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Climate Justice, Human Right and Global Governance: A Legal Policy Analysis

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Abstract

Climate change has transformed from environmental concern to a question of human rights, constitutionalism, global governance. Its effects are distributed between populations, states and generations, and communities that have contributed relatively less to global greenhouse-gas emissions often experience disproportionate impacts on health, livelihoods, food and water security, housing, and human dignity. This distributive asymmetry calls into question the very foundations of conventional approaches to environmental governance and raises fundamental questions of equality, responsibility, accountability and the protection of vulnerable populations. This paper explores climate justice through constitutional law, human rights and global governance in a critical way with a particular focus on India and its involvement in the international climate regime. It applies a doctrinal and comparative legal approach and analyzes constitutional provisions, legal developments, international climate instruments, human-rights norms and emerging climate jurisprudence. The paper analyzes the legal and normative importance of Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC), historical responsibility, beneficiary pays, intergenerational equity and cosmopolitan justice in determining how climate-related burdens and responsibilities should be allocated. The study of climate protection in India is focused on the constitutional relationship between Articles 14 and 21, Article 48A and Article 51A(g) and the development of environmental principles such as sustainable development, the precautionary principle, the public trust doctrine and intergenerational equity. The paper argues that the constitutionalisation of environmental protection provides a useful basis for a rights-based climate justice vision, but that there are many gaps in translating broad constitutional and international commitments to tangible, enforceable and equitable climate commitments. At the global level, the paper identifies persistent gaps in climate finance, loss and damage, participation, accountability and equitable burden-sharing. The paper concludes

that climate justice should be understood not only as an ethical imperative to promote justice but as an emerging legal and governance model, based on equality, human dignity, participation in society, accountability and intergenerational responsibility. It calls for a more rights-based and justice-oriented climate governance model that will promote better state and corporate accountability, protect vulnerable communities, address historical and structural inequalities and safeguard future generations' interests.

Keywords: Climate Justice, Climate Change, Human Rights, Constitutional Rights, Environmental Justice, Article 14, Article 21, Article 48A, Article 51A(g), Intergenerational Justice, Global Governance, Polluter Pays Principle, Common but Differentiated Responsibilities.

1. Introduction

Climate change, in the 21st century, has emerged as one of the most prominent challenges that has far-reaching consequences that go beyond temperature, precipitation and weather. The climate crisis has a serious impact on the basic needs of humans (such as health, food and water security, housing, livelihoods, access to natural resources) and the stability of social and economic systems [1]. So, it has to have more than environmental damage and ecological destruction. Climate change is now a legal and governance problem too, the question of equality, distributive justice, human rights, state responsibility and development and accountability for future generations. The magnitude of the crisis is compounded by the fact that its causes and consequences vary from person to person, from state to state and from generation to generation [2-4].

Climate justice also emerged as a response to this inequality. At its core, climate justice is the recognition of both the benefits of carbon-intensive development and the costs of climate change. In the past, industrialisation and economic growth were dependent on the extraction and consumption of fossil fuels, resulting in huge greenhouse gas emissions and atmospheric carbon. But the communities and countries that have contributed relatively little to cumulative emissions may suffer the most in the way of climate change. Vulnerable people can have less money, institutions, technological and political resources to predict, cope with and recover from climate-related damage. The asymmetry raises a fundamental question of justice: who should bear the costs of a crisis whose causes and consequences are unequally distributed?

Climate vulnerability is not a matter of exposure to physical threats alone. Social, economic, political and institutional conditions are key to individuals and communities being able to adapt to climate impacts. Poverty, unequal access to resources, gender, social marginalisation, geographical location, livelihood dependency, political representation, discrimination and other factors can all amplify climate vulnerability. A flood, drought, heatwave, cyclone or sea level rise is therefore a very different kind of harm to different groups depending on their access to healthcare, housing, insurance, infrastructure, social protection, employment, land, water and political institutions. Climate change thus serves as a multiplier of existing inequalities rather than an isolated environmental risk. This dimension of the climate crisis makes recognition, participation, equality and procedural fairness as important as material costs [3-6].

The human-rights implications of climate change are particularly important. The protection of fundamental rights depends on the ecological and environmental crisis climate change is creating. Extreme temperatures, poor air quality, food insecurity, climate-induced displacement, loss of livelihood and destruction of homes and infrastructure can have a huge impact on people's rights, including life, health, dignity, livelihood, food, water, housing and personal security. These impacts also indicate an important temporal dimension to climate justice. Decisions on energy production, resource extraction, land use, infrastructure and emissions in the present can have far-reaching implications on those who have not participated in that decision and did not benefit from the environmental practices that led to that decision [7-9]. Climate justice should be done not only in the context of inequalities in the present population but also in the light of responsibility that a future generation will have to take. Climate change and equality are equally important. Climate policies can have equally unequal impacts if they aren't well-designed and the costs are not taken into account in terms of socioeconomic circumstances. Carbon pricing, fossil fuel subsidies, energy transition, resource use restrictions or faster decarbonisation may be necessary to combat climate change, but poorly planned policies can negatively affect low-income households, workers, rural areas and the economically dependent sectors of the economy that depend on carbon-intensive industries. Climate justice must resolve the difference between the disproportionate impacts of climate change and the social climate impact, and the inequities in the distributional impact of climate action. Policies that are truly climate change-positive will make a difference, and must balance environmental objectives with social protection, livelihood security, participation and justice. The concept of just transition is therefore at the core of a comprehensive understanding of climate governance [10-13].

