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HUMAN RIGHTS AND CLIMATE JUSTICE: LEGAL PATHWAYS FOR ENVIRONMENTAL PROTECTION

ABSTRACT

The accelerating climate crisis presents not only an environmental challenge but also a profound human rights issue. Human Rights and the Environmental degradation directly affects human rights, especially the rights to life, health, water, food, and housing. The UN Human Rights Council has recognized the right to a clean, healthy, and sustainable environment as a human right . Vulnerable populations—such as Indigenous peoples, children, and low-income communities—often face the brunt of environmental harms. Climate Justice is a concept that frames climate change not just as an environmental issue but as a social and ethical one. It focuses on equity, fairness, and accountability, addressing how the burdens and benefits of climate action are distributed. Wealthier countries and corporations contribute the most to greenhouse gas emissions, while poorer nations and communities bear the worst consequences. Climate justice emphasizes intergenerational equity—protecting the rights of future generations. Environmental law provides the legal frameworks that regulate pollution, resource use, conservation, and climate action. Examples include The Paris Agreement (climate change) Aarhus Convention (access to environmental information) National Environmental Policy Act Recent trends include the recognition of the rights of nature and climate litigation—where citizens and organizations hold states or corporations accountable for environmental harm. Through a critical analysis of these developments, the paper highlights the need for equitable, rights-based approaches to environmental governance. It argues that integrating human rights into climate policy and law

is essential for achieving climate justice, ensuring accountability, and fostering sustainable development for present and future generations.

Key Words: environmental, Human Rights, sustainable

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Introduction

Human rights are universal entitlements inherent to every person by virtue of their humanity. They recognize the dignity and value of every individual and guarantee freedoms and protections essential to living a life free from fear, discrimination, and oppression. These rights encompass civil and political rights—such as freedom of speech, the right to vote, and protection from torture—as well as economic, social, and cultural rights like the right to health, education, and an adequate standard of living. governments have legal obligations under international treaties to respect, protect, and fulfil these rights, ensuring that individuals can enjoy them without discrimination. Human rights are indivisible and interdependent, meaning the fulfilment of one right often depends on the realization of others.¹

Climate justice is a concept that highlights the unequal burdens and responsibilities related to climate change. It recognizes that those who have contributed the least to greenhouse gas emissions—often marginalized, low-income, indigenous, and vulnerable communities—are disproportionately affected by climate impacts such as extreme weather, food insecurity, and displacement.²At its core, climate justice seeks to ensure an equitable distribution of both the burdens caused by climate change and the efforts to mitigate and adapt to it. It integrates principles of equality, human rights, collective responsibility, and historical accountability, emphasizing that developed countries bear greater responsibility due to their historical emissions and industrialization.³

¹ United Nations Office of the High Commissioner for Human Rights (OHCHR), What are Human Rights?, <https://www.ohchr.org/en/human-rights> (accessed May 24, 2025).

² Center for Climate Justice, University of California – What is Climate Justice?

³ Nature Climate Change, “Climate justice beliefs related to climate action and policy support,” 2024

Climate justice encompasses several key dimensions:

Procedural justice: ensuring fair, transparent, and inclusive decision-making processes involving affected communities.

Distributive justice: fair allocation of the costs and benefits of climate action.

Intergenerational justice: protecting the rights of future generations to a healthy environment.⁴

This framework has significantly influenced international climate negotiations and agreements, such as the United Nations Framework Convention on Climate Change (UNFCCC), which embeds principles of equity and differentiated responsibilities among nations to address the disproportionate impacts and responsibilities of climate change⁵. In sum, climate justice moves beyond purely environmental concerns to address the social, economic, and political inequalities that climate change exacerbates, demanding accountability and fairness in climate action globally.⁶

