

Briefing · September 2024

Big Oil in Court - The latest trends in climate litigation against fossil fuel companies

Key findings:

- 86 climate lawsuits have been filed against the world's largest oil, gas, and coal producing corporations – including BP, Chevron, Eni, ExxonMobil, Shell, and TotalEnergies. The number of cases filed against fossil fuel companies each year has nearly tripled since the Paris Agreement was reached in 2015.
- Three categories of lawsuits have grown significantly in recent years: compensation for climate damages (38 percent of cases); misleading advertising claims (16 percent); and emissions reduction (12 percent).
- **Compensation for climate damages:** Oil and gas companies and their investors are facing increasing financial risks from climate litigation over their role in contributing to the climate crisis. The financial benefits to communities around the world harmed by the impacts of climate change could be significant if additional cases are won.
- **Misleading advertising:** Oil and gas companies are coming under increasing pressure for making false climate and environment related claims. All but one of the nine concluded cases that accused companies of misleading advertising have resulted in decisions against the companies or the companies retracting the claims in question.
- **Emissions reduction:** Ten cases have now been brought against fossil fuel companies over their failure to set and implement Paris-aligned emissions reductions. Most notably, a Dutch court ruled that Shell must reduce emissions – including from the oil and gas it sells – by 45 percent by 2030, though Shell has appealed that decision.

Climate litigation is growing

The use of courts and legal mechanisms to achieve progress on addressing climate change has grown significantly since the Paris Agreement was reached in 2015. This growth comes as oil and gas companies fail to reduce fossil fuel production and limit temperature rise,¹ despite research showing that almost 60 percent of developed oil, gas, and coal reserves must stay underground to keep global warming below 1.5 degrees celsius (°C),² the internationally agreed temperature limit. Organisations and communities around the world are increasingly turning to legal action to hold these fossil fuel companies accountable.

Climate litigation seeks to require public authorities or companies to introduce more effective policies to mitigate climate change, or to hold actors accountable for their role in contributing to the crisis and its impacts. Climate litigation has already achieved some significant wins, including a ruling by the European Court of Human Rights establishing that

¹ David Tong and Kelly Trout, '[Big Oil Reality Check](#),' Oil Change International, May 2024.

² Kelly Trout et al, '[Existing fossil fuel extraction would warm the world beyond 1.5°C](#),' 2022, 17 Environmental Research Letters 6, 064010;

Kelly Trout, '[Sky's Limit Data Update: Shut Down 60% of Existing Fossil Fuel Extraction to Keep 1.5°C in Reach](#),' Oil Change International, August 2023.

the Swiss government has a duty to protect its citizens from the impacts of climate change and has failed in this duty by not setting sufficiently rigorous emissions reduction targets.³

This analysis by Oil Change International and Zero Carbon Analytics is the first to assess the growth and trends in climate litigation specifically against major fossil fuel producing companies, and builds upon previous analyses such as the LSE's Global Trends in Climate Change Litigation reports.⁴

Methodology

This analysis is based upon the Climate Change Litigation Database of 2,761 cases, developed and maintained by the Columbia Law School Sabin Center for Climate Change Law.⁵ To be included in the database, cases must be brought before judicial bodies or specific administrative bodies such as the Organisation for Economic Co-operation and Development (OECD) National Contact Point or the United Kingdom's Advertising Standard Authority (ASA).⁶ Climate change law, policy or science must be a material issue of law or fact in the case. The analysis draws on both the United States and global case databases.

To identify the cases against fossil fuel producing companies, the 'Carbon Majors' list of 122 of the world's largest oil, gas, coal, and cement producers was used.⁷ These producers collectively account for 72 percent of global fossil fuel and cement emissions since the start of the Industrial Revolution.⁸ This list was then narrowed down to include only oil, gas, and coal producing companies.

The list is not comprehensive and does not include fossil fuel companies involved in the processing, distribution and use of oil, gas, and coal. The analysis presented in this briefing is therefore an estimate of the scale of climate related litigation against fossil fuel producing companies, not an estimate of the scale of such litigation against companies across the rest of the fossil fuel supply chain.

Rise in climate litigation targeting fossil fuel companies

This analysis finds that 86 separate lawsuits have been filed against the world's largest fossil fuel producing companies, and the number of cases has been rising rapidly. In 2015, when the Paris Agreement was reached, five cases were filed against fossil fuel companies. By 2023, that figure had nearly tripled to 14 cases filed in one year.

³ European Court of Human Rights, "[Violations of the European Convention for Failing to Implement Sufficient Measures to Combat Climate Change](#)" (European Court of Human Rights, April 9, 2024).

⁴ Setzer, Joana and Higham, Catherine, "[Global Trends in Climate Change Litigation: 2024 Snapshot](#)" (LSE Grantham Research Institute on Climate Change and the Environment, June 27, 2024).

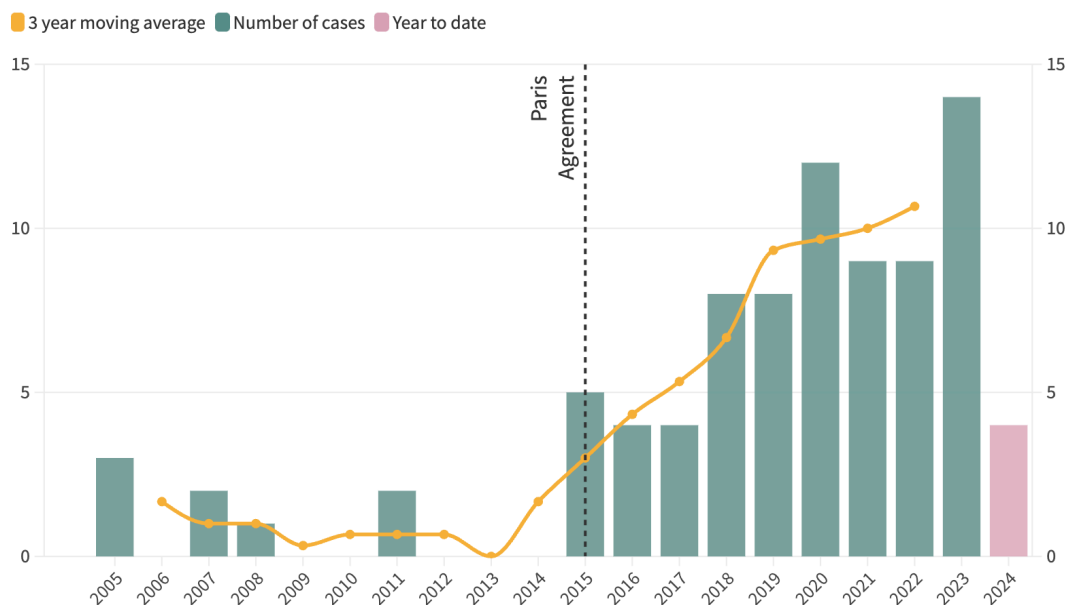
⁵ Columbia Law School Sabin Center for Climate Change Law, "[Climate Change Litigation Databases](#)," accessed July 22, 2024.