At the international level these questions are complicated by the large differences in historical emissions, economic capacity, technological capabilities, developmental needs, and vulnerability. The international climate regime has gradually come to the conclusion that states cannot reasonably be expected to assume identical responsibilities despite significant differences in their historical contributions and present capacities. The concept of Common but Differentiated Responsibilities and Respective Capabilities is consistent with this, and related processes such as the Polluter Pays Principle, historical responsibility, beneficiary pays, ability to pay, and intergenerational equity offer differing or complementary frameworks for how climate burdens are to be distributed. These principles raise complex legal and normative issues about sovereignty and responsibility, development and decarbonisation, historical emissions and present obligations, national interests and global ecological interdependence [14-17].

Climate change as a human-rights issue has also changed the legal debate about climate governance. International climate law and human-rights law have developed in very different institutions and normative frameworks. However, the two fields are increasingly intersecting. Climate change has an impact on the enjoyment of human rights and human-rights principles are normative and legal standards for how policy and government conduct in the climate area can be analysed. Principles of equality and non-discrimination, participation, access to information, accountability, effective remedies, and protection of human dignity can strengthen climate governance by putting individuals and communities at the center of decision making. It is this rights-based approach that also challenges governance models that

treat climate protection only as a matter of state discretion or policy preference. The Indian constitutional framework is particularly relevant to this relationship. Although there is no explicit constitutional provision to address climate change in the Constitution of India, environmental protection has gained constitutional basis by the combination of fundamental rights, Directive Principles of State Policy, fundamental duties and judicial interpretation. Article 21, through the judicial evolution of right to life and dignity, forms a strong foundation for environmental protection and Article 14, equality and non-arbitrariness issues are emerging as important issues in the distribution of environmental and climate-related responsibilities. Article 48A is a direct mandate of the State to protect and improve the environment and Article 51A(g) is why citizens have a constitutional obligation to protect and improve the environment. Along with the principles established through Indian environmental jurisprudence—sustainable development, precautionary principle, Polluter Pays Principle, public trust principle and intergenerational equity—they give us a sound constitutional basis for understanding climate-related responsibilities [18-20].

The constitutional dimension of climate justice is particularly important as climate change can amplify existing forms of inequality. Given little economic and political power and resources, communities with little to no protection from environmental threats will be more vulnerable to these risks, and development and infrastructure projects will have benefits for some and suffer environmental damage for others. Thus Article 14 might be important not only as an official guarantee of equal treatment, but also as a constitutional lens through which to look at inequalities in climate vulnerability and the distributive effects of environmental policies. In the same way, Article 21 as the protection of a dignified life is a constitutional framework for tackling climate-related threats to health, livelihoods, ecological security, and human well-being [21].

However, the constitutionalisation of environmental protection is not a perfect solution to the pressing issues of climate responsibility and implementation. There are still lots of areas of uncertainty between broad constitutional principles and the formulation of specific and binding climate obligations. Questions around the specific duties of governments, the boundaries between the Union and the States, private actors' duties to the country and to the people, climate finance, adaptation, loss and damage, just transition, and future generations need further legal and institutional investigation. Climate litigation is increasingly important in answering these questions, but judicial intervention can never substitute for coherent legislative, administrative and international governance frameworks.

Climate governance has to be measured not only by reducing greenhouse-gas emissions but also by how fair, participatory, accountable and capable it is of protecting those who are most impacted by climate-related effects. A technocratic approach to climate policy, which focuses on emissions reduction targets, and how it can be cost effective, may not see the social and economic aspect of climate action. On the other hand, a justice-driven approach requires that climate policy must consider mitigation and adaptation, human-rights protection, social inclusion, institutional accountability and equitable access to climate-related resources and opportunities. And it has to recognize that responsibility can be exercised at many levels: states have obligations under domestic and international law; corporations and other economic actors can have a great deal of impact on emissions and resource use; and the people who make climate-related decisions need to be held accountable [22].

In light of this, this paper considers climate justice as an emerging legal and governance framework situated at the crossroads of environmental law, constitutionalism, human rights and international governance. It aims to go beyond a conventional view of climate justice as an ethical claim about equity and, in turn, it can be seen as a model of legal duties and institutional responsibilities to the development and enforcement of fair climate policies. The context is specifically the Indian constitution and its relationship to international climate and human rights norms. The approach also includes common but differentiated responsibilities and respective capabilities, historical responsibility, the Polluter Pays Principle, beneficiary pays, intergenerational equity and cosmopolitan justice as alternatives for sharing the burden of climate change.

The paper argues that climate justice should increasingly be viewed as a rights-based framework that links climate responsibilities to equality, human dignity, participation, accountability and intergenerational responsibilities. While such constitutional and international principles are key to the development of such a model, their fragmented application and limited enforcement mechanisms make them difficult to realize in practice. A much more coherent model of climate governance would incorporate the protection of the environment along with human rights and equity of responsibility, meaningful participation and remedies at the same time, climate finance, protection of vulnerable communities and accountability of public and private actors. It is key that we take this approach to react to the immediate need for climate change, but also to make sure that the transition to a low-carbon and climate-resilient future does not reproduce the very inequalities that make climate change a matter of justice in the first place.

