecosystem in which reliable and accurate information is available to all, enabling people to engage meaningfully in public life, make informed decisions, and exercise their rights. This ecosystem is shaped by the actions of a diverse range of actors, including governments, technology companies, media, civil society, and individuals.[15]

Strengthening information integrity means protecting the right to freedom of expression and access to information, ensuring inclusive access to a range of information sources, and enabling people to navigate information spaces safely, with privacy and freedom. It involves building resilient societies that foster trust, knowledge, and public empowerment.[16]

13 International Panel on the Information Environment (2025), Information Integrity about Climate Science: A systematic Review.
14 Ibid.
15 UN Department of Global Communications (2025), From Principles to Practice: strengthening Information Integrity, Issue Brief 1 September 2025.
16 Ibid.

Tackling disinformation: **ClientEarth action to date**

Challenging greenwashing that distracts, derails, and delays climate action

Greenwashing is a way for companies to appear socially responsible while continuing to operate as they wish. ClientEarth, along with partners, is using existing laws to stop companies misleading consumers, policy, and decision makers, and investors over their climate credentials. ClientEarth's work has focussed on the worst greenwashing and false solutions, which significantly obstruct transitions away from the highest-polluting industries and products and toward more sustainable alternatives.

We successfully used the OECD Guidelines for Multinational Enterprises in 2020 to challenge fossil fuel giant BP's multimillion pound advertising campaign in the UK, which we argued could misleadingly imply it was a company focussed on renewable energy when 96% of its spend was on oil and gas. More recently, we worked with French partners using the EU Unfair Commercial Practices Directive to successfully hold, oil and gas major, TotalEnergies to account over its misleading 'net zero by 2050', when in fact it has been increasing its fossil fuel exploration and production –at odds with scientific advice aligned with the Paris Agreement. In October 2025, the court ordered that within one month, the unlawful advertising must cease, and the judgment must be displayed prominently on the company's website for a period of 180 days – or risk significant daily fines.

We have also used the Unfair Commercial Practices Directive to challenge a range of fossil fuel-linked greenwashing activities. For example, in 2021, we successfully challenged an eco-label for coal for domestic heating ('eco-pea') in Poland that misled consumers into thinking the coal was more eco-friendly and cleaner that it actually is. With partners in 2022, we helped launch the world's first aviation greenwashing lawsuit that successfully challenged major Dutch airline KLM over misleading marketing about the sustainability of flying. This was followed by EU-wide regulatory action against 20 airlines for the same misleading marketing claims.

In 2023, we worked with partners to raise an external alert with the European Commission under the EU Consumer Protection Regulation against Coca-Cola, Nestlé, and Danone over misleading recycling claims for their plastic bottles. Plastic is the fossil fuel industry's Plan B and, as a pollutant, directly harms the health of people and nature; it is vital to challenge its unnecessary use. Earlier this year Coca-Cola said it would change and remove some of its packaging recycling claims in the EU.

Using a range of EU and domestic laws around financial communications and marketing, in 2024 we filed, in France, our first greenwashing complaint against a financial institution – Blackrock, one of the world's largest asset management companies – for misleading marketing of so-called "sustainable funds" that actually invest in fossil fuel companies. Blackrock has made some changes but hasn't gone far enough, and enforcement, we argued, is needed from the financial regulator. We have also published clear guidelines for policymakers to plug the global regulatory gap in climate transition financing and tackle the rise of greenwashing in the financial markets.

We are going beyond tackling obstructive greenwashing by supporting the groundswell of initiatives to free our societies from influence by vested interests – following the tobacco example to try to prohibit the advertising of dangerous, high-emitting fossil fuel products. Earlier this year, we wrote a letter with legal analysis in support of the Hague City Council's order prohibiting fossil fuel advertising in the city, when it was challenged by the aviation industry. The Hague City Council won the case, and other Dutch cities have followed suit with their own prohibitions.

Investigating digital distortion – a rising threat

The UN has warned that the rise of digital media has *"enabled the spread of misinformation, disinformation and hate speech at an unprecedented volume, velocity and virality, risking the integrity of the information ecosystem"*.[17] Similar concerns have led to commitments to develop regulation to address these issues, including the EU's landmark Digital Services Act' (the "DSA"),[18] in force since 2024. ClientEarth is working on analysis of the application of the DSA to online climate dis/misinformation, demonstrating that the DSA gives rise to concrete obligations on platforms to identify and mitigate the 'systemic risk' of climate dis/misinformation.