⁶ Cases are identified on a rolling basis by the Sabin Center for Climate Change Law and are reviewed by a global network of peer reviewers to ensure completeness, however it cannot be guaranteed that the database contains all relevant cases.

⁷ InfluenceMap, "[Carbon Majors](#)," accessed July 10, 2024.

⁸ InfluenceMap, "[Carbon Majors](#)," accessed July 10, 2024.

Fig 1: Number of cases by year filed (2005-2024)

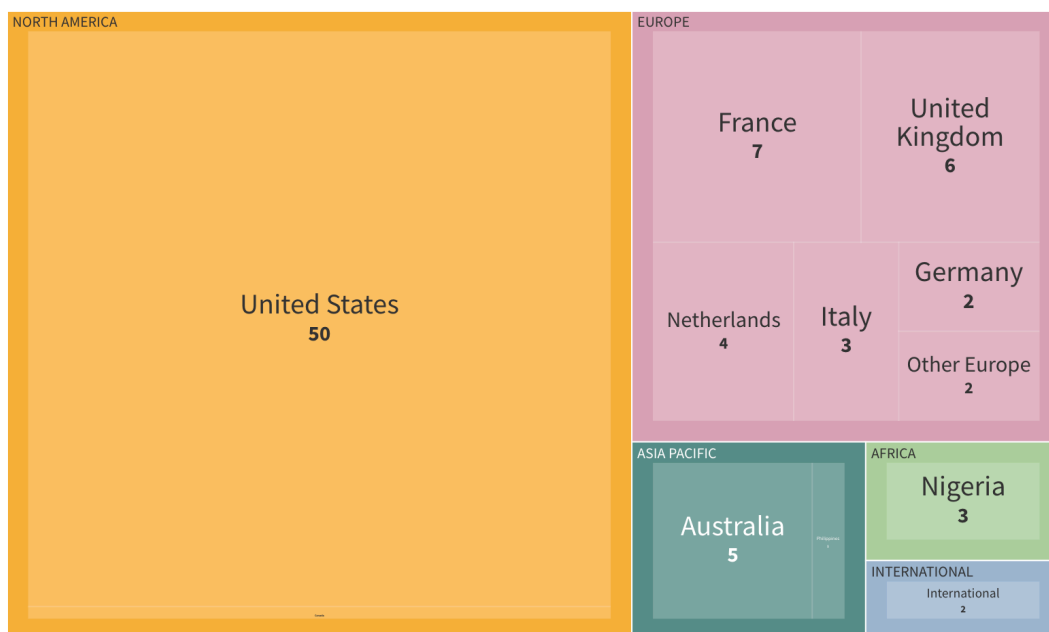


Source: Sabin Center for Climate Change Law Climate Change Litigation Database • Zero Carbon Analytics analysis. 2024 figure for cases included in the database by July 2024.



More than half of all cases have been brought in the US (58 percent), with another 24 percent of cases brought in Europe. The geographic distribution of cases is likely to reflect a combination of the judicial and legislative frameworks of the countries, the location where the fossil fuel companies are headquartered, and the resources of potential claimants. This distribution is similar to the distribution of all climate cases, not just those against fossil fuel companies, where 65 percent of cases are in the US.⁹

Fig 2: Number of cases against fossil fuel companies by jurisdiction (2005-2024)



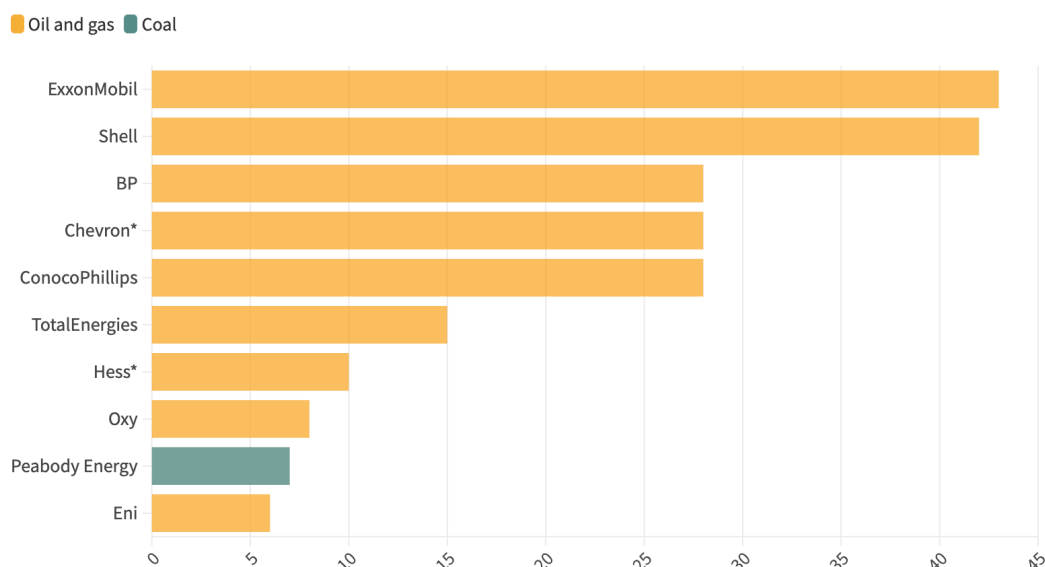
Source: Sabin Center for Climate Change Law Climate Change Litigation Database • Zero Carbon Analytics analysis. International cases include the UN and International Criminal Court.