2. Research Objectives

The purpose of this study is to critically address climate change with the inter-related frameworks of climate justice, human rights, constitutional law and global governance. Rather than treating climate change only as an environmental or policy issue, the study is motivated by the legal as well as normative dimensions of unequal climate vulnerability, responsibility and access to climate-related resources. The research aims to accomplish the following:

1. In order to conceptualise climate justice and the relationship with environmental justice.

We study the conceptual foundation and development and scope of climate justice and its impact on environmental justice and how climate justice is viewed in light of the larger environmental justice debate. It examines the distributive, procedural, recognitional and intergenerational aspects of climate justice with particular attention to the distribution of climate-related risks, benefits, responsibilities and collective decision-making power to individuals, communities, states, and generations. And we also aim to determine whether and to what extent climate justice is an appropriate normative and legal framework to address inequalities in the way climate change has been created and reinforced through climate change.

2. To investigate climate change through a human-rights lens.

The research is concerned with how climate change impacts the enjoyment of fundamental human rights, including rights to life, health, food, water, housing, livelihood, security and human dignity. On the connection between environmental conditions and the protection of human rights and how climate-related threats affect the most vulnerable and marginalised groups. There is particular attention made to the three important values of equality, non-discrimination, participation, accountability and access to remedies as part of a rights-based climate governance framework.

3. On the constitutional implications of climate change in India.

The study aims to examine how climate change and environmental degradation are embedded in India's constitutional framework. It aims to examine what constitutional guarantees and environmental principles are sufficient to address climate-related issues and to protect people and community from environmental threats. The purpose of the study is further to look at the constitutional obligations of the State and the broader impact of climate change on human dignity, equality, public welfare, and intergenerational justice.

4. To investigate the role of Articles 14, 21, 48A and 51A(g) in climate justice.

This paper is concerned with the constitutional aspects of Article 14, Article 21, Article 48A and Article 51A(g) in the context of climate justice. Specifically, the article is concerned with equality and non-arbitrariness of climate risks and policy burden; Article 21 the very life, dignity, health, livelihood and environment conditions of meaningful human existence under which the State has constitutional responsibility towards environmental protection; and Article 51A(g) the constitutional responsibility of citizens towards the natural environment. We want to determine if the interaction between these provisions can contribute to a coherent constitutional framework in the context of climate protection and climate justice in India.

5. To consider the principles of the allocation of climate responsibilities.

This study aims to critically assess the legal and normative frameworks in which states and other actors are assuming responsibility for climate-related duties. This includes a focus on Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC), historical responsibility, the Polluter Pays Principle, beneficiary pays, ability to pay and intergenerational equity. The goal is to determine if these principles can be used to consider the fair and legal basis for sharing the burden of mitigation, adaptation, climate finance and loss and damage.

6. To critically look at the link between climate justice and global climate governance.

The study assesses whether the current international climate governance framework is adequately anchored in justice, equity, human rights, participation and accountability. It considers how such principles are developed and maintained in the international climate regime and the many challenges faced by climate finance, adaptation, loss and damage, historical emissions, technological capacity and equitable participation in global decision making.

7. To investigate how climate litigation is contributing to climate justice.

The study aims to investigate the increasing weight of judicial institutions in addressing climate-related claims and the enforcement of environmental and human rights responsibilities. It reviews selected Indian and comparative climate cases to assess how courts have approached questions of government responsibilities, environmental protection, human rights, intergenerational equity and accountability in the context of climate justice. The purpose is to evaluate both the transformative potential and the institutional constraints of climate litigation as a mechanism for climate justice.

8. To identify legal and policy gaps and propose a rights-based framework for climate governance.

The research is ultimately aimed towards mapping the gaps between the constitutional, legislative, institutional and international frameworks of climate governance. Based on the study above, it proposes legal and policy measures to strengthen equity, accountability, participation, protection of vulnerable communities, climate finance, just transition and intergenerational responsibility. The ultimate aim is to create a more coherent rights-based and justice-oriented framework that reconciles climate protection with social equity, human dignity, sustainable development and the interests of future generations.

3. Research Methodology

The present study adopts a doctrinal (analytical, comparative, interdisciplinary) and cross-disciplinary approach to climate justice as it relates to constitutional law, human rights, environmental law, and global climate governance. The research is qualitative and it is based on a thorough reading and critical analysis of primary and secondary legal and policy material. We aim to assess not only the legal framework in place for climate-related responsibilities but also the degree to which the framework addresses equality, vulnerability, accountability, participation, and intergenerational justice in this area.

The doctrinal part of the research focuses on the identification, interpretation, and analysis of legal rules, constitutional provisions, judicial decisions, international instruments and established principles of environmental and human-rights law. For instance, in India, Articles 14, 21, 48A and 51A(g) of the Constitution of India are of particular interest and judicial interpretation is the basis of constitutional environmental jurisprudence. Sustainable development, precautionary principle, Polluter Pays Principle, public trust doctrine and intergenerational equity are examined to find their relevance to climate-related obligations and constitutional protection.

The international aspect considers the evolution of climate justice in the context of international environmental and human rights law in the context of the world. It considers relevant international climate instruments such as the United Nations Framework Convention on Climate Change, the Kyoto Protocol, and the Paris Agreement as well as relevant human rights instruments, declarations, institutional developments, international and regional jurisprudence. Special focus is made on the concept of Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC), historical responsibility, climate

finance, adaptation, loss and damage, and the equitable distribution of climate-related burdens.