Climate change poses direct threats to fundamental human rights, including the rights to life, health, food, water, housing, and cultural integrity. Therefore, addressing climate change through a human rights lens ensures that climate policies and actions respect, protect, and fulfil these rights rather than undermine them. Climate justice advocates for holding accountable those most responsible for climate change—such as wealthy nations, corporations, and high emitters—and supporting vulnerable populations who face the harshest impacts despite contributing least to the problem. In summary, human rights provide the legal and moral foundation that climate justice builds upon to address the inequities of climate change impacts and responses. Together, they call for inclusive, equitable, and rights-respecting climate action to protect present and future generation.⁷

Understanding Human rights

⁴ UNDP, “Climate change is a matter of justice – here's why”

⁵ SSRN, “Concept of Climate Justice,” 2020

⁶ Grantham Research Institute, “What is meant by 'climate justice'?”

⁷ Office of the United Nations High Commissioner for Human Rights (OHCHR), Understanding Human Rights and Climate Change, <https://www.ohchr.org/en/climate-change> (accessed May 24, 2025).

Human rights are inherent rights that belong to every person simply because they are human, regardless of race, sex, nationality, ethnicity, language, religion, or any other status.⁸ These rights include fundamental freedoms and protections such as the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work, education, and many more essential guarantees that uphold human dignity.⁹ The Universal Declaration of Human Rights (1948) was the first international agreement to articulate these rights, covering a broad spectrum from the right to life and non-discrimination to more specific rights like equal protection before the law and freedom of movement. While not legally binding, it has inspired over 80 international human rights treaties and serves as a foundational commitment by states worldwide.¹⁰

The United Nations Office of the High Commissioner for Human Rights (OHCHR) is the leading UN entity mandated to promote and protect all human rights globally. Established by the UN General Assembly in 1993, OHCHR supports states in fulfilling their human rights obligations, provides technical assistance, monitors compliance, and advocates for the rights of vulnerable populations. It also coordinates with various UN bodies and human rights mechanisms to advance universal human rights standards.¹¹ The UN Human Rights Council, composed of 47 member states, is the main UN decision-making body on human rights issues. It adopts resolutions, investigates violations, and works closely with OHCHR to promote and protect human rights worldwide. For example, in 2021, the Council recognized the right to a clean, healthy, and sustainable environment as a human right, encouraging states to integrate this recognition into national laws and policies.¹²

Climate change poses a significant threat to fundamental human rights, particularly the rights to life, health, and a healthy environment.¹³ It negatively impacts a wide range of human rights, including the rights to food, water, sanitation, housing, and self-determination. Vulnerable populations—such as women, children, indigenous peoples, minorities, migrants,

⁸ United Nations, Human Rights - the United Nations, <https://www.un.org/en/global-issues/human-rights> (accessed May 24, 2025)

⁹ Office of the High Commissioner for Human Rights (OHCHR), What are human rights?, <https://www.ohchr.org/en/what-are-human-rights> (accessed May 24, 2025)

¹⁰ Wikipedia, Office of the United Nations High Commissioner for Human Rights, https://en.wikipedia.org/wiki/Office_of_the_United_Nations_High_Commissioner_for_Human_Rights (accessed May 24, 2025)

¹¹ Australian Government, Office of the High Commissioner for Human Rights (OHCHR) Assessment, <https://www.dfat.gov.au/sites/default/files/ohchr-assessment.pdf> (accessed May 24, 2025)

¹² Wikipedia, United Nations Human Rights Council, https://en.wikipedia.org/wiki/United_Nations_Human_Rights_Council (accessed May 24, 2025)

¹³ Office of the United Nations High Commissioner for Human Rights (OHCHR), Understanding Human Rights and Climate Change,

persons with disabilities, and the poor—are disproportionately affected by these impacts.¹⁴ States have an obligation under international human rights law to respect, protect, and fulfil these rights by taking affirmative measures to mitigate climate change and adapt to its effects, ensuring that climate policies do not exacerbate existing inequalities or harm human rights.¹⁵ The recognition that climate change is a human rights issue has been affirmed by the United Nations Human Rights Council and the Intergovernmental Panel on Climate Change (IPCC), which highlights that climate change caused by human activity is the greatest human rights challenge of the 21st century.¹⁶