⁹ Setzer, Joana and Higham, Catherine, “[Global Trends in Climate Change Litigation](#),” 11–12.

The overwhelming majority of cases have been brought against investor-owned oil and gas companies. Investor-owned oil and gas companies represent nine of the top 10 corporate defendants.¹⁰ ExxonMobil and Shell top the list, with 43 and 42 cases respectively. Other oil companies include Spain’s Repsol with four cases, and Norway’s Equinor and Australia’s Woodside with two cases each.

Fig 3: Top 10 fossil fuel companies by number of cases (2005-2024)



Source: Sabin Center for Climate Change Law Climate Change Litigation Database • Zero Carbon Analytics analysis. Number of cases is based on the named defendants and includes cases with multiple corporate defendants.



Types of climate cases against fossil fuel companies

The types of cases against fossil fuel companies vary significantly, and individual cases often make multiple interrelated claims. For this analysis, the cases were categorised by the primary or most significant element of the case.¹¹

The most frequent ground for bringing a case against fossil fuel companies, accounting for 38 percent of cases, relates to their responsibility for damages caused by the impacts of climate change such as extreme weather. The number of these cases has risen dramatically in recent years, with just three cases filed before 2017 and 30 filed since then.

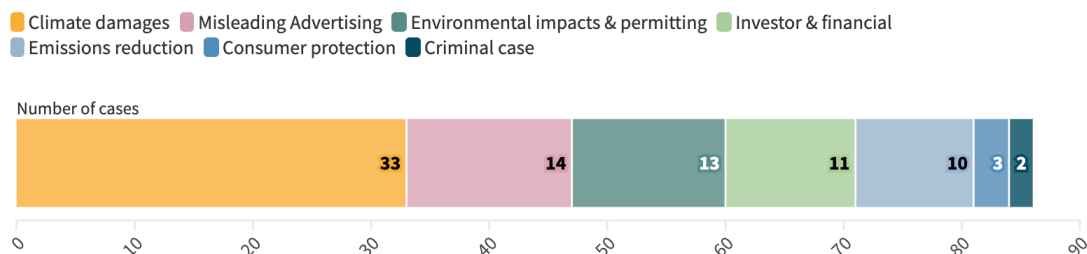
Cases related predominantly or solely to misleading advertising have also grown rapidly, with the first recorded case submitted in 2019 and a total of 14 cases filed to date. All but one of the nine cases related to misleading advertising that have concluded either resulted in regulators ruling against the companies, or the companies withdrawing the advertising claims that had been challenged.

¹⁰ The number of cases is based on the named defendants in cases and includes cases with multiple corporate defendants. Cases against Hess are recorded separately as its acquisition by Chevron is awaiting approval by the US Federal Trade Commission, though the acquisition would not increase the total number of cases against Chevron as in all of the cases against Hess, Chevron is already a co-defendant.

¹¹ This categorisation has been developed by Zero Carbon Analytics and Oil Change International to bring together the different categories used in the Sabin Centre’s US and Global databases. Cases will often include features that could fall into multiple categories. The categories used largely matched the categories used by the Sabin Centre. For further details of the categorisation see Appendix One.

Ten cases have been filed against fossil fuel companies over their alleged failure to set or implement corporate emissions reductions targets in line with the goals of the Paris Agreement.

Fig 4: Number of cases by primary reason for case (2005-2024)



Source: Sabin Center for Climate Change Law Climate Change Litigation Database • Zero Carbon Analytics analysis.



Thirteen cases have been brought against companies in relation to specific projects, challenging their environmental impact assessments and permits,¹² while 11 cases have been filed over companies' alleged failure to address the financial or investor risks of the energy transition. Three cases have been filed in the US primarily focused on consumer protection, claiming that fossil fuel companies have misled consumers over the impact of their products on the environment. In 2022 and 2024, two cases were filed seeking to bring criminal claims against fossil fuel companies, including a case accusing BP of crimes against humanity and claims against TotalEnergies including involuntary manslaughter.^{13,14}

Climate damage cases

The rise of cases seeking compensation for climate impacts from fossil fuel companies in recent years could have significant financial implications for the companies and their investors. Climate science can now directly attribute individual extreme weather events to climate change.¹⁵ Over the last 20 years, the data has become significantly more precise, with over 500 studies attributing extreme weather events to the results of increased greenhouse gas emissions from the burning of fossil fuels.¹⁶ There is also robust information on the historic emissions from fossil fuel companies, through which it is possible to calculate a company's contribution to global greenhouse gas emissions.¹⁷ As a result, it is possible to credibly quantify an individual fossil fuel company's contribution to a specific extreme weather event, and any damages that result from it.

¹² These only include cases against fossil fuel companies related to projects and permitting, and do not include the significant number of cases against public bodies related to the permitting of fossil fuel projects (see *Wider trends in fossil fuel climate litigation* below).

¹³ Sabin Center for Climate Change Law, "[NZ Students for Climate Solutions and UK Youth Climate Coalition v. Board of BP](#)", Climate Case Chart, accessed August 20 2024.

¹⁴ Sabin Center for Climate Change Law, "[BLOOM and Others v. TotalEnergies](#)", Climate Case Chart, accessed August 20 2024.

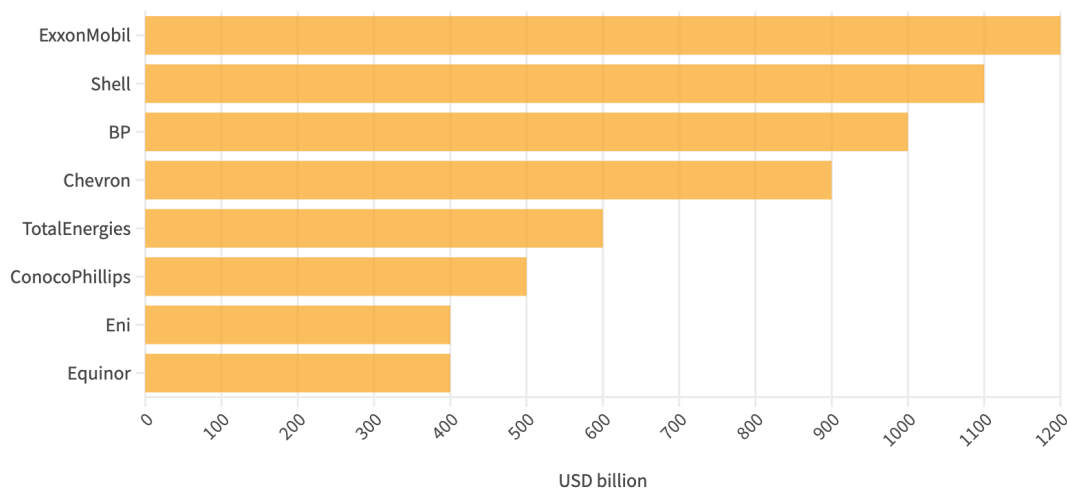
¹⁵ Met Office, "[The Science of Linking Climate Change to Extreme Weather Events](#)," Official Blog of the Met Office News Team (blog), June 20, 2023.


