

Climate Change Governance and Sustainable Development Goals: Contemporary Legal Trends

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Abstract: Despite climate change shifting from the periphery of international environmental law to become a defining theme in global governance, there still exists the fragmentation, ineffectiveness and inefficiency of the architecture of climate governance under the United Nations Framework Convention on Climate Change, the Paris Agreement, and the 2030 Agenda for Sustainable Development (problem). This paper seeks to fill the identified gap by presenting the convergence of climate governance and Sustainable Development Goals into a comprehensive legal framework and how judicial decisions, legislative initiatives, and regulations have been compensating the inadequacy of the international treaty diplomacy (solution). The empirical analysis of relevant case law and legislative developments, including the 2025 International Court of Justice Advisory Opinion on the Obligations of States in Respect of Climate Change, the 2024 European Court of Human Rights ruling in the *Klimaseniorinnen v. Switzerland*, and the development of mandatory corporate due diligence laws, indicates that the climate obligations are increasingly recognized as human rights obligations, SDG 13 (Climate Action) becomes an interpretive tool to reconcile climate law and other SDGs, such as SDGs 1, 5, 10, 16 and 17, and liability shifts from states to corporations and financial entities (findings). These findings have direct implications on legal drafting, climate litigation strategy, and the equitable method of evaluating damages and just-transition in both developed and developing nations.

Keywords: Climate change governance; Sustainable Development Goals; climate litigation; environmental law; corporate accountability; climate justice

1. Introduction

The field of climate change governance is situated at the crossroads of international law, domestic regulation and human rights, and it cannot be considered a marginal topic for environmental lawyers anymore. With the entry into force of the Paris Agreement in 2015 and the near-simultaneous creation of the 2030 Agenda for Sustainable Development, the international community has had the presumption that climate change mitigation, climate change adaptation and sustainable development are three aspects of the same issue. This assumption can be found in the wording of SDG 13, which reads “Take urgent action to combat climate change and its impacts”, but there lies an inherent contradiction, since SDG 13 can be viewed as a policy goal, not as a binding legal duty, whereas the whole set of SDGs is designed to be aspirational and non-binding from the perspective of international law.

In the course of the last three years, the above-discussed contradiction has been thoroughly reconfigured thanks to the emergence of numerous judicial and quasi-judicial decisions. In 2024, the International Tribunal for the Law of the Sea issued an advisory opinion on states' obligations related to the marine greenhouse-gas pollution;; and the ICJ rendered its Advisory Opinion unanimously on 23 July 2025, concluding that a state's failure to exercise due diligence in regard to greenhouse gas emissions constitutes an internationally wrongful act entailing state responsibility. In light of the landmark judgment issued by the Grand Chamber of the European Court of Human Rights in *Klimaseniorinnen v. Switzerland* (the first case where an international human rights court held a state responsible for failing to mitigate climate change), the development represents a clear transition from climate change as an issue of diplomatic negotiation to climate change as an issue of legal obligation.

This paper explores the ways in which the above-mentioned transition affects the dynamic between climate governance and the SDGs, as well as the consequences of this transition for society. The problem statement is based on the fact that legal accountability of states for climate damage was always lagging behind the scientific opinion and the 2015 SDG pledges made by the countries, leaving vulnerable groups (small island states, indigenous peoples, urban poor, and future generations) without adequate legal protection. The main argument of the article is that a new hybrid "climate-SDG law" is evolving due to three factors: climate-related harm as human-rights harm; domestic climate framework legislation translating SDG 13 into mandatory emissions reduction targets; and corporate sustainability due diligence regimes embedding climate and human rights obligations in private sector supply chains. To grasp the interplay between these three streams is crucial for policymakers, litigators, and postdocs operating at the nexus of environmental and development law.