Conclusion

At COP30, governments must recognise and address the impact of climate dis/misinformation on securing international agreement and national action on climate change. Securing information integrity requires a multifaceted approach. At the international level, we urge Parties to deliver a strong and ambitious COP decision that recognises the scale of the problem and the threat it poses to delivering the Paris Agreement but also requires mandatory and verifiable action from all Parties to counter it. Action should include supporting the Global Initiative for Information Integrity on Climate Change to support international collaboration to tackle climate disinformation. At a national level, the law is also a powerful tool, if properly implemented and enforced, to hold companies and other actors to account for creating climate dis/misinformation and amplifying it for profit – but it should not be left to civil society to hold the mantle. Governments and regulators need to act. Failure to do this undermines the rule of law but, most importantly, hinders governments' ability to protect the short and long-term interests of their citizens and future generations.

17 UN, Information Integrity (accessed [INSERT DATE])

18 EU, Digital Services Act, Summary of Regulation (EU) 2022/2065 on a single market for digital services and amending Directive 2000/31/EC (Digital Services Act), (accessed [INSERT DATE])

The International Court of Justice's Advisory Opinion

The legal and political response to the International Court of Justice's Advisory Opinion on Climate

In July this year, the International Court of Justice (ICJ) delivered an Advisory Opinion that will shape the legal landscape for future climate action. An Advisory Opinion is a legal clarification on questions of law put before a court. This ruling provides unprecedented clarity on State obligations under international law. And it has significant legal authority: it is a roadmap that sets out the direction of climate action by confirming, clarifying, and specifying States' legal obligations, and providing an indication of how international, regional, and national courts will approach future climate litigation. It will also help shape future climate laws and serve as powerful tools in the advocacy for climate justice. The Advisory Opinion is also an authority on the legal consequences if States do not comply with their climate obligations under international law.

COP30 POLICY ASK: **All countries need to respond to the ICJ's findings by implementing 1.5°C-compatible NDCs into their domestic legal frameworks**

'We call on Parties to recognise the ICJ's Advisory Opinion on climate and integrate its findings into ambitious, progressive, and science-driven NDCs. We expect these NDCs to include absolute emissions reductions and cover all greenhouse gas emissions and sectors, with implementable actions on adaptation and, more widely, to guarantee the protection of human rights. ClientEarth hopes to see these 1.5°C-compatible NDCs by COP30, and a political will to translate these climate commitments into a new generation of domestic climate laws.

> "International law is an important tool for shaping the fight against climate change – and as yet, we've not seen its full power. Advisory opinions such as this clarify the legal obligations of States on one of the most pressing issues of our time – and can guide future climate action. This is an important advance in the climate law landscape."
> — ClientEarth

The International Court of Justice's Advisory Opinion

The ICJ's landmark Advisory Opinion on climate came after a request for clarification from the Government of Vanuatu and a group of co-sponsors (including Antigua & Barbuda, Costa Rica, Sierra Leone, Angola, Germany, Mozambique, Liechtenstein, Samoa, the Federated States of Micronesia, Bangladesh, Morocco, Singapore, Uganda, New Zealand, Vietnam, Romania, and Portugal) before being passed by the UN General Assembly by consensus. The ICJ found that governments and parliaments that fail to curb the production and consumption of fossil fuels could now be in breach of international law.

As we mark the tenth anniversary of the Paris Agreement, the ICJ unanimously confirmed that countries are also bound by international law to regulate companies and business' climate impacts, and that historical emitters have a greater responsibility to address the climate crisis and limit global warming to 1.5°C.

Judges sent a clear message to governments and corporate giants about the importance of translating climate ambition into climate action. The age of producing and bankrolling fossil fuels with abandon is over. The Advisory Opinion clarified States' obligations on mitigation, adaptation, and cooperation, which we will unpack below. These obligations are critical to determine what action needs to follow from governments and parliaments during COP30 and in the years to come.