The comparative analysis of the study looks at selected developments that are also related to climate-related legal and institutional developments beyond India to identify new concepts related to state responsibility, human rights protection, environmental constitutionalism, corporate accountability, and intergenerational justice. We use comparative materials in selected aspects of our study only in order to identify the larger legal trends and to assess their relevance for the Indian constitutional and policy framework, rather than assuming that relevant legal notions in other countries can be applied in the Indian context.

The research also employs an interdisciplinary theoretical framework to explore the normative basis of climate justice. It draws on distributive, procedural, recognitional, retributive and intergenerational conceptions of justice to assess who bears climate-related harm, who participates in decisions, whose interests and vulnerabilities are recognised, who is responsible for climate-related harm and what responsibilities present generations owe to future generations. The theoretical perspective is examined alongside legal principles to distinguish between current legal obligations and other normative claims of fairness and responsibility.

The primary and secondary sources of the research are constitutional provisions, legislation, judicial decisions, international treaties and agreements, authoritative international institutional materials and relevant government and regulatory documents. The secondary sources are peer-reviewed scholarly articles, academic books, research reports, policy publications and other authoritative academic and institutional papers. The content and status of legal obligations are considered to be more important to primary legal sources and other authoritative institutional materials.

In theory, we can think about the study from three interrelated perspectives. First, the constitutional perspective considers whether constitutional rights, Directive Principles, fundamental duties and the judicially developed environmental principles can help to establish a legal foundation for climate justice in India in judicial form. Second, the human-rights perspective looks at climate change in the context of human rights in terms of the impact on life, health, dignity, equality, livelihood, and other rights on vulnerable and marginalised communities. Third, the global governance perspective is to see if current global institutions/governmental organisations and climate systems meet the concerns of responsibility, equity, finance, participation, accountability and intergenerational protection.

The study is qualitative and does not attempt to establish causal relationships using statistical or empirical methods. Instead, the goal is to critically assess the adequacy, coherence and justice of existing legal and governance models. Using doctrinal analysis, comparative analysis and normative analysis, we aim at understanding the gaps in the existing framework and to create a rights-based and justice-driven climate governance framework which will be responsive to the present vulnerabilities and also protect the interests of future generations.

4. Climate Justice: Concept and Meaning

Climate justice has emerged as a key concept to understand the disparity in the impacts, effects, risks, and responsibilities of climate change. Far from reducing greenhouse-gas

emissions or adapting to climate change, climate justice addresses broader questions about fairness: who has contributed to climate change, who benefits from carbon-intensive development, who bears the costs of mitigation and adaptation and who should have a seat at the table in climate-related decisions.

Climate justice is about how climate vulnerability is unequal among the population. Climate change impacts people differently based on their economic status, geographic location, livelihoods, access to infrastructure, institutional capacity, and political representation. But communities that have contributed relatively little to cumulative greenhouse-gas emissions may still have serious effects including food and water insecurity, livelihood loss, displacement, health problems, and environmental degradation. Climate change is not only an environmental threat, but it is also a means by which the social and economic inequities we already have can be exacerbated. Climate justice is closely related to environmental justice, but relates to the unique characteristics of the climate crisis. Environmental justice has traditionally been concerned with the uneven distribution of environmental risks and resources in particular communities and territories. Climate justice also considers and addresses these issues and also the global, transboundary, cumulative, and intergenerational nature of climate change. Greenhouse-gas emissions from one place can affect others, so territorial responsibility is not enough.

The idea can be approached in several interconnected terms. Distributive justice is about climate-related burdens and benefits, resources, and duties being shared as equally as they should be distributed. Procedural justice is about meaningful participation, information access, and representation as well as accountability in climate decision-making. Recognition justice needs to consider how people live in their communities, their identities and vulnerabilities, and their social class and the way that they may be politically marginalized. Intergenerational justice is not restricted to the particular person or community in question but takes into account the rights and interests of future generations.

Climate justice is not only a moral need for fairness. It provides an analytical framework for assessing the legitimacy of climate policies and governance arrangements. A climate policy that doesn't reduce emissions and puts enormous strain on economically vulnerable communities may be a distributive injustice. Similarly, a decision without the participation of those most impacted by climate change might create procedural injustice. Therefore, climate action should be evaluated not only in terms of environmental efficiency but also in terms of the fairness of the processes and consequences through which it is carried out.

5. Climate Justice, Human Rights and the Indian Constitutional Framework

Climate change and human rights are closely connected because environmental conditions are critical to the enjoyment of human dignity and basic rights. Climate-related impacts can affect life, health, food, water, housing, livelihood, personal security, and the conditions for a dignified existence. The impact is particularly profound for communities with very little in the way of economic and institutional capacity to adapt.

Human rights-centred climate justice focuses on individuals and communities as a central part of climate governance. Climate policies need to be evaluated in terms of equity, non-

discrimination, participation, accountability and access to remedies. Such an approach also recognizes that those affected by climate change are not simply passive recipients of government protection but as rights-holders entitled to participate meaningfully in decisions that affect their lives, their families' livelihoods, their resources and future.