Climate Change as a Human Rights Issue

Climate change is widely recognized as a critical human rights issue because it threatens the effective enjoyment of a broad range of fundamental rights, including the rights to life, health, food, water, housing, and a healthy environment.¹⁷ The United Nations Human Rights Council and the Office of the High Commissioner for Human Rights (OHCHR) have repeatedly affirmed that climate change impacts undermine these rights, especially for vulnerable and marginalized populations who contribute least to global emissions but suffer the most severe consequences.¹⁸ International human rights law obliges states to take measures to prevent climate harm and to protect individuals from climate-related rights violations. This recognition has influenced international climate policy, embedding human rights principles in climate action frameworks to ensure equitable and just responses to the climate crisis.¹⁹

Legal Frame Work for the Environmental Protection

¹⁴United Nations Environment Programme, Climate Change and Human Rights, <https://www.unep.org/resources/report/climate-change-and-human-rights> (accessed May 24, 2025).

¹⁵World Meteorological Organization, Climate Change Undermines Human Rights, <https://wmo.int/media/news/climate-change-undermines-human-rights> (accessed May 24, 2025).

⁵ Danish Institute for Human Rights, Human Rights and Climate Change,

¹⁶ OHCHR, Climate Change and Human Rights, <https://www.ohchr.org/en/climate-change> (accessed May 24, 2025).

¹⁷United Nations Environment Programme, Climate Change and Human Rights, <https://www.unep.org/resources/report/climate-change-and-human-rights> (accessed May 24, 2025).

¹⁸ Office of the High Commissioner for Human Rights (OHCHR), Climate Change and Human Rights, <https://www.ohchr.org/en/climate-change> (accessed May 24, 2025).

¹⁹ UN Human Rights Council, Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights, A/HRC/10/61, January 15, 2009, <https://www.refworld.org/reference/themreport/unhrc/2009/en/65384> (accessed May 24, 2025).

The legal framework for environmental protection is primarily constituted by a series of international treaties, conventions, and protocols designed to address various aspects of environmental conservation and sustainable development.²⁰ These agreements establish obligations for states to prevent environmental degradation, protect biodiversity, control pollution, and combat climate change.²¹

Key international environmental legal instruments include

1. The 1972 Stockholm Declaration:

The 1972 Stockholm Declaration, formally known as the Declaration of the United Nations Conference on the Human Environment, was one of the earliest global declarations recognizing the importance of environmental protection as integral to human well-being and development. It consists of 26 principles that emphasize humanity's fundamental right to a healthy environment and the corresponding responsibility to protect and improve it for present and future generations. The Declaration marked the beginning of placing environmental issues at the forefront of international concerns and laid the foundation for global environmental governance, including the establishment of the United Nations Environment Programme (UNEP). Key principles include the duty to safeguard natural resources, prevent pollution, and ensure sustainable development, highlighting the interconnectedness of environmental health and human rights.²²

2. Ramsar Convention (1971):

The Ramsar Convention, officially known as the Convention on Wetlands of International Importance Especially as Waterfowl Habitat, is an international treaty adopted in 1971 in Ramsar, Iran, aimed at the conservation and sustainable use of wetlands worldwide. It defines wetlands broadly to include marshes, peatlands, lakes, rivers, estuaries, mangroves, coral reefs, and even human-made sites like fish ponds and rice paddies. The Convention is built on three main pillars: the wise use of all wetlands, designation of suitable wetlands as

²⁰ University of Melbourne Library, International Environmental Law: Treaties, <https://unimelb.libguides.com/c.php?g=948139&p=6870678> (accessed May 24, 2025).