¹⁶ Carbon Brief, "[Mapped: How Climate Change Affects Extreme Weather around the World](#)," Carbon Brief, August 4, 2022.

¹⁷ Ekwurzel, B., Boneham, J., Dalton, M.W. et al. "[The rise in global atmospheric CO₂, surface temperature, and sea level from emissions traced to major carbon producers](#)," *Climatic Change* 144, 579–590 (2017).

The potential liabilities for fossil fuel companies are substantial. The climate policy institute Climate Analytics has calculated based on the social cost of carbon that the share of climate damages attributable to the largest 25 oil and gas companies for their emissions from 1985 to 2018 totals USD 20 trillion.¹⁸ Of these, ExxonMobil, Shell, and BP are all estimated to be responsible for climate-related costs of at least USD 1 trillion each.¹⁹

Fig 5: Climate damages caused by investor-owned oil and gas companies CO2 emissions



Source: Climate Analytics - Carbon Majors Trillion Dollar Damages • Figures are for 'partial damages' based on fossil fuel companies being responsible for one third of the damage caused by their total emissions. 

So far, no oil and gas company has had to pay liability for damages associated with climate change. If they are found to be liable in the ongoing cases, the amounts involved in a single case may not in itself be significant for the industry. But this could change in future if the number of cases and claimants rise. If courts and governments start holding oil and gas companies liable for climate change damages, the costs to companies, their investors and insurers could be very significant, as could the financial benefits to communities around the world harmed by climate disasters and other impacts.

RWE accused of liability for flood protection in Peru

In 2015 a Peruvian farmer filed a case at the regional court in Essen against RWE, one of Germany's largest electricity producers. Saúl Luciano Lliuya accused RWE of being partially liable for a glacier melting near his home due to its large historic emissions from its coal-burning power stations.²⁰ He claimed that as the owner of companies responsible for large amounts of greenhouse gas emissions, RWE should reimburse him and the local authorities for a portion of the costs of setting up flood protections. The flood defences

¹⁸ Climate Analytics calculated the total damages at USD 60 trillion, and attributed one third to fossil fuel companies, on the basis that responsibility for fossil fuel emissions should be shared equally between producers, emitters and policymakers. These figures are therefore a conservative estimate. Grasso & Heede reached a similar conclusion in their 2023 academic paper which attributed USD 23.2 trillion to the top 21 companies in the Carbon Majors dataset:

Marco Grasso and Richard Heede, [“Time to pay the piper: Fossil fuel companies’ reparations for climate damages”](#), *One Earth*, Volume 6, Issue 5 (2023).

¹⁹ Climate Analytics, [“Carbon Majors’ Trillion Dollar Damages”](#) (Climate Analytics, November 16, 2023).

²⁰ [“Luciano Lliuya v. RWE AG,”](#) Climate Change Litigation (blog), accessed July 12, 2024.

were necessary to protect the 50,000 residents who could be threatened by the water volumes which have been rising in the glacial lake since 1975, according to Lliuya.²¹

His claim is based on attribution science, and he refers to an IPCC finding that "there is a very high degree of confidence in the attribution of climate change to the glacier retreat in the Andes in South America".²² His claim also refers to the UN body's finding that emissions are the cause of global temperature increases, which are observed locally in impacts such as the retreat of glaciers worldwide. His claim notes that: "The existence of global climate change caused by increased concentrations of greenhouse gases such as carbon dioxide in the atmosphere is undisputed in Germany."²³

His case was initially dismissed by a lower court on the grounds that "it is impossible to identify anything resembling a linear chain of causation" between RWE's emissions and specific damages of climate change.²⁴ However, in 2017 the appeals court in Hamm ruled that the case was admissible and recommended a phase to gather evidence on the risks to the farm, RWE's contribution to global emissions and resulting glacial melt in Peru.²⁵ In principle, the ruling means that RWE could be held liable for a share of climate change damages, which is a significant step.

Since 2017, judges and lawyers have been assessing the contribution of RWE's emissions, and in 2022 they travelled to Peru to assess whether Lliuya's home was directly threatened by potential flooding from the glacial lake. No verdict has been issued as of mid-2024 but the case is one of the most advanced climate cases on attribution.²⁶

US public authorities vs the fossil fuel industry

In the US, 26 lawsuits have been filed by counties, municipalities and cities against fossil fuel producing companies on a range of grounds, including:

- **Consumer protection and consumer fraud**, alleging that companies misled consumers about their role in causing climate change and their own early knowledge of climate science several decades ago.
- **Cost recovery**, arguing that companies should pay compensation for the costs of increasing flooding, forest fires and heatwaves.
- **Racketeering**, alleging that companies have committed fraud.

These lawsuits are seeking damages for extreme weather events from large oil and gas companies. They accuse the companies of concealing their scientific knowledge about climate change and deceiving the public about the danger of global warming caused by their products.

None of the cases have yet gone to trial, but this could be about to change. In June 2024 the United States Supreme Court asked the US solicitor general for its opinion on whether a case filed by Hawaiian capital Honolulu seeking to hold several oil companies accountable

²¹ "[8 Years of Climate Lawsuit against RWE | Germanwatch e.V.](#)," accessed July 12, 2024.

²² "[Statement of Claim by Saúl Ananías Luciano Lliuya against RWE](#)" (Unauthorised translation, provided by Germanwatch e.V, 2015).