The ruling provides a new-found clarity and sets a new mandate for judges as well as policy and law-makers. It equips judges with authoritative guidance that will likely shape climate cases for decades to come. And outside the courtroom, each and every one of us can use this ruling to demand our governments and parliaments take more ambitious action on climate change to comply with the Paris Agreement and other applicable international laws. The Advisory Opinion is a game-changer for climate justice and climate ambition. It is crucial that COP30 serves as a moment to seize this mandate to respond to the greatest challenge for this century, for current and future generations.

Fossil fuels: The ICJ stated that a State failing to take appropriate steps to protect the climate system from GHG emissions, be that from fossil fuel production, consumption, exploration, or subsidies, potentially constitutes committing an internationally wrongful act.

Mitigation: The ICJ highlighted that mitigation obligations under the UNFCCC (Art 4 in particular), Kyoto Protocol, and Paris Agreement include obligations of a) result (specific outcomes) and b) conduct (due diligence and the best efforts).

- Under the **UNFCCC**, States must prepare inventories and programmes, and communicate information, with strict commitments for Annex I Parties (industrialised countries and economies in transition) to adopt mitigation policies around GHGs.
- Under the **Paris Agreement**, there are binding obligations around mitigation, specifically on the reduction of GHG emissions, and enhancement of carbon sinks. The ICJ emphasised obligations of result and conduct concerning the preparation, implementation, and ambition of NDCs. NDCs must reflect highest possible ambition in light of different national circumstances. The ICJ has therefore ring-fenced discretion left to States.

Adaptation: The ICJ confirmed that the adaptation obligations under the UNFCCC and Paris Agreement are legally binding and subject to objective assessment.

- Under the **UNFCCC**, States must develop and publish adaptation programmes, integrate climate considerations into policies, and cooperate on planning (such as costs, water resources, desertification). Annex II Parties are also specifically obliged to provide financial assistance to vulnerable countries.

- Under the **Paris Agreement**, adaptation is a key objective of Art. 2(1)(b) and Art. 7 and creates binding obligations. Art. 7(9) requires States to undertake activities such as adaptation planning, vulnerability assessments, monitoring and evaluation, and resilience-building. Compliance requires States to use best efforts, informed by science, to enhance the capacity of adaptation, strengthen resilience, and reduce vulnerability. Best practice examples of these include the restoration of ecosystems, early warning systems, regenerative farming, and land management.

Co-operation and finance: The ICJ determined that the duty to co-operate is a principle of customary international law (binding international law rules that exist even if not included in treaties) and is additionally embedded in both the UNFCCC and Paris Agreement. Most notably, it includes obligations related to conservation, adaptation, research, education, and financial support.

- Under the **UNFCCC**, all Parties must co-operate across these areas, but developed countries are additionally required to provide financial assistance and transfer technology to developing countries. These obligations are obligations of conduct.
- Under the **Paris Agreement**, co-operation comes in three principal forms: financial assistance, technology transfer, and capacity building. These are binding obligations for developed countries, but the Paris Agreement does not set out how they co-operate, only that they must do so in a way consistent with the obligations of good faith and due diligence. Although the Paris Agreement does not set out the level of financial support, it does specify that support must be at a scale adequate to achieving the 1.5°C goal. Art. 4(5) and Art. 9 of the Paris Agreement both establish binding obligations on developed States to provide financial resources to assist developing countries to comply with their mitigation and adaptation measures. Art. 9(5) to 9(7) creates legally-binding obligations on developed States to communicate on projected levels of climate finance.

NDCs: The ICJ clarified that the climate pledges are expected to increase over time to reflect their highest possible ambition, and to consider 'common but differentiated responsibilities' in light of national circumstances. Furthermore, it found that all countries must contribute to limiting global warming to 1.5°C, and wealthier, historically high-emitting countries carry the greatest responsibility. NDCs must make a tangible step towards the goals of the Paris Agreement, and **States have a binding obligation to take domestic measures to implement their NDCs**. Whilst States are not required to guarantee achieving their targets, they must make best efforts to deliver and critically assess whether domestic measures are sufficiently aligned with the 1.5°C goal. Progression requires NDCs to become more demanding over time and reflect a genuine effort at holding global temperature rise to 1.5°C.

