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Climate Change Litigation and Environmental Justice: Emerging Legal Frameworks and Global Challenges

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Climate change is one of the greatest challenges of contemporary societies, with global climate change having deep environmental, economic, social and legal consequences. Climate change litigation, increasingly, has come to the fore, as it is an innovative tool for holding others accountable, a form of environmental governance and a way of fulfilling climate-related obligations. At the same time, climate change has emerged as a central issue in environmental justice, raising awareness of the unequal burden of climate change on marginalised populations, and underscoring the importance of fair legal action. There has been no integration of environmental justice principles into the new climate legal frameworks, which are also growing at a very fast pace, resulting in unfilled legal, institutional and governance gaps. This qualitative study examines the history of climate change litigation, looks at the connection between climate jurisprudence and environmental justice, and examines the growing legal landscape of climate change-related disputes and the key challenges to climate change governance. It is a qualitative research design which employs doctrinal legal research, thematic analysis, comparative legal analysis, in-depth study of international treaties, environmental conventions, landmark cases of climate litigation, judicial decisions, policy documents and scholarly literature. The results show that climate litigation has emerged as a powerful tool of judicial activism and environmental governance that holds states and corporations responsible for climate harms. However, there are numerous obstacles, such as legal jurisdiction issues, disjointed legal systems, access to justice issues, and weak institutional resilience to climate vulnerability among vulnerable communities. The study also shows that, while human rights issues are increasingly being incorporated into human rights approaches, environmental justice issues remain absent from climate jurisprudence. The research adds to the literature of environmental law and climate governance by providing a comprehensive qualitative analysis of the new developments in law and a set of suggestions for more equitable and effective climate governance. The study finishes by mapping out the potential of using environmental justice principles to meaningfully contour into national and international legal frameworks for the future of climate litigation and global environmental governance.

INTRODUCTION

Global Context and Background

Climate change is one of the most complex and consequential issues of the 21st Century. Climate change has become a multidimensional crisis with significant social, economic, political and legal repercussions – increasing frequency of extreme weather events, rising global temperatures, loss of biodiversity, sea-level rise, environmental degradation, and the increasing number of climate-induced displacements. Climate change is not evenly distributed and neither is it harmless. They affect the

most vulnerable, least developed countries, indigenous populations and the most socially and economically marginalised, who are least responsible for global GHGs. (IPCC, 2023)

The climate crisis is a worldwide phenomenon that has heavily challenged the established systems of governance and raised pivotal questions regarding responsibility, accountability and justice. Over the past decades, a number of treaties and policy instruments have been adopted as a result of international environmental negotiations. But the implementation of mitigation and adaptation strategies to climate change has often been marked by implementation gaps, political divisions, and weak enforcement systems globally. These weaknesses of conventional governance have led to a growing interest in other governance options that could contribute to accountability and speed up climate action. (IPCC, 2023)

In this context, climate change litigation is one of the most dynamic aspects of modern environmental governance. Increasingly, courts internationally are being called upon to adjudicate claims regarding climate policies, environmental rights and public and corporate duty. Climate litigation has matured from environmental action to a valuable tool for people, communities, civil society groups and governments to challenge climate-related harms and to call for more ambitious climate action. (Peel & Osofsky, 2022)

The growing concept of climate litigation also reflects a broader trend in the relationship between law and environmental governance. It is becoming increasingly clear that courts are not merely arenas for settling disputes, but also actors in the framing of climate policy, the interpretation of environmental duties and fundamental rights protection. Landmark climate cases have shown that in the future, the judiciary will be a force to reckon with in shaping public policy, holding decision makers to account, and offering remedies for climate harms. Consequently, climate litigation has become an important element of global climate governance and a vital tool for promoting environmental protection and sustainable development. (Creswell & Poth, 2018)

Meanwhile, the term “environmental justice” increasingly has been a cornerstone of discussions on climate governance and environmental law. Environmental justice is the fair distribution of environmental benefits and burdens, fair access to environmental decision-making processes, and recognition of the rights and experiences of disadvantaged groups. In addition to environmental inequities, the concept has grown to encompass a variety of other issues: social vulnerability, human rights, procedural justice and intergenerational equity. (Boyd, 2018)

