

Critical Decade for Climate Action Conference

8-10 SEPTEMBER | UNIVERSITY OF EAST ANGLIA | NORWICH, UK

CRITICAL DECADE FOR CLIMATE ACTION CONFERENCE

Date: xx eg MONDAY 8 SEPTEMBER

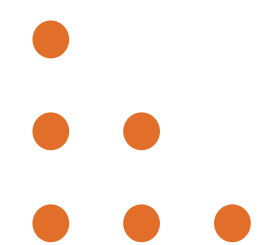
Parallel Session 3c | Time 17:00 – 18:30pm

Climate Stories: Narratives of a climate changed world

Speakers: Millie Prosser, Erik Hartin and Douglas Houston (for Tessa McWatt)

Chair: Elizabeth Lewis Williams

Rapporteur : Millie Prosser

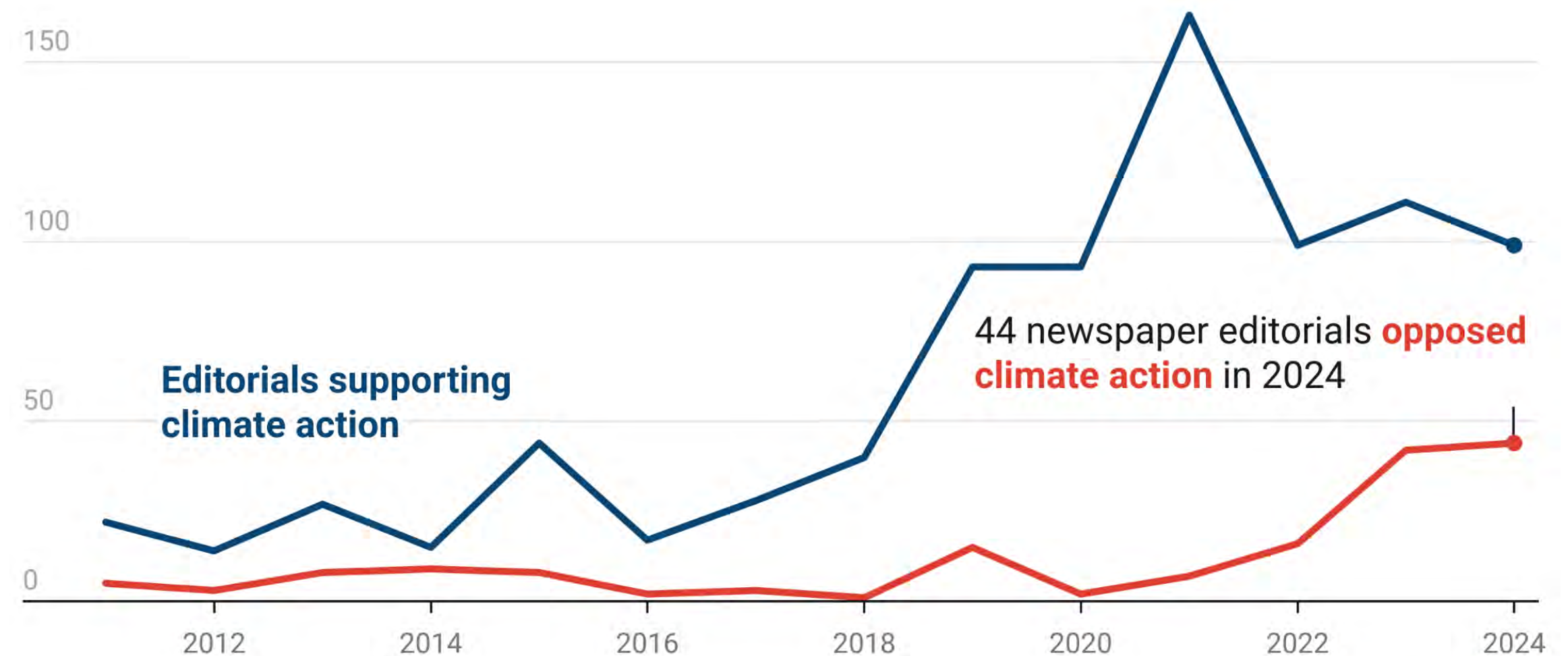


CARBON BRIEF ANALYSIS

- 368 editorials that touched on climate and energy issues in 15 UK newspapers last year, averaging one per day
- 169 dealt explicitly with climate change; many of these editorials referred to measures the new government was pledging or starting to implement.
- a record 44 of the editorials published in 2024 argued for less climate action. This is the third record-breaking year in a row for such editorials in UK newspapers, as the chart below shows.