The rest of the article unfolds as follows. Section 2 outlines the current legal and institutional framework linking climate governance to the SDGs and locates the current research in relation to previous literature. Section 3 spells out the main contribution of the article. Section 4 outlines the legal methodology applied. Section 5 provides an analysis of emerging legal developments in five areas: international adjudication, national framework legislation, corporate due diligence, rights-based litigation, and climate finance. Section 6 addresses the social consequences of these legal developments with a focus on issues of distributive justice and access to remedy. The implications of this research stretch far beyond theoretical curiosity. Countries are negotiating the next round of NDCs under the five-year ratchet cycle stipulated by the Paris Agreement, corporations are designing their compliance systems for the new EU due-diligence system, and diplomats are concluding the terms of operations of the Loss and Damage fund. Every one of these negotiations will be influenced, either directly or indirectly, by the interpretation of climate jurisprudence provided in this article. An objective assessment of where climate governance and the SDGs intersect, and where they still diverge, will therefore serve a very practical purpose.

2. Related work: Existing legal and policy frameworks

While the legal framework connecting climate change and sustainable development took shape in 2015, the process of its formation took more than three decades of negotiations. The 1992 UNFCCC laid the foundation of the common but differentiated responsibility and respective capabilities (CBDR-RC) doctrine, which continues to be the normative foundation of allocation of climate obligations among developed and developing countries [1]. The 1997 Kyoto Protocol introduced the CBDR-RC

principle in a legally binding however, provided differentiated emissions reduction targets for Annex I parties, but the agreement's top-down approach turned out to be politically unsustainable and was largely overtaken by the bottom-up nationally determined contribution (NDC) approach of the 2015 Paris Agreement [2]. Discussions about whether the voluntary NDCs, supported merely by a procedural “ratchet mechanism” of the 2015 Paris Agreement are adequate under the pressure of scientific evidence have been partially settled in favour of more stringent approach to NDCs, their progressive ambition and good-faith implementation in the 2025 ICJ Advisory Opinion [3].

Alongside the climate treaty regime, the UN General Assembly's adoption of the 2030 Agenda for Sustainable Development in September 2015 entailed 17 SDGs and 169 targets, of which SDG 13 pertains directly to climate action whereas SDGs 1 (no poverty), 2 (zero hunger), 6 (clean water and sanitation), 7 (affordable and clean energy), 11 (sustainable cities and communities), 14 (life below water) and 15 (life on land) are significantly affected by climate change and climate mitigation measures [5]. The SDGs being adopted by a General Assembly resolution and not a treaty, the term “soft law” is frequently used in the literature in relation to them [6]. On the other hand, there is a steadily increasing scholarly consensus that the soft-law instruments like the SDGs may become “hardened” through practice by the states, their legislative incorporation, and their reference by international courts as emerging standards of conduct [7]; for example, the ICJ’s 2025 Advisory Opinion referred to the temperature goals set in the Paris Agreement and human-rights instruments, thus showcasing precisely the process of hardening even though it made no direct reference to the SDGs.

The second line of literature deals with climate litigation as a governance tool. The Sabin Center for Climate Change Law's global climate case database had tracked more than 2,500 climate-related cases across more than 55 jurisdictions by 2025, representing a tenfold growth since 2015 [8]. Some landmark cases in this regard include *Urgenda Foundation v. State of the Netherlands* (2019), where the court found the Dutch government obliged to enhance its efforts in terms of reducing greenhouse gas emissions on human-rights grounds, and *Neubauer et al. v. Germany* (2021), where the German Federal Constitutional Court ruled that insufficient climate actions in the present moment shift the emissions reduction obligation to future generations, thus making them unconstitutional [9], [10]. The 2024 decision in *Klimaseniorinnen* expanded this logic to the European Convention on Human Rights, finding that Switzerland's inadequate climate governance structure was a violation of the right to private and family life under Article 8 [11]. Table 1 presents a comparison of the above-mentioned three regimes – the UNFCCC/Paris agreement regime, the SDGs regime, and rights-based climate litigation – based on their compatibility with the relevant criteria of enforcement.