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²² IPCC, Stockholm 1972 - Declaration of the United Nations Conference on the Human Environment, https://www.ipcc.ch/apps/nj-lite/srex/nj-lite_download.php?id=6471 (accessed May 24, 2025)

Wetlands of International Importance (Ramsar Sites), and international cooperation on transboundary wetlands and shared species. Contracting parties commit to national policies and management plans to maintain the ecological character of wetlands and to collaborate internationally. As of 2024, 172 countries are parties to the Convention, reflecting its global significance in protecting vital ecosystems that provide freshwater, biodiversity, flood control, and climate regulation services.²³

3. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (1973); The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), adopted in 1973 and entering into force in 1975, is an international agreement between governments aimed at ensuring that international trade in wild animals and plants does not threaten their survival.²⁴ It regulates trade through a system of permits and certificates, providing varying degrees of protection to over 40,000 species listed in three appendices based on their risk of extinction²⁵. Appendix I includes species threatened with extinction and prohibits commercial trade except in exceptional cases; Appendix II lists species that may become endangered without trade controls; and Appendix III includes species protected in at least one country that seeks cooperation from other parties to control trade. CITES fosters international cooperation to safeguard biodiversity by preventing over-exploitation through regulated trade²⁶.

4. Convention on Biological Diversity (CBD) (1992):

The Convention on Biological Diversity (CBD), adopted at the 1992 Rio Earth Summit and entering into force in 1993, is a comprehensive international treaty aimed at the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising from genetic resources.²⁷ It obliges parties to develop national strategies for biodiversity conservation and sustainable development, while recognizing the sovereign rights of states over their natural resources.²⁸ The CBD also includes protocols

²³ Ramsar Convention Secretariat, An Introduction to the Ramsar Convention on Wetlands, https://www.ramsar.org/sites/default/files/documents/library/handbook1_5ed_introductiontoconvention_final_e.pdf (accessed May 24, 2025)

²⁴ CITES Secretariat, What is CITES? <https://cites.org/eng/disc/what.php> (accessed May 24, 2025)

²⁵ NOAA Fisheries, Convention on International Trade in Endangered Species of Wild Fauna and Flora, <https://www.fisheries.noaa.gov/national/international-affairs/convention-international-trade-endangered-species-wild-fauna-and> (accessed May 24, 2025)

²⁶ Wikipedia, CITES, <https://en.wikipedia.org/wiki/CITES> (accessed May 24, 2025)

²⁷ United Nations, Convention on Biological Diversity, <https://www.un.org/en/observances/biological-diversity-day/convention> (accessed May 24, 2025)

²⁸ Convention on Biological Diversity, The Convention, <https://www.cbd.int/convention/> (accessed May 24, 2025)

such as the Cartagena Protocol on Biosafety and the Nagoya Protocol on Access and Benefit-Sharing, which address biotechnology safety and equitable sharing of genetic resource benefits, respectively. With 196 parties, the CBD is a key legal framework guiding global efforts to protect biodiversity and promote sustainable use.²⁹

5. United Nations Framework Convention on Climate Change (UNFCCC) (1992): Establishes a framework for international cooperation to combat climate change by limiting greenhouse gas emissions.³⁰

6. Kyoto Protocol (1997) and Paris Agreement (2015):³¹

The Kyoto Protocol (1997) and the Paris Agreement (2015) are key international treaties under the United Nations Framework Convention on Climate Change (UNFCCC) that set targets for reducing greenhouse gas emissions.³² The Kyoto Protocol, adopted in 1997 and entering into force in 2005, established legally binding emission reduction commitments for 37 industrialized countries and the European Community, targeting six main greenhouse gases including carbon dioxide, methane, and nitrous oxide.³³ Its first commitment period ran from 2008 to 2012, aiming for an average 5% reduction below 1990 levels among participating countries. The Protocol introduced mechanisms such as emissions trading and the Clean Development Mechanism to help achieve these targets³⁴.