²³ "[Statement of Claim by Saúl Ananías Luciano Lliuya against RWE](#)" (Unauthorised translation, provided by Germanwatch e.V, 2015).

²⁴ "[District Court of Essen: Decision | The Climate Case - Saúl vs. RWE.](#)" accessed July 12, 2024.

²⁵ "[Higher Regional Court of Hamm: Indicative Court Order and Order for the Hearing of Evidence.](#)" accessed July 10, 2024.

"Higher Regional Court of Hamm: Indicative Court Order and Order for the Hearing of Evidence."

²⁶ Setzer, Joana and Higham, Catherine, "[Global Trends in Climate Change Litigation.](#)" page 33

for climate damages can be heard under federal or state law.²⁷ The oil companies are being sued for damages that have already occurred, such as increasing forest fires, and for future rising sea levels and flooding that threaten assets such as harbours and airports.²⁸ In 2023 the Hawaiian state Supreme Court decided the case could go to trial under state law, but oil companies including ExxonMobil and Chevron have taken the case to the US Supreme Court in an attempt to prevent the trial going ahead in Hawaii.^{29,30} The final decision on whether the case can be heard under state law will be hugely significant in determining whether the more than 20 other lawsuits can go to trial.³¹ If one of these cases concludes the oil and gas industry is liable it would set a precedent, with particular impacts in the liability insurance market.³²

In a related development, a number of US states are in the process of passing “climate superfund” laws. Vermont recently passed a law that aims to force the fossil fuel industry to pay into a fund for climate damages that have hurt public health, agriculture, housing and other areas.³³ The state could collect money from companies that emitted more than 1 billion tons of CO₂ around the world from 1995 to 2024. Those companies with a certain threshold of business activity in Vermont would be charged according to their percentage of global emissions with the funds to be used to rebuild and upgrade infrastructure such as stormwater drainage systems, roads and bridges. US states Massachusetts, Maryland, California, and New York are reportedly considering a similar approach.³⁴

Misleading advertising cases

In recent years oil and gas companies have put considerable effort into making green or environmental claims in their advertising, in order to influence the perception of the public and policymakers. This analysis shows there has also been a growth in challenges to those environmental claims, all but one of which have so far either been upheld by regulators or have seen the companies withdraw the claims in question.³⁵

Shell’s carbon neutral claims

Shell has faced several lawsuits questioning its reliance on carbon offsetting as a means to achieve carbon neutrality. In the UK, the ASA found in 2020 that Shell had breached the advertising code on carbon neutrality claims in relation to its Shell Go+ “drive

²⁷ David Gelles, [“Is the Fight Against Big Oil Headed to the Supreme Court?”](#) The New York Times, June 13, 2024, sec. Climate.

²⁸ Climate Integrity, [“Cases Underway to Make Climate Polluters Pay”](#) (Climate Integrity, 2024).

²⁹ Supreme Court Of The State Of Hawai’i, [“City And County Of Honolulu And Honolulu Board Of Water Supply, Vs. Sunoco Lp \(Et. Al.\), Appeal From The Circuit Court Of The First Circuit”](#), October 31, 2023.

³⁰ Clark Mindock, [“Exxon, Chevron ask US Supreme Court to toss ruling in Honolulu climate change suit”](#), Reuters, February 28, 2024.

³¹ Gelles, David, New York Times. “Is The Fight Against Big Oil Headed to the Supreme Court?”

³² Sutherland, Deepa, [“Climate Change Litigation: What Can Liability Insurers Expect in 2024?”](#) (Zelle LLP, 2024).

³³ [“Vermont Becomes 1st State to Enact Law Requiring Oil Companies Pay for Damage from Climate Change.”](#) AP News, accessed July 12, 2024.

³⁴ “Vermont Becomes 1st State to Enact Law Requiring Oil Companies Pay for Damage from Climate Change,” AP News; Gelles, David, “Is The Fight Against Big Oil Headed to the Supreme Court?,” 2024; Begert, Blanca, [“The climate Superfund craze hits California,”](#) *Politico*, April 17, 2024.

³⁵ In May 2024, the Italian Council of State overturned a EUR 5 million fine issued by the Italian Competition Authority against Eni and ruled that its use of the term “green” in its advertising was legitimate as its Eni Diesel+ was a polluting product but was less harmful than more polluting alternatives.

carbon-neutral” advertising campaign.³⁶ In 2023 the ASA upheld another complaint claiming Shell’s advertising exaggerated the proportion of its business that consisted of lower carbon activities.³⁷

Meanwhile, the Dutch advertising authorities ruled in 2021, despite appeals by Shell, that the company’s claims of carbon neutrality were misleading because the company could not back up its claims that carbon offsetting worked in practice.³⁸ The company has faced similar complaints in Canada. Greenpeace Canada submitted a formal complaint in 2021 to the country’s competition regulator alleging that Shell Canada’s carbon neutral adverts were misleading because carbon offsetting is not a proven means to reduce emissions.³⁹ While this case was not formally resolved, it was closed in December 2023 because Shell had removed the adverts within Canada.

BP accused of greenwashing

ClientEarth submitted a complaint to the UK National Contact Point for the OECD Guidelines for Multinational Enterprises in 2019 alleging that BP’s advertising campaigns were misleading the public because they gave a false impression of the size of the company’s renewable and low-carbon energy investments. The initial assessment was that the complaint was material and substantiated.⁴⁰ There was no final decision on the case because BP withdrew the adverts.

Emissions reductions cases

Another area growing in prominence is cases that explicitly seek to force companies to reduce emissions. These include emissions directly related to the company’s own operations and emissions that are associated with their value chain (Scope 3 emissions). In the case of a fossil fuel company this includes when their customers burn the oil, gas and coal they have produced, for example at industrial facilities or in road transport.