The concept of climate justice is linked with environmental justice, as it is the understanding that climate change is a socio-moral problem in addition to being an environmental issue. Climate justice is about individuals being disproportionately impacted by the worst effects of climate change who have contributed the least to the problem, and for whom greater legal protection and fair policy responses are needed. These concerns have been on the rise, and the academic field has thus begun to focus on the role legal systems can play in tackling climate inequalities and promoting more inclusive and equitable environmental governance. (Schlosberg, 2007)

An important – and perhaps the most important – shift in the modern environmental law landscape is the growing interpenetration of climate litigation and environmental justice. In recent years, rights-based climate claims and constitutional environmental protection and human rights arguments have become a common thread in climate litigation globally. However, there are key issues to address regarding the effectiveness of current legislation to respond to the needs of the most vulnerable groups, as well as the protection of environmental justice. (Boyd, 2018)

While significant strides have been made in the field of climate governance, there remain significant legal and institutional gaps which hinder effective climate change response. International environmental agreements have weak enforcement, domestic legal systems differ markedly in their climate commitments and access to environmental justice is very unevenly distributed between jurisdictions. Furthermore, there remain significant procedural, economic and political obstacles for many communities that are particularly vulnerable to climate change to pursue legal action in response to climate change-related harms. (Schlosberg, 2007)

The case studies demonstrate the critical need for scholarly consideration of the changing role of climate change lawsuit in environmental justice. While a great deal has been written on climate litigation as a legal phenomenon, there has been relatively less literature regarding the incorporation of principles of environmental justice in novel climate litigation, and the role of environmental justice principles in tackling issues of inequality, vulnerability and accountability. (Peel & Osofsky, 2022)

This study aims to: Study the global development of climate change litigation; Analyse the link between climate change litigation and the field of environmental justice; Explore the legal framework that has developed in the context of climate change-related disputes; Identify key global issues relating to climate justice; Make recommendations for more just and effective climate change governance. Employing a qualitative and interdisciplinary method, through doctrinal legal analysis, comparative legal analysis, thematic analysis and case-study examination, the study makes a contribution to contemporary research on environmental law and critical thoughts for the future governance of climate changes in an age of growing environmental changes. (Braun & Clarke, 2022)

Literature Review

Climate change is now one of the most important environmental and governance challenges of the 21st century. In addition to its environmental impacts, climate change has also given rise to significant legal, social, economic and political implications that go beyond national boundaries and pose challenges to current environmental governance systems. The traditional policy instruments

and international agreements have been less effective in addressing the challenges of climate risks effectively, and therefore climate litigation emerged as a new accountability and environmental protection mechanism. (Peel & Osofsky, 2022)

Meanwhile, environmental justice is emerging as a significant normative concept to explain climate injustice and the unequal ability of societies to cope with environmental change. The growth of climate litigation and environmental justice has accompanied a quickly increasing body of scholarship on the function of courts, legal structures and rights-based ways to handle inequalities related to climate change and enhance sustainable governance. (Peel & Osofsky, 2022)

The literature review critically synthesises theory and empirical research on climate change litigation and environmental justice. The review is not descriptive but examines the key debates, the conceptual and methodological limitations of the existing research, and provides the theoretical foundations which support the study carried out in this work. (Schlosberg, 2007)

Theoretical Background

Theory of Environmental Justice (Schlosberg, 2007)

Environmental Justice Theory thus grew out of social movements in the late 1980s and 1990s in the United States, and its main message is that people don't equally share environmental costs and benefits in society. The initial scholarship was on racial and socioeconomic inequities in exposure to environmental hazards. But, today's environmental justice scholarship has developed considerably, and moves well beyond distributive concerns to include procedural and recognition concerns. (Schlosberg, 2007)

Distributive justice is about the unequal distribution of environmental harms and resources. Procedural justice is related to the inclusion of people in environmental decision-making processes. Recognition justice is about the importance of recognising cultural identity, indigenous knowledge systems and historical marginalisation.