Compliance with the Paris Agreement: The ICJ ruling clarified and confirmed the legal obligations assumed by the signatories to the 2015 Paris Agreement, which saw 196 out of 198 UNFCCC Parties commit to aiming to limit global warming to 1.5°C above preindustrial levels, among other goals. COP30 is now the extended deadline for signatory Parties to submit 1.5°C-compatible NDCs.

Although NDCs themselves provide a summary of national ambition and intended actions, they are usually not legally binding before national courts, nor are they detailed enough to showcase how efforts to meet those targets will be implemented. ClientEarth's position is that States should present 1.5°C-compatible NDCs by COP30, backed up by the political will to translate these climate commitments into a new generation of domestic climate laws. These climate laws are essential to regulate companies and business' climate impacts, and set out legal pathways for emitters to address the climate crisis and limit global warming to 1.5°C.

The Grantham Research Institute on Climate Change and the Environment at the London School of Economics and Political Science states: *"The binding nature of national legislation, coupled with the political accountability that tends to underscore decisions made by executive branches of government, make climate laws and policies well-placed to fill these gaps in countries' NDCs."*

A Legal Response to the ICJ: A new generation of climate laws as a lasting solution (see annex below)

National climate laws are a vital tool, providing a roadmap for governments to re-orientate their economies, land use, and energy systems, whilst also positively benefitting a country's population, health, and economy. ClientEarth maintains that the next generation of climate laws can improve the nexus between climate and nature, tackle pollution, and encourage the implementation of a country's NDCs, whilst also setting up a legacy legal framework to safeguard a healthier, sustainable future for people and planet. A new generation of climate laws can provide essential stability and security for business as governments set out their transition to net zero, according to individual national circumstances. They can establish interim and long-term targets that require absolute reductions of all GHG emissions and create a clear and comprehensive framework for long-term policy-planning and action. They make climate governance easier through the following mechanisms:

- A strong climate law makes it possible to plan for the long-term and will include an effective forward-looking "planning duty", to ensure that policy stays on track before it is too late to correct course and targets are missed. Such a law also provides for the establishment of an independent expert body to assist with preparing credible science-based transition pathways;
- Properly constructed climate laws include planning and policy mechanisms and instruments to confront the challenges of adaptation and biodiversity loss on a national, regional, and local level. It is crucial that such mechanisms and instruments are comprehensive, coherent, and clear, with each level and unit of government left in no doubt as to their powers and obligations, as well as to the sources of funding for and expected outcome of any actions planned or undertaken;
- Climate laws can assist financial flows by providing confidence to decision-makers that there is a strong institutional framework for climate mitigation and adaptation and for transparent and accountable use of climate finance. Redirecting capital towards a cleaner, more resilient future requires change not only in the scale of the commitment made by public and private sources, but also in institutional frameworks that present obstacles to climate finance flows in recipient countries, hindering effective action on climate change;
- Climate laws can support the restoration of a country's climate infrastructure. Existing policies rooted in unsustainable extraction, production, and consumption are creating a spiraling crisis for climate and nature, endangering health, livelihoods, and businesses. The right national laws and financial flows to address biodiversity loss and climate change mitigation will protect and restore nature and give it space to contribute to a country's climate ambitions.

The process of enacting a climate law can also depoliticise the climate debate and increase the buy-in of broad segments of society, including business, NGOs, and the public at large, increasing the likelihood of enhanced public ownership and consensus.

Conclusion

The ICJ ruling made clear that States have a binding obligation to take domestic measures to implement their NDCs. States must make best efforts to deliver on their targets and must critically assess whether domestic measures are sufficiently aligned with the 1.5°C goal.

ClientEarth believes that a new generation of climate laws is therefore an essential, unique tool, enabling national efforts to tackle climate change and meet the goals of the Paris Agreement in a timely manner, with the greatest benefits for individuals and businesses, and for the economy and society. By creating an overarching governance structure to enable the creation and coordination of climate-protection policy within a specific jurisdiction, climate laws provide a domestic vehicle for systemic change through GHG emissions reduction targets that shape government policies. By introducing a new generation of climate laws, governments can set out general principles of climate change policy and the institutional framework for this policy, set jurisdiction-wide emissions reduction and adaptation targets, and define the processes necessary to achieve those targets.