Another strand of literature focuses on the institutional structures linking the above-mentioned regimes and their development impacts. While the UN's High-Level Political Forum on Sustainable Development undertakes annual assessments of SDG achievements via Voluntary National Reviews, the latter lacks any compliance mechanism and is wholly dependent on reporting by the states themselves, a feature that has been heavily criticized as a structural incapability to hold states accountable for their SDG 13 failures [6],[7]. In contrast, while the Enhanced Transparency Framework of the Paris Agreement similarly lacks any punishment, at least it produces standardized and internationally reviewed emission data and NDC implementation information, which a number of tribunals mentioned above considered probative evidence of state due diligence conduct. Such

differences in the SDGs' and the climate regime's systems of monitoring and reporting can explain why judicial bodies have found it easier to resolve disputes relating to the climate issue rather than SDGs implementation, which is what makes this paper pay attention to climate legislation as a more justiciable aspect of the climate-SDGs nexus.

Third, another small yet growing strand of academic research discusses the importance of the private sector and financial markets for SDG-compliant climate governance, focusing on the development from voluntary corporate responsibility disclosures in the early 2010s towards mandatory sustainability reporting and due diligence requirements. The common conclusion drawn in the existing research is that voluntary ESG approaches did not provide sufficient incentives to change corporate emissions trajectories fast enough to meet the goals set out by the Paris Agreement's temperature targets, which is one of the main reasons why the EU lawmakers decided to shift to a mandatory due diligence system, discussed further in Section 5.3 below.

Table 1. *Comparison of the principal legal frameworks connecting climate governance to sustainable development*

Framework	Legally binding	SDG-integrated by design	Direct remedy for individuals
UNFCCC / Kyoto Protocol	Yes (Annex I targets)	No	No
Paris Agreement (NDCs)	Procedurally, not substantively	Partially (Art. 2, 4)	No
2030 Agenda / SDG 13	No (soft law)	Yes	No
Rights-based climate litigation	Yes, via domestic/regional courts	Indirectly	Yes

3. Key Contribution

The main theoretical contribution of this article is not the formulation of one more new legal rule but the bringing together of three separate research fields — international climate law, SDG implementation literature, and climate litigation research — which are normally considered separately. The examination of the 2025 ICJ Advisory Opinion, the 2024 Klimaseniorinnen case, and the CSDDD shows that there is a developing legal doctrine according to which legal responsibility for climate damage is being distributed among three different groups — states, courts, and businesses — following a model which is very similar to the distribution of responsibility among governments, private business, and civil society in SDG 17.

A secondary practical contribution of this article is an analysis of its social impacts. The majority of legal scholarship on climate litigation and SDG implementation tends to focus on the doctrinal aspect of these problems. Instead, in this article, we ask which groups benefit from climate litigation and

which are left in the residual position. We suggest that without paying sufficient attention to access to justice barriers, the ongoing wave of climate rights litigation might reproduce, rather than correct, North-South and national inequities inherent to SDG 10 (reduced inequalities).

The third contribution is methodological: instead of presenting the ICJ opinion, the Klimaseniorinnen judgment, and the CSDDD in isolation as case studies, this paper places them within the same analytical context – obligations, adjudication, and distribution – which can be applied prospectively to future events, including the upcoming rulings on the ongoing climate-related cases in domestic apex courts of Australia, Brazil, and South Korea, as well as to the final implementation of the Loss and Damage Fund's governance board.

4. Methodology

The research methodology adopted in this study is a combination of doctrinal legal research and qualitative policy impact assessment. The doctrinal part included a systematic review of primary sources, such as UNFCCC, Kyoto Protocol, Paris Agreement, 2030 Agenda for Sustainable Development, 2025 Advisory Opinion of the ICJ, 2024 Judgment of the ECtHR in the case of Klimaseniorinnen vs. Switzerland, 2024 Corporate Sustainability Due Diligence Directive of the EU, and purposive sample of national climate frameworks legislation (United Kingdom, Germany, Philippines).

Secondary sources are from peer-reviewed international law and development studies academic journals, reports of UN treaty bodies, and the Sabin Center for Climate Change Law litigation database where the case clusters were identified., that served as a means for identifying case clusters and not for conducting original empirical coding. The method of analysis is explicit in its being comparative and interpretive, and not statistical, because the purpose of this research is to track the convergence of doctrine, rather than to prove some kind of quantitative hypothesis. The limitations of the research design include the selective character of the choice of jurisdictions, and the dynamic nature of the field being analyzed because some of the cases mentioned in the research are still undergoing compliance monitoring and appeals at the time of writing.