For a third year in a row, a record number of UK newspaper editorials opposed climate action in 2024

Number of editorials that supported more/less climate action



Source: Carbon Brief analysis

CarbonBrief
CLEAR ON CLIMATE



Negative emotive language

Net Zero by 2050 is impossible – the cost to British families will be catastrophic & it's time to get real

Labour are spending £8billion setting up another quango called GB Energy, which won't even produce any energy!

Kemi Badenoch reported in The Sun headline for

Kier Starmer's deranged drive for Net Zero with eco-zealot Ed Miliband is a threat to UK

Telegraph, 18th March 2025





Not here to be liked, *Octopus Container* (2025). Installation view at the Sainsbury Centre for Visual Arts, Norwich



Morris Parup, *Octopus* (2025). Felt tip on paper



Extinction Rebellion, *Pink Boad* (2019). Installation view, Oxford Circus, London



Phoebe Plummer and Anna Holland, *Soup on Sunflowers* (2022), National Gallery London.



Christabel, Emmeline and Sylvia Pankhurst during a protest parade through London in 1911. Corbis/Getty images



Protestors at the COP15 climate talks in Copenhagen with a banner reading "system change not climate change" image credit: Kris Krüg, 2009



Not here to be liked, *Octopus Container* (2025). Installation view at the Sainsbury Centre for Visual Arts, Norwich



Extinction Rebellion, *Jeanne-Claude the octopus*, London, October 2019



Still photograph from research trip to Rotterdam,
September 2024

Stories of climate litigation: How to assess impact?

Millie Prosser, Critical Decade for Climate Change Leverhulme Doctoral Scholar, School of Law UEA

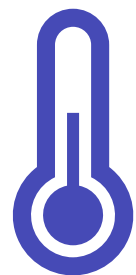
millie.prosser@uea.ac.uk

What is the impact of climate litigation on climate governance (if any)?

What stories are being told via climate litigation?

How are these stories affecting climate action?

Overview



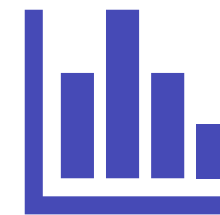
Climate litigation as a
phenomenon



Role of litigation in social
change



My work: how to study
litigation impact



My work: empirical findings

What is climate litigation?