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Agriculture, land-use, and deforestation

Agriculture, land-use, and deforestation

ClientEarth's activities include contributions to the global effort to halt deforestation, biodiversity loss, and climate change through the promotion of sustainable land use and emissions-sensitive practices. Our work seeks to increase corporate, financial, and value chain accountability - particularly in the agribusiness sector - for companies' climate, environmental, and human rights impacts. We incentivise corporate behaviour change by pressing companies and financial institutions to improve their due diligence policies, holding them accountable for their climate and environmental misconduct, and advocating for strong regulatory compliance and rule of law. We support positive international examples of value chain regulation for others in the market to follow, in the global effort to decouple consumption from nature destruction and related social and environmental harms.

COP30 POLICY ASK: All countries to use COP30's Action Agenda to commit to legal frameworks for corporate accountability

We call upon Parties to adopt or enforce existing domestic legal frameworks that increase corporate accountability for climate, environmental, and human rights impacts and guide corporate actors towards climate-friendly and sustainable practices. This includes minimising deforestation and other forms of biodiversity loss in unsustainable agricultural and other value chains, and promoting the rule of law and regenerative practices in their place.

> "Governments must move from voluntary corporate pledges to enforceable accountability for deforestation, land conversion, and rights violations. Meanwhile, regulators should require full transparency and due diligence across agribusiness value chains, holding companies responsible for the impacts of their subsidiaries and suppliers." — ClientEarth

Latin America and the Caribbean

Latin America and the Caribbean, like the rest of the world, faces increasing risk of climate and environmental catastrophe. The region is home to diverse biomes that sequester carbon and host some of the world's highest concentrations of biodiversity. According to the United Nations Environment Programme, approximately 60% of the world's terrestrial, marine, and freshwater species can be found in the region. The Amazon rainforest alone is estimated to house 10% of the world's biodiversity and store an amount of carbon equivalent to up to 20 years of global CO_2 emissions, with a net climate cooling effect. Ensuring the region's climate resilience and environmental well-being is essential to combating the climate crisis.

Latin America and the Caribbean's extensive natural resources fuel economic activity driven by commodity exports, attracting enormous foreign capital, investment, and enterprise. However, large multinational corporations and financial institutions active in the region - many of which are headquartered or listed in the United States or Europe - cause the destruction of local nature and biodiversity and increase greenhouse gas emissions through their operations and value chains.

Often, one of the greatest culprits is the agribusiness industry, particularly animal agriculture, which requires extensive tracts of land for livestock-rearing and growing feed. The value chains of agribusiness companies are complex and difficult to trace, and frequently implicate illicit cross-border activities including deforestation, human rights violations, and financial crime. Alongside agriculture and livestock production, extractive industries – principally mining, logging, and fossil fuel production – also generate significant harm to climate, biodiversity, and human rights in the region.

U.S.: Leveraging U.S. Law

ClientEarth Americas sees the U.S. legal system as a powerful tool for change to hold multinational companies accountable for environmental and social harms linked to their operations and value chains in Latin America and the Caribbean. Our legal interventions put pressure on corporations to shift their behaviour toward better environmental and human rights standards by highlighting the risks they face from their misconduct and emphasising that the externalities of their bad practices can no longer be passed off onto others as the "cost of doing business."

Our focus includes:

- Complex commercial litigation against major agribusiness companies seeking accountability and remedy for their practices that contribute to climate change, deforestation, and illegal land use across the region, particularly in Brazil;
- Exposing environmental due diligence and human rights failures in global commodities value chains; and
- Encouraging U.S. regulators and enforcement agencies to act against banks and investors that fund unsustainable or unlawful projects.

EU: Efforts to tackle deforestation and biodiversity loss through EUDR and EUTR

ClientEarth seeks accountability for European agricultural and other value chains linked to adverse environmental impacts in Latin America and the Caribbean, primarily through advocacy for and the enforcement of the EU Deforestation Regulation (EUDR) and EU Timber Regulation (EUTR).

