Universiteit
Leiden
The Netherlands

Sustainable governance of aviation: changing tailwinds: from shareholding to stakeholders?

Buissing, T.N.

Citation

Buissing, T. N. (2026, May 27). *Sustainable governance of aviation: changing tailwinds: from shareholding to stakeholders?*. Retrieved from https://hdl.handle.net/1887/4304633

Version:	Publisher's Version
License:	Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden
Downloaded from:	https://hdl.handle.net/1887/4304633

Note: To cite this publication please use the final published version (if applicable).

Part D – Concluding Remarks

Airline Governance, Sustainability & Stakeholder Influence

1. Introduction

The concluding chapter brings together the different angles of this dissertation. It returns to the overarching research question; *How is airline governance in the European Union evolving through the interplay between shareholder-based corporate structures and stakeholder influence, and how do sustainability objectives, environmental and climate litigation, and geopolitical developments collectively reshape the regulatory framework governing EU airlines?"* – and evaluates the developments in light of the conceptual framework established in the Introduction of Part A. That framework clarified the key analytical terms used throughout this research: **sustainability** as a multidimensional concept encompassing not only environmental, but also economic and strategic considerations; **governance** as the structures and processes through which authority over airlines is exercised, shared, or contested, including both power and influence, and with particular attention to **stakeholder influence** as the mechanisms—formal or informal—by which actors beyond shareholders shape or seek to shape airline decision-making and accountability. These elements jointly frame what this study refers to as sustainable governance of aviation, and they form the basis for interpreting the findings from Parts B and C.

Seen through this lens, the evolution of airline governance reflects several intersecting developments highlighted in the Introduction and the Research Context. The historical attempted shift from airlines 'of a State' to airline undertakings operating in competitive markets has been tempered by recurring State interventions, a renewed policy focus on strategic interests and autonomy, and the expansion of sustainability-related regulatory obligations at international, EU and national levels. At the same time, the governance of airlines has arguably become more multi-level and multi-actor: complex multi-national **corporate governance** arrangements now operate alongside dense **regulatory governance** frameworks in international and EU law, while **stakeholder governance** in aviation, manifested through environmental and climate litigation, ESG developments, consumer expectations and community activism, has become more visible, particularly in some European countries.[1]

The primary research question and sub-questions reflect this multidimensional reality by distinguishing between the legal, institutional and regulatory mechanisms structuring ownership and control of airlines (Part B) and the evolving governance

1. See the list of examples in section 2.3.2 of the Research Context in Part A of this research.

pressures stemming from sustainability, litigation, and broader stakeholder and geopolitical dynamics (Part C).

Part D, therefore, proceeds in a structured sequence that gradually builds towards the concluding synthesis. Section 2 brings together the core insights of Parts B and C, identifying the governance dynamics that emerge when ownership and control structures, sustainability obligations, and stakeholder pressures are placed within the overarching conceptual framework. Section 3 refines this framework by clarifying the corporate, regulatory, and stakeholder governance dimensions and by outlining the stakeholder typology and governance levers used throughout the dissertation. Since the litigation angle is not addressed holistically in the articles of Parts B and C, section 4 examines environmental and climate litigation as one channel through which stakeholders seek to influence regulatory and corporate outcomes. The Part culminates in Section 5, which synthesises the findings by explicitly answering the sub-questions and the overarching research question, followed by a brief reflection on methodological scope and avenues for future research.

2. Core Observations and Integrated Findings

2.1 Ownership, Nationality and the State–Airline Relationship (Part B)

The analysis in Part B demonstrates that ownership and control remain foundational to the corporate and regulatory governance of EU airlines. Despite decades of liberalisation, nationality rules continue to anchor airlines to a specific 'home' State, which shapes their access to markets through Air Services Agreements and traffic rights, their exposure to State oversight, and the laws that define the distribution of corporate power and influence among shareholders.

The three articles in Part B collectively show that contemporary airline governance is characterised by increasingly complex corporate and ownership structures, including multi-jurisdictional holdings, diversified shareholder bases, and the use of differentiated voting rights or special powers. Yet these configurations do not displace the traditional constraints associated with substantial ownership and effective control. Rather, they demonstrate that nationality rules have adapted to modern corporate realities and now function as legal boundary conditions, determining and enabling access to international markets while constraining corporate structuring, relocation, and foreign investment choices. At the same time, these rules establish the jurisdictional nexus through which States and regulators exercise airline oversight, defining which State bears responsibility for regulatory control and which actors may legitimately intervene in an airline's governance. Part B also illustrates the continued relevance of the State as shareholder, guarantor, and 'crisis manager', underscoring that airline governance cannot be understood without considering its regulatory and geopolitical contexts.

These findings collectively address the sub-question guiding part B: How do legal and institutional mechanisms within international and EU law, and national company laws, shape and constrain ownership and control in the context of the corporate and regulatory governance of airlines in the European Union?

The nationality link between the owner of the aircraft and the State in which the aircraft is registered originates from the Paris Convention relating to the Regulation of Aerial Navigation (the 'Paris Convention') of 1919.[2] The current practice pursuant

2. Convention Relating to the Regulation of Aerial Navigation (signed 13 October 1919, entered into force 11 July 1922) 11 L.N.T.S. 173. Article 7 of the Paris Convention: "A*ucune société ne pourra être enregistrée comme propriétaire d'un aéronef que si elle possède la nationalité de l'Etat dans lequel l'aéronef est immatriculé*" which translated to "No company may be registered as the owner of an aircraft unless it possesses the nationality of the State in which the aircraft is registered." (translation provided by author).

to which airlines possess the nationality of the State designating them for the operation of international air services follows from the provisions of the Chicago Convention of 1944, in conjunction with, and as articulated in, the Transit and Transport Agreements of the same year (1944), which are attached to the latter convention.[3] Despite the liberalisation and globalisation of the international air transport market, airline nationality, the formalisation of "substantial ownership" and "effective control" criteria in a complex web of mostly bilateral Air Services Agreements (ASAs), remains pivotal for airlines seeking access to the operation of international traffic and transit rights.[4]

An analysis of the historical evolution of corporate law reveals that 'economic nationalism' is also applied in other sectors, and that legal tools, such as voting caps, golden shares, or control-enhancing mechanisms to underpin such 'economic nationalism', have been used across jurisdictions to preserve domestic control over strategic sectors, often through mechanisms that function as stealth protectionism, even as markets have formally liberalised.[5] Contrary to other global industries, such as digital and financial services, where nationality and ownership of undertakings play a less important and fundamental role in present days,[6] the persistence of nationality criteria in aviation underscores not only the strategic and economic interests of States in air transport, but also the political, including security dimensions, which are deeply embedded in the aviation sector.[7]

The unique and enduring link between airlines and their home States establishes another closely linked, distinctive aspect of airline governance. Historically, airlines have served as national diplomacy, economic policy and strategic instruments. Flag carriers, particularly during the mid-20th century, were synonymous with national prestige and diplomatic reach, as illustrated vividly by the Dutch example, where KLM's strategic decisions were deeply intertwined with the state's foreign policy, forming the "Iron Triangle."[8] Havel and Sánchez attribute the persistence of this link to a deep-seated 'nationalistic mentalité' that has long shaped the industry, whereby international aviation is conceived as a system that "comprises only

3. See, Part A, Research Context, section 2.1.1.
4. See, Part B, 'Navigating Airline Nationality: European Perspectives on Airline Shareholding and Corporate Governance', Air & Space Law 49(6), 2024.
5. For an in-depth analysis of this subject, see, M. Pargendler, 'The Grip of Nationalism on Corporate Law', Indiana Law Journal 95(2), 2020.
6. See, Part B, 'The Unique Link Between an Airline and a State', the Aviation and Space Journal, 2023(1).
7. See, Part B, 'Securing Strategic Autonomy for EU Airlines: An Assessment of Foreign Investment Exposure in the Air Transport Industry', the Aviation and Space Journal, 2024(3).
8. Marc Dierikx and Jean Guillaume Petit, *Holding Patters*: *Air Transport and Foreign Policy in The Netherlands*, (2025), Preface, p. xv. See also, Part A, Introduction.

airlines that are owned and controlled by the State, or, in more recent decades, by the citizens of the State, which designates them to fly international routes."[9] The maintenance of the industry's structure through ASAs, they argue, is based on "government barter, and not the entrepreneurial acumen of the airlines",[10] which shows the unique link between airlines' national affiliation, access to global routes and States' interests in aviation.

Although the era of explicit governmental control over airlines has largely given way to market liberalisation and privatisation, global events in the current era, such as economic and financial crises, the COVID-19 pandemic, and geopolitical tensions, demonstrate that States have never entirely relinquished their influential role, and do not wish to do so in most cases. Airlines frequently remain dependent on governmental support, monetary or otherwise, highlighting the sector's vulnerability to external shocks and its continuing importance to national economies.[11] Security concerns and the recent pursuit of States' strategic autonomy are also exemplary in this regard. These developments also underscore this interdependence, reinforced by protection schemes and instruments such as foreign direct investment (FDI) screening mechanisms,[12] and the Critical Entities Resilience (CER) Directive,[13] all aimed at safeguarding national and EU interests in the aviation sector.[14]

While Havel and Sánchez rightly point to the historical role of government barter and nationalist structures in shaping international aviation, the contemporary governance of airlines reflects a more intricate trade-off between multiple, and sometimes conflicting, interests. These include commercial viability, environmental sustainability, public service obligations, and geopolitical considerations. Rather than being solely rooted in ownership and state designation, airline governance today navigates a broader balancing act, one that is explored in further detail below.