Rulings in global climate litigation mostly favorable for climate action

Analysis of climate litigation cases

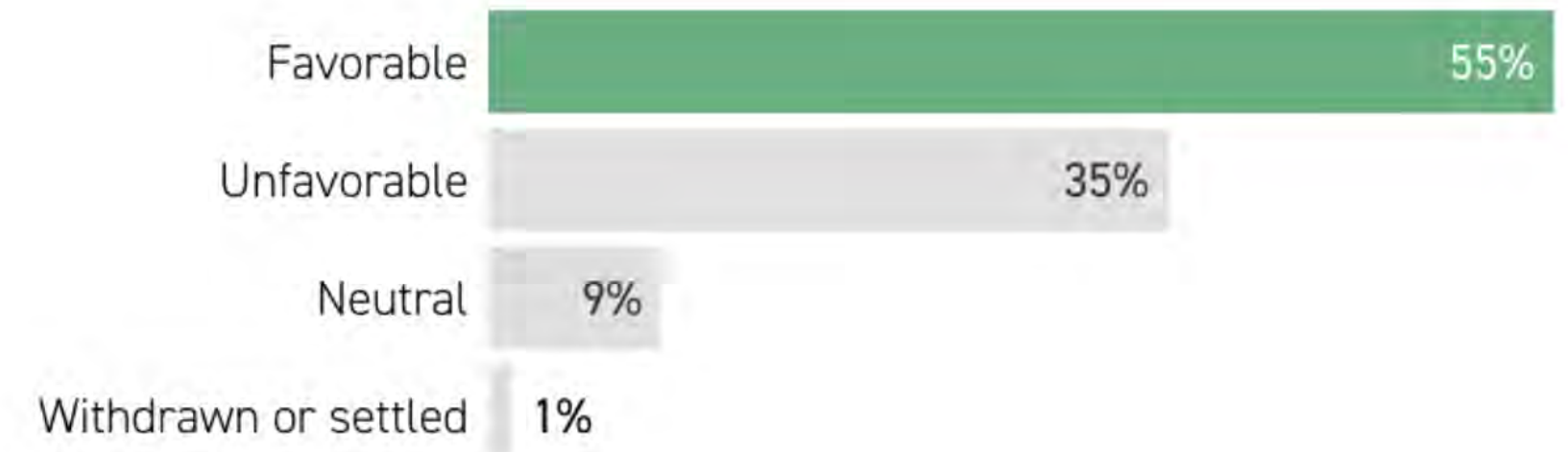
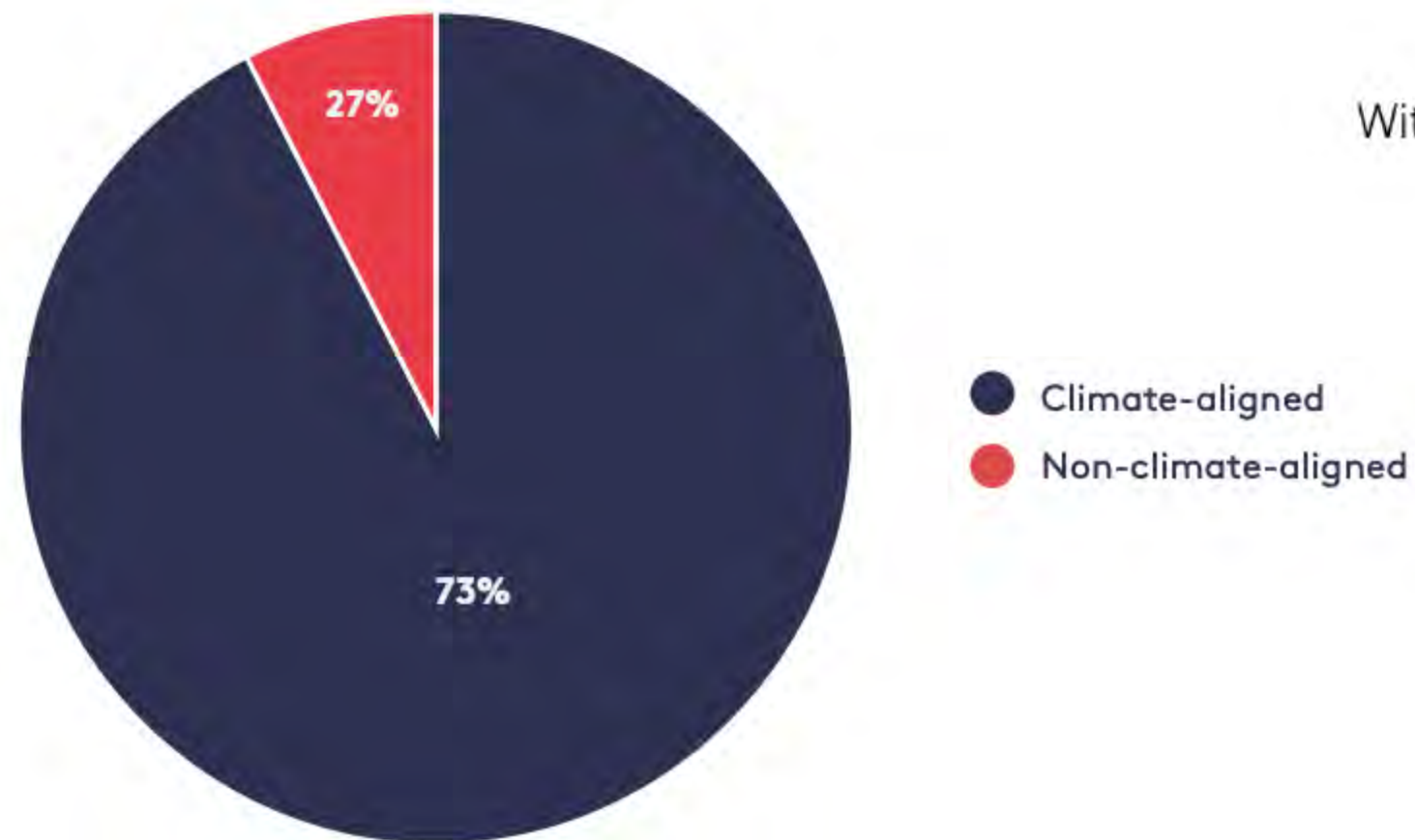