To conduct the comparative analysis, the primary sources were coded using three criteria developed based on the review of the literature conducted in Section 2: (i) whether the instrument establishes a legally binding obligation or simply states a policy aspiration; (ii) whether there is an explicit textual or interpretive link between the instrument and the SDGs; and (iii) whether the instrument provides an individual or a sub-state actor with an avenue of legal recourse.

5. Results and Discussion: Emerging Legal Trends

5.1 International adjudication and the hardening of state obligations

however, the single most significant event during this period was the rise of a new consistent line of international judicial practice viewing climate non-action as a violation of binding legal duties, rather than a policy one. In 2024, the International Tribunal for the Law of the Sea issued an advisory opinion stating that greenhouse gases fall under the definition of marine pollution in the UN Convention on the Law of the Sea and thus entail states' obligations to prevent, reduce, and control such pollution [12]. The following year, the Inter-American Court of Human Rights issued an opinion connecting the right to a healthy environment to the American Convention on Human Rights. The 23rd July 2025

advisory opinion by the ICJ is the most ambitious of all three decisions. According to the Court, the obligations of states to prevent serious harm to the climate system were customary, a state could be guilty of an internationally wrongful act due to its lack of due diligence in the process of determining and fulfilling its NDCs; and the victim states could argue for cessation, assurances of non-repetition, and reparations [4], [13]. While advisory opinions do not carry legal weight, the ICJ opinion is already being cited in ongoing cases at the domestic and regional level as a definitive interpretation of the existing treaty and customary law, demonstrating how international judicial bodies can transform softer obligations, including but not limited to SDG 13, into justiciable norms.

It is worth mentioning that the ICJ opinion also touched upon the mobility aspect of climate harm, referring to the earlier views of the UN Human Rights Committee on the non-refoulement aspects of climate-induced displacement in *Teitiota v. New Zealand* case, and confirming that relocation and adaptation of small island developing states fit within the cooperative obligations of states. As commentators point out, this is the first time an international judicial body links the established doctrine of climate obligations directly to migration and refugee law, thus providing another pathway through which SDG 13 (climate action) and SDG 10 (reduced inequalities, including safe migration) might become doctrinally linked [4], [13].

5.2 National framework climate legislation as SDG implementation

A second trend is the proliferation of national “framework” climate laws that convert SDG 13's aspirational language into binding domestic targets. The United Kingdom's Climate Change Act 2008 pioneered this model with legally binding carbon budgets; Germany's Federal Climate Change Act, as amended following the *Neubauer* decision, now embeds intergenerational equity directly into statutory design; Kenya's Climate Change Act 2016 was among the first in Sub-Saharan Africa to create a statutory National Climate Change Council and to mandate climate considerations in public budgeting; and the Philippines' Climate Change Act, reinforced by the Commission on Human Rights' 2022 National Inquiry on Climate Change, explicitly links adaptation planning to the country's SDG localisation strategy [14]. By 2025, more than 60 countries had adopted or proposed framework climate legislation of this kind, according to comparative surveys by the Grantham Research Institute, effectively operationalising SDG 13 at the domestic level even though the SDGs themselves remain non-binding internationally [15].

What distinguishes this second wave of framework legislation from earlier, more symbolic climate statutes is the presence of independent oversight bodies — the UK's Climate Change Committee and Kenya's National Climate Change Council among them — tasked with publishing annual progress reports against statutory carbon budgets. These bodies function as a domestic analogue to the Paris Agreement's Enhanced Transparency Framework, and their reports have themselves become evidentiary material in domestic climate litigation, including in the UK Court of Appeal's 2022 ruling in *R (Friends of the Earth) v. Secretary of State for Business, Energy and Industrial Strategy*, which quashed the government's Net Zero Strategy for failing to demonstrate, with sufficient quantitative detail, how its policies would meet the statutory carbon budgets.