Climate change has significantly increased the significance of the theory of environmental justice. As the impacts of climate change become more pronounced, academics are increasingly asserting that it is an environmental justice issue, as populations are most impacted that have the least greenhouse gas emissions. It can have the greatest effects on low income groups, indigenous communities, small island nations and countries in development, who often have very limited adaptive capacities. (Schlosberg, 2007)

But critics have pointed out that in some cases the study of environmental justice has been so focused on local inequalities that it has neglected to focus on global governance processes. Recent scholarship has therefore begun to increasingly demand a transnational perspective for thinking about environmental justice which can address transboundary environmental harms and global environmental inequalities. (Schlosberg, 2007)

The Theory of Climate Justice

Climate Justice Theory grew out of the growing realization that climate change is about issues of ethics, justice and responsibility, not simply an environmental issue. Climate justice scholarship focuses on history of responsibility, different responsibilities and equity between different generations. (IPCC, 2023)

One such concept in the theory of climate justice is the concept of common but differentiated responsibilities. This implies that the HCs, the developed countries, have also a higher responsibility to do something about climate change as they have contributed more to the emission of GHGs in the past and so are the most responsible countries to take initiatives to address the climate change. (IPCC, 2023)

It is also highlighted in the literature that there is an intragenerational and intergenerational aspect of climate justice. Intragenerational justice refers to the disparity of inequalities among the current generations, intergenerational justice refers to the obligations to the future generations who will inherit long-term consequences of today's environmental choices.

The use of climate justice theory is growing in policy and academic contexts, but is controversial among academics. The principles of climate justice have been said to be ineffective in practice in international environmental governance since they are not legally binding and have no common standards.

Theory of Rights-Based Governance

One of the important theories that could be used to examine the growing application of human rights-based principles in climate litigation is the Rights Based Governance Theory. The theory is premised on the fact that ecological protection and human health go hand in hand, and that the degradation of the environment can be an interference with basic human rights. (Boyd, 2018)

Human rights claims have been increasingly taken up by climate actions in climate litigation, as there is a growing trend of environmental governance. Rights-based strategies are more and more being deployed to secure constitutional and other international human rights-based instruments and environmental rights, as a basis to challenge bad climate policies and the inaction of governments. (Boyd, 2018)

Based on scholars' views, there are a number of advantages to a rights-based approach. They strengthen accountability, enhance access to justice and establish norms for judicial action. Critics, however, warn that rights-based litigation could hit the deck against the judicial conservatives, evidence issues, and how environmental rights are interpreted in various jurisdictions (Creswell & Poth, 2018)

Ecological Modernization Theory

The idea of ecological modernization theory is that economic development and protection of the environment do not contradict each other. Technological innovation, institutional reform and policy modernization, are assumed to reconcile environmental sustainability and economic growth.

Ecological modernization has been a feature in the climate governance literature, in which it has been used to discuss green transition, climate adaptation policies, and sustainable development strategies. But critics argue that ecological modernization can tend to ignore the structural inequalities and power imbalances that shape environmental results.

Environmental justice scholars have been particularly critical over ecological modernization that has been missing in comprehensive attention to equity and distribution concerns. So modern climate litigation is increasingly attempting to integrate modernisation strategies with justice-based factors. (Peel & Osofsky, 2022)

Legal Plurality

Legal pluralism is a view that there are several legal systems and normative orders in society. Climate governance is embedded in the mix of international treaties, national laws, constitutional principles, and customary laws and indigenous legal traditions.

The theory is especially relevant to transnational climate litigation and environmental justice, as climate litigation often traverses international boundaries, involving multiple authorities. But, legal pluralism can also lead to governance fragmentation and/or inconsistencies that make it difficult to implement principles of climate justice. (Peel & Osofsky, 2022)

Theory of Intergenerational Equity

Intergenerational Equity Theory focuses on moral and legal responsibilities towards future generations. The theory states that current generations are obligated to preserve environmental resources and ecological systems for future generations.