Figure 3.1.
Proportion of cases involving arguments aligned and non-aligned with climate action filed in 2024



Challenges of studying climate litigation impact

Telling Meaningful Stories About Climate Change and Public Law

Elizabeth Fisher^{*}

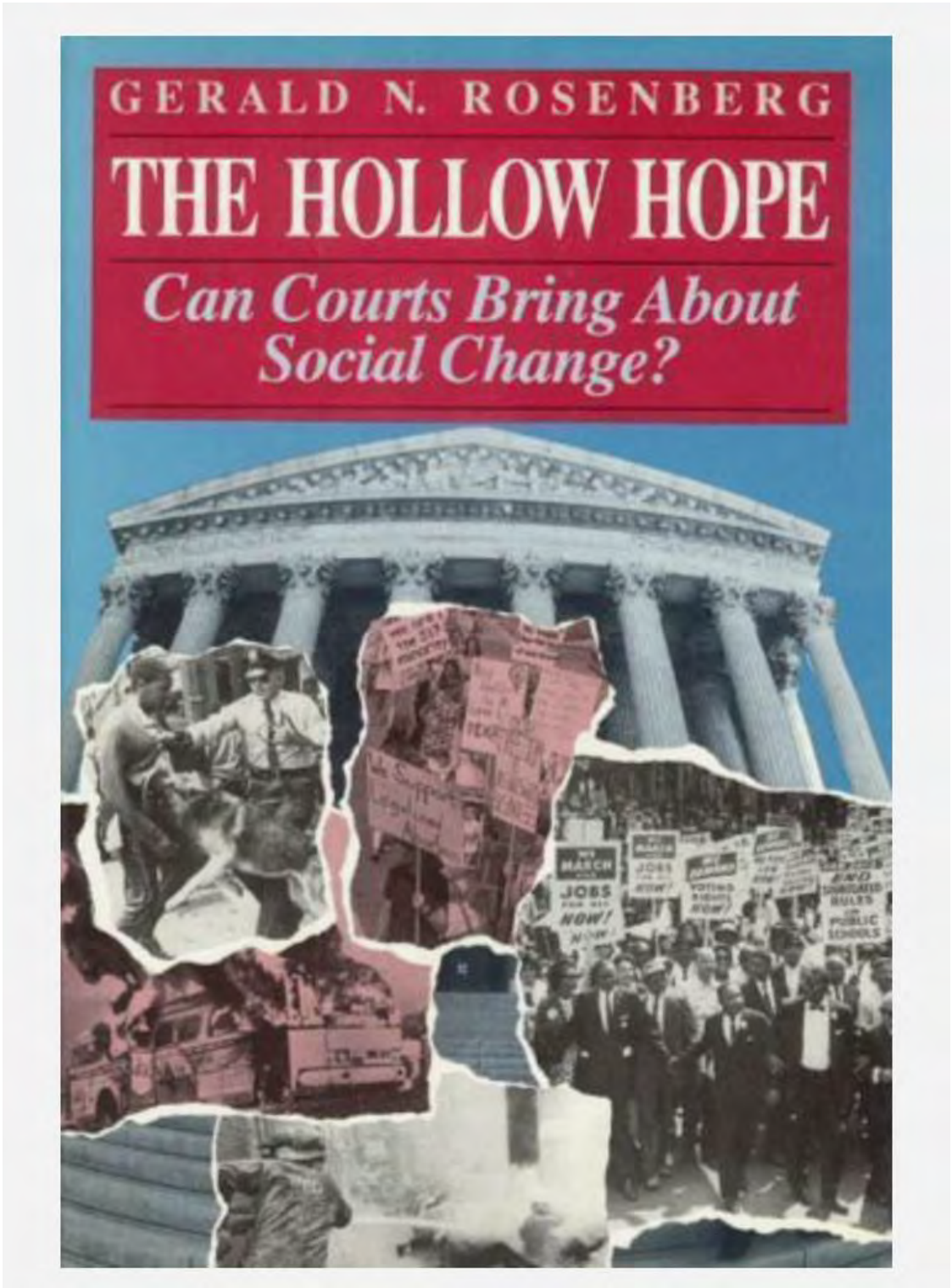
ABSTRACT

Current scholarly discourse is dominated by stories about the role of strategic litigation as a mechanism for forcing public action in relation to climate change. While such stories are satisfying, they are not necessarily meaningful because they narrow the intellectual field of vision. By using an essay by Ursula Le Guin on narrative forms, I