5.3 Corporate due diligence and the privatisation of climate obligations

Thirdly, climate and human rights duties now extend beyond states into the private sector via due diligence requirements legislated in the form of mandatory due diligence laws. In 2024, the Corporate Sustainability Due Diligence Directive (CSDDD) of the European Union requires corporations to identify, prevent, and redress adverse effects on human rights and the environment associated with their operations and supply chains, and, for larger corporations, to develop a climate transition plan consistent with the 1.5 degrees C goal under the Paris Climate Agreement [16]. Precursors to the CSDDD within Europe were France's Devoir de Vigilance law and Germany's Supply Chain Due Diligence Act. As private corporations' supply chains will include operations in both developed countries and developing countries, these mandatory due diligence laws act as an indirect, but effective mechanism for the exportation of climate and SDG standards to other countries that do not have framework climate legislation of their own, a process known in legal scholarship as the "Brussels effect" in respect of climate [17].

The requirement for climate transition plans under the CSDDD is particularly important because it is the first time the EU has mandated such a measure of private corporations — to embrace Paris-aligned emission reduction goals and it makes businesses liable for any damages caused by their failure to meet their due diligence obligations. The critics are concerned about extraterritoriality issues and high compliance costs for SMEs in developing countries, while proponents of the Directive claim that the harmonization of mandatory standards is better than the piecemeal approach of voluntary ESG disclosures that used to exist before the Directive and which, according to many studies, were not effective in changing corporate emissions trends.

5.4 Rights-based climate litigation

The fourth trend is the emergence of rights-based climate litigation as a viable and successful approach in the courtroom. Apart from the above cases, there have been other instances where the courts have held the constitutional or statutory rights of a stable climate or healthy environment as justiciable against governmental inaction in Colombia (*Future Generations v. Ministry of the Environment*, 2018), Pakistan (*Ashgar Leghari v. Federation of Pakistan*, 2015), and most recently in the US (*Held v. State of Montana*, 2023). In addition to the above, the Human Rights Council's Resolution on human right to clean, healthy, and sustainable environment in 2022, which is not a binding treaty, has further supported the recognition of the above rights [18], [19], [20]. Thus, taken together, the above cases show that courts are ready to review climate mitigation targets, which form the core of SDG 13.

There have been some rights-based actions which have not succeeded, and the pattern of dismissals is revealing. The European Court of Human Rights found the youth-led action in *Duarte Agostinho and Others v. Portugal and 32 Other States* inadmissible based on grounds of jurisdiction and failure to exhaust domestic remedies in the very same day it ruled on *Klimaseniorinnen*, showing that procedural admissibility, as opposed to the substance of the claim regarding climate change harm, continues to be the main obstacle to cross-border climate actions. In addition, the case of *Sacchi v.*

Argentina before the UN Committee on the Rights of the Child was inadmissible because of failure to exhaust domestic remedies.

5.5 Climate finance, loss and damage, and SDG-aligned funding mechanisms

Lastly, there is a new area of legal governance of climate finance that is increasingly developing as an aspect that connects climate governance directly to SDG 17 (Partnership for Goals) and SDG 1 (No Poverty). This has resulted from the establishment of the Loss and Damage Fund that was decided upon at COP27 (2022) and officially launched at COP28 (2023) which, for the first time, created a dedicated multilateral financial mechanism that is geared towards compensating states for climate damage done, rather than for future mitigation and adaptation [21]. While debate on the governance structure of the fund, contribution obligations and eligibility criteria for accessing resources continues, the fact of the matter is that the creation of such a mechanism shows a growing acceptance of the notion that the climate damage done creates legal, rather than moral, right for compensation which, in part, was foreshadowed by the 2025 ICJ opinion that mentioned reparation.

However, the initial capitalization of the Fund, which took place during COP28 and which subsequently was augmented during COP29 and COP30, appears to be modest in comparison to the estimated scale of loss and damage caused by climate change in developing countries.

