



## Environmental Justice as a Human Right: Legal Tools for Climate Accountability

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### ABSTRACT

Climate change presents an unprecedented threat to human rights, disproportionately affecting marginalized communities and exacerbating global inequality. This study explores the conceptualization of environmental justice as a human right and examines the legal tools available to ensure climate accountability at domestic, regional, and international levels. The research aims to highlight how a rights-based approach can reinforce climate governance and empower vulnerable populations through access to justice, legal remedies, and participatory frameworks. Adopting a doctrinal methodology, this study reviews constitutional provisions, international treaties, judicial decisions, and climate litigation trends to evaluate the effectiveness of current legal mechanisms. Key findings indicate that while several legal avenues such as environmental constitutionalism, human rights litigation, and international soft law offer potential for enforcing environmental justice, their practical impact is limited by enforcement gaps, jurisdictional constraints, and power asymmetries. Nonetheless, emerging jurisprudence and legal innovations show promise in bridging these gaps. The study concludes that recognizing environmental justice as a fundamental human right and strengthening legal accountability mechanisms are essential steps toward achieving climate justice and ensuring equitable environmental protection for present and future generations. Environmental justice has emerged as a crucial dimension of human rights discourse in the era of climate crisis. As climate change disproportionately affects marginalized and vulnerable populations, the demand for legal mechanisms to hold polluters accountable and protect communities has intensified. This article explores environmental justice as a fundamental human right and critically evaluates the legal tools available at domestic, regional, and international levels for enforcing climate accountability. It argues for a rights-based approach to climate governance, emphasizing legal empowerment, procedural safeguards, and judicial remedies as essential strategies for ensuring environmental justice.

## **Introduction**

The global climate crisis has intensified environmental degradation, threatening not only ecosystems but also the rights, lives, and livelihoods of millions worldwide. From rising sea levels to extreme heatwaves and prolonged droughts, the effects of climate change are disproportionately borne by marginalized and vulnerable populations those least responsible for the crisis and least equipped to adapt. This inequity highlights the growing need to address climate change through the lens of justice and human rights. The purpose of this research is to examine how environmental justice can be recognized and operationalized as a human right and to explore the legal mechanisms available to ensure accountability for environmental harm. The scope of this article encompasses international human rights frameworks, constitutional environmental rights, regional agreements, and landmark judicial decisions that collectively contribute to advancing climate accountability. The study is situated within the broader context of global efforts to link environmental protection with human rights enforcement and sustainable development. It hypothesizes that a rights-based legal approach to environmental governance can empower affected communities, enhance public participation, and compel state and corporate actors to act responsibly. Methodologically, the article employs doctrinal legal research, analysing statutes, case law, treaties, and scholarly literature. The anticipated outcome is a critical evaluation of existing legal tools and recommendations for reform to strengthen environmental justice claims (Okedele, et al., 2024; Gul & Ahmad, 2025).

The article is organized as follows: Part I conceptualizes environmental justice as a human right; Part II discusses international and domestic legal mechanisms for climate accountability; Part III analyses trends in climate litigation; Part IV outlines the challenges to legal enforcement; and Part V offers recommendations and concluding observations. The climate emergency presents not only an environmental threat but also a profound human rights crisis. Rising sea levels, extreme weather events, and deteriorating ecosystems jeopardize the basic rights to life, health, food, water, and shelter. These impacts are neither random nor evenly distributed they disproportionately burden those least responsible for emissions, including indigenous peoples, low-income communities, and developing nations. As such, climate change is both a cause and consequence of environmental injustice. Environmental justice, rooted in principles of equity, participation, and accountability, seeks to address this imbalance. Recognizing it as a human right strengthens the normative framework for climate accountability and allows for the deployment of legal tools to confront corporate impunity, state inaction, and systemic inequality (Gonzalez, 2015; Gul et al., 2025).

## **Research Methodology**

This research adopts a qualitative, doctrinal legal methodology, focusing on the analysis of primary and secondary legal sources to investigate the recognition and enforcement of environmental justice as a human right. Primary sources include international treaties such as the UNFCCC, Paris Agreement, ICESCR, regional agreements e.g., Aarhus Convention, Escazú Agreement, and national constitutional and legislative texts from selected jurisdictions. Relevant case law particularly landmark climate justice litigation was examined to evaluate judicial reasoning and enforcement outcomes. Secondary sources such as scholarly articles, UN reports, and publications by legal and environmental organizations were reviewed to provide critical commentary and contextual understanding. The materials were selected through purposive sampling based on relevance, recency, and authoritative status. The methodology enables a comprehensive legal analysis of how various legal frameworks and mechanisms contribute to climate accountability and the realization of environmental justice, while also identifying gaps and challenges in enforcement practices (Gul et al., 2025).