Landmark ruling against Shell

The landmark case in this area was against Shell. In 2019 Friends of the Earth Netherlands along with several NGOs and more than 17,000 citizens served Shell a court summons.⁴¹ They argued that in the context of the goals of the Paris Agreement and scientific evidence of climate change Shell had a duty of care to reduce its emissions in order to align with the rights to, among other things, life, private property and family life as set out in the Dutch Civil Code and the European Convention on Human Rights.⁴² They argued that to be in line with the Paris Agreement the company needed to reduce its emissions by 45 percent by 2030 compared to 2010 levels, and to zero by 2050.⁴³

³⁶ “[Advertising Standards Authority’s Ruling on Shell UK Ltd.’s Shell Go+ Campaign](#),” Climate Change Litigation (blog), accessed July 12, 2024.

³⁷ “[ASA Ruling on Shell UK Ltd \(Following a Complaint by Adfree Cities\)](#),” Climate Change Litigation (blog), accessed July 12, 2024.

³⁸ “[RCC Ruling on Shell ‘Drive CO2 Neutral’ 2](#),” Climate Change Litigation (blog), accessed July 12, 2024.

³⁹ “[Greenpeace Canada v. Shell Canada](#),” Climate Change Litigation (blog), accessed July 12, 2024.

⁴⁰ “[Complaint against BP in Respect of Violations of the OECD Guidelines](#),” Climate Change Litigation (blog), accessed July 12, 2024.

⁴¹ “[Milieudéfensie et al. v. Royal Dutch Shell plc.](#)” Climate Change Litigation (blog), accessed July 12, 2024.

⁴² “[Milieudéfensie et al. v. Royal Dutch Shell plc.](#)” accessed July 12, 2024.

⁴³ “[Milieudéfensie et al. v. Royal Dutch Shell plc.](#)” accessed July 12, 2024.

In a historic precedent, the District Court of The Hague ruled in May 2021 that Shell should speed up its emissions reductions across its entire operations (including Scope 3 emissions) in order to avoid breaching its duty of care under Dutch law and human rights obligations.⁴⁴ In its judgement, Shell was ordered to reduce its emissions "by at least net 45 percent at end 2030, relative to 2019 levels."⁴⁵

Crucially, the court made its decision provisionally enforceable which means that while Shell has appealed the case, it is still required to meet its emissions reductions obligations. The court concluded: "The court acknowledges that RDS [Royal Dutch Shell] cannot solve this global problem on its own. However, this does not absolve RDS of its individual partial responsibility to do its part regarding the emissions of the Shell group, which it can control and influence."⁴⁶ This is the first time a major fossil fuel company was ordered to reduce its emissions by a court. A judgement on Shell's appeal is expected in Autumn 2024.

Other relevant cases: TotalEnergies and Holcim

- Following the precedent of the Hague decision against Shell in 2021, Hugues Falys, a Belgian farmer, supported by several environmental NGOs, began legal action against the French fossil fuel major TotalEnergies.⁴⁷ In addition to claiming damages for the impact of extreme weather events on his farm, such as loss of yields, he requested the courts force TotalEnergies to halt new investments in fossil fuel projects and to reduce its oil and gas production by 75 percent by 2040.⁴⁸
- Four residents of Pari island, 40 kilometres north of Indonesia's capital Jakarta, began legal proceedings in the Swiss courts against the Swiss cement firm Holcim in 2022.⁴⁹ Though not a case against a fossil fuel producing company, the outcome of the case could provide a significant precedent for future actions against fossil fuel companies and their investors, financiers, and insurers. They are seeking a 43 percent reduction in Holcim's carbon emissions by 2030 and are each claiming around USD 4,000 in compensation from the company for damages caused by flooding which has become more frequent on the island.⁵⁰ An estimated 11 percent of Pari island's surface area had already been submerged.⁵¹

Criminal cases

One new trend that has emerged in recent years is litigation through criminal rather than civil courts against fossil fuel companies and their executives. These cases significantly raise the potential penalties, particularly for individuals in leadership positions within the industry.

⁴⁴ Setzer, Joana and Higham, Catherine, "[Global Trends in Climate Change Litigation: 2024 Snapshot](#)" (LSE Grantham Research Institute on Climate Change and the Environment, June 27, 2024).

⁴⁵ [The Hague District Court Judgement](#), Case number: C/09/571932 / HA ZA 19-37926, May 2021.

⁴⁶ [The Hague District Court Judgement](#), Case number: C/09/571932 / HA ZA 19-37926, May 2021.

⁴⁷ "[Hugues Falys, FIAN, Greenpeace, 'Ligue des droits humains v. TotalEnergies](#) (The Farmer Case)" Climate Change Litigation (blog), accessed July 12, 2024.

⁴⁸ International Federation for Human Rights, "[TotalEnergies sued over its responsibility for climate change in Belgium's first-ever climate action against a multinational company](#)," March 3, 2024.

⁴⁹ "[Switzerland: Four Indonesian Fishermen File 'Groundbreaking' Climate Lawsuit against Holcim over CO2 Emissions](#)," Business & Human Rights Resource Centre, accessed July 12, 2024.

⁵⁰ Peter Yeung, "[Four Indonesians Take Swiss Cement Giant to Court over Climate](#)," Al Jazeera, accessed July 12, 2024.

⁵¹ Anya Mayaputri, Gracia Paramitha, and Nurul Isnaeni, "[The Island's Call for Justice: NGO Advocacy in the Climate Litigation Case of Pari Island in Indonesia](#)," Technium Social Sciences Journal 56 (April 9, 2024): 282–96.

BP executives' alleged crimes against humanity

In 2022, Students for Climate Solutions New Zealand and the UK Youth Climate Coalition submitted a request to the prosecutor of the International Criminal Court to open an investigation against BP senior executives.⁵²

The submission argued that climate change is a crime against humanity that constitutes a “widespread or systematic attack against a civilian population.”⁵³ It accused senior BP executives of pursuing a common purpose to maximise petroleum profits regardless of the impacts of climate change, and said BP executives were aware of those impacts since at least the 1950s.⁵⁴ In addition to continuing the growth in production of oil and gas, the submission argues that BP executives contributed to the common purpose through delaying climate action and deceiving the public and policymakers.⁵⁵

The organisations seek “climate justice reparations” from BP’s senior executives, and request that those damages are paid into a fund to address loss and damages caused by climate change.⁵⁶ The claim was dismissed by the International Criminal Court, but Students for Climate Solutions said they intend to continue to push the court to recognise climate change as a crime against humanity.⁵⁷