The EUDR is a flagship achievement of the European Green Deal. It is a world-first in the fight against deforestation, forest degradation, and associated human rights impacts, which are driven by the European production and consumption of such as imported commodities. The EUDR is a significant evolution of the EUTR, a long-standing EU regulation that prohibits trade in illegal timber, which requires timber importers to trace supply chains to the point of origin and check the legal compliance of the timber harvesting activities.

The goods covered by the EUDR are cattle, cocoa, coffee, oil palm, soy, rubber, and wood, as well as products that "contain, have been fed with or have been made using" these commodities. The EUDR requires that these commodities and products be produced legally – in accordance with local laws – in order to be imported into or bought, and sold within the EU. This is known as the 'legality requirement'. EU companies must conduct due diligence on their value chains to ensure both that their imports satisfy the legality requirement *and*, further, that they are deforestation-free. This process requires a review of compliance with local laws and an assessment of the specific locations from which the commodities and products originate to ensure that those areas were (i.e. not produced on recently deforested land after 2020).

ClientEarth remains concerned over ongoing efforts to further weaken the EUDR. Though a proposal with far reaching amendments to simplify the law has been presented by the European Commission, there are calls by some politicians and businesses to further diminish the impact of the EU's most consequential law to combat deforestation. ClientEarth therefore urges the European Parliament and Member States to uphold the integrity of the EUDR by accepting the Commission's proposal and ensuring its timely implementation by 30 December 2025. Further weakening the law now - through delays or exemptions - would undermine years of progress, create uncertainty for businesses, and damage the EU's credibility as a global environmental leader. With the COP30 hosted in the Amazon and forests nearing irreversible tipping points, the EU must lead by example, and apply the law now.

Once the EUDR goes into effect, this due diligence process – and the information that EU companies rely on to complete it – will be the primary mechanism for demonstrating, checking, and verifying compliance with the regulation's requirements. To the extent that EU companies violate the EUDR with respect to imports of commodities and products from Latin America and the Caribbean, ClientEarth and partner organisations in the region will be able to pursue corporate accountability and fines through the submission of Substantiated Concerns detailing these irregularities to relevant EU authorities, with the aim of significantly upping such companies' legal and reputational risks and thus pushing them toward better and compliant practices.

Conclusion

Collectively, ClientEarth's work in Latin America and the Caribbean, supported by legal expertise and advocacy in the U.S. and EU, contributes to the global efforts to halt deforestation, biodiversity loss, and climate change and promote sustainable land use and emissions-sensitive practices in their place. We incentivise corporate behaviour change by pressing target companies to improve their due diligence policies, holding them accountable for their climate, environmental, and human rights misconduct, and advocating for strong regulatory compliance and rule of law. ClientEarth supports positive international examples of value chain regulation for others in the market to follow, in the global effort to decouple consumption from nature destruction and related social and environmental harms.

"COP30 must be a moment that builds on the ICJ legal milestone and puts the rule of law at the centre of climate action. We need to move from voluntary corporate pledges to enforceable legal frameworks that drive accountability across governments, supply chains, and the private sector. The law must be used to uphold information integrity, strengthen climate governance, and confront deforestation, land conversion, and rights violations head-on.

COP30 marks the era of implementation: where commitments become compliance. Ten years on from the landmark Paris Agreement, ClientEarth is calling for climate ambition to be translated into domestic climate action that is embedded in domestic law. COP30 must mark the point where the legal, environmental, and business communities come together to ensure that accountability delivers real-world results, and that climate misinformation is no longer allowed to derail progress."

Laura Clarke OBE
CEO, CLIENTEARTH

What should the next generation of climate laws include?

Targets, Planning, and Institutional Frameworks

- **Legally binding, unequivocal emissions-reduction and carbon-neutrality targets**: Targets to reduce emissions should be both quantitative and time bound, covering the entire jurisdiction, subdivisions of jurisdictions, and sectors of the economy. Clear forward-looking planning duties must be imposed on the relevant public authorities, requiring them to put in place credible and comprehensive policies and plans sufficiently far in advance to enable the GHG emission reduction targets to be met;
- **Clear definition of procedures and relevant mandates of public institutions:** Climate laws should clearly define the procedure and responsible authorities for setting and updating the GHG emission reduction targets, adaptation goals, and climate change plans and strategies;
- **Stronger environmental and climate protection institutions**: Those institutions charged with environmental protection must be strengthened, particularly with mandates to provide scientific input into policy decisions, monitor the government's progress towards the climate targets and goals, and enhance public participation. In many cases, this might require the introduction of a separate, independent entity, such as a scientific advisory council, and clear legal provisions to ensure the allocation of resources to adequately fund these institutions.