The Indian Constitution provides a good foundation for examining these issues. While the Constitution does not clearly establish a fundamental right to protection from climate change, environmental protection has become constitutional through the interaction of Fundamental Rights, Directive Principles of State Policy, Fundamental Duties and judicially developed environmental principles. Article 21 is especially important because we have interpreted the constitutional protection of life and personal liberty in terms of conditions for a dignified life. And thus, environmental degradation affecting air, water, health, livelihood and ecological security can have constitutional relevance. Climate change could exacerbate these problems with extreme heat, water scarcity, food insecurity, climate-sensitive health risks, displacement of people and damage to housing and infrastructure.

Likewise Article 14 is very important for climate justice because climate impacts and climate-policy burdens are not equally distributed. Poor and socially vulnerable communities may have fewer resources to protect themselves from climate-related risks or to recover from climate disasters. The equality principle is therefore an important foundation for investigating whether climate policies and development decisions are distributed in an arbitrary or disproportionate manner. The constitutional environmental context is strengthened further by Articles 48A and 51A(g). Article 48A makes environmental protection an important constitutional responsibility of the State, and Article 51A(g) makes it a fundamental duty of citizens to protect and enhance the natural environment. Together with Articles 14 and 21, these are examples of environmental protection not only as administrative policy but constitutional as a part of the overall commitment to the welfare of the people and the environment, ecological protection and responsible governance. Indian environmental jurisprudence has also developed sustainable development principles, the precautionary principle, the Polluter Pays Principle, the public trust doctrine and intergenerational equity. Such principles are useful legal tools for analysing climate-related disputes, but their precise application to climate change remains to be developed. The constitutional implications of climate change are particularly evident in areas where environmental degradation and development decisions have uneven social implications. The degradation of ecologically significant landscapes, forests, water systems and other natural resources may bring economic benefits to certain sectors while transferring environmental and social costs to communities with much fewer resources. Such situations raise questions not only about environmental protection but also of equality, dignity, public trust and intergenerational responsibility.

6. Climate Responsibility, Intergenerational Equity and Global Justice

A key issue in climate justice is how to allocate responsibility for climate change. The concept of Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC) is also key for this question. It acknowledges climate change is a common global issue

and acknowledges differences among states in their past contributions, economic capacities, developmental circumstances and vulnerability. The principle challenges the assumption that identical obligations necessarily constitute equitable obligations. States with more historical contributions to cumulative emissions and greater economic and technological capabilities may have stronger responsibilities to mitigate and contribute to adaptation and climate finance. On the other hand, developing countries may still have ongoing development needs and relatively small capacities to bear the same burdens.

The Polluter Pays Principle provides yet another framework to connect environmental responsibility to the cost of environmental damage. But its application to climate change is much more complicated than that of normal pollution as greenhouse gas emissions are cumulative, geographically dispersed, and longer-lasting. It is not easy to determine if past emissions were responsible for these things at all, and because of this there are many questions that need to be answered: from the perspective of causation, to knowledge, to benefit and to see the consequences of the past. The Beneficiary Pays Principle is another alternative to the carbon-intensive development and it suggests that actors and states who have enjoyed considerable benefits from carbon-intensive development must be more willing to act as a party to the issues of climate change. Such an approach is normative and yet is difficult to define legally. Climate justice also extends across generations. Current decisions on fossil-fuel consumption, land use, infrastructure, forests, natural resources, and economic development will have a huge impact on future generations. Future generations are not able to intervene directly in current political decisions but they have the potential to bear the ecological and social legacy of present decisions. It is intergenerational justice here that we must take long-term consequences into account rather than immediate economic benefits at the expense of future well-being.

The global dimension of climate justice also challenges the notion of a purely national approach to responsibility. Climate change is a global issue that is not solely the problem of countries where we live and work and how we are affected from the countries, but also affects people all over the world. Thus the climate system can be seen as a shared global ecological system where responsibilities and vulnerabilities are interdependent. It brings up questions of global distributive justice, global solidarity, climate finance, technology transfer, adaptation support, and loss and damage.

Small Island Developing States are a particularly powerful example of this problem. That is, many of these states are facing serious threats from sea-level rise, coastal erosion, storm surges and so on while they make relatively little contribution to global greenhouse-gas emissions. Their situation illustrates the profound disparity between contribution and vulnerability and how distributive, procedural and recognitional justice are important in the international climate policy framework.

7. Climate Justice and Global Governance

The transboundary nature of climate change requires international cooperation. National environmental laws and domestic climate policies cannot collectively address cumulative global emissions or the allocation of climate-related risks. Climate governance therefore

requires coordinated international action involving states, international institutions, corporations, civil society and affected communities.

The international climate-governance framework has evolved to include equity, differentiated responsibility, adaptation, climate finance, and loss and damage. But there are still significant challenges in terms of adequacy and distribution of financial resources, the implementation of mitigation commitments, protection of vulnerable states and communities and representation of developing countries in global decision-making.

Climate governance also has an accountability problem. International climate commitments often depend very much on national implementation and enforcement mechanisms are limited. The disconnect between the formal commitments and actual implementation thus raises questions of institutional capacity and the ability of existing governance structures to deliver climate justice. A justice-oriented approach needs to give more attention to who participates in international decision-making and whose interests are reflected in climate institutions. It is important for vulnerable communities and developing states to have a meaningful role to play in the climate finance, adaptation, technology and loss and damage decisions and have meaningful influence on them. Participation is not just a procedural goal but equally important for the legitimacy and effectiveness of climate governance.