Request for criminal liability: TotalEnergies directors and shareholders

Three NGOs and eight individuals affected by climate change filed a criminal case requesting a prosecutor open an investigation against Total Energies directors and main shareholders in 2024.⁵⁸ The submissions claims that these individuals’ potential crimes include deliberately endangering the lives of others, involuntary manslaughter, neglecting to address a disaster, and damaging biodiversity. Each offence is punishable by at least one year of imprisonment and a fine.⁵⁹

The case goes beyond the submission against BP by pursuing the company’s shareholders based on their voting record. Specifically, the group are seeking to pursue BP shareholders who voted in favour of climate strategies they allege are inconsistent with the 2°C temperature limit, and against strategies that would have aligned TotalEnergies with the goals of the Paris Agreement.⁶⁰ In addition to criminal sanctions for the directors and shareholders, the complaint also seeks to halt the expansion of fossil fuel extraction by TotalEnergies.⁶¹

⁵² [“NZ Students for Climate Solutions and UK Youth Climate Coalition v. Board of BP”](#), Climate Case Chart, accessed August 27, 2024.

⁵³ New Zealand students for Climate Solutions & UK Youth Climate Coalition, [“Request To Open Investigations & Request For Reparations Regarding The Crimes Against Humanity Of Climate Change”](#), December 8, 2022, p19.

⁵⁴ New Zealand students for Climate Solutions & UK Youth Climate Coalition, [“Request To Open Investigations & Request For Reparations Regarding The Crimes Against Humanity Of Climate Change”](#), p39–49.

⁵⁵ New Zealand students for Climate Solutions & UK Youth Climate Coalition, p50–68.

⁵⁶ New Zealand students for Climate Solutions & UK Youth Climate Coalition, p69.

⁵⁷ Students for Climate Solutions, [“Current Projects”](#), accessed August 28, 2024.

⁵⁸ BLOOM, Alliance Santé Planétaire, and Nuestro Futuro, [“NGOs and climate change victims file criminal case against TotalEnergies board of directors and shareholders”](#), May 21, 2024.

⁵⁹ BLOOM, Alliance Santé Planétaire, and Nuestro Futuro, “NGOs and climate change victims file criminal case against TotalEnergies board of directors and shareholders”.

⁶⁰ BLOOM, Alliance Santé Planétaire, and Nuestro Futuro.

⁶¹ BLOOM, Alliance Santé Planétaire, and Nuestro Futuro.

Wider trends in climate litigation against fossil fuel companies

Directors' liability

There is a growing trend of lawsuits targeting the climate risk management practices of corporate boards and directors. According to the LSE Grantham Institute, these cases address how companies should manage the risks associated with the climate crisis and the transition to net zero.⁶² Cases like ClientEarth v Shell are leading the way in holding corporate leadership personally liable for inadequately managing climate risks. In that case, ClientEarth brought a claim alleging members of Shell's board had failed to implement policies that would enable the company to meet the goals of its own energy transition strategy (i.e. its net zero commitment).⁶³ Although the case was dismissed by the UK High Court,⁶⁴ it may inspire future litigation, with shareholders and activists pushing for greater transparency and proactive efforts from companies to mitigate their climate impacts.

Project permitting

Lawsuits challenging governments' permitting of fossil fuel projects could also see a significant rise in the future. A notable breakthrough happened in Norway in 2024 when Greenpeace Norway successfully challenged the government's approval of three new oil and gas fields to Equinor.⁶⁵ In a major precedent setting ruling, the court found that the environmental impact assessment for the projects was inadequate as it failed to assess the impacts from the end use of the oil and gas that would be extracted.⁶⁶ This was followed by a UK Supreme Court ruling in 2024 that emissions from fossil fuels extracted must be considered as part of the permitting process, when Sarah Finch successfully challenged Surrey County Council's decision to extend planning permission for an oil drilling well.⁶⁷ Her victory has strengthened the prospects for similar legal challenges, including those against the planned Cumbria coal mine and the Rosebank and Jackdaw oil and gas fields.⁶⁸

Anti-SLAPP suits

The EU directive adopted in April 2024 to protect people and organisations from strategic lawsuits against public participation (SLAPP suits) – commonly known as the anti-SLAPP directive – may also provide a further avenue for legal action.⁶⁹ SLAPP suits are cases brought with the purpose of intimidating or harassing the defendant for criticising or opposing the actions of the company, and are considered an abuse of the legal process. For example, Greenpeace International in July 2024 sent a Notice of Liability to fossil fuel infrastructure company Energy Transfer, notifying it of a potential lawsuit in a Dutch Court to recover damage and costs in relation to an alleged SLAPP-suit the company had brought

⁶² Setzer, Joana and Higham, Catherine, "[Global Trends in Climate Change Litigation: 2024 Snapshot](#)," (LSE Grantham Research Institute on Climate Change and the Environment, June 27, 2024).

⁶³ "[ClientEarth v Shell's Board of Directors](#)," Climate Case Chart, accessed July 12, 2024.

⁶⁴ ClientEarth, "[Our groundbreaking case against Shell's Board of Directors comes to an end](#)," January 2024.

⁶⁵ Nerijus Adomaitis and Gwladys Fouche, "[Three Norwegian Oil and Gas Field Permits Invalidated on Environmental Grounds](#)," Reuters, January 18, 2024.

⁶⁶ Nerijus Adomaitis and Gwladys Fouche, "[Three Norwegian Oil and Gas Field Permits Invalidated on Environmental Grounds](#)," Reuters, January 18, 2024.

⁶⁷ UK Supreme Court, "[R \(on the Application of Finch on Behalf of the Weald Action Group\) \(Appellant\) v Surrey County Council and Others \(Respondents\)](#)," (UK Supreme Court, June 20, 2024).

⁶⁸ "[Government will not defend Cumbria mine legal challenges](#)," LeighDay, July 2024.

⁶⁹ "[Directive \(EU\) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings \('Strategic lawsuits against public participation'\)](#)," Official Journal of the European Union, April 16, 2024.

in North Dakota.⁷⁰ As civil society organisations have previously accused a number of fossil fuel producers of bringing SLAPP suits,⁷¹ this may become a significant area of litigation against those companies.

Climate litigation is extending its impact beyond the courtroom. These cases increasingly shape public perception of fossil fuel companies and help publicise climate science.