---

9. See, Brian F. Havel & Gabriel S. Sanchez, "Restoring Global Aviation's Cosmopolitan Mentalité," Boston University International Law Journal 29(1), 2011, pp 11-12.
10. Ibid.
11. See section 2.2 of Part A.
12. Regulation (EU) 2019/452 establishing a framework for the screening of foreign direct investments into the Union (FDI Regulation).
13. Directive (EU) 2022/2557 of 14 December 2022 on the resilience of critical entities and repealing Council Directive 2008/114/EC (Critical Entities Resilience (CER) Directive).
14. See, Part B, 'Securing Strategic Autonomy for EU Airlines: An Assessment of Foreign Investment Exposure in the Air Transport Industry', the Aviation and Space Journal, 2024(3).

2.2 Sustainability Obligations and Stakeholder Pressures (Part C)

Part C shows that sustainability objectives—here in the environmental context—have become integral to airline governance in the EU. Regulatory obligations under international, EU, and national law increasingly frame the conditions under which airlines operate, from emissions reduction and noise abatement to reporting obligations and fuel-blending mandates.

At the same time, external actors employ a widening set of levers in what this research considers stakeholder governance: climate and environmental litigation, ESG-driven expectations, consumer scrutiny, activist initiatives, broader public accountability campaigns, and, in some contexts, legal challenges before courts. These mechanisms do not replace corporate or regulatory governance, but they create additional vectors of influence that can affect airlines' strategic priorities, operational practices, and risk management. The articles in Par C demonstrate that such pressures are often asymmetric across stakeholder groups, and that legal and societal contestation form one, but not the only, channel through which stakeholder influence materialises.

These observations contribute to answering the second sub-question: How are regulatory and stakeholder governance structures in the European airline sector being redefined through sustainability objectives, environmental and climate litigation, broader stakeholder influence and geopolitical dynamics?

The influence of sustainability objectives in aviation policy is particularly visible within Europe. Ambitious measures under the EU's Green Deal and the 'Fit for 55' legislative package have driven significant regulatory changes to reduce aviation emissions. The pursuit of environmental objectives at the EU and national levels, whether through emissions control, national 'gold plating',[15] or stricter noise regulation, has introduced substantial challenges for airlines' management and requires adaptation of business models, cost structures, and long-term operational planning.[16] Other measures, such as the proposed Carbon Border Adjustment Mechanism (CBAM) for aviation, overlap uneasily with the existing EU Emission Trading Scheme (EU ETS) and ICAO's global Carbon Offsetting and Reduction Scheme for International Aviation

15. Gold-plating is a term used to characterise the process whereby the powers or scope of an EU directive are extended when being transposed into the national laws of a Member State, which the European Commission described as "an excess of norms, guidelines and procedures accumulated at national, regional and local levels, which interfere with the expected policy goals to be achieved by such regulation" in European Commission, *Gold-plating in the EAFRD*, Directorate General For Internal Policies, 2014.

16. See, Part C, 'Challenging the Balanced Approach to Aircraft Noise Management Principle: Will the Dutch Approach Stand or Will the Principle Prevail?', Air and Space Law, 49(1), 2024.

(CORSIA). Global action in international civil aviation is increasingly strained: while multilateral mechanisms like CORSIA offer a baseline, they lack enforceable rules. At the same time, the EU seeks to project environmental standards beyond its borders, but such ambitions, illustrated by instruments like the EU ETS in its early years (2008-2012) and CBAM regimes, face mounting legal and diplomatic resistance.[17] The resulting tension between the EU's sustainability agenda, on the one hand, and the international framework and practices of environmental measures for aviation, on the other hand, exemplifies a broader dilemma confronting airlines: the need to reconcile stringent environmental imperatives with international competitiveness.

Alongside this regulatory and geopolitical context, societal expectations around sustainability have become more pronounced. These expectations may relate to noise and emissions performance, the credibility of climate strategies, or the perceived alignment of airlines with wider environmental and societal objectives. Such pressures form part of the wider landscape in which airlines' behaviour is contested. The interplay between Part B and C is explored below.

2.3 Interaction and Emerging Governance Dynamics

When read together, the findings from Parts B and C indicate an evolving governance landscape that is more multi-level and multi-actor than the traditional shareholder-centric model implies. Nationality rules and the ownership and control conditions continue to define the legal and regulatory positioning of airlines and the link with the 'home' State. At the same time, legal and policy sustainability obligations set boundaries and impact airlines' management and operations. The interaction between these dimensions becomes particularly apparent when regulatory requirements, environmental constraints, and broader societal expectations converge, producing overlapping layers of accountability that can influence both corporate and operational decision-making to maintain its 'license to operate' in the public perception.

These developments, as approached in conjunction, point to a governance configuration characterised by what could be called 'distributed authority'. States and regulators retain formal regulatory powers and oversight; corporate shareholders continue to exercise strategic discretion within the limits of their ownership of, and control over, the airline's management; and societal expectations shape the broader environment in which regulatory and commercial choices are made. Rather than displacing the shareholder-centric focus, these dynamics appear to reflect

17. See, Part C, 'EU Air Transport and the EU's Environmental Agenda Struggle: A Leap of Faith or Can a CBAM Level the Playing Field?' Air & Space Law 47(6), 2022.

a rebalancing in which different forms of power and influence intersect across regulatory, corporate, and societal domains. The integrated picture that emerges is one of governance shaped by constraints and drivers operating simultaneously at international, EU, national, and societal levels. This multi-layered configuration provides the foundation for the conceptual governance framework developed in the next section.

3. Governance Framework for Airline Stakeholder Influence

3.1 Positioning Corporate, Regulatory, and Stakeholder Governance

Building on the integrated findings above, the multi-layered governance configuration that characterises the airline sector can be understood through the three analytical dimensions introduced in the Introduction: corporate governance, regulatory governance, and stakeholder governance. Together, these dimensions capture the different ways in which direction and control over airlines may be exercised, shared, or influenced. While corporate governance concerns the internal structures through which managerial authority and shareholder oversight operate, regulatory governance reflects the formal exercise of public authority by States and EU institutions. Stakeholder governance, in turn, encompasses the influence exerted by actors who do not hold formal decision-making power but whose interests, resources, or expectations intersect with airline operations.

The present section further develops the above governance framework and examines how these dimensions interact in the contemporary aviation context.

3.2 From Shareholders to Stakeholders: Models and Typology

Traditionally, airline governance centred on shareholders through ownership and control structures, often in conjunction with commercial interests reflected in financial performance. This orientation aligns with the managerial and entrepreneurial governance models described in the Research Context,[18] both of which facilitate the fulfilment of nationality requirements through ownership and control by the airline's management, its owners or shareholder groups. These models also reflect the historical and widespread prioritisation of state and investor interests,[19] rooted in the nationalistic mentality discussed in section 2.1 above, pursuant to which airline governance was closely tied to the interests of the home State, either directly or through the protection of national investors.[20]

Over time, however, airline governance appears to have expanded to include a more diverse group of actors whose interests, expectations, or values intersect with airline operations. The stakeholder governance spectrum for airlines includes internal actors such as employees, works councils, and board members,

18. See section 2.3(b) of Part A.
19. See, for instance, Jan Walulik, 'At the core of airline foreign investment restrictions: A study of 121 countries', Transport Policy, Volume 49, 2016.
20. See also, section 2.1.4 of Part A.

who have a direct stake in the company's continued welfare, as well as external or interface stakeholders who are directly or indirectly involved in or affected by the airline's activities. These may include governments, financiers, industry partners, environmental organisations, and local communities, often organised in action groups.[21] The engagement of and advocacy by external stakeholders in the 21st century, especially in Europe, appears to be linked to heightened expectations around airlines' transparency, accountability, and sustainability practices, as indicated in requirements concerning EU airlines' reporting practices.[22]

Within this spectrum, stakeholders can also be distinguished and categorised according to the source and nature of their influence, as established in the Research Context. Institutional stakeholders—such as States, EU institutions and international organisations—shape the formal regulatory environment in which airlines operate. Economic stakeholders, including shareholders, investors and financiers, influence governance through ownership structures, capital allocation and the financial conditions attached to funding or support, increasingly incorporating ESG considerations into their assessments. Societal stakeholders, such as consumers, communities around airports and non-governmental organisations (NGO's), exert influence more indirectly through normative expectations, reputational pressures, or challenges to airlines' practices, including through administrative or judicial procedures. Examples across the airline industry illustrate how these different forms of influence may manifest. Trade unions have long been prominent in influencing employment conditions during salary negotiations, restructuring decisions, or bailouts. Other concrete examples discussed in the next section illustrate a shift towards greater stakeholder engagement. Environmental NGOs, local communities, and action groups have challenged airport expansions and advocated stricter noise and emissions standards, as seen in public debate and opposition to, for instance, Heathrow's third runway and the legal challenges surrounding Schiphol's operations. Investors have demanded credible climate strategies and ESG disclosures as a condition for continued financial support. Even passengers and consumers have begun to scrutinise airlines' environmental claims, contributing to new reputational dynamics that airlines must consider when making strategic and operational choices.

21. See, M. Carney & I. Dostaler, 'Airline Ownership and Control: a Corporate Governance Perspective', Journal of Air Transport Management, 12(2), (2006).
22. See, for instance, M. Rüger & S.U. Maertens, The Content Scope of Airline Sustainability Reporting According to the GRI Standards—An Assessment for Europe's Five Largest Airline Groups. Administrative Sciences, 13(1), 10, 2023.

Holistically, these developments suggest a broader pattern in which direction, control and influence over airlines are distributed among institutional, economic and societal actors, operating through legal, financial and normative channels. This understanding of stakeholder governance provides the analytical basis for the following subsections, which further examine the State's multi-layered role and the relevance of sustainability obligations as a channel for stakeholder influence. It also prepares the ground for the subsequent section, which considers in more detail how legal contestation and litigation function as mechanisms of influence in this broader framework.