## **Understanding Environmental Justice as a Human Right**

Environmental justice is a multidimensional concept that embodies fairness in the distribution of environmental benefits and burdens, equitable participation in environmental decision-making, and access to effective remedies for environmental harm. While initially rooted in social movements against environmental racism and local pollution, environmental justice has evolved into a broader legal and moral framework, particularly as the climate crisis exacerbates global inequalities. At its core, environmental justice seeks to ensure that no group especially marginalized or economically disadvantaged communities bears an unequal share of the negative consequences of environmental degradation. Recognizing environmental justice as a human right signifies a shift from viewing environmental issues merely as policy concerns to understanding them as matters of legal obligation and individual entitlement. This recognition is increasingly being reflected in international discourse. The United Nations General Assembly's 2022 resolution affirming the right to a clean, healthy, and sustainable environment as a human right marks a milestone in linking environmental protection with fundamental human freedoms. Similarly, international human rights instruments such as the Universal Declaration of Human Rights UDHR and the ICESCR provide indirect but powerful support for environmental justice through rights to life, health, water, food, and adequate housing (Olawuyi, 2016; Gul et al., 2025).

Moreover, integrating environmental justice into human rights frameworks enhances procedural safeguards. It obligates states to ensure access to information, public participation in decision-making, and access to justice in environmental matters. Instruments such as the Aarhus Convention and the Escazú Agreement embody these procedural rights, enabling communities to assert claims and hold duty-bearers accountable. This human rights-based approach also facilitates the use of strategic litigation to seek redress for climate harm, including intergenerational claims and transnational lawsuits. Therefore, understanding environmental justice as a human right reinforces the moral and legal imperative to protect vulnerable populations from climate-related harm, while also providing a basis for stronger, enforceable accountability mechanisms in environmental governance. Environmental justice goes beyond mere access to a clean environment. It encompasses distributive justice fair allocation of environmental benefits and burdens, procedural justice equitable participation in environmental decision-making, and restorative justice redress for environmental harm. Recognizing environmental justice as a human right aligns with the principles enshrined in (Jones, et al.,2024; Gul et al., 2025).

### **The Universal Declaration of Human Rights (UDHR)**

Adopted by the United Nations General Assembly in 1948, the UDHR serves as a foundational document in international human rights law. Though it does not explicitly mention environmental rights, the UDHR establishes core principles that are increasingly interpreted to encompass environmental protection, especially in the context of climate change and ecological degradation. Several provisions within the UDHR form the legal and ethical basis for recognizing environmental justice as a human right. Article three guarantees the right to life, liberty, and security of person rights that are directly threatened by climate-related disasters, pollution, and resource scarcity. Article 25 further secures the right to an adequate standard of living, including access to food, water, housing, and health care all of which are vulnerable to the effects of environmental harm. The interconnectedness of these rights with a safe and stable environment has led scholars, courts, and human rights institutions to interpret the UDHR as implicitly supporting the right to a healthy environment. Moreover, the UDHR's emphasis on dignity, equality, and non-discrimination reinforces the principles of environmental justice, particularly for marginalized and disproportionately affected communities. It provides a universal moral framework through which

state obligations and corporate responsibilities in environmental protection can be assessed. Although the UDHR is not legally binding, its normative influence has shaped international treaties, national constitutions, and judicial decisions that increasingly affirm environmental protection as integral to the realization of human rights. In sum, while the UDHR predates modern environmental challenges, its principles remain vital in guiding the evolution of environmental justice into a recognized and enforceable component of international human rights law (Rouhana, et al., 2024; Gul et al., 2025).