Litigation against fossil fuel companies to keep growing

The significant upward trend in new cases being filed against fossil fuel companies appears likely to continue. If legal precedents are set in any successful cases against these companies, it is likely that more cases will seek to build on them. The cases can also set norms and impact companies' social licence to operate and access to finance.

The negative impacts of climate change and extreme weather are set to increase as the world continues to warm. Given this trend, and the strength and number of climate science attribution studies, it is likely that the pressure through the courts for fossil fuel companies to contribute to those costs will continue to build.

⁷⁰ ['Greenpeace International challenges Energy Transfer in first use of EU anti-SLAPP Directive'](#), Greenpeace International, 23 July 2024; Zraick, Karen, "[Greenpeace Tries a Novel Tactic in Lawsuit Over Dakota Access Pipeline](#)", New York Times, accessed August 22, 2024.

⁷¹ See for example: Business and Human Rights Resource Centre, "[Italy: Months after NGOs bring first climate lawsuit in Italy, ENI responds with a SLAPP lawsuit](#)", May 9, 2023; Coalition Against SLAPPs in Europe, "[Shell lawsuit against Greenpeace: A blatant attempt to stifle environmental activism](#)", May 17, 2024; "[Breaking: Major victory for freedom of speech in TotalEnergies case against Greenpeace France](#)", March 28, 2024.

Appendix One: Case categorisation methodology

The Columbia Law School Sabin Center for Climate Change Law’s Climate Change Litigation US and non-US databases are structured using different case categorisation. In order to allow comparisons to be made across the cases as a whole, a simplified case classification was produced, based on the groupings used in the two Sabin Center databases.

Table 1: Case categorisation

Zero Carbon Analytics & Oil Change International category	Sabin Centre categories	
	Non-US database	US database
Climate damages	<ul style="list-style-type: none"> Suits against corporations, individuals> Corporations> Climate damage 	<ul style="list-style-type: none"> Adaptation>Actions seeking adaptation measures Adaptation>Actions seeking money damages for losses Common Law Claims
Consumer protection		<ul style="list-style-type: none"> State Law Claims>Enforcement Cases State Law Claims>Other Types of State Law Cases
Criminal case	<ul style="list-style-type: none"> Suits against corporations, individuals> Corporations (see note below) 	
Emissions reduction	<ul style="list-style-type: none"> Suits against corporations, individuals> Corporations> GHG emissions reduction 	
Environmental impacts & permitting	<ul style="list-style-type: none"> Suits against corporations, individuals> Corporations> Environmental assessment and permitting 	<ul style="list-style-type: none"> Federal Statutory Claims> Clean Air Act> Environmentalist Lawsuits Federal Statutory Claims> Clean Water Act Adaptation>Actions seeking adaptation measures State Law Claims> Environmentalist Lawsuits State Law Claims>State Impact Assessment Laws
Investor & financial	<ul style="list-style-type: none"> Suits against corporations, individuals> Corporations> Financing and investment 	<ul style="list-style-type: none"> Securities and Financial Regulation State Law Claims> Enforcement Cases Securities and Financial Regulation State Law Claims> Other Types of State Law Cases
Misleading Advertising	<ul style="list-style-type: none"> Suits against corporations, individuals> Corporations> Misleading advertising 	

The new category for criminal cases against fossil fuel companies was added reflecting this as a novel development in litigation strategies, which were previously categorised in the Sabin Center database under “Suits against corporations, individuals>Corporations”.

The exceptions to this methodology are:

- “Norwegian Climate Network et al vs Statoil” was categorised in the Sabin Center database under “Suits against corporations, individuals>Corporations>Disclosures”. In this analysis it is included in the “Environmental impacts & permitting” category as it sought Statoil (now Equinor) to withdraw from all oil sands production in Canada.⁷²
- “Communications to Saudi Arabia, Japan, France, USA, and the UK, and 13 financial institutions concerning Saudi Aramco’s business activities in the fossil fuel sector” was categorised in the Sabin Center database under “Suits against corporations, individuals>Corporations>Financing and investment”. In this analysis it is included under “Emissions reduction” as its focus on Saudi Aramco is its failure to align with the Paris Agreement goals.⁷³
- “Notre Affaire à Tous and Others v. Total” was categorised in the Sabin Center database under “Suits against corporations, individuals>Corporations”. In this analysis it is included under “Emissions reduction” as its primary aim is for TotalEnergies to undertake action to ensure the company’s activities align with a trajectory compatible with the climate goals of the Paris Agreement.⁷⁴
- “Hugues Falys, FIAN, Greenpeace, Ligue des droits humains v. TotalEnergies” was categorised in the Sabin Center database under “Suits against corporations, individuals>Corporations>Climate damage”. In this analysis it is included under “Emissions reduction”, as the request for TotalEnergies to reduce its future emissions is a substantial part of the case, alongside the request for damages.⁷⁵
- “Luciano Lliuya v. RWE AG” was categorised in the Sabin Center database under “Suits against corporations, individuals>Corporations>GHG emissions reduction”. In this analysis it is included under “Climate damages” as the case sought financial compensation from RWE and did not request that the company reduce its emissions in future.⁷⁶

It is important to note that each case is complex and may have features that would fall within multiple categories, however for the purpose of this analysis each case has only been allocated to one category.

⁷² [Norwegian Climate Network et al vs Statoil](#), Climate Case Chart, accessed August 27, 2024.

⁷³ [“Communications to Saudi Arabia, Japan, France, USA, and the UK, and 13 financial institutions concerning Saudi Aramco’s business activities in the fossil fuel sector,”](#) Climate Case Chart, accessed August 27, 2024.

⁷⁴ [“Notre Affaire à Tous and Others v. Total,”](#) accessed August 27, 2024.

⁷⁵ International Federation for Human Rights, [“TotalEnergies sued over its responsibility for climate change in Belgium’s first-ever climate action against a multinational company,”](#) March 13, 2024.

⁷⁶ [“Luciano Lliuya v. RWE AG,”](#) Climate Change Litigation (blog), accessed July 12, 2024.

Appendix Two: Database of cases against fossil fuel companies

The full database of cases is available here:

[+](#) Climate cases against fossil fuel producing companies