The Paris Agreement, adopted in 2015, builds on the UNFCCC and Kyoto Protocol but differs by setting voluntary, nationally determined contributions (NDCs) from all countries, developed and developing alike, to limit global warming to well below 2°C above pre-industrial levels, pursuing efforts to limit it to 1.5°C. While the Kyoto Protocol focused on binding targets for developed countries, the Paris Agreement emphasizes universal

²⁹Wikipedia, Convention on Biological Diversity, https://en.wikipedia.org/wiki/Convention_on_Biological_Diversity (accessed May 24, 2025)

³⁰ University of Melbourne Library, International Environmental Law: Treaties, <https://unimelb.libguides.com/c.php?g=948139&p=6870678> (accessed May 24, 2025).

³¹ Wikipedia, Kyoto Protocol, https://en.wikipedia.org/wiki/Kyoto_Protocol (accessed May 24, 2025)

³² UNFCCC, Kyoto Protocol Targets for the First Commitment Period, <https://unfccc.int/process-and-meetings/the-kyoto-protocol/what-is-the-kyoto-protocol/kyoto-protocol-targets-for-the-first-commitment-period> (accessed May 24, 2025)

³³ UNFCCC, What is the Kyoto Protocol?, https://unfccc.int/kyoto_protocol (accessed May 24, 2025)

³⁴ European Commission, Kyoto 1st Commitment Period (2008–12), https://climate.ec.europa.eu/eu-action/international-action-climate-change/kyoto-1st-commitment-period-2008-12_en (accessed May 24, 2025)

participation, transparency, and regular progress reviews to strengthen climate action globally.³⁵

7.Vienna Convention (1985) :

The Vienna Convention for the Protection of the Ozone Layer (1985) is a framework agreement that promotes international cooperation through research, monitoring, and information exchange on the effects of human activities on the ozone layer. While it does not set binding targets, it laid the groundwork for future protocols by encouraging countries to adopt legislative or administrative measures to protect the ozone layer.³⁶

8.Montreal Protocol (1987):

The Montreal Protocol (1987), adopted under the Vienna Convention, is a legally binding treaty that requires parties to phase out the production and consumption of ozone-depleting substances (ODSs) according to specific deadlines. The Protocol has been amended several times to include new substances and accelerate phase-out schedules, and it is widely regarded as one of the most successful international environmental agreements, having achieved universal ratification and significant recovery of the ozone layer.³⁷

9.The Basel Convention (1989):

This is the most comprehensive global treaty addressing hazardous and other wastes.³⁸ Its main objective is to protect human health and the environment from the adverse effects of hazardous waste generation, management, transboundary movement, and disposal. The Convention was established in response to concerns about the dumping of toxic wastes, especially from developed to developing countries. It requires parties to minimize hazardous waste generation, ensure environmentally sound management, and obtain prior informed consent before transboundary movement of such wastes³⁹

The Role of International Treaties

³⁵ UNFCCC, Paris Agreement, <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement> (accessed May 24, 2025)

³⁶ WTO, Vienna Convention for the Protection of the Ozone Layer and Montreal Protocol

³⁷ New Zealand Ministry for the Environment, Vienna Convention and the Montreal Protoc

³⁸ Wikipedia, Basel Convention

³⁹ UNICEF, Basel Convention on the Control of Transboundary Movements of Hazardous Wastes

Treaties such as the Convention on Biological Diversity highlight the relationship between environmental health and human rights. The UN Human Rights Council has recognized the right to a healthy environment as a fundamental human right. These international agreements serve as a foundation for national laws and policies that protect both the environment and human rights.

Judicial Decisions on Climate Justice: Global and Indian Perspectives

Judicial decisions on climate justice have rapidly expanded worldwide, setting important legal precedents for government accountability and the protection of human rights in the context of climate change.