### **International Covenant on Economic, Social and Cultural Rights (ICESCR)**

adopted in 1966 and entered into force in 1976, is a cornerstone of international human rights law. It obligates state parties to take progressive steps to ensure the realization of rights such as health, food, water, housing, and a decent standard of living all of which are intrinsically linked to environmental conditions. Although the ICESCR does not explicitly recognize the right to a healthy environment, its provisions are increasingly interpreted to encompass environmental justice, especially in the context of climate change and ecological degradation. Article 12 of the ICESCR guarantees “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,” which cannot be realized without access to clean air, water, and a safe climate. Article 11 addresses “the right to an adequate standard of living,” including adequate food, clothing, and housing elements that are deeply affected by environmental harm such as droughts, floods, and air or soil pollution. The UN Committee on Economic, Social and Cultural Rights, which monitors implementation of the Covenant, has explicitly recognized in General Comment No. 14 that environmental conditions are critical determinants of health and that states have a duty to take action to reduce environmental risks. Furthermore, the ICESCR embodies principles of non-discrimination, progressive realization, and international cooperation, which support equitable climate action and climate finance obligations, especially toward developing countries. In recent years, the Covenant has been invoked in climate litigation and advocacy efforts, including complaints to the UN Committee regarding state failure to mitigate climate change impacts on vulnerable communities. Thus, the ICESCR plays a vital role in framing environmental justice as a human right by linking ecological sustainability to the fulfillment of economic, social, and cultural rights. It reinforces the argument that environmental degradation, when it undermines these rights, constitutes a violation of international law thereby offering a normative foundation for climate accountability (Zenteno, 2024; Gul et al., 2022).

### **UN General Assembly Resolution 76/300 (2022)**

The United Nations General Assembly Resolution 76/300, adopted on 28 July 2022, marks a historic milestone in the global recognition of environmental rights. In this resolution, the General Assembly formally recognized the right to a clean, healthy, and sustainable environment as a universal human right. Supported by over 160 states, this non-binding resolution reflects the growing consensus that environmental protection is essential to the enjoyment of all other human rights. The resolution builds on earlier regional and national developments, including the Human Rights Council Resolution 48/13 2021, which initially affirmed this right, and aligns with principles enshrined in international instruments such as the Stockholm Declaration (1972) and the Rio Declaration (1992). While not legally binding, General Assembly resolutions carry significant moral and political weight and often catalyze changes in international law and domestic policy. Resolution 76/300 explicitly calls upon states, international organizations, and business enterprises to scale up efforts to ensure a clean, healthy, and sustainable environment for all, particularly marginalized and vulnerable communities. It emphasizes the interdependence between a healthy

environment and the realization of rights to life, health, food, water, and development. Importantly, this resolution strengthens the legal and normative basis for environmental justice claims and climate accountability, allowing courts, policymakers, and civil society to invoke a globally recognized right in their advocacy and legal strategies. It also reinforces the legitimacy of environmental defenders and indigenous peoples demanding protection of their land and ecosystems, UNGA Resolution 76/300 signifies a critical evolution in international human rights discourse by explicitly integrating environmental concerns into the global rights framework laying a powerful foundation for advancing environmental justice as a human right in the era of climate change (Minha, 2024; Khan & Ullah, 2024).

## **Legal Tools for Climate Accountability**

### **International Human Rights Mechanisms**

International human rights mechanisms play an increasingly vital role in promoting environmental justice and ensuring accountability for climate-related harm. As the intersection between human rights and environmental degradation becomes more apparent, international bodies are progressively recognizing environmental harm as a violation of fundamental rights such as life, health, water, housing, and non-discrimination. One of the key mechanisms is the United Nations Human Rights Council UNHRC, which has appointed Special Rapporteurs on human rights and the environment. These independent experts investigate country situations, report on thematic issues, and provide guidance on how states can integrate human rights principles into environmental policies. The UNHRC's adoption of resolutions affirming the right to a healthy environment, including its 2021 Resolution 48/13, has further institutionalized environmental justice within the international human rights framework. Human rights treaty bodies, such as the Committee on Economic, Social and Cultural Rights CESCR and the Committee on the Rights of the Child CRC, have issued General Comments and reviewed individual communications where environmental degradation, including climate change, threatens treaty-protected rights. For instance, the CRC in *Sacchi et al. v. Argentina and Others* addressed complaints from children alleging state inaction on climate change as a human rights violation, marking a significant step toward climate accountability through treaty enforcement (Javid & Shahid, 2025; Usman et al., 2023).