3.3 The State's Multi-layered Role

States occupy distinct and sometimes overlapping roles in the governance of airlines, acting as top-down regulators, bottom-up shareholders, and broader public stakeholders. They may also serve as interested parties with a direct legal or procedural interest in specific cases or situations. As regulators, governments shape environmental standards and compliance frameworks through instruments such as the EU Emissions Trading System (ETS) and national legislation. As State shareholders, depending on the airline's governance structure, they may influence strategic direction, for instance by leveraging ownership positions to align corporate objectives with broader policy priorities. Where they do not hold ownership interests, States frequently participate as stakeholders in governance processes: developing policies or advocating public interests such as connectivity and climate objectives, or engaging in discussions on airport infrastructure, service levels, and accessibility.

This multidimensional involvement became particularly visible during the COVID-19 pandemic when several state aid packages were tied to sustainability conditions. It also illustrated how State's various capacities can interact, sometimes blurring the boundaries between public oversight, shareholder influence, and the pursuit of broader strategic or political objectives. Such interactions, in turn, complicate the delineation of "effective control" in both the corporate and regulatory sense. In this sense, because aviation companies operate at the intersection of public and private interests, and increasingly must comply with myriad public interests, State ownership, or at least an increased partial State ownership of an airline's shares, may offer a legitimate means to better balance strategic and public policy concerns with commercial shareholder expectations. While this remains subject to political and economic choices that fall beyond the scope of this study, the examples above illustrate how the State's multiple roles form an integral part of the regulatory governance environment in which airlines operate.

3.4 Sustainability as a Vector of Stakeholder Influence

While regulatory governance remains central to shaping the conditions under which EU airlines operate, its scope and tempo are often mediated by competing policy objectives, complex legislative processes, and the need to balance environmental aims with operational and competitive considerations. As a result, regulatory measures may advance incrementally or with compromises that reflect these trade-offs. In this setting, various stakeholders—such as environmental organisations, local communities, and consumer groups—may perceive regulatory action as insufficient or too slow to address the sustainability concerns that affect them directly. This helps explain why certain stakeholders seek to influence airline conduct through other channels, including financial conditions, normative expectations, or, in some contexts, legal or administrative challenges.

Against this backdrop, Environmental, Social, and Governance (ESG) considerations have widened the scope of airline governance within the context of this research. ESG expectations require airlines to respond not only to the interests of the company's shareholders, as would be the case under a strict interpretation based on airline ownership and control, but also to broader investor and societal demands regarding environmental performance, societal interests, and responsible management. Recent research suggests that airlines are incorporating ESG benchmarks into their corporate strategies, reflecting investor scrutiny and consumer expectations,[23] and, more recently, regulatory requirements.[24] Although this study does not examine ESG integration in depth, these observations help situate a recognition and awareness that airlines operate within an interconnected ecosystem in which stakeholder engagement, a social 'license to operate', and reputational considerations must be managed.

Stakeholder-driven governance may also involve more assertive forms of engagement and influence. Activist shareholders, NGOs, and local advocacy groups may call for stricter compliance and enforcement within existing environmental regimes or for more ambitious sustainability commitments.[25] While such efforts may

23. See, for instance, A.F. Caraveo Gomez Llanos, et al. "Rating ESG key performance indicators in the airline industry" (2024), *Environment Development Sustainability* (26), and Y. Abdi, X. Li and X. Càmara-Turull, "Impact of Sustainability on Firm Value and Financial Performance in the Air Transport Industry" (2020), *Sustainability* 12(23). See also, KLM Annual Report 2024, available at: www.klmannualreport.com/wp-content/uploads/2025/04/KLM-Annual-Report-2024.pdf (accessed: 21 November 2025).
24. See, for instance, the EU's Corporate Sustainability Reporting Directive 2022/2464 (CSRD) and E. Lidman, "Chapter 17: The EU Framework on ESG". Research Handbook on Environmental, Social and Corporate Governance. Cheltenham, UK: Edward Elgar Publishing, 2024.
25. For examples, see section 2.3(b) of Part A.

reflect legitimate concerns, they can also raise questions about representativeness, accountability, and the long-term viability of certain demands, particularly where they extend beyond what regulatory frameworks presently require.

These developments illustrate how sustainability considerations function as a channel through which institutional, economic and societal actors influence airline governance. They also show how the boundaries between corporate, regulatory and stakeholder governance may become more permeable where expectations and accountability mechanisms overlap. The interaction of these dynamics forms the backdrop to the increasing recourse, in some contexts, to legal contestation. While the articles in Part C refer to several instances of such contestation, they do not provide a comprehensive account of litigation as a governance mechanism. Given the role of courts in interpreting environmental obligations and shaping the operational environment for airlines, the next section examines climate and environmental litigation in greater depth.

4. Environmental & Climate Litigation and Judicial Interpretation[26]

4.1 Litigation as a Governance Mechanism: Scope, Definitions, and Relevance

Within the multi-layered governance configuration outlined in the previous section, litigation emerges as one of the channels through which stakeholders may seek to influence regulatory or corporate outcomes where, in their view, existing mechanisms appear constrained or insufficiently responsive. In this context, by interpreting open norms, adjudicating disputes on environmental impacts or operational impacts, or clarifying statutory obligations, courts can shape the regulatory environment in which airlines operate. In this sense, litigation functions not merely as a dispute-resolution mechanism, but as a tool through which economic or societal actors seek to address perceived gaps in regulatory oversight or to influence the regulatory or operational environment in which airlines operate.

For analytical clarity, it is important to distinguish between environmental and climate litigation. These two categories are sometimes conflated, but they differ not only in their legal bases but also in the type of causation that must be demonstrated and the remedies courts are able or willing to grant. Environmental cases often concern identifiable localised impacts, such as exceedances of noise limits or air-quality standards, or environmental permitting and often focus on site-specific impacts, allowing courts to assess causation and enforce compliance through targeted measures. Climate (change) litigation, by contrast, typically involves diffuse and cumulative contributions to global emissions and climate targets, which complicates causal reasoning and shapes the kinds of judicial orders that may be considered appropriate or effective. Both forms of litigation are relevant here, but they operate through distinct legal pathways and engage different normative and evidentiary frameworks. These differences frame the conditions under which litigation may influence airline governance, but a detailed doctrinal analysis of climate and environmental litigation lies beyond the scope of this study.

The discussion that follows is therefore not intended as a comprehensive account of climate or environmental litigation as such. Instead, within the governance framework developed in this study, comprising corporate, regulatory, and stakeholder governance, litigation represents one of the channels through which stakeholders may seek to influence the interpretation or application of regulatory and corporate obligations. Unlike external contextual factors such as fuel prices,

26. This section reflects developments up to 1 May 2025.

geopolitical disruptions, or market trends, litigation has the potential to reinterpret, clarify, or recalibrate the legal and regulatory standards in ways that may affect an airline's corporate behaviour and decision-making. It is for this reason that litigation is addressed in this concluding part: not because courts regularly direct airlines' operational decisions, but because judicial interpretation can influence the regulatory constraints and accountability environment in which corporate governance choices are made.

Building on the above distinction, this section explores in greater depth the role environmental and climate litigation has come to play within the airline governance landscape as defined in this study. As outlined earlier, stakeholder expectations around sustainability increasingly intersect with regulatory obligations, and litigation has become one of the avenues through which such expectations are expressed or contested. Stakeholders appear to leverage judicial processes not merely to resolve disputes, but also to influence corporate policies, regulatory decision-making and the interpretation of legal obligations. This 'judicial turn' can be understood in light of instances where courts are called upon to interpret and enforce open norms and general principles—such as the duty of care, precautionary principles, and proportionality—particularly in situations marked by perceived regulatory gaps or ambiguous legal standards.

To examine how this development intersects with airline governance, the analysis begins by situating climate litigation as a strategic phenomenon observed in several jurisdictions. It then turns to the Netherlands as a notable jurisdiction in thedomain of climate and environmental litigation, illustrating how judicial interpretation of open norms has influenced the international climate regime through landmark rulings. The discussion subsequently considers how certain cases have extended climate-related claims to corporate and director liability,[27] raising questions about organisational governance and individual accountability. Finally, these developments are contrasted with the more restrained judicial approach observed in jurisdictions such as the United Kingdom.

The section concludes by considering the implications of situations in which courts step into roles traditionally associated with regulators, and by reflecting on the potential challenges that such judicial involvement may pose for airline governance frameworks.

27. As further discussed in the next sections, with particular reference to section 4.4.3.

4.2 The Rise of Climate Litigation

Since the adoption of the Paris Agreement under the United Nations Framework Convention on Climate Change (UNFCCC) in 2015,[28] climate litigation has witnessed a marked rise globally, becoming an instrument for influencing climate-related legal duties across various jurisdictions. Litigation regarding climate change has also reached the International Court of Justice (ICJ), which was requested to decide on the "Obligations of States in respect of Climate Change." In its decision of 2025, the ICJ argued that States cannot exclusively rely on ICAO's CORSIA to meet their international obligations; rather, they must progressively tighten aviation measures in line with the temperature goal as agreed upon in the Paris Agreement of 2015, and other general environmental law-related instruments.[29] Litigants, including NGOs, citizen groups, indigenous communities, and public bodies, turn to judicial avenues to compel States and corporations to fulfil their climate obligations. This global phenomenon reflects a broader strategic use of climate litigation.