Innovative mechanisms for climate finance and international redistribution have also been proposed, e.g. global resource taxation and resource dividend mechanisms. These proposals move beyond aid-based approaches and instead create more systematic mechanisms to channel resources to the most vulnerable and less wealthy states. Their political and institutional viability is unclear but they show that climate governance needs the kind of financial arrangements that make sense of the different degrees of responsibility and capacity. On the one hand, global climate governance is legitimate if it can reconcile environmental effectiveness with fairness. A governance system that reduces emissions but leaves vulnerable populations without adequate protection, finance, participation or remedy cannot achieve the aims of climate justice. The challenge is to develop institutions that balance mitigation, adaptation, human rights, equitable burden-sharing, accountability and long-term ecological stewardship.

8. Critical Analysis and Policy Implications

The above analysis has shown that climate justice is at the intersection of environmental law, constitutionalism, human rights and global governance. There are strong principles for addressing climate inequities in our legal frameworks that exist, but in practice we still see significant discrepancies between normative commitments and enforceable obligations. In India, constitutional environmental jurisprudence provides a useful base with Articles 14, 21, 48A and 51A(g) and standards of sustainable development, precaution, public trust, Polluter Pays and intergenerational equity. But the lack of a comprehensive climate-specific legal framework raises questions on the nature of government responsibilities, institutional accountability, climate adaptation, protection of vulnerable communities, and long-term climate planning.

At the international level, the principle of CBDR-RC provides a means of differentiated responsibility, but disagreements about historical emissions, climate finance, loss and

damage, and developmental equity continue to hamper consensus. And, in the same way, international climate commitments need greater transparency, implementation, participation, and accountability. A better climate justice framework should therefore be based on multiple interconnected goals. The first is to have equality and human rights in mitigation and adaptation. Second, vulnerable communities must be involved in decisions affecting their livelihoods, resources and living conditions. Third, climate finance should be more sensitive to vulnerability and differentiated capacity. Fourth, legal frameworks should hold accountable public and private actors who do bad things on climate. Fifth, climate policies should be intergenerational in nature so that short-term development decisions do not impose disproportionate costs on future generations.

The transition to a low-carbon economy must be accompanied by a just transition plan. Workers and communities dependent on carbon-intensive sectors should not bear disproportionate costs of decarbonisation without appropriate social protection, retraining, alternative livelihoods and participatory planning. Climate justice therefore demands justice in relation to climate impacts and climate responses. So, the challenge is not simply to produce more ambitious climate policies, but to ensure that climate governance is legally accountable, socially equitable, institutionally participatory and responsive to both present and future interests. Climate justice provides a framework to embed these objectives into a coherent climate governance model.

8. Selected Climate Justice Cases and Institutional Developments

Climate justice has been influenced by climate petitions, human rights claims, international institutions and communities that are especially vulnerable. These developments illustrate the progression from treating climate change as a purely environmental and policy issue to the concern of human rights, accountability, equality and justice. They also highlight a major limitation of climate litigation: it is very difficult to establish a direct causal link between particular emissions, a particular party or a particular action and a specific harm in a particular community.

8.1 Inuit Petition before the Inter-American Commission on Human Rights

The Inuit petition is an important early attempt to frame climate change explicitly as a human-rights issue. The Inuit Circumpolar Conference (ICC) of the Inuit community then sent a petition to the Inter-American Commission on Human Rights, which claimed that the failure of the United States to act on greenhouse gas emissions was leading to violations of Inuit rights including life, property, health, food and culture. The petition was significant because it sought to establish that climate change could engage international human-rights responsibilities even where the underlying environmental harm was generated through activities occurring across geographical and political boundaries. Climate change therefore connected with questions of state responsibility, transboundary harm, cultural survival, and the protection of vulnerable communities.

The difficulties faced by the petition also illustrate a continuing challenge for climate litigation: establishing legal causation. Climate change is a result of cumulative greenhouse-gas emissions from various countries, corporations, sectors and historical times. A reasonable

connection between the conduct of a specific state and a specific harm suffered by a particular community can be quite difficult to establish legally.

However, the petition's limitations were only a small part of its significance in the development of the rights-based climate discourse. It showed that climate change could not be seen only through the lens of environmental regulation and emissions reduction but also in a human dignity-sensitive way, culture-based livelihood-based way and community rights.

8.2 Arctic Athabaskan Council and the Question of State Accountability

Arctic Indigenous communities' concerns provide another powerful example of the interrelation between climate change and environmental degradation and human rights. The Arctic Athabaskan Council highlighted the impact of pollution, including black carbon, on Arctic communities and ecosystems.

This development is significant for how it looks at the link between environmental pollution and the vulnerability of Indigenous peoples, whose lives and cultures and social systems are very much inextricably linked to the Arctic. So climate change-related environmental changes can have implications that go beyond physical and economic damage to cultural continuity and traditional ways of life.

As with the Inuit petition, the issue of causation is a challenging legal question. Climate-related harms are produced through complex and cumulative processes, and for one to blame a particular impact on one state or one actor is not so easy. But some claims contribute to principles of accountability that question states' ability to avoid responsibility, not only because climate-related harm is caused by a variety of sources of harm, but also because the harm of climate-related harm is caused by a multitude of factors.

The general lesson from Arctic climate litigation and advocacy is that legal responsibility needs to be taken into account in addition to vulnerability, historical impact, continuing emissions and the ability of states to prevent or mitigate foreseeable harm. These considerations further underscore the need for a climate justice structure that goes beyond narrow models of individual causation.