show that other more meaningful narratives are possible to tell. Narratives that encompass a bigger picture and, in so doing, draw attention to how public law is a resource for the institutional and reasoning capacity required for responding to the polycentric and multivalent nature of climate change. Such capacity does not provide a 'solution' to climate change but does underscore the need to foster legal and scholarly expertise and imagination in relation to climate change and public law.

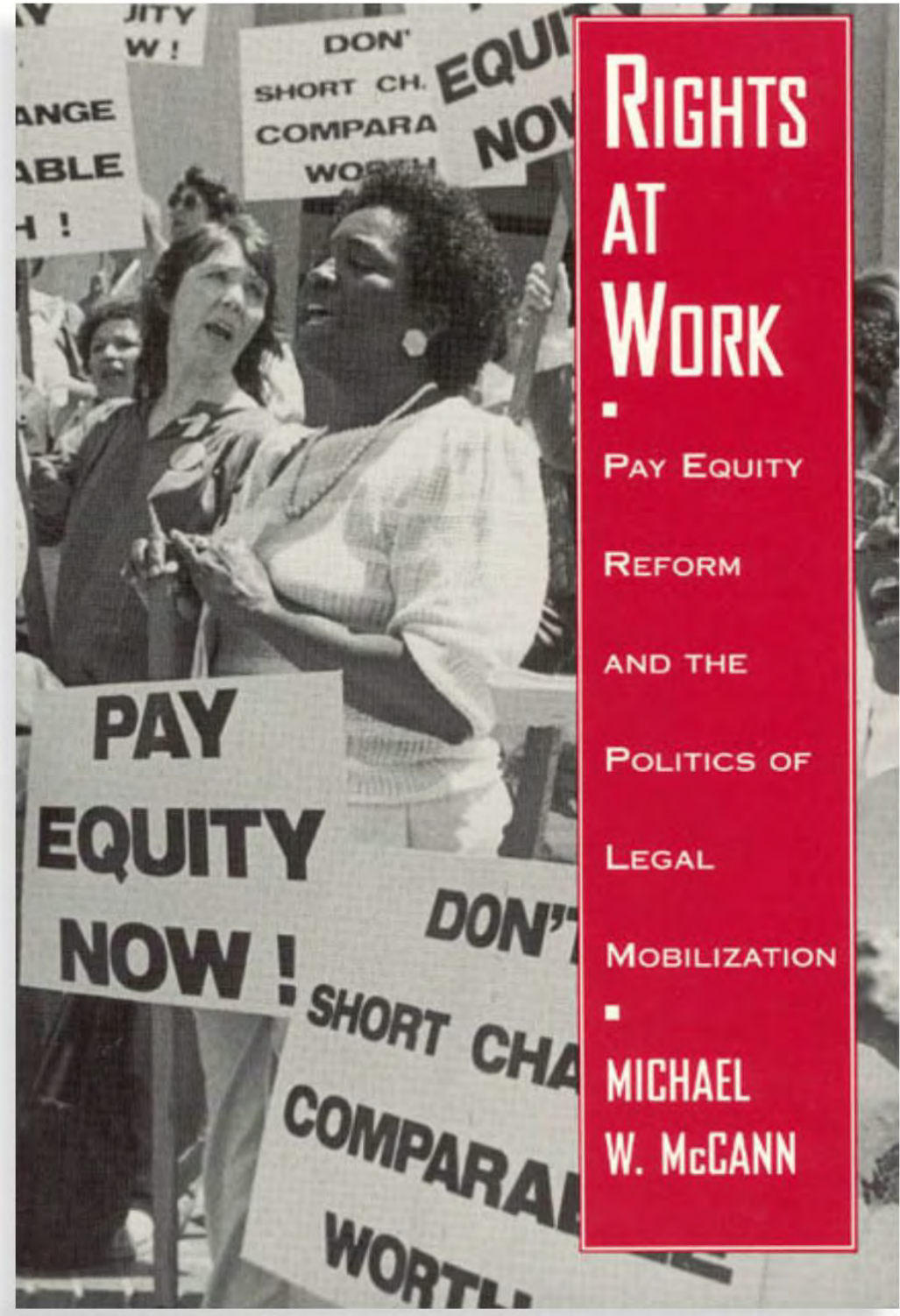
KEYWORDS: climate change, strategic litigation, public law, legal imagination, Ursula Le Guin, narrative