Climate litigation can broadly be categorised into two streams: cases against States and cases against private entities. Litigation targeting States commonly seeks to hold governments accountable for inadequate climate policies or failure to achieve emissions reduction targets. The landmark *Urgenda* case in the Netherlands—explored in detail in the subsequent section—was among the first to successfully oblige a State to increase its climate ambition based on human rights principles. Conversely, litigation against corporations seeks accountability from private entities whose business activities significantly contribute to climate change.

Europe, in particular, has emerged as a central hub for not only climate regulation but also the ensuing litigation. According to data from the Grantham Research Institute in 2022, climate litigation cases in Europe have increased sharply, from ten new cases filed in 2015 to a record 57 cases in 2021 alone.[30] This growth illustrates Europe's notable role in judicial approaches to the enforcement of climate obligations, in connection with the European Union's ambitious climate objectives and, as will be seen below, a judiciary receptive to climate-related claims grounded in human rights law.

---

28. Paris Agreement under the United Nations Framework Convention on Climate Change, adopted 12 December 2015, entered into force 4 November 2016, UNTS Vol. 3156 No. 54113.
29. ICJ, *Obligations of States in respect of Climate Change*, Advisory Opinion, I.C.J. Reports 2025
30. Climate Litigation in Europe: A summary report for the European Union Forum of Judges for the Environment (2022). Grantham Research Institute on Climate Change and the Environment and Centre for Climate Change Economics and Policy, London School of Economics and Political Science and the European Union Forum of Judges for the Environment.

In other parts of the world, the number of climate litigation cases has also increased,[31] illustrating how courts have been and continue to be used as an instrument to enforce sustainability commitments in some contexts. While historically focused within domestic jurisdictions, recent trends have demonstrated increasing recourse to international courts.[32] Notable examples include the above-mentioned Vanuatu's initiative at the International Court of Justice (ICJ),[33] and several climate cases brought before the European Court of Human Rights (ECtHR, henceforth in this section also referred to as the Court), with only the *KlimaSeniorinnen* to date successfully alleging that Switzerland's climate inaction violated fundamental human rights.[34]

While a detailed analysis of these cases lies beyond the scope of this study, several elements of the *KlimaSeniorinnen* case merit attention.[35] First, the Court held that governments have a duty to take effective measures to meet climate targets and mitigate climate-related harm. Second, although the Court maintained a high threshold for individuals to qualify as victims, it broke new ground by recognising the standing of an association, thereby allowing a form of *actio popularis*.[36] While the broader implications for the Court's case law remain uncertain, this development may pave the way for pressure groups, activist organisations, or other representative bodies to bring claims on behalf of those affected by climate change.

The above high-profile cases illustrate instances in which courts engage with international climate obligations, interpreting open norms, general principles and the scope of human rights protection to include protection against climate change. This diversification of climate litigation, ranging from domestic court challenges and human rights claims to complex international disputes, highlights courts' role in interpreting and giving effect to international climate-related duties. Judicial

31. See Climate Change Litigation Databases of the Columbia Law School, available at: https://climatecasechart.com (accessed: 1 May 2025).
32. See, B. Mayer and H. van Asselt, "The Rise of International Climate Litigation." Review of European Community & International Environmental Law, vol. 32(2), 2023, pp. 175–84.
33. See ICJ, Advisory proceedings, Case No. 187 (2023). See also, S. Farran, "Vanuatu Leads Drive to Secure an Opinion from the International Court of Justice on State Responsibilities to Turn Words into Action on Climate Change." The University of Queensland Law Journal 42(3). 2023, pp. 411–32.
34. European Court of Human Rights, *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, General Chamber, Case 3600/20, Judgement of 9 April 2024.
35. For a full analysis, see, for instance, C. Heri, "KlimaSeniorinnen and Its Discontents: Climate Change at the European Court of Human Rights." European Human Rights Law Review, No. 4. 2024, pp. 317–31.
36. K. Dzehtsiarou, "KlimaSeniorinnen Revolution': The New Approach to Standing", The European Convention on Human Rights Law Review, 5(4). 2024, pp. 423-43.

interventions may serve not only to enforce compliance with existing standards but may, in some cases, scrutinise and influence their interpretation, particularly where national and international regulatory frameworks contain open norms or normative gaps.

These developments also draw attention to jurisdictions where courts have shown a particular readiness to engage with broadly formulated legal norms in climate-related disputes. As outlined in the previous sections, litigation tends to arise when regulatory standards are subject to interpretive discretion or when perceived gaps create uncertainty about the scope of environmental or climate-related obligations. The Netherlands exemplifies that dynamic: its courts have relied on duties of care, human rights provisions, and general principles of law to address such claims, resulting in decisions that have attracted international attention. This makes the Dutch experience an instructive example for understanding how judicial interpretation can shape both public and private decision-making in the climate context.

Against the above background, the following section provides an in-depth analysis of Dutch landmark cases, most notably *Urgenda* and *Shell*, which have become central reference points in discussions of judicial engagement with climate-related obligations.

4.3 Foundational Climate Litigation Cases in the Netherlands

Since around 2015, which marked the initial ruling in the *Urgenda* case addressed below, the Netherlands has emerged as a central jurisdiction for climate litigation, setting legal precedents with implications for environmental governance that resonate well beyond its borders. Central to this development is the Dutch judiciary's interpretation of broad and general legal norms, so-called "open norms" or principles of, for instance, good administration.[37] These broadly formulated legal standards grant judges interpretative discretion, especially where regulatory provisions or legislative guidance are absent or limited.

The landmark case *Urgenda Foundation* v. *State of the Netherlands* (2019), initiated by the environmental NGO Urgenda and some 900 citizens, vividly illustrates this judicial approach. In this groundbreaking decision, the Dutch Supreme Court ruled

37. In this context, referring to so-called "algemene beginselen van behoorlijk bestuur" which are the general principles of proper administration developed in Dutch administrative law and codified in the *Algemene wet bestuursrecht* (Awb). They include principles such as legality, proportionality, due care, reasoned decision-making and legal certainty, as established by case law of the Dutch administrative courts.

that the government was legally obliged to reduce greenhouse gas emissions by at least 25 per cent below 1990 levels by the end of 2020.[38] The Supreme Court anchored its reasoning explicitly in the open norm of duty of care derived from human rights obligations.[39] Specifically, the Court relied on Article 2 of the European Convention on Human Rights (ECHR), underscoring the rights to life and the State's positive obligation to take appropriate steps to safeguard the lives of those within its jurisdiction, as well as Article 8 ECHR concerning the rights to life and respect for private and family life which obliges the State to protect their right to their home life and private life.[40] This ruling not only demonstrated judicial willingness to interpret open norms expansively but also established an important judicial precedent, prompting subsequent litigation involving similar environmental claims against governmental and private actors.

Building on this momentum, the case of *Milieudefensie* v. *Royal Dutch Shell* (2021),[41] the 'Shell case', extended climate litigation into the private sector. Initiated by the environmental NGO Milieudefensie, the claim relied explicitly on the same human rights-based argumentation from Urgenda, notably invoking Articles 2 and 8 of the ECHR. The District Court held that Shell had an 'unwritten standard of care' under the Dutch Civil Code to reduce its global CO_2 emissions by 45% by 2030, stressing Shell's position as a major emitter and invoking international soft law instruments such as the UN Guiding Principles and OECD Guidelines.[42]

However, the Court of Appeal (the Court) overturned the concrete reduction order in 2024.[43] While it upheld the underlying legal principles—including the indirect horizontal effect of human rights and the recognition that corporations bear responsibilities to mitigate climate harm—the Court found that a specific 45% reduction target could not be derived from those sources. It reasoned that

38. Supreme Court of the Netherlands, *The State of the Netherlands v Urgenda Foundation*, 20 December 2019. ECLI:NL:HR:2019:2007.

39. Ibid., rec. 5.8.

40. See, for instance, Chapter 9, Climate Change Litigation in the Netherlands: The Urgenda Case and Beyond, by Christine Bakker in, Climate Change Litigation: Global Perspectives, (Leiden, The Netherlands: Brill | Nijhoff, 26 Apr. 2021), and G. Van der Schyff, "*The Urgenda Case in the Netherlands on Climate Change and the Problems of Multilevel Constitutionalism.*" Constitutional Review 6(2). 2020.

41. District Court of Haarlem, *Milieudefensie et al v Royal Dutch Shell Plc*, 26 May 2021, ECLI:NL:RBDHA:2021:5339.

42. See, 'United Nations Guiding Principles on Business and Human Rights' UN Doc HR/PUB/11/04 (2011), and, 'OECD Guidelines for Multinational Enterprises on Reasonable Business Conduct', OECD Publishing (2023).

43. Court of Appeal The Hague, *Shell Plc v Milieudefensie (Environmental Defence) et al.*, 12 November 2024, ECLI:NL:GHDHA:2024:2100.

the applicable standards were too general or scientifically contested to impose binding obligations on a single private actor. Although viewed by some as a setback, the ruling nevertheless reaffirmed key legal foundations for future litigation by confirming that a company's duty of care may vary depending on its contribution to climate change and its capacity to prevent or mitigate harm.[44] The case was brought before the Dutch Supreme Court on 11 February 2025 through the filing of a writ of summons, marking the first step in what is likely to become a protracted legal process.[45] The said judicial interpretation of corporate duties has broader implications beyond the Shell case alone, as illustrated by new litigation targeting ING Bank.[46] ING faces scrutiny regarding its fossil fuel financing practice and corporate accountability in climate-related contexts.

The Dutch cases discussed above demonstrate how courts have interpreted open norms and human rights obligations in climate-related disputes, setting precedents that extend beyond the specific contexts in which they were developed. These interpretative approaches are also appearing in litigation involving environmental impacts, permitting decisions, and operational constraints, areas that are particularly relevant for sectors such as aviation. In several Dutch cases, disputes concerning noise, local environmental impacts, or climate-related duties have relied, directly or indirectly, on similar doctrinal foundations.

