Durham University

Centre for Sustainable Development Law and Policy

Inspiring the extraordinary

Research Conversations with Hon. Justice Brian Preston

Achieving Corporate Accountability for Climate Inaction Through Climate Litigation

Tuesday 1 December,
5pm to 6pm, Durham Law School.

Durham Law School is delighted to announce a Research Conversation with:



The Hon. Justice Brian J PRESTON AO FRSN SC, Chief Judge of the Land and Environment Court of New South Wales (Australia)

Climate litigation mostly is brought against governments to hold them accountable for their inaction or inadequate action to mitigate the causes or adapt to the consequences of climate change.

Governments set the legal and policy levers that encourage or discourage effective climate action. But corporations pull and push those levers, increasing or decreasing greenhouse gas emissions contributing to climate change through their corporate activities. Climate litigation has pivoted, therefore, to holding corporations accountable for their climate inaction or inadequate action. The courts' adjudication of corporate climate litigation can facilitate the achievement of effective corporate climate action.

My address will be in three parts. First, I will highlight the climate obligations of corporations, the performance of which corporations need to be held accountable for. Secondly, I will explain five types of climate litigation seeking to hold corporations accountable for breaching their climate obligations. These involve establishing corporations' accountability for their high-emitting projects, carbon-intensive businesses, climate-related risks, supply and value chains, and climate-related greenwashing. Thirdly, I will identify three barriers to achieving corporate accountability for climate inaction. These are the difficulties in attributing climate impacts to specific corporations' activities, including in their supply and value chains, judicial reluctance to impose strict emissions reduction targets on corporations, and regressive legislation which prevents courts finding corporate liability for climate inaction. As these challenges are overcome, corporate climate litigation will improve its efficacy in changing corporate behaviour to improve climate action.