Law and social change

10/6/2025



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How to study litigation impact?

Methodological

Layered epistemology

Mixed-methods

Conceptual

Contextual factors

Litigation activities

Types of impact

Empirical

Pathways to impact

Barriers to impact

Specific impacts

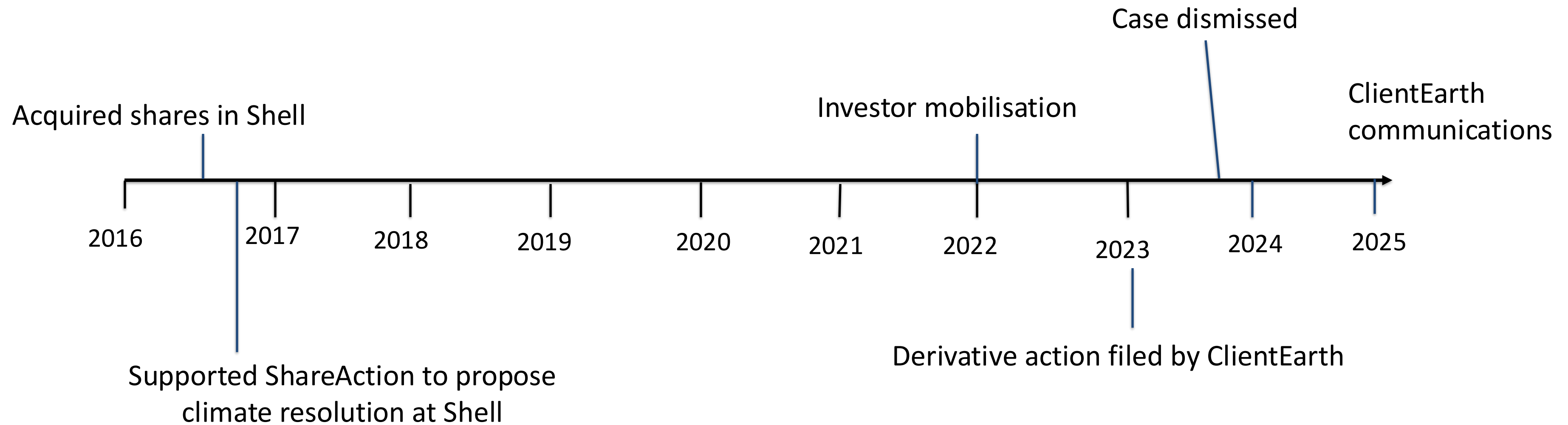
Climate litigation impact framework

Types of impact

	Symbolic (cultural/ideational/perception)	Instrumental (institutional/organisational/tool)	Material (physical/financial/behavioural)
Legal (lawyers, legal institutions, judges, legal academia)	<ul style="list-style-type: none"> Legal culture shift Lawyers sense of (dis)empowerment Judicial recognition of argument, idea, concept, identify (epistemic (in)justice) Change to legal narrative (Dis)entrenchment of legal elite (e.g., legal knowledge shared with communities versus law ‘done to’ communities) Claim (de)legitimation Symbolic effects on court independence 	<ul style="list-style-type: none"> New/change to legal resource, law, argument, right, remedy, obligation Legal precedent Change to binding policy Change to standing rules Inquiry/investigation process initiation Increased judicial oversight Trigger counter-litigation or arbitration Judicial/lawyer transnational co-operation Adoption/rejection of a legal argument used in another jurisdiction New/developed legal norms Translation of scientific to legal fact Change to judicial review access/rules Change to future ability to litigate Implementation mechanisms established 	<ul style="list-style-type: none"> Damages payment Legal costs (for different actors) Legal cost award Non-financial costs due to litigation activity (for different actors) including time and resources Access to new data/information Change to legal protection of land/resource/people (material) Material effects on court independence
Political (state-related, public-sector, society-state interactions)	<ul style="list-style-type: none"> Changes in attitudes of politicians/civil servants/government Reputational effects for politicians/government Recognition (in)justice) by the state Change to symbolic access to justice provisions (e.g., discourse/norms) Change to societal perceptions of the rule of law, judiciary, democracy (De)politicisation of climate actions Justification of climate (in)action (Re)production or amelioration of power asymmetries Change to political discourse Agenda setting Litigation risk perception of state actors 	<ul style="list-style-type: none"> New policy/plan/priorities or change to those existing (e.g., emissions reduction plan) New state-related institution Procedural change/(in)justice (e.g., risk assessment instrument/procedure) Change to climate-related calculation method or standard Parliamentary/government debate Government committee discussion