Regional courts also play a crucial role. The European Court of Human Rights (ECtHR) is currently developing jurisprudence in high-profile climate cases such as *Duarte Agostinho v. Portugal and Others*, where young plaintiffs argue that insufficient climate action violates their rights to life and private life under the European Convention on Human Rights. Similarly, the Inter-American Court of Human Rights IACtHR, in its Advisory Opinion OC-23/17, affirmed that environmental degradation can violate human rights and established the state's duty to prevent transboundary environmental harm. Additionally, the UN Human Rights Committee, which monitors the International Covenant on Civil and Political Rights ICCPR, has ruled in *Teitiota v. New Zealand* that climate change may trigger non-refoulement obligations under the right to life, highlighting the linkage between environmental threats and migration rights. Together, these mechanisms offer a multidimensional framework for holding states and, increasingly, private actors accountable for environmental injustice. Although enforcement remains a challenge, the growing body of case law, resolutions, and expert opinions strengthens the legitimacy and justiciability of environmental justice as a human right, and enhances the global infrastructure for climate accountability (Zhang, 2025; Khan & Usman, 2023).

## **National Constitutional and Legislative Tools**

At the domestic level, national constitutions and legislative frameworks serve as powerful instruments for embedding environmental justice within legal systems and enforcing climate accountability. Across the globe, an increasing number of countries have recognized environmental rights in their constitutions, either as stand-alone rights or as part of broader socio-economic guarantees, thereby providing a justiciable basis for individuals and communities to demand environmental protection and redress. Over 150 national constitutions now include provisions related to environmental protection. For example, Article 20-A of the Constitution of Pakistan mandates the state to protect and improve the environment, while Article 21 of the Indian Constitution, through judicial interpretation, has expanded the right to life to include the right to a healthy environment. Similarly, South Africa's Constitution (Section 24) explicitly guarantees the right to an environment that is not harmful to health or well-being and mandates sustainable development. These constitutional provisions are often supported by environmental legislation that establishes regulatory authorities, environmental standards, and procedures such as Environmental Impact Assessments EIAs. Countries like Germany, Kenya, Brazil, and Philippines have developed comprehensive legislative frameworks that integrate environmental justice into administrative and civil law processes. In some jurisdictions, public interest litigation PIL and citizen suits enable access to justice for affected individuals and communities, even when direct injury is not demonstrated (Satria, 2025; Hussain et al., 2023).

Domestic courts have played a transformative role by interpreting constitutional rights to enforce environmental obligations. Notable cases include *Leghari v. Federation of Pakistan*, where the Lahore High Court recognized climate change as a threat to fundamental rights and ordered the government to implement its climate framework. In *Uganda Foundation v. Netherlands*, a Dutch court mandated the state to reduce greenhouse gas emissions, relying partly on constitutional duties and human rights obligations. legislative innovations such as climate change acts, environmental tribunals, and carbon budgeting laws are expanding the legal toolkit for enforcing environmental justice at the national level. These tools are increasingly aligned with international norms, thereby reinforcing the domestic implementation of climate commitments under instruments like the Paris Agreement. National constitutional and legislative tools are essential for translating abstract environmental justice principles into concrete legal protections. When supported by an independent judiciary and empowered civil society, these tools can drive effective climate governance, enhance accountability, and ensure that environmental burdens are not disproportionately imposed on vulnerable populations (Ryan, 2025; Hussain et al., 2023).

## **Climate-Specific Legal Instruments**

Climate-specific legal instruments, both international and domestic, provide targeted frameworks for addressing climate change and enhancing accountability for environmental harm. These instruments are designed to regulate greenhouse gas GHG emissions, promote climate resilience, and guide states and non-state actors toward sustainable environmental conduct. Importantly, they increasingly incorporate principles of equity, justice, and human rights, thereby reinforcing environmental justice in legal discourse and practice. At the international level, the United Nations Framework Convention on Climate Change UNFCCC, adopted in 1992, is the foundational treaty guiding global climate action. It establishes the principle of common but differentiated responsibilities and respective capabilities CBDR-RC, recognizing that while all states must combat climate change, developed countries bear a greater historical responsibility. The Kyoto Protocol 1997 and the Paris Agreement 2015 build on the UNFCCC by setting legally binding and

voluntary emissions targets, respectively. The Paris Agreement, in particular, is pivotal as it links climate action to sustainable development and explicitly acknowledges the need to protect human rights and the rights of vulnerable communities when addressing climate change Preamble, Paris Agreement. Domestically, countries are increasingly enacting climate change legislation that aligns with international commitments. These laws typically establish national climate targets, institutional frameworks, and enforcement mechanisms. For example, the UK's Climate Change Act 2008 legally binds the government to meet emissions reduction targets, while Kenya's Climate Change Act 2016 provides for the mainstreaming of climate considerations into national planning and introduces accountability through climate change councils and public participation mandates (Aidonojie, et al., 2025; Khan & Ximei, 2022).