8.3 Small Island Developing States and Climate Vulnerability

Small Island Developing States (SIDS) are one of the best and the most clear examples of the distributive dimension of climate injustice. Many island states have only a small share of global greenhouse-gas emissions, and are at high risk of sea-level rise, coastal erosion, storm surges, extreme weather events, saltwater intrusion, and threats to livelihoods and habitability.

The effect of SIDS goes beyond environmental vulnerability. Climate change threatens fundamental human rights such as life, health, food, water, housing, livelihood, culture and security. For some island communities the long term consequences of climate change have also caused the displacement, territorial integrity, cultural identity and the continuity of communities and people to be at risk. SIDS therefore expose the fundamental distributive problem at the heart of climate justice: those who have contributed least to the accumulation of greenhouse gases may still bear a disproportionate share of climate-related consequences. Their position has intensified international demands for greater climate finance, adaptation

support, loss-and-damage mechanisms, technology transfer, and stronger recognition of vulnerability in international climate governance.

The SIDS experience also illustrates that climate justice is procedural. Vulnerable states need meaningful participation in international negotiations and institutional processes that determine the allocation of climate finance, adaptation resources, and responsibility. They are therefore important not only for fairness but also for the legitimacy of global climate governance.

8.4 Recognition of the Right to a Clean, Healthy and Sustainable

Environment

The growing recognition of environmental rights is an important institutional development in the relationship between environmental protection and human rights. In October 2021, the United Nations Human Rights Council recognised the human right to a clean, healthy, and sustainable environment and established a Special Rapporteur mandate relating to human rights and climate change.

Such an understanding is important in that it makes the connection between environmental quality and human rights as well as human rights. It is a recognition that humans cannot enjoy fundamental human rights in the face of severe environmental degradation and climate instability.

Environmental rights recognition has implications for climate governance as well. It provides a rights-based normative framework for the scrutiny of government policies by which to assess environmental protection, equality, participation, transparency, and accountability. The situation of those affected people and communities that have the most to lose in terms of justice if environmental damage to the environment also can be made better (or better because of the rights are recognised when it comes to environmental protections and environmental rights). The development of international human rights jurisprudence on climate change has also raised the importance of cross-border and intergenerational responsibility. In particular, developments on children's rights show that climate change has obligations beyond the immediate geographic boundaries of a state and is not limited to those individuals who have little or nothing to do with climate change.

8.5 Comparative Significance of the Developments

Combined, these developments illustrate the gradual transformation of climate change from a largely environmental and scientific issue to a human rights and legal responsibility issue. The Inuit petition underlined the potential for climate-related harms to come to the attention of international human rights commitments; Arctic Indigenous claims stressed vulnerability, cultural rights and accountability; the SIDS experience demonstrated the vast disparity between historical contribution and climate vulnerability; and international recognition of the right to a clean, healthy and sustainable environment deepened the normative connection between environmental protection and human rights. At the same time, the structural limitations of current legal frameworks are revealed. Climate change is characterized by cumulative causation, persistent impacts, transboundary effects, and has many actors

contributing to it. Traditional legal approaches based on direct causation and clearly identifiable wrongdoers might not be sufficient to tackle climate-related harm.

The emerging jurisprudence and institutional practice therefore suggest that a broader conception of responsibility is needed. Such an approach should take into account not only direct causation but also the historical contribution, continuing emissions, capacity, benefit, vulnerability, and the obligation to prevent foreseeable harm. This does not mean there is no need for legal causation; it just shows that legal and institutional mechanisms are needed to address the special characteristics of climate change. These developments ultimately support the central thesis of this paper that climate justice must be based on the integration of environmental protection, human rights, constitutional responsibility and global governance. Climate litigation and international institutional developments cannot solve the climate crisis by themselves but they can ensure that legal principles around accountability, equality, participation and protection of vulnerable populations evolve.

9. Findings

The research establishes the following major findings:

1. Climate change is not merely an environmental issue but a **justice and human-rights issue**.
2. Climate impacts are distributed unequally among social groups, states and generations.
3. Poor and marginalised communities are particularly vulnerable to climate-related harm.
4. Climate change has implications for constitutional rights, particularly **Articles 14 and 21**.
5. **Articles 48A and 51A(g)** provide important constitutional foundations for environmental protection.
6. Historical responsibility remains a complex issue in determining climate accountability.
7. Climate justice requires protection of the interests of **future generations**.
8. Climate change cannot be effectively addressed through purely national approaches.
9. Vulnerable communities require meaningful participation in climate decision-making.
10. International climate governance must incorporate **equality, accountability, responsibility and human dignity**.

10. Suggestions

The above analysis demonstrates that climate justice requires a transition from fragmented environmental interventions to integrated ones based on constitutional protection, human rights, institutional accountability, equitable burden-sharing and long-term ecological sustainability. The following recommendations help build on the legal and policy architecture of climate justice.

10.1 Strengthening Rights-Based and Constitutional Climate Governance

Climate and environmental considerations need to be actively taken into account in policy-making, development planning, infrastructure policy and resource allocation in India. The constitutional significance of Articles 14, 21, 48A and 51A(g) should be reflected more clearly in the climate-related policymaking process. Climate policies have to be evaluated not just in terms of emissions reduction and economic efficiency but also in terms of their implications for equality, human dignity, health, livelihood and environmental security. Particular attention should be paid to vulnerable communities with limited adaptive capacity. Climate adaptation and mitigation measures should not be at the expense of economically disadvantaged communities, workers, rural communities and communities that depend on climate-sensitive livelihoods. A rights-based approach should ensure that affected people have access to information, meaningful participation and appropriate mechanisms for grievance redressal.