Intergenerational equity has become more and more important in climate litigation. Now, it is possible to have landmark cases based on the rights of children and future generations to contest poor government action on climate change. Such development reflects the increasing legalization of the temporal aspects of environmental justice (Peel & Osofsky, 2022)

2. Climate Change Litigation: Trends and Evolution

Climate litigation has changed dramatically over the last 30 years. Originally, environmental litigation was primarily focused on local conflicts of pollution and adherence to regulations. However, with the increasing scientific evidence of climate change and political inaction, climate-related litigation has been increasing. (Peel & Osofsky, 2022)

Much of the early climate litigation was directed at improving the regulation of greenhouse gas emissions by governments. In turn, strategic climate lawsuits began to be filed based on constitutional principles and human rights frameworks and administrative law mechanisms to challenge government inaction. (Boyd, 2018)

New research has highlighted the growing diversification of climate litigation. The present issues range from responsibilities for adaptation, corporate responsibility, financial disclosure to infringements on human rights and transboundary environmental damage. (Boyd, 2018)

An emerging key development is strategic litigation as a governance tool for climate change. Strategic climate litigation is more than just about judicial remedies, it is about change in society, policy. Courts increasingly are serving as arenas for advancing climate action and increasing government accountability. (Peel & Osofsky, 2022)

There is ongoing debate in the literature as to the effectiveness of litigation as a mechanism of climate governance. Lawsuits, its advocates claim, not only increase accountability but also speed up policy-making. However, critics point out that the judiciary cannot be instrumentalized in the process of climate governance and need to be examined whether the judiciary is capable of addressing environmental issues.

Despite these debates, climate litigation has in its essence shifted the paradigm of environmental governance, providing new grounds of accountability and broadening the concept of environmental rights and responsibilities in the legal field. (Peel & Osofsky, 2022)

Climate Justice and Environmental Justice (Schlosberg, 2007)

In the field of environmental justice, it is frequently observed how the effects of climate change are affecting vulnerable and marginalized communities more than others. Climate-related disasters typically compound existing inequalities with regard to poverty, health, housing, food security and resource access. (Schlosberg, 2007)

Distributive justice sheds light on the unequal burden of environmental damage and adaptation. Participational justice is concerned with the involvement of all stakeholders in environmental decision-making and recognition justice is concerned with the need for cultural diversity recognition and the rights of indigenous peoples.

Indigenous communities are being recognized as disproportionately vulnerable to climate change, while also playing a vital role in environmental stewardship and resilience. Increasingly, the literature recognises the unique role indigenous communities can play in environmental stewardship and resilience in the face of climate change, while also identifying them as disproportionately vulnerable to climate change. However, formal institutions of climate governance tend to lack a strong voice from indigenous perspectives. (IPCC, 2023)

Climate justice researchers also argue that the international climate governance has traditionally been more focused on the concerns of the rich and powerful countries, and has neglected the concerns of developing countries and the vulnerable. Thus, the demands for a 'just' climate governance and environmental reparations have become more prominent in academic and policy debates.

Climate Litigation Based on Human Rights (Boyd, 2018)

Nowadays, climate litigation is one of the most important aspects of modern environmental law, and it is effectively grounded in human rights. Climate litigation is one of the big developments in today's environmental law and it is human rights-based. Increasingly, the judiciary is coming to understand that climate change poses risks to fundamental rights, including on the right to life, health, housing, food, water and a healthy environment. (Boyd, 2018)

Rights-based approaches have also helped to broaden the scope of climate litigation, enabling civil society and people to sue governments for failure to act and corporations for wrongdoing. There is a growing judicial trend in affirming positive obligations on the part of the states to put in place effective climate policies. (Peel & Osofsky, 2022)

However, there is scholarly debate over the effectiveness of rights-based approaches. While strong normative underpinnings are provided by human rights arguments, there are significant issues regarding enforcement. Rights-based climate litigation is, therefore, subject to significant jurisdictional variations of the constitution and judicial independence and capabilities. (Boyd, 2018)