The next section examines these aviation-specific cases in more detail and considers how such judicial reasoning interacts with the regulatory and corporate governance of airlines and airports.

4.4 Climate and Environmental Litigation Targeting Dutch Aviation

As noted at the end of the previous section, the interpretative approaches developed in Dutch climate litigation have also emerged in aviation-related disputes. This is unsurprising given the regulatory characteristics of aviation: airlines and airports operate within dense layers of international, EU and national regulation; they are tied to a home-State jurisdiction; and they depend on the use of (public) infrastructure, environmental permits, and operational authorisations.

---

44. See also, B. Johannsen, LJ. Kotzé and C. Macchi. "*An empty victory? Shell v. Milieudefensie et al 2024, the legal obligations of carbon majors, and the prospects for future climate litigation action*". RECIEL. 2025, pp. 1-9.
45. See, Reuters, "Climate activists take Shell case to Dutch Supreme Court", 12 February 2025, available at: www.reuters.com/sustainability/climate-energy/climate-activists-take-shell-case-dutch-supreme-court-2025-02-11/ (accessed: 1 May 2025).
46. See, www.ing.com/Newsroom/News/Milieudefensie-starts-climate-case-against-ING.htm (accessed: 1 May 2025).

Aviation is also highly visible to communities and consumers, making it a sector where environmental and climate-related concerns readily translate into public discourse, reputational pressures and legal contestation.

Litigation in the Dutch aviation context has accordingly taken multiple forms. Some disputes reflect climate-related arguments similar to those advanced in *Urgenda* and *Shell*, while others concern more traditional environmental impacts and litigation dealing with noise, local air quality, or the application of administrative procedures. A key example, which is analysed extensively in Part C, concerns the legal challenges surrounding the application of the Balanced Approach for Schiphol Airport. Although the procedure used aimed to reduce noise pollution, the dispute ultimately centred around the government's attempt to lower the airport's capacity.[47] In proceedings between the State and several airlines, an association of residents living near the airport joined the case as an interested party. Their participation underscores the role of local communities as stakeholders, reflecting the broader development in stakeholder-oriented governance discussed earlier. In these proceedings, the Court of Appeal explicitly referred to principles of good governance—particularly legality, proportionality, careful decision-making, reasoned justification, and legal certainty—as essential standards for allowing the government's proposed reductions in airport capacity.[48] However, the Dutch Supreme Court later overturned this decision on different grounds.[49] Therefore, the Schiphol proceedings illustrate how different stakeholders may use litigation to contest or shape the regulatory and operational environment in which airlines operate.

The following subsections examine three categories of aviation-related litigation:

i) disputes concerning environmental claims and public communications;
ii) cases extending human rights reasoning to airport impacts; and
iii) emerging efforts to attribute personal liability to directors and public office-holders in climate- or environment-related contexts

These cases offer insight into how judicial reasoning developed in climate litigation interacts with environmental and administrative disputes, and how these interactions shape the governance dynamics of the aviation sector examined in this study.

47. See, Part C, Article 6.
48. See, Part C, Article 5.
49. Dutch Supreme Court, *International Air Transport Association et al v. the State of the Netherlands* (translated), 12 July 2024, ECLI:NL:HR:2024:1061.

4.4.1 From Capacity to Advertising: Litigation on Environmental Claims

Parallel to the proceedings concerning operational constraints at Schiphol, other aviation-related lawsuits have emerged, for instance, in the sphere of advertising, including allegations of greenwashing against KLM initiated by an environmental group. The group claims that the airline's advertisements misleadingly represent its sustainability efforts, particularly regarding carbon offset practices. The judicial response, in this case, reinforced consumer protection standards and environmental accountability,[50] prompting KLM to greater transparency and caution in its public sustainability claims.[51]

Similarly, an action group's complaint to the Dutch Advertising Code Committee alleged that flight holiday advertisements breached advertising standards by promoting fossil-fuel-related travel in a misleading and indecent manner. In another case, the activist approach originated from the Municipality of The Hague, which garnered international headlines for introducing a ban on public advertisements for fossil-fuel-related services, including air travel.[52] The travel industry association ANVR and TUI have challenged the ban before the court but lost the case at first instance.[53] At the time of writing, ANVR is exploring the option of appeal.[54]

The combined effect of these cases illustrates the range of legal scrutiny applied to aviation's climate- and environment-related messaging, the role of courts in evaluating public authority in this context, and the resulting influence on airline governance as elaborated in this work. In addition to disputes concerning aviation-related messaging and environmental claims, litigation has also drawn on human rights arguments, particularly in cases involving noise and local environmental impacts.

50. District Court of Amsterdam, *Fossil Free v KLM* (translated), 20 March 2024, ECLI:NL:RBAMS:2024:1512.
51. See, for instance, P. Verbruggen, "*De regulering van misleidende milieuclaims: Over fossielvrij/KLM en verder*" (The regulation of nisleading green claims: On the case of fossielvrij v. KLM and beyond), Tijdschrift voor consumentenrecht & handelspraktijken, Volume 3. 2024, pp. 124-132, and S. Truxal and T. Aras, *"Charting a 'Green' Flight Path for European Consumers? Allegations of Greenwashing in the Airline Industry"*, Journal of European Consumer Market Law 14(1). 2025, pp. 15-20.
52. The Guardian, 'The Hague becomes world's first city to pass law banning fossil fuel-related ads', 13 September 2024, available at www.theguardian.com/world/2024/sep/13/the-hague-becomes-worlds-first-city-to-ban-fossil-fuel-related-ads (accessed: 1 May 2025).
53. District Court of The Hague, ANVR and TUI Nederland v. Gemeente Den Haag, 25 april 2025, ECLI:NL:RBDHA:2025:6874.
54. NL Times, "Court approves ban on fossil fuel advertisements in The Hague; ANVR and TUI disappointed" available at: www.nltimes.nl/2025/04/25/court-approves-ban-fossil-fuel-advertisements-hague-anvr-tui-disappointed (accessed: 1 May 2025).

4.4.2 From Noise to Rights: Extending Human Rights Concepts to Aviation

Moreover, aviation-related climate litigation in the Netherlands has also extended into disputes framed in terms of human rights. Residents near Schiphol Airport initiated litigation against the Dutch government, arguing that persistent nighttime flight operations caused severe sleep deprivation and adversely affected their health and privacy rights under Articles 2 and 8 of the ECHR.[55] This case draws directly on the same human rights framework previously articulated in the landmark *Urgenda* and *Shell* cases, demonstrating how similar interpretative approaches to broadly formulated norms have been invoked to address environmental and public health concerns.

In its judgment, the District Court (the Court) concluded that the State had acted unlawfully by failing to enforce the existing legal framework for noise pollution around Schiphol and by systematically prioritising the airport's hub function over the rights of local residents. The Court found that this method of balancing interests did not meet the standards set by Article 8 of the ECHR for such cases. [56] While the Court refrained from imposing specific policy measures, it ordered the State to enforce existing noise regulations within one year and to establish accessible, effective legal protection for all seriously affected residents.[57] Concerned about the ruling's practical implications, several airlines and Schiphol Airport requested to intervene in the State's appeal. In an interim decision, the Court of Appeal granted this request but denied the motion to suspend the enforcement of the District Court's judgment.[58]

While the final judicial determination in this human rights claim—set against the backdrop of a complex and evolving regulatory noise landscape surrounding Schiphol—remains pending, its progression underscores the relevance of human rights norms as important interpretative tools in environmental and climate-related litigation involving the aviation sector.

4.4.3 From Entities to Individuals: Introducing Director & Personal Liability

In 2025, litigation targeting the aviation sector has prompted discussion about accountability extending from corporations and governments to individual directors and ministers. Although sometimes linked to broader debates over climate responsibility, this category of cases is grounded primarily in environmental

55. District Court of The Hague, *Foundation Right to Protection from Aircraft Noise v the State of the Netherlands* (translated), 20 March 2024, ECLI:NL:RBDHA:2024:3734.
56. Ibid. rec. 6.43.
57. Ibid. rec. 6.55
58. Court of Appeal The Hague, 25 February 2025, ECLI:NL:GHDHA:2025:195.

and public health concerns rather than in climate-specific obligations. A particularly controversial example is the Dutch Schiphol 'assault' case initiated in early 2025. In this criminal complaint, filed by over 900 local residents, directors from Schiphol Airport, KLM and Transavia and two responsible Dutch ministers are accused of committing assault due to persistent nighttime flight operations causing severe sleep deprivation.[59] The lawyer representing the claimants explicitly frames prolonged exposure to harmful levels of aircraft noise as a form of physical violence. In an interview, the lawyer acknowledges that the real aim is designed to address environmental pollution caused by aviation, but the assault framing strategically bypasses conventional criminal charges for environmental harm, which are considered harder to pursue successfully.[60]

This legal strategy reflects a new episode in strategic litigation, targeting individuals—particularly corporate executives and political officeholders—for failing to act decisively on climate and environmental issues. It is important to note, however, that Dutch case law has not recognised personal or director liability for environmental damage, whereas the Schiphol complaint does not alter that legal position. The case remains procedurally at a very early stage and does not imply the existence of such liability under Dutch law. The Schiphol assault case deliberately leverages criminal law to highlight the personal accountability of those in positions of authority, with the stated aim of prompting courts to consider whether environmental liability can extend to individuals beyond abstract corporate responsibility into direct personal culpability. This is consistent with discussions in other jurisdictions about individual responsibility for environmental or climate-related harms in which claimants increasingly seek to hold decision-makers themselves responsible for actions or omissions with significant environmental and public health consequences, as to which see also the next section.