10.2 Strengthening Participation, Accountability and Intergenerational Justice

Public participation should be part of climate and environmental governance. Communities affected by infrastructure projects, resource extraction, conservation measures, displacement, or climate-adaptation programmes should have genuine recourse to decision-making processes. Participation should be accompanied by transparency and access to relevant environmental and climate information. Accountability mechanisms should be strengthened for both governments and relevant corporate entities. Those who are influential in emissions, natural resources use and environmental decision-making should be held to a high standard of transparency, responsibility and legal accountability. Climate governance should also acknowledge that responsibility varies according to contribution, capacity, benefit and legal obligations. Intergenerational considerations must be considered in future development and energy policy. Governments should consider the consequences of their decisions toward future generations and avoid policies that cause irreversible ecological damage for short-term economic benefit. Natural resources, forests, biodiversity, water systems and other ecological assets should be treated as assets that are under continuous stewardship.

10.3 Strengthening International Cooperation, Climate Finance and Equity

Because climate change is transboundary, stronger international cooperation is required. States should increase cooperation in mitigation, adaptation, technology transfer, capacity building, and climate finance by recognising that there are differences in historical contributions, economic capacity, developmental circumstances, and vulnerability. The principle of common but differentiated responsibilities and respective capabilities should be maintained, and a fair burden-sharing should be the focus.

Greater emphasis should be placed on adaptation, particularly in developing countries and communities with high climate vulnerability. Climate finance should be accessible, predictable, transparent and responsive to the needs of those most exposed to climate-related

risks. International mechanisms addressing loss and damage should also be strengthened so that communities who suffer from severe and unavoidable climate impacts are not left without adequate support. International climate governance should also include meaningful participation of developing countries, Indigenous peoples, vulnerable communities, and other affected stakeholders. Equity must be incorporated not only into the distribution of financial resources but also into the institutional representation and decision-making.

10.4 Protecting Ecosystems and Ensuring a Just Transition

Climate justice requires the protection of ecosystems and human communities at the same time. Forests, rivers, wetlands, wildlife habitats, biodiversity, coastal ecosystems and other natural resources must be protected as core to ecological stability, human well-being and intergenerational security. If environmental degradation increases climate vulnerability, we need to create better conservation, restoration and monitoring mechanisms and enforcement mechanisms. At the same time, a transition towards a low-carbon economy must be a just transition. Workers and communities economically dependent on carbon-intensive industries should have social protection, retraining opportunities, alternative livelihood options, and meaningful participation in transition planning. Decarbonisation should not reproduce existing social inequalities by transferring the economic costs of climate action disproportionately to those with the least capacity to bear them.

Ultimately, climate justice requires an integrated approach in which environmental protection, human rights, constitutional obligations, social equity, economic transition, and international responsibilities reinforce one another. We must not just reduce emissions; we must make sure that the transition towards a climate-resilient future is fair, inclusive, accountable and capable of protecting present and future generations.

11. Conclusion

Climate change has transformed from a predominantly environmental concern into a complex issue involving **human rights, constitutional rights, social equality, political responsibility and global justice**. The central insight of climate justice is that climate change does not affect all people equally. Communities that have contributed least to the problem may experience some of its most serious consequences, while those who have historically benefited from carbon-intensive development may possess greater resources to protect themselves. In India, climate change has significant constitutional implications. The unequal distribution of environmental harms raises concerns under **Article 14**, while the degradation of environmental conditions necessary for a healthy and dignified life is closely connected with **Article 21**. At the same time, **Article 48A** establishes a constitutional responsibility of the State towards environmental protection, while **Article 51A(g)** recognises the responsibility of citizens to protect and improve the natural environment.

At the international level, principles such as **Common but Differentiated Responsibilities, Beneficiary Pays, Polluter Pays and intergenerational justice** provide important foundations for determining how climate responsibilities should be distributed. Nevertheless, historical responsibility, causation and legal accountability remain difficult questions. The long-term and cumulative nature of greenhouse gas emissions makes it particularly important

to recognise that present decisions can create consequences for people and communities far into the future.

The experiences of **SIDS, Inuit communities and Arctic communities** further demonstrate that climate change can threaten life, culture, livelihood, territory and basic human security. These experiences strengthen the argument for placing human rights at the centre of climate governance. Therefore, climate justice requires more than reducing greenhouse gas emissions. It requires **fairness in the distribution of climate burdens, meaningful participation in decision-making, protection of vulnerable communities, accountability for environmental harm, respect for human dignity, and responsibility towards future generations**. The recognition of the right to a clean, healthy and sustainable environment represents an important development in this direction. Ultimately, climate justice requires a transformation in the relationship between **development, environment, law and human rights**. Development cannot be considered genuinely sustainable when its benefits are concentrated among some groups while its environmental costs are disproportionately imposed upon vulnerable communities and future generations. The legal and institutional response to climate change must therefore be based upon **equality, dignity, accountability, environmental protection, intergenerational responsibility and global cooperation**. Climate protection is consequently not only an environmental obligation but also a **constitutional, human-rights and global justice responsibility**.

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