However, the emergence of human rights principles in climate jurisprudence can be seen as an important step towards more just environmental governance. (Boyd, 2018)

Methodological Approach Philosophy and Paradigm of Research

The study is of the interpretivist research philosophy with a constructivist epistemological orientation, a category of qualitative legal research and socio-legal research. Interpretivism recognizes that legal phenomena are socially constructed, that legal setting and context, legal history, political and institutional arrangements shape the nature of legal phenomena, and for that reason positivistic measurement cannot fully explain legal phenomena. The notion of climate change litigation, and environmental justice, is in fact a normative, multi-dimensional notion that is in dialogue with other notions of rights, responsibilities, accountability and equity. Therefore, an interpretive research method is a preferred method to study the process and practices of environmental justice in climate governance by legal actors, institutions and governance arrangements. (Creswell & Poth, 2018)

Constructivist epistemology also recognizes that there is no fixed and objective knowledge about the law, but it is continually created through judicial interpretation, policy making and social interaction. Climate litigation has turned into a space for negotiation and redefinition of environmental norms and the principles, responsibilities of governance. A socially-constructed approach to law and its relation to the overarching problems of society is necessary to comprehend the development of climate jurisprudence. (Creswell & Poth, 2018)

This study's research tradition also has a socio-legal characteristic, with an emphasis on the relationship between the law and society. Climate change is more than an environmental issue – it is a social justice and governance issue. Through a socio-legal lens, one can discuss how the legal and institutional frameworks relate to environmental injustice and how courts can serve other climate justice and sustainable governance goals. (IPCC, 2023)

Research Methodology

This study adopts a qualitative research design as it aims to gaze into the development, understanding, and the effectiveness of climate litigation and environmental justice discourses, not quantitative indicators to create causal link. Qualitative investigation is an approach well suited for the study of complex legal phenomena involving contextual variation, normative contestation, and institutional diversity. (Peel & Osofsky, 2022)

The study design is based on five complementary methodological approaches:

1. Legal Research Doctrinal
2. Comparative Journal of Legal Studies
3. Socio-Legal Viewpoint
4. Strategy of Multiple Case Study
5. Documentary Review

The doctrinal aspect allows for a systematic examination of legal principles, statutes, judicial decisions and international legal instruments related to climate change and environmental justice. By comparing the legal frameworks of the various jurisdictions, similarities and differences can be identified in the climate governance frameworks. Socio/Legal focuses on the social, political and institutional context of legal developments. Finally, the multiple case study approach enables a deeper analysis of the characteristics of the most significant climate change litigation and their impact on environmental justice. (Schlosberg, 2007)

This combination of methods provides an analytical richness and enables the research questions to be met more comprehensively.

Sources of data

The study relies on qualitative secondary data sources such as authoritative legal and scholarly sources.

Legal Authorities

A primary legal materials is one of the following:

- International conventions and treaties on environment;
- Human rights; and (Boyd, 2018)
- Environmental legislation and climate change legislation; (IPCC, 2023)
- Court rulings and judicial rulings;
- Community resources; and

Treaties and declarations at the international level.

Reviewed are major international instruments such as the:

- Convention on the Rights of the Child; and
- Kyoto Protocol;
- Paris Agreement; (United Nations, 2015)

International human rights treaties and environmental covenants. (Boyd, 2018)

Other Sources

Secondary sources are:

- Papers published in journals that are indexed in SSCI and Scopus;
- Monographs and edited collections
- Reports of overseas events or activities, including reports of sporting events; and
- District reports and publications; and
- Environmental documents; and

Sustainability and climate governance documents.

The credibility and comprehensiveness of the study is enhanced by triangulating several data sources.

Carefully consider which cases you should include in your sample of data.

Using a purposive sampling approach, we identified landmark climate litigation cases that provide important insights into emerging legal frameworks and environmental justice. . (Peel & Osofsky, 2022)

Study Limitations

Several limits are to be noted.

Secondly, the study is limited by relying on secondary data sources, which do not provide insight into the perspectives of those who are directly affected by climate disputes, such as judges, policymakers or litigants.