Regarding the personal accountability of corporate officers, the Dutch Supreme Court established an enduring precedent nearly a century ago, ruling that directors and commissioners could be held personally liable for wrongful actions taken within their official capacities if those actions constituted an unlawful act.[61] In that case, directors were held accountable for presenting misleading financial

59. See, NL Times, "Locals press assault charges against Schiphol, KLM, Transavia", 9 December 2024, available at: https://nltimes.nl/2024/12/09/locals-press-assault-charges-schiphol-klm-transavia (accessed: 1 May 2025).

60. See, in Dutch, De Groene Amsterdammer, "Interview Macht & tegenmacht: Bénédicte Ficq", 12 maart 2025, available at: https://www.groene.nl/artikel/ceo-s-zijn-de-slimme-criminelen-met-aanzien (accessed: 1 May 2025).

61. Dutch Supreme Court, 25 november 1927, NJ 1928, 364 (Kretschmar/Mendes de Leon).

information.[62] This decision underscores that corporate decision-makers are not insulated from liability by their official positions when causing harm through negligent or wrongful conduct.[63] However, Dutch jurisprudence applies a high threshold for external personal liability, requiring a personal serious reproach, which is only met in exceptional circumstances.[64] This high threshold is relevant when evaluating attempts to extend liability for environmental or climate-related harms to individuals.

However, deploying criminal assault charges in climate litigation, such as the Schiphol assault case, raises concerns regarding potential legal overreach. Framing environmental harm as assault is provocative and legally unprecedented, raising questions about the practical and ethical boundaries of extending criminal liability. While such litigation strategically emphasises individual accountability, it may blur the lines between traditional criminal conduct and corporate or governmental negligence, potentially creating unpredictable legal standards and decision-making burdens. Such developments may have implications for governance, potentially influencing how corporate directors and ministers approach environmental decision-making, potentially leading corporate directors and ministers to adopt highly cautious or overly defensive approaches to environmental decision-making to mitigate personal legal exposure.

Ultimately, these developments illustrate a legal landscape where strategic climate litigation challenges conventional frameworks of corporate and governmental accountability. The Schiphol assault case serves as a critical test of how far personal accountability can be extended through the courts, highlighting the dynamic and potentially significant impacts of individual liability litigation on governance practices within industries, particularly aviation, with significant environmental footprints. At the same time, it is important to avoid overstating the implications of this early case: the Netherlands does not have an equivalent to the derivative action mechanism available under English law,[65] and therefore the procedural pathways for holding directors accountable can differ substantially between jurisdictions.

---

62. See, W.A. Westenbroek, *Bestuurdersaansprakelijkheid in theorie*, diss. Rotterdam (Instituut voor Ondernemingsrecht nr. 108), Deventer: Wolters Kluwer 2017, at section 9.2.1.
63. A. Karapetian, Bestuurdersaansprakelijkheid uit onrechtmatige daad. Civielrechtelijke en strafrechtelijke normen voor bestuurders van noodlijdende ondernemingen. Deventer: Wolters Kluwer, 2019, sec 2.3.1.
64. See, for instance, Dutch Supreme Court, 8 december 2006 (Ontvanger/Roelofsen), ECLI:NL:HR:2006:AZ0759.
65. See, I.S. Wuisman, & R.A. Wolf, (2018). Directors' and Officers' Liability in the Netherlands at p. 317.

4.5 Contrasting Judicial Approaches: The UK

In contrast to the more proactive judicial developments observed in the Netherlands, courts in the United Kingdom have exhibited significantly greater restraint in climate litigation, particularly when directed against corporate actors or government policy. This judicial posture is shaped by several characteristics of the UK system: a strong tradition of deference to legislative and executive decision-making, strict standing and causation requirements, a preference for narrow statutory interpretation, and a predominantly procedural model of judicial review that focuses on legality and rationality rather than substantive reassessment of policy choices. These features make UK courts less receptive to arguments grounded in broad duties of care, international climate instruments, or open-norm reasoning.[66]

Prominent examples of this cautious approach include *ClientEarth* v. *Shell*, in which UK courts dismissed claims seeking stronger judicial oversight of corporate emissions strategies.[67] Similarly, in *Plan B* v. *UK Government*, the courts declined to compel the government to adopt more ambitious climate measures beyond existing policy commitments.[68] Another illustrative case, involving the University Superannuation Scheme (USS Ltd), further underscores the judiciary's reluctance to impose substantive climate-related obligations without clear legislative grounds.[69]

These judicial characteristics carry governance implications. Because UK courts are less inclined to extend climate or environmental duties through judicial interpretation, stakeholders seeking to influence aviation policy or corporate behaviour often cannot rely on the courts to recalibrate regulatory obligations. Instead, their primary avenues lie in political and regulatory processes, administrative oversight mechanisms, shareholder engagement, or public and consumer pressure.

66. For an overview of the UK courts' deferential and predominantly procedural approach to judicial review, including narrow standing and a strong emphasis on legality and rationality, see, for instance, M. Elliott, & J. Varuhas, Administrative law: text and materials (Fifth ed.). Oxford University Press (2017).
67. High Court of Justice, Business and Property Courts of England and Wales, Insolvency and Companies List (ChD), 24 July 2023, Case No: BL-2023-000215. Neutral Citation Number: [2023] EWHC 1897 (Ch). See also, for instance, P. Iglesias-Rodríguez, *ClientEarth v Shell plc and the (Un)Suitability of UK Company Law and Litigation to Pursue Climate-Related Goals*, Journal of Environmental Law 35(3). 2023, pp. 445–454. See also, E. Aristova, & L. Nichols, *Climate change on the board: navigating directors' duties*. Journal of Corporate Law Studies, 24(2). 2024, pp 479–514.
68. High Court of Justice, Queen's Bench Division, Administrative Court, 21 December 2021, Case No: CO/1587/2021. Neutral Citation Number: [2021] EWHC 3469 (Admin).
69. England and Wales Court of Appeal (Civl Division), 21 July 2023, Case No: CA-2022-001798. Neutral citation number: [2023] EWCA Civ 873.

As a result, litigation plays a more limited role as a governance mechanism in the UK than in jurisdictions where courts engage more actively with broad legal norms.

While an in-depth analysis of these judgments lies beyond the scope of this study, the jurisdictional contrast highlights how nationality and legal tradition indirectly shape the governance of airlines through climate and environmental litigation. Dutch courts have shown a greater willingness to interpret open norms broadly and actively address perceived regulatory shortcomings. This approach reflects, among other aspects, the Dutch legal culture of pragmatism, an articulated role for international law, especially international trade law, and a tradition of judicial engagement with public interest claims. In contrast, UK courts have adopted a more deferential posture, exercising caution not to overstep the boundaries of legislative and executive authority. However, these differences should not be overinterpreted as demonstrating that one jurisdiction is categorically "more favourable" to climate claims. Outcomes in specific cases, such as the Dutch and UK Shell proceedings, are based on the particular facts, legal bases, procedural posture, and available remedies in each system. A fuller explanation and examination of these judicial differences fall outside the scope of the present analysis but merit further comparative study.

In the context of this study, these differing judicial attitudes suggest that litigation as a governance mechanism operates differently across jurisdictions, without implying that one system is inherently more receptive to climate or environmental claims. Whereas Dutch courts may, directly or indirectly, shape regulatory obligations and corporate conduct through interpretive reasoning, UK courts generally reinforce the boundaries of existing statutory frameworks. The procedural tools available to stakeholders also differ; for example, the absence of a derivative action mechanism in Dutch law and the high threshold for personal liability further limit one-to-one comparison. For aviation stakeholders, the scope and effectiveness of litigation as a governance tool depend significantly on the airline's home State's jurisdiction. This position underscores the study's assumption that governance, within the broad framework used in this research, is influenced not only by corporate and regulatory structures but also by the judicial and societal environments in which stakeholders and airlines operate.

4.6 Concluding Remarks on Litigation, Governance and the Limits of Stakeholder Influence through the Judiciary

The discussion in this section is not intended to provide an exhaustive doctrinal account of climate or environmental litigation. Rather, it purports to examine how litigation functions within the governance framework developed in this study,

as one of the channels through which stakeholders may seek to influence the regulatory or accountability environment in which airlines operate. Courts do not determine the day-to-day operations or decision-making of airlines; however, by interpreting open norms, clarifying statutory obligations, or adjudicating disputes on environmental or operational impacts, they can be used as an instrument by stakeholders to influence the parameters within which corporate and regulatory governance unfold. Situating litigation within this framework helps distinguish it from external factors, such as geopolitical disruptions, which influence operational choices without altering the underlying allocation of authority.

In this framework, litigation may be best understood as part of a feedback loop within stakeholder governance. Stakeholder pressures, arising from ESG expectations, community concerns, or environmental advocacy, may lead to litigation when regulatory pathways are perceived as insufficiently responsive. When successful, such litigation can in turn feed back into regulatory governance by influencing how legal obligations or operational parameters are interpreted or enforced, or by prompting adjustments in corporate governance through decision-making, risk assessment and strategic planning. In this sense, litigation does not independently drive governance change but operates alongside, and sometimes in response to, the wider constellation of stakeholder, regulatory, and societal expectations.

Section 4 has examined how climate and environmental litigation, operating through different legal pathways, actors, and procedural avenues, intersect with the governance landscape of aviation. The cases reviewed range from global climate claims based on human rights and foundational Dutch judgments to aviation-specific environmental disputes concerning noise, environmental permitting, in some cases relying on similar human rights claims and even attempts to expand the scope of personal liability. All of these developments show that courts may be used as instruments for stakeholder advocacy and to influence the interpretation and enforcement of environmental or climate-related obligations, particularly where regulatory frameworks contain open norms or areas of legal uncertainty. While judicial decisions do not replace regulatory or corporate governance, they can affect the regulatory and operational constraints and accountability structures within which airlines operate.