Aligning Finance and Public Policy with Climate Commitments

- **Mainstreaming of climate protection into finance and other policy areas:** New climate laws should introduce provisions to ensure the consideration of climate change in State budget processes, public procurement, planning, and permitting decisions. They should require public entities to ascertain that projects and other activities approved by the government do not create a risk for the attainment of the goals of the framework climate law. It is important that the laws ensure State budgets are aligned with the required action to meet domestic and international climate commitments, and that all financial instruments and mechanisms are aimed at the promotion of climate-friendly activities and the decommissioning of fossil-fuel demand and infrastructure.

Adaptation and Protection

- **Adaptation planning and actions:** Climate laws must ensure a healthy, iterative adaptation cycle by clarifying the duties and procedures applicable to impact, vulnerability, and risk assessments, adaptation planning and implementation, monitoring, evaluation, and learning. In light of the ICJ Advisory Opinion, they must set out an obligation on public authorities to take credible measures to achieve the Paris Agreement's global adaptation goal, making best efforts, using all means available, and considering the best available science and the knowledge of Indigenous Peoples. Adaptation planning and actions should be undertaken broadly, making sure that planning is undertaken concurrently and coherently on a national, regional, and local level;
- **Mainstream and integrate adaptation:** Adaptation must underpin policy areas including, but not limited to: water and sanitation, food and agriculture, poverty and livelihoods, health, ecosystems, biodiversity, infrastructure, cultural heritage and land use, planning and governance, national development, and financial planning. A climate law should adopt a synergistic approach to mitigation and adaptation, rather than siloing these two obligations into separate policy areas;
- **Protecting vulnerable groups and ecosystems, preventing maladaptation:** There must be an increased focus on vulnerable areas and populations, and with a short, medium, and long-term outlook. Climate laws should ensure that adaptation actions are gender responsive, participatory, transparent, and include safeguards against maladaptation.

Biodiversity and Health Interlinkages

- **Interlinkages between biodiversity and climate change:** The law should include coordinated (and where possible integrated) planning processes to recognise and operationalise the interlinkages between biodiversity protection and climate action, including by integrating climate and biodiversity targets and obligations. New climate laws should also include resource use limits or cross-refer to such limits included in other legislation;
- **Interlinkages between health and climate change:** Climate laws should be based on the "one health principle" which recognises the interlinkages and interdependence of the health of humans, domestic and wild animals, plants, and the wider environment. A climate law should further include provisions to ensure that public health services adapt adequately to the evolving risks posed by climate change, including increased spread of vector-borne diseases, and increased burdens on the health system associated with heat waves and drought risk.

Participation and Accountability

- **Ensuring access to information and public participation:** A climate law must include provisions to strengthen public access to climate related information, to ensure the publication of reports on government progress against climate change targets and goals. The law must further ensure meaningful, informed, and effective participation of all stakeholders with a particular focus on civil society, Indigenous Peoples, and local communities;

- **Accountability mechanisms**: Climate laws must provide for effective public, judicial, and political oversight and redress regarding any non-compliance by public authorities. It must further ensure access to courts when the government or corporations fail to respect the law.

Guiding Principles for Climate Action

- **Guiding principles for climate action:** The law must set out the principles that should guide public institutions in their decision-making regarding climate change, particularly principles to reflect the human rights obligations on States and principles concerning biodiversity and resource use. At a minimum, climate laws should ensure climate action is taken in a manner that is consistent with human rights obligations, notably the right to a clean and health environment, and a just transition.

ClientEarth
www.clientearth.org

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AT COP30:

Pierre Cannet
Global Head of Public Affairs & Policy
pcannet@clientearth.org

Emmanuel Hanley-Lloyd
Global Public Affairs & Policy Manager
ehanley-lloyd@clientearth.org

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