Second, climate governance is rapidly evolving and the legal developments could evolve after this study has been completed.

Third, there are significant differences of jurisdiction that make comparisons between legal systems impossible.

Lastly, qualitative results are not statistically generalisable.

The study, however, provides a wide and analytically deep analysis of global climate litigation and environmental justice, despite these shortcomings. (Peel & Osofsky, 2022)

Methodological Contribution

The methodology is a part of various fields of scholarship.

A systematic way to the study of emerging climate jurisprudence in environmental law.

It offers insights into comparative accountability mechanisms and innovations in governance for climate governance research.

It shows how the legal institutions are responding to the wider social and environmental issues and challenges for socio-legal studies.

In the field of environmental justice scholarship, it highlights and emphasises the need to embed equity issues in climate governance systems. (Schlosberg, 2007)

Below is the outline and sample content for the Findings and Discussion section of an article reporting qualitative research that could be published. Climate Change Litigation and Environmental Justice: Emerging Legal Frameworks and Global Challenges. (Schlosberg, 2007)

Results and Discussion

Climate change litigation has become a broader tool of environmental regulation and an instrument of global climate governance and environmental justice, as suggested by qualitative analysis. The results highlight the use of courts as a forum to address inequalities in the context of climate change, to hold governments and corporations accountable and to encourage rights-based approaches to climate change protection. Large-scale legal and institutional obstacles persist to provide equitable climate governance and justice for climate-sensitive groups. Five themes emerged from the analysis. (Schlosberg, 2007)

Theme 1: The Global Expansion of Climate Change Litigation (IPCC, 2023)

Qualitative Result

The results reveal substantial growth in climate change litigation at the global level. Climate litigation has evolved from traditional environmental litigation about pollution and regulation implementation to strategic litigation addressing government inaction, corporate accountability, human rights abuses and intergenerational justice. (Boyd, 2018)

In all documents and case law, participants repeatedly referred to the rising power of climate litigation to influence the governance of climate change. Environmental courts are not only arbiters of environmental disputes, but also are now actively engaged in environmental policymaking and climate accountability. (Peel & Osofsky, 2022)

The findings also indicate the development of transnational climate litigation, that is, when judges in one part of the world affect the legal process in another. As the climate governance norms have become more global, rights-based approaches to litigation, along with constitutional environmental claims, have become more prominent. (Peel & Osofsky, 2022)

Exegesis and Meaning

Climate litigation is changing the way environmental issues are governed. As legislative and executive measures are perceived to be inadequate when it comes to climate change, litigation is increasingly being employed as an accountability tool. (Peel & Osofsky, 2022)

The results back the hypotheses of Rights Based Governance Theory, which state that legal rights are normatively based reasons for the accountability of governments and protection of the environment. A rise in judicial affirmation of environmental rights shows that courts have become a key player in climate governance.

The results also confirm Legal Pluralism Theory which suggest that the landscape of climate governance is increasingly defined by the interplay between international agreements and constitutional measures, judicial rulings, and transnational legal norms.

A strong relationship is established with previous learning.

Previous scholarship has suggested that litigation is a new type of climate governance and not a dispute resolution process. The current findings confirm these statements and further show that lawsuits have a growing impact on the formulation of policies as well as on administrative processes and public discussion on climate responsibilities.

But judicial remedies do not seem to be a one-size-fits-all governance tool as some in the literature claimed; the findings also show significant differences between jurisdictions, which is not only because of institutional capacity but also because of legal traditions.