Within this broader picture, the brief comparison of Dutch and UK case law illustrates how institutional traditions and judicial philosophies can affect the extent to which litigation functions as a governance mechanism. Dutch courts have been willing, in particular contexts, to engage with open norms and human rights

principles when assessing State or corporate obligations, whereas UK courts have generally adopted a more restrained, procedural model of review. These differences do not suggest that one jurisdiction is inherently "more favourable" to climate or environmental claims. Instead, they highlight that the possibilities for litigation to act as a channel of stakeholder influence depend partly on the legal bases, procedural routes, and remedial frameworks available within each jurisdiction. For airlines, this means that the scope and limits of litigation as a governance tool are linked. not deterministically, but materially, to the jurisdiction in which the airline is legally anchored.

It remains essential to interpret the cases discussed in this section with careful attention to their factual and procedural context. Judicial reasoning in climate and environmental litigation is shaped not only by the substantive legal basis of a claim, but also by the identity of the parties, the type of remedy sought, evidentiary thresholds, and the type of procedure, whether administrative, civil, or criminal, through which disputes reach the courts. Differences between proceedings cannot be attributed solely to jurisdictional divergence. Recognising differentiation factors is important to avoid overstating contrasts and to understand how litigation operates, in practice, as a governance mechanism within the boundaries established by each legal system. A fuller comparative analysis of these jurisdictional variations would require a more detailed doctrinal inquiry into procedural law, remedies, and human rights adjudication, an inquiry that falls beyond the scope of the governance framework developed in this study, but which may offer a valuable avenue for future research.

Viewed through the tripartite governance framework developed earlier, including corporate, regulatory, and stakeholder governance, litigation can interact with each dimension in distinct ways. In corporate governance, court decisions may influence the standards that directors and managers must consider in their decision-making when, for instance, assessing environmental or operational risks. For regulatory governance, litigation may prompt clarification or enforcement of existing rules, especially where administrative guidance is indeterminate. For stakeholder governance, legal action forms one of several channels through which societal stakeholders' concerns are articulated or contested. In this way, litigation contributes to shaping the environment within which governance authority is exercised, without displacing the primacy of corporate decision-making or regulatory authority.

Taken together, the developments reviewed in this section illustrate that litigation forms one part of the wider constellation of mechanisms through which governance dynamics around airlines evolve. Its influence remains context-dependent: shaped by institutional traditions, regulatory frameworks, procedural constraints, and stakeholder mobilisation. The cases discussed above show how judicial interpretation can affect the boundaries of regulatory discretion, the expectations placed on corporate actors, and the channels through which stakeholders pursue environmental or climate-related concerns. These observations form an analytical bridge to the concluding synthesis in the following section, which draws together the implications for the overarching research question of this dissertation.

5. Concluding Reflections: Redefining Airline Governance in the 21st Century

This concluding section brings together the insights developed across the different parts of this research to revisit the overarching inquiry that anchors this dissertation: who governs the airline? The analysis indicates that governance in contemporary European aviation cannot be understood solely through corporate structures, decision-making, or regulatory authority. Instead, it is the result of the interaction of the three governance dimensions developed in Part A: corporate governance, regulatory governance, and stakeholder governance, each shaping, constraining, or influencing the direction and control of airlines in different ways.

A second pillar of the conceptual framework of this research concerns the interpretation of sustainability in a multidimensional sense, encompassing environmental objectives, such as emissions reduction and noise, but also economic resilience, competitiveness, and strategic considerations linked to State interests and geopolitical developments. This multidimensionality is reflected in the findings of Parts B and C: corporate and regulatory governance frameworks set the parameters that determine airlines' capacity to comply with environmental obligations and to compete internationally; At the same time, strategic autonomy reasserts State and EU-involvement in the face of geopolitical interdependence.

A third conceptual anchor is the notion of stakeholder influence, understood through a typology that distinguishes institutional, economic, and societal stakeholders, each operating through distinct governance levers. Institutional actors shape the legal and regulatory governance framework. Economic share- and stakeholders influence airlines' corporate conduct through ownership and, for instance, capital conditions. Societal stakeholders exert normative, reputational, or legal pressure. As Part C illustrates, these forms of influence do not replace traditional governance arrangements but intersect with them, reinforcing or contesting corporate and regulatory authority.

Seen through this lens, the findings from Parts B and C indicate a governance configuration that is multi-level, multi-actor, and shaped by sustainability pressures in the broad sense used throughout this dissertation. Within this broad constellation, litigation constitutes one, but not the sole or determinative, mechanism through which stakeholders may attempt to influence or steer regulatory interpretation, operational parameters, or corporate accountability.

Climate and environmental litigation should be understood as analytically distinct from other parameters affecting airline governance. Climate (change) litigation generally targets systemic emissions reductions and often relies on human-rights-based or duty-of-care arguments. By contrast, environmental disputes in the aviation industry more commonly concern localised effects such as noise, air quality, permitting, or environmental claims in advertising and consumer protection. In some jurisdictions, the normative reasoning developed in climate judgments has informed or inspired arguments in aviation-related environmental proceedings targeting airlines and airports. However, the legal bases, parties, and evidentiary burdens differ significantly.

Across both categories, judicial decisions may clarify open norms, enforce existing obligations, or recalibrate regulatory frameworks, yet their effects remain contingent on jurisdictional context and the specific legal bases invoked. Litigation, therefore, complements, rather than replaces, the broader governance dynamics analysed in Parts B and C.Looking ahead, global shifts in governance paradigms and geopolitical developments will also continue to shape airline governance. The rise of the strategic autonomy concept in regions such as the European Union, initially rooted in security and defence concerns, has expanded to encompass economic resilience and the safeguarding of vital industries, including aviation. This recalibration of policy priorities reflects broader global tensions, particularly between major powers such as the United States, China, and the European Union, where economic interdependence can become a vulnerability in times of crisis or geopolitical instability.

Geopolitical tensions have become more pronounced in the 2020s, accelerated by events such as Russia's aggression in Ukraine and by shifting trade and industrial polices, most visibly in the US-China relations. These dynamics have informed recent EU policy proposals, initiated by Mario Draghi's report on Europe's competitiveness and vulnerability in a rapidly evolving global economic order. Draghi underscores the need to balance sustainability ambitions with economic resilience, emphasising strategic autonomy and economic competitiveness as cornerstones of future policy.[70] For EU airlines, this translates into navigating a complex balance: maintaining competitive viability, ensuring compliance with environmental policies, and responding to heightened judicial scrutiny in certain jurisdictions. Within the international environmental regulatory framework, litigation may function as a tool not only for environmental accountability but also as one channel through which stakeholders seek to influence governance outcomes. Courts, especially in jurisdictions

70. See, Part B, Article 3.

like the Netherlands, have at times become venues for stakeholders wishing to test international regulatory frameworks or the application or interpretation of environmental and climate-related norms.

While judicial interventions can provide accountability and ensure consistency with existing legal frameworks, they also carry risks. Expansive interpretations of broadly formulated open norms, such as the duty of care or proportionality requirements, may generate legal uncertainty, raise concerns about the appropriate institutional balance, or lead to fragmented governance outcomes across jurisdictions. This research argues that clearly defined regulatory norms remain the preferable avenue for the regulatory governance of airlines, with courts complementing rather than substituting the roles of legislators and regulators.

Ultimately, these judicial and geopolitical developments may point to an ongoing evolution rather than a wholesale transformation in airline governance. The traditional governance model, dominated by State interests, including foreign policy and trade considerations, as well as shareholder gains, is accompanied by forms of stakeholders' influence expressed through regulatory processes, and, in some jurisdictions, litigation. Stakeholder engagement and judicial interpretations may contribute to redefining aspects of governance responsibilities and accountability for airlines, directors, and public authorities. However, the scope and direction of such developments remain contingent on the applicable legal, regulatory, and in some cases, political frameworks, as well as the jurisdiction in which they take place.

Returning to the guiding inquiry of this research — who governs the airline? — this final part formulates explicit answers to the research question and the two sub-questions that structure the dissertation. Before addressing them directly, it is useful to briefly recall the conceptual framework developed in Part A of this research, which combines the tripartite governance interpretation, namely corporate, regulatory and stakeholder governance, a multidimensional understanding of sustainability, and the typology of stakeholders and their influence.

Articles in Part B primarily address the corporate and regulatory dimensions of governance and provide the basis for answering Sub-question 1:

1. How do legal and institutional mechanisms within international and EU law, and national company laws, shape and constrain ownership and control in the context of the corporate and regulatory governance of airlines in the European Union?

The findings in Part B show that airlines' regulatory governance remains fundamentally shaped by the unique link between an airline and its home State, a link embedded in international air law through bilateral Air Services Agreements (ASAs). The nationality conditions in ASAs, expressed through substantial ownership and effective control requirements, and, in some cases, the Principal Place of Business, determine which airline can be designated to operate international air services under those ASAs and govern the airline's access to foreign markets, traffic rights, and the State responsible for regulatory oversight. These nationality rules continue to anchor airlines to a specific legal and regulatory jurisdiction, forming the structural foundation of regulatory governance in the sector.