Scrutiny activity (Un)coordination effect on policy makers/civil service Change in civil servant/politician ability to advocate for certain activity related to litigated issue/s 	<ul style="list-style-type: none"> Enforcement/Implementation of policy Redistributive (in)justice/action Change to material access to justice provisions (e.g., legal aid) Delay policy enforcement or implementation Change in behaviour/actions of politicians/civil servants
Socio-ecological (societal, economic, private-sector, ecological, environmental)	<ul style="list-style-type: none"> Changes to public/private climate impact risk perception New framing/narrative of climate change issue Epistemic (in)justice (e.g., promotion of different worldview) Change in mainstream/social media coverage frequency or framing of an issue Denial/affirmation of identity Private and public entity reputational effect Changes to negotiating power of non-state actors 	<ul style="list-style-type: none"> Change to or new social movement/organisation/private sector strategies or priorities (includes mobilisation counter to litigation aims) Coalition formation/disintegration (De)mobilisation of social movement e.g., protest/lobby/campaign Change to emissions reduction plans or climate risk assessments on non-state actors (e.g., companies, investors, banks, organisations) Changes to participation in decision-making/politics Change in private sector organisational behaviour/activity Civil society monitoring processes for judgement implementation 	<ul style="list-style-type: none"> Change to quantity of CO2e emissions (regional/national/global) CO2e displacement effects Biodiversity or ecological change (e.g., loss/gain) Area of ‘nature’ protected Change in non-CO2e pollution Change to cost or other non-state incentive to emit or abate CO2e Changes to infrastructure Changes in investment activity Change in behaviour of publics

Case study: ClientEarth v Shell Plc.

The landmark case that wasn't? Assessing the impact of dismissal in climate litigation (ClientEarth v Shell Plc.)



10/6/2025

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The landmark case that wasn't? Assessing the impact of dismissal in climate litigation (ClientEarth v Shell Plc.)

Research design

Data

- 22 elite stakeholder interviews
- 60+ documents
- Share price data

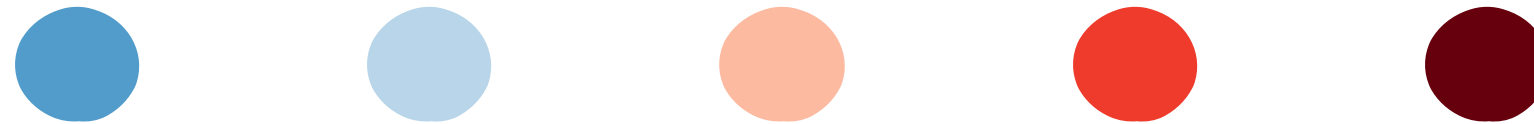
Mixed-methods

- Exploratory process tracing
- Template thematic analysis
- Case study research
- Share price analysis

Preliminary findings

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Thank you



CLARE
CLIMATE
ADAPTATION
& RESILIENCE



UK International
Development



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Canada

In partnership with the Critical Decade
for Climate Change Doctoral Scholars
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