Relation	to	Prior	Work
Earlier scholarship has argued that climate litigation is a new form of climate governance rather than a mechanism for dispute resolution. The current results support these claims and additionally indicate that lawsuits are increasingly affecting policy formation, administrative processes and public debate of climate obligations. However, contrary to some literature which suggests that litigation is a universally effective governance mechanism, the results reveal considerable variation across jurisdictions, and reflect differences in institutional capacities and legal traditions. Ethical, Legal and Policy Issues (Peel & Osofsky, 2022)			

The results indicate that governments should enhance legal frameworks with the capacity to address climate-related claims while acknowledging courts as a key stakeholder in the governance of climate change. International organisations should also foster cooperation and exchange of experience in the field of emerging climate jurisprudence at the judicial level. (IPCC, 2023)

CONCLUSION

Climate change has emerged as one of the most pressing threats for humanity's existence and has revolutionised the climate of environmental governance, environmental rights and global justice. Climate change litigation has thus become a key tool in the establishment of environmental accountability, the crafting of public policy and the safeguarding of the rights of present and future generations. At the same time, environmental justice has become an important normative lens that helps to understand the injustice of the distribution of climate impacts and the structural vulnerabilities of marginalised populations. In this context, the present study seeks to analyse critically the relation between climate change litigation and environmental justice, including the emergence of climate change law, judicial responses to climate change, and the challenges that remain in achieving environmental justice in the context of climate change. (Boyd, 2018)

This qualitative study's findings indicate that the nature and purpose of climate litigation have also changed. Today, climate disputes are not just environmental conflicts, but compelling strategies to make governments accountable, corporations accountable and to claim climate-related human rights. Rights-based litigation demonstrates the courts' willingness to apply a rights-based interpretation to constitutional rights, environmental rights and international human rights obligations in the context of climate change. Judicial decisions around the world have established important precedents on the legal and ethical obligations of the state and corporations to act in response to climate risks and to ensure the protection of vulnerable communities. (Creswell & Poth, 2018)

However, the results also show that there are significant institutional and structural hurdles to the transformative capacity of climate litigation. Legal interventions are sometimes only effective when there is political will on the part of governments, independence of judicial institutions and access to the legal mechanisms. Procedural problems, financial constraints, insufficient legal capacities and regulatory frameworks, remain significant obstacles for access to environmental justice in many jurisdictions, particularly in developing countries and climate sensitive areas. Therefore, although climate litigation has progressed to the normative level, it has yet to overcome the stark inequities of the global climate crisis. (Peel & Osofsky, 2022)

The study also suggests that environmental justice becomes a prominent aspect in today's climate litigation. Climate change is not the same for everyone. It most harms the communities that have contributed the least to GHGs, such as Indigenous communities, low-income groups, women, children and population in the Global South. The increase in justice-oriented litigation points to an increasing awareness that climate governance cannot be reduced to emissions reductions issues. Rather, good governance of

climate change must also explicitly recognise historically marginalised communities, be concerned with distributive justice, and include procedural fairness. (Peel & Osofsky, 2022)

Theoretically, this study serves as an important contribution to the formulation of the Environmental Justice Theory inasmuch as climate litigation is a means of tackling distributive and procedural injustices. The findings lend credence to the assertion that there is a disproportionate distribution of environmental harm and benefit and that equal access to decision-making on environmental issues remains essential for attaining environmental justice. Moreover, the study advances the notion of Climate Justice Theory by revealing how climate litigation is becoming an emerging legal and political tool to tackle global inequalities and to question the responsibility and vulnerability distribution. (Peel & Osofsky, 2022)

The study also contributes to the Rights Based Governance Theory, demonstrating how judicial safeguards of environmental and climate rights have significantly reshaped the climate governance framework. The courts have taken on a greater role in using climate change as a vehicle for human rights advocacy, pushing the boundaries of the norms of environmental law and creating a new avenue for accountability. Similarly, the study contributes to the Legal Pluralism Theory by demonstrating the increasing interaction and interdependence between domestic legal systems, international environmental conventions, constitutional clauses, and transnational legal principles in the shaping of jurisprudence on climate change. The results further provide support for Intergenerational Equity Theory by demonstrating that climate litigation has emerged as a significant tool for safeguarding the interests of future generations and integrating long-term environmental stewardship into legal systems. (Boyd, 2018)

This study has implications for practice and policy. The findings suggest that there is a pressing need for national governments to develop comprehensive climate laws, which include explicit references to environmental justice and human rights protection. Governments must make more concrete and binding commitments, as well as take more concrete and binding steps to safeguard vulnerable groups and to ensure equity in adaptation and mitigation measures. (Boyd, 2018)