Within this international framework, national company laws define the corporate forms, shareholding arrangements, voting rights, and governance structures through which ownership and control are maintained. These laws determine which forms of shareholding are permissible, how foreign investment is limited or conditioned, and how control-enhancing mechanisms, such as loyalty shares, voting caps, or golden shares, may be used to preserve national or EU ownership and control. EU competition law adds another regulatory layer, together shaping a complex legal architecture that delineates who may effectively control an airline and through which means. This configuration reflects the corporate dimension of airline governance and the internal allocation of decision-making authority.

These corporate and regulatory structures are influenced by strategic considerations that constitute part of the broader sustainability framework applied in this dissertation, including also economic resilience, competitiveness, and strategic autonomy. Recent geopolitical developments and crises have highlighted the importance of maintaining connectivity, safeguarding essential transport services, and avoiding excessive dependency on non-EU actors. Instruments such as the Foreign Direct Investment Screening Regulation and emerging EU strategic autonomy policies reflect an effort to ensure that control over EU airlines remains within the Union, thereby supporting the sector's long-term viability, resilience, and strategic positioning. These strategic goals interact with corporate and regulatory governance by reinforcing the rationale for retaining effective control within the EU and by shaping the conditions under which foreign capital may participate in airline ownership.

Articles in Part C, complemented by the elaboration in Part D, address the regulatory and stakeholder governance dimensions that provide the basis for answering Sub-question 2:

2. How are regulatory and stakeholder governance structures in the European airline sector being redefined through sustainability objectives, environmental and climate litigation, broader stakeholder influence and geopolitical dynamics?

The analysis in Part C shows that sustainability objectives have become an important driver of change in the regulatory environment in which airlines operate. Environmental obligations, including emissions-reduction, market-based measures, fuel-blending mandates, and noise-management requirements, shape the conditions under which airlines may access and use infrastructure, price their services, and plan their networks. These obligations are implemented through international standards, EU legislation, and national measures; they feed into the regulatory governance framework that structures airline behaviour. In the multidimensional understanding of sustainability used in this dissertation, these environmental requirements interact with concerns about economic resilience and competitiveness: regulatory choices must accommodate both decarbonisation and the need to maintain viable connectivity and a level playing field with non-EU carriers.

Within this evolving regulatory context, stakeholder influence plays a role in how sustainability objectives are interpreted, contested, and operationalised. Drawing on the stakeholder typology developed in Parts A and D, institutional, economic, and societal actors deploy distinct governance levers. Institutional stakeholders, including States, EU institutions, and international organisations, design and implement environmental and climate-related rules and can recalibrate them in response to political pressure or geopolitical developments. Economic stakeholders, such as shareholders, investors, and financiers, incorporate environmental and social criteria into funding conditions and risk assessments, thereby linking access to capital with sustainability performance. Societal stakeholders, including communities around airports, NGOs, and consumer groups, exert normative and reputational pressure and resort to legal avenues where they perceive regulatory or political inertia.

Part C's examination of the Dutch application of the Balanced Approach to noise management at Schiphol illustrates how these forms of stakeholder influence may translate into legal and political contestation. Local communities, environmental organisations, and parts of the political sphere have pressed for stricter noise and environmental limits, while airlines and airports have invoked international and EU rules to challenge unilateral restrictions. Courts have been called upon to assess whether national measures comply with the Balanced Approach framework as well as broader EU and international obligations. These dynamics illustrate how

stakeholder pressure can trigger changes in regulatory interpretation, expose tensions between environmental objectives and market access, and reveal the limits of national discretion within an integrated legal regime. They also demonstrate how environmental policy choices in one Member State can provoke responses from other States and market actors, particularly when perceived to affect competitiveness or connectivity, thus linking local governance disputes to geopolitical and internal-market considerations.

Within the stakeholder governance setting, environmental and climate litigation form part of a broader repertoire of stakeholder tools to influence the regulatory framework or corporate conduct. As elaborated in Part D, climate litigation and environmental disputes are analytically distinct. Nevertheless, the reasoning developed in climate judgments can inform arguments in environmental proceedings, and both types of litigation may influence how regulators and market participants understand and apply existing norms. Courts may clarify open standards or enforce procedural requirements and climate or environment obligations. Their role, however, is jurisdictionally contingent and operates alongside the legislative and regulatory frameworks and may inform corporate decision-making.

These findings show how stakeholder governance interacts with regulatory and corporate governance and set the stage within which the main research question can be answered:

> "How is airline governance in the European Union evolving through the interplay between shareholder-based corporate structures and stakeholder influence, and how do sustainability objectives, environmental and climate litigation, and geopolitical developments collectively reshape the regulatory framework governing EU airlines?"

Taken together, the findings of this dissertation show that airline governance in the European Union is evolving through the interaction of corporate, regulatory, and stakeholder governance dimensions, each shaped in turn by the multidimensional sustainability interpretation and a complex geopolitical environment. The foundations of airline governance remain rooted in the corporate and regulatory mechanisms analysed in Part B: nationality rules in Air Services Agreements continue to provide the legal basis for the designation of airlines to operate international air services, while ownership and control requirements determine who may own and control an airline, which, in turn, is based on the corporate shareholding structure.

Against this backdrop, as explored in Parts C and D, regulatory and stakeholder governance are being incrementally reshaped by sustainability objectives, environmental obligations, and broader societal expectations. Environmental rules structure and constrain the operational and commercial environment in which airlines function, while the multidimensional sustainability framework applied here highlights that these environmental aims must be balanced with economic resilience and strategic considerations. Institutional, economic, and societal stakeholders deploy a range of governance levers, from regulatory design and capital conditions to normative pressure and legal challenges, to influence how these sustainability objectives are interpreted and implemented.

Within this stakeholder landscape, litigation operates as one jurisdictionally contingent mechanism through which stakeholders seek to shape or influence regulatory or corporate outcomes. Litigation does not displace corporate or regulatory governance; rather, it interacts with them in specific contexts, contributing to the gradual evolution of governance practices in some jurisdictions but leaving the underlying corporate and regulatory structures intact.

Finally, geopolitical dynamics, including shifting power relations, economic security concerns, and the EU's ambitions for strategic autonomy, overlay these developments and shape the political and regulatory priorities that guide regulatory governance choices. These dynamics reinforce the importance of maintaining effective control over EU airlines within the Union as part of both regulatory and corporate governance, supporting the sector's long-term resilience and competitiveness. Viewed through the broader sustainability lens applied in this research, these geopolitical considerations interact with environmental, economic, and strategic objectives and influence how regulatory measures are designed and implemented.

In sum, reflecting on who truly governs airlines in the 21st century, this dissertation concludes that governance in aviation has become intrinsically multi-dimensional, operating across the interconnected domains of corporate, regulatory, and stakeholder governance. Authority over airlines is no longer exercised from a single locus; instead, it emerges from the interaction of corporate directors and shareholders, governmental and EU regulators, economic and societal stakeholders, and the geopolitical forces that shape the conditions under which airlines operate.

This evolving constellation of actors is situated within an international landscape defined by shifting power relations, the pursuit of strategic autonomy, concerns

about economic security, and intensifying global competitiveness. In this context, airlines face pressures driven by domestic societal environments and broader geopolitical realignments, requiring them to reassess strategic priorities and navigate competing expectations for sustainability, resilience, and market performance.

Across these pressures, governance unfolds through structures and processes in which direction and control are exercised, shared, or contested, as understood in the conceptual framework established in this dissertation. Formal power remains anchored in institutional regulatory authority and oversight, ownership and control arrangements, and corporate decision-making. Yet stakeholder influence, for instance, through legal contestation, public accountability and societal scrutiny can shape how that power can be used or constrained.

These developments show that contemporary airline governance is characterised not by a displacement of traditional frameworks, but by the growing interdependence of governance levels, the diversification of actors capable of shaping outcomes, and the continual balancing of environmental, economic, and strategic objectives. The governance of EU airlines is therefore best understood as a dynamic and contested space, where power and influence intersect across legal, political, economic, and societal domains. This dynamic is likely to persist as sustainability imperatives evolve, geopolitical tensions deepen, and the aviation sector continues to reconcile its environmental obligations with its economic and strategic functions.

This study has adopted a conceptual approach to airline governance. It therefore does not assess the empirical effects of litigation on corporate decision-making or measure how stakeholder pressures materialise in day-to-day governance practice. Its analysis of environmental and climate litigation is limited to illustrating how such disputes may interact with regulatory and stakeholder governance; it does not provide a comprehensive doctrinal account of causation, remedies, or long-term behavioural impacts across jurisdictions.

These limitations point to several avenues for further research. First, the relationship between litigation and corporate governance warrants closer examination, particularly how boards interpret litigation risk, integrate environmental and climate obligations into strategic planning, or adapt internal governance processes. Second, the dynamics of stakeholder influence and participation would benefit from interdisciplinary study, combining legal, political, and organisational perspectives—and from a more granular, typology-based analysis of how specific stakeholder groups exert influence within and beyond formal legal frameworks.

As governance pressures continue to evolve in response to sustainability objectives, stakeholder expectations, and geopolitical developments, further research will be essential to understand how authority, accountability, and influence in the aviation sector are likely to be reshaped in the years ahead.

To conclude, airline governance in the 21st century is not only a legal or corporate issue—it is also a significant policy or even political one: how competing voices are weighed, how interests are balanced, and which norms ultimately shape the path forward. This balancing test will be a challenge in the forthcoming era. Yet, as Eddie Rickenbacker, an American World War I fighter pilot, is often credited with saying: "*Aviation is proof that given the will, we have the capacity to achieve the impossible*." [71]

71. This quote is widely attributed to Eddie Rickenbacker, though its precise origin is not clearly documented. Rickenbacker is a Medal of Honor recipient, and later CEO of Eastern Air Lines. He was known not only for his military accomplishments in World War I, but also for his role in shaping early commercial aviation in the United States.