Global Judicial Decisions

1. European Court of Human Rights (ECtHR): *KlimaSeniorinnen v. Switzerland* (2024)

In *KlimaSeniorinnen v. Switzerland* (2024), the European Court of Human Rights (ECtHR) found that Switzerland violated the right to respect for private and family life (Article 8) and the right of access to court (Article 6 § 1) by failing to implement adequate climate protection measures. The Court held that Article 8 encompasses a right to effective protection by state authorities from the serious adverse effects of climate change, and found critical gaps in Switzerland's regulatory framework, including the absence of a carbon budget or sufficient national greenhouse gas emission limitations.⁴⁰

2. Netherlands: *Urgenda Foundation v. State of the Netherlands* (2019)

The Dutch Supreme Court held that the government must reduce greenhouse gas emissions by at least 25% by 2020 compared to 1990 levels, based on its obligations to protect the right to life and well-being under the European Convention on Human Rights. This set a precedent for judicially enforceable climate targets.⁴¹

3. Norway: *Greenpeace Nordic and Nature and Youth v. Ministry of Energy* (2024)

The Oslo District Court ruled that Scope 3 emissions (downstream emissions) must be considered in environmental impact assessments, ensuring human rights protection in

⁴⁰ LSE Grantham Institute, Global trends in climate change litigation: 2024 snapshot

⁴¹ Supreme Court Review 2024: Speaking green, acting grey on key environmental issues

climate-related decisions. This case highlighted the judiciary's role in enforcing comprehensive climate accountability.⁴²

4. International Tribunal for the Law of the Sea (ITLOS) Advisory Opinion (2024)

On May 21, 2024, ITLOS issued an advisory opinion confirming that greenhouse gas emissions constitute marine pollution and that states have an obligation to take all necessary measures to prevent, reduce, and control emissions under the UN Convention on the Law of the Sea. While non-binding, this opinion carries significant legal and moral weight⁴³.

5. International Court of Justice (ICJ) Hearings (2024)

The ICJ held hearings on the obligations of states in respect of climate change, with states urging the Court to recognize climate change as a cross-cutting issue under international law, including human rights and environmental obligations. The outcome is expected to influence global climate accountability.⁴⁴

Judicial Decisions in India

1. Supreme Court of India: M.K. Ranjitsinh v. Union of India (2024)

In a landmark judgment, the Supreme Court declared a new fundamental right to be free from the adverse effects of climate change, connecting it to the right to a clean and healthy environment under Article 21 (right to life) and Article 14 (right to equality) of the Constitution. This judgment established constitutional foundations for climate rights in India and recognized India's international commitments under the Paris Agreement⁴⁵.

2. Supreme Court of India: Broader Environmental Jurisprudence (2024)

The Supreme Court further broadened the constitutional imagination of environmental rights, explicitly recognizing a right against the adverse effects of climate change for the first time in 75 years. The Court also directed state governments to adopt a broad definition of forest areas

⁴² Völkerrechtsblog, No Global Climate Justice from this Court

⁴³ Earth Negotiations Bulletin, International Court of Justice Hearings on the Obligations of States in Respect of Climate Change

⁴⁴ Verfassungsblog, India's New Constitutional Climate Right

⁴⁵ Supreme Court of India, 2024 INSC 280

and declared sacred groves as 'deemed forests,' reflecting its proactive stance on environmental conservation.⁴⁶

The Role of Civil Society and NGOs

Civil society organizations (CSOs) and non-governmental organizations (NGOs) play a pivotal role in climate action, environmental protection, and advancing climate justice globally⁴⁷. Their contributions span advocacy, policy influence, community empowerment, education, and ensuring accountability. Civil society organizations (CSOs) and NGOs play a critical role in climate change governance by providing scientific knowledge, supporting policy development, monitoring environmental risks, and empowering local communities.⁴⁸ Their participation enhances both the effectiveness and legitimacy of public policy, especially in contexts where government capacity may be limited. CSOs contribute to problem identification, data gathering, and advocacy, and often bridge gaps between state actors and affected communities, ensuring that diverse voices are represented in climate decision-making processes. Their involvement supports more inclusive, participatory, and democratic governance, leading to better policy outcomes and increased public support for climate action.⁴⁹

Challenges in Legal Pathways

Despite progress, significant challenges remain in linking human rights and climate justice through legal frameworks. Issues such as lack of political will, inadequate enforcement mechanisms, and resource constraints hinder effective action. Overcoming these challenges requires sustained advocacy, public awareness, and international cooperation

1. Access to Justice and Locus Standi

Strict rules on locus standi (legal standing) often limit who can bring climate cases to court, especially in jurisdictions where only directly affected parties can sue. This restricts the

⁴⁶ Economic Times Energy, Supreme Court of India bolts Right To Life with climate justice

⁴⁷ United Nations Framework Convention on Climate Change (UNFCCC), "The Role of Civil Society," UNFCCC (accessed May 25, 2025).