The study underscores the importance of judicial leadership in climate change matters for Courts and judicial institutions of the world. Courts can be powerful instruments in enforcing environmental rights, creating transparency in government decision making and ensuring adherence to legal obligations of public bodies towards climate accountability. Judicial institutions should thus remain progressive and rights-based in interpretation of environmental law, and promote increased access to justice, generally. (Creswell & Poth, 2018)

The results indicate that for climate policies to be legitimate and effective in the long run, the underlying social inequalities have to be addressed by the policy makers and the legislators. The principles of procedural inclusion, distributive fairness and community participation should be the foundations of the frameworks for climate governance. The role of environmental advocacy groups and civil society organizations in mobilizing communities, awareness making, and consolidating participatory environmental governance is also important. It's also for international organisations to encourage more law-enforcement cooperation, assist capacity building in developing countries, and encourage the sharing of effective climate litigation strategies across jurisdictions. (Peel & Osofsky, 2022)

Based on the results of this study, a number of recommendations were made. Environmental justice principles should be systematically embedded in national and international climate laws, to guarantee the protection of vulnerable populations. Second, there is a need to expand access to environmental justice mechanisms by minimising procedural hurdles, enhancing legal aid and expanding the availability of PIL. Third, strengthening judicial dialogue, the exchange of knowledge and the harmonisation of environmental standards would be useful to improve international cooperation in climate governance. Fourth, governments and international institutions with a strong commitment to environmental rights and climate-related human rights commitments should advocate for implementing rights-based climate policies. Fourth, It is the governments and international institutions with a strong commitment to environmental rights and climate-related human rights commitments that should be celebrating and encouraging rights-based climate policies. Fifth, stronger mechanisms of corporate environmental accountability are required to assure meaningful responsibilities for private actors to mitigate and adapt climate change. Finally, future legislation should increasingly adopt the principles of climate justice and intergenerational responsibilities and rights of marginalised communities. (Boyd, 2018)

Although this study has contributed to the knowledge of the area, there are some drawbacks in the study. The study was primarily secondary qualitative data and the documentary analysis, which, of course, constrained the ability to capture the lived experiences of the affected communities and how judicial outcomes are put into practice in the field. In addition, the results are not readily generalizable due to the differences in the legal systems and between jurisdictions. Climate governance and environmental law are also a fast-changing field, and new judicial interpretations and legislative changes or international agreements could drastically change the legal framework. The results of this research should thus be read in the context of the ongoing process of global climate governance, which is constantly evolving. (Creswell & Poth, 2018)

These restrictions also indicate useful future lines of inquiry. Comparative empirical research on climate litigation in different legal traditions and political systems would be a valuable addition to the knowledge about the conditions for success and failure in litigation. The actual impact of climate litigation on environmental justice is still not sufficiently studied, particularly in the context of developing countries, the Global South and where climate vulnerabilities are strongest. There is a need for further studies and research on corporate climate accountability, and the growing legal rights of future generations and nature and how rights-based approaches can help address climate inequalities. Furthermore, transdisciplinary work that combines legal theory and

practice with the insights of political science, sociology, economics and environmental sciences is a necessary component to make more holistic and meaningful efforts to address the climate crisis. (Peel & Osofsky, 2022)

To sum up: Climate change litigation has become a key aspect of today's environmental governance and has increasingly become a tool for holding people to account, for safeguarding human rights, and for improving environmental justice. However, litigation will not solve the structural and political issues associated with the climate crisis. In conclusion, the path towards climate justice requires the development of an inclusive, equitable, rights-based and coordinated legal framework at the global level. As such, environmental justice must be emphasized in future climate change governance, not as a mere add-on, but as a core component of legal and policy initiatives to address climate change. The potential for global climate governance and humanity's collective action to protect and defend the dignity, well-being and environmental rights of current and future generations will depend on the creation of robust, justice-driven legal frameworks. (Boyd, 2018)

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