6. Social Impact

The socio-legal implications of the legal trends discussed in Section 5 are mixed. On the one hand, the transformation of the climate-related duties into justiciable rights has made it possible for previously marginalized actors – elderly women in *Klimaseniorinnen*, indigenous communities in *Torres Strait Islanders v. Australia*, and youth in *Neubauer and Held* – to use legal avenues to seek accountability for complex injuries that cannot be remedied effectively by traditional tort law. Such development is in line with the SDG 16 on Access to Justice for All.

At the same time, the access to such remedies is highly uneven. Strategic climate litigation is expensive and requires certain expertise. The statistics provided by the Sabin Center reveal that the overwhelming majority of climate lawsuits brought to date were filed by high-income jurisdictions with sophisticated constitutional courts and organized civil society plaintiffs. Meanwhile, countries vulnerable to climate change in the Global South, although being responsible for an unfair proportion of physical climate injuries and having pushed the General Assembly to make the UN GA request resulting in the ICJ opinion of 2025 [8],[4] continue to lag behind in filing climate lawsuits. There is a potential risk that the asymmetric situation may perpetuate the very inequalities SDG 10 strives to eliminate; the jurisdictions that are most able to use litigation to enforce higher levels of protection happen to be precisely those that are more likely to suffer from the impacts of climate change.

The other set of potential distributional issues pertains to due diligence regimes like CSDDD. Since the costs of compliance will fall on larger corporations whose headquarters are predominantly located in the developed world, a badly-designed due diligence system might well amount to less foreign investment, canceling of contracts, or passing down of compliance costs to smaller firms in developing

countries that would serve as suppliers, thus defeating the very objective of SDG 8 (decent work and economic growth).

Finally, the establishment of the Loss and Damage Fund and the ICJ's adoption of the reparations approach mark a significant change of concepts towards climate justice – the recognition of the inability of mitigation and adaptation finance to solve the problem of the damage which has occurred. Whether social advantages can be realized within this new approach will depend on how the future proceeds in terms of governance, distribution and accessibility issues, which remain unresolved as of the beginning of 2026.

Apart from the question of social justice mentioned above, there is also an aspect of generational social impact which plays a role in some of the cases considered above. Demonstrated by the arguments of the German Constitutional Court in the Neubauer case and the participation of children and young applicants in Duarte Agostinho and Sacchi, this trend reflects the more general tendency for children and young people to be the most constant and inventive litigants in climate law worldwide. In a certain way, this generation-specific social impact reflects the intergeneration character of the SDGs; however, besides that, it raises serious difficulties regarding procedural and evidentiary aspects, because young people do not have access to the resources of environmental NGOs.

7. Conclusion

Climate change governance and Sustainable Development Goals are combining into a coherent and enforceable legal system, no longer through new treaties but rather through judicial interpretation, diffusion of national frameworks for climate laws, and expansion of due diligence obligations down corporate value chains. The ICJ 2025 Advisory Opinion and Klimaseniorinnen 2024 decision suggest that climate inactivity may now entail legal liability under international and human rights law and confer an enormous interpretive legitimacy on the otherwise soft law of SDG 13.

But such convergence is not necessarily an equitable process. If the problems of access to justice, capacity differences between Global North and Global South, and distributional features of compliance and climate finance systems are not considered deliberately, the resulting legal architecture will perpetuate rather than redress the inequities the SDGs seek to rectify. Future work will have to monitor how the Loss and Damage Fund is established and operates, how the CSDDD compliance develops, and how the 2025 ICJ opinion is received nationally.

It follows that for legal professionals and postdocs, the practical implication is that climate governance is not something which can be researched as a stand-alone field within international environmental law anymore. This is because it must now be examined along with human rights law, corporate law, migration law, and development finance, in which all the key legal developments in the past two years have taken place at the intersection with climate governance, as illustrated throughout this paper through the ICJ opinion on displacement, the CSDDD on corporate liability, and the Loss and Damage Fund as reparation mechanisms. Comparative research should further develop the three-criteria model discussed in Section 4 in a broader jurisdictional scope, especially in Asia and the Pacific, where vulnerable states both are most affected by climate change physically and are the least covered in terms of international climate jurisprudence

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