⁴⁸ United Nations Environment Programme (UNEP), "Strengthening the Role of Civil Society," UNEP (accessed May 25, 2025).

⁴⁹ World Bank, "Civil Society's Role in Climate Action," World Bank Blogs (accessed May 25, 2025).

ability of NGOs and citizens to challenge inadequate climate policies or actions, even when their interests are at stake. The uneven implementation of international conventions like the Aarhus Convention further exacerbates these barriers, as many countries do not provide easy access to justice for environmental matters.

2. Financial Barriers

Litigation is expensive, involving high legal fees, advocacy costs, and lengthy court procedures. Civil society groups and individuals often lack the financial resources to sustain prolonged legal battles, especially when facing well-funded corporate or government defendants. Crowdfunding has emerged as a partial solution, enabling broader participation, but financial constraints remain a major obstacle to strategic litigation.

3. Procedural and Technical Hurdles

NGOs and citizens often encounter procedural obstacles, such as the requirement to exhaust administrative remedies before approaching courts, or the need to meet strict evidentiary standards. In some cases, NGOs must first complete internal review requests before gaining access to higher courts, which can delay or even block legal action.

4. Political and Institutional Resistance

Restrictive political environments, especially in certain regions, pose additional challenges. Governments may enact laws limiting NGO activities or impose administrative burdens, making it difficult for civil society to engage in climate litigation or activism.

5. Power Imbalances

Corporations and states often have greater resources and legal expertise, allowing them to prolong litigation through appeals and lobbying or to dilute the impact of court decisions. This power imbalance can discourage or exhaust less-resourced plaintiffs.

6. Limited Direct Access to International Courts

NGOs and individuals frequently lack direct access to international courts or tribunals, requiring them to navigate complex administrative or procedural steps before their cases are heard.

7. Delays and Uncertain Outcomes

Legal processes can be slow, and even successful rulings may take years to implement or may be subject to appeal, limiting the immediate impact of litigation on climate action.

These challenges highlight the need for reforms to improve access to justice, reduce procedural and financial barriers, and strengthen the capacity of civil society to use legal pathways effectively in the fight against climate change.

Future Direction for the Legal Advocacy

Future legal advocacy must focus on integrating human rights into climate policy at all levels of governance. Expanding the scope of legal protections to include the rights of future generations is essential for long-term sustainability. Collaborative actions among nations, communities, and organizations can foster innovative legal solutions for environmental protection.

Conclusion: A Call to Action

Advancing climate justice is both an environmental necessity and a moral imperative. Climate change disproportionately affects marginalized and vulnerable communities, despite their minimal contribution to the problem, making it essential to center equity, human rights, and social justice in all climate action.

The intersection of human rights and climate justice presents a compelling case for urgent legal action. By prioritizing human rights in climate policies, we can ensure a sustainable future for all. It is imperative that individuals, organizations, and governments work together to create and enforce legal pathways for environmental protection.

Advocacy, education, and community engagement must be prioritized to ensure that all voices—especially those of the most affected—are included in decision-making processes and that policies address both environmental sustainability and social equity. Strengthening legal frameworks, empowering vulnerable populations, and building broad coalitions among governments, civil society, and the private sector are crucial for transformative, people-centered climate action.

This is a call for individuals, organizations, and policymakers to unite, raise awareness, demand accountability, and push for systemic changes. Only through collective action can we

address the urgent challenges posed by climate change and build a more just, equitable, and resilient future for all