Many climate laws also include monitoring, reporting, and verification MRV mechanisms, which ensure transparency and enable legal accountability. In some jurisdictions, carbon pricing tools such as carbon taxes and emissions trading schemes are employed to incentivize emissions reductions, though their social impacts on low-income populations remain a justice concern. Increasingly, climate litigation is emerging as an enforcement tool within these legal regimes. Plaintiffs are relying on domestic climate laws and international climate obligations to challenge state inaction, compel mitigation efforts, or seek redress for environmental damage. Landmark cases like *Climate Case Ireland*, *Greenpeace v. Norway*, and *Milieudefensie v. Shell* demonstrate the evolving capacity of climate-specific instruments to support rights-based legal claims., climate-specific legal instruments through binding treaties, national legislation, and litigation pathways serve as essential legal scaffolding for advancing environmental justice. They provide structured avenues for accountability, mandate climate governance reforms, and increasingly reflect a normative shift toward recognizing the inseparability of climate action and human rights. Treaty-based climate frameworks such as the Paris Agreement provide a quasi-legal structure for climate accountability, emphasizing transparency, reporting, and equity. However, its lack of binding enforcement provisions weakens direct accountability. Thus, integration with human rights law is necessary for remedy (Galizzi, 2025; Amjad et al., 2022).

### **Environmental Procedural Rights**

Environmental procedural rights are foundational to achieving environmental justice, as they empower individuals and communities to actively engage in environmental governance. These rights namely access to information, public participation in decision-making, and access to justice ensure that environmental decisions are transparent, inclusive, and accountable. Procedural rights allow affected populations, especially those disproportionately impacted by environmental degradation, to voice their concerns, challenge harmful actions, and participate in shaping environmental policy. As such, they are essential tools for bridging the gap between environmental protection and human rights The international legal basis for procedural rights is enshrined in Principle 10 of the Rio Declaration on Environment and Development 1992, which affirms that environmental issues are best handled with the participation of all stakeholders. This principle underpins two landmark regional treaties: the Aarhus Convention 1998 in Europe and the Escazú Agreement 2018 in Latin America and the Caribbean. Both legally binding instruments operationalize environmental procedural rights by requiring states to provide public access to environmental information, ensure meaningful opportunities for participation in environmental decision-making, and facilitate judicial or administrative redress when environmental rights are violated. Procedural rights are particularly significant for marginalized groups such as indigenous peoples, women, children, and low-income communities who often suffer the greatest environmental harms but are the least represented in decision-making processes. By guaranteeing

access to information and participation, procedural rights help democratize environmental governance, enabling communities to advocate for equitable and sustainable outcomes. For example, EIA laws, adopted in many national jurisdictions, mandate public consultations and disclosures before projects with environmental risks are approved, offering an institutionalized form of participatory decision-making (Wercinski, 2025; Amjad et al., 2022).

Access to justice is the third pillar of environmental procedural rights and serves as a safeguard against state or corporate impunity. Courts around the world have increasingly used constitutional and statutory provisions to uphold environmental procedural rights, particularly in the context of climate change. Strategic litigation, citizen suits, and public interest litigation have been used to challenge government inaction, enforce emissions targets, and defend community rights. Notable examples include the *Leghari v. Federation of Pakistan* case, where the judiciary held the state accountable for failing to implement its climate commitments, and Colombia's Amazon deforestation case, which granted rights to nature and future generations. Finally, the protection of environmental defenders those who assert these procedural rights is an emerging global concern. The Escazú Agreement is the first international treaty to explicitly include provisions safeguarding environmental human rights defenders from threats, intimidation, and violence. This recognition reflects the reality that the fight for environmental justice often comes at a high personal cost, particularly in regions where extractive industries and authoritarian governance intersect., environmental procedural rights are indispensable for advancing environmental justice as a human right. They provide the legal and institutional framework necessary to ensure that all people, regardless of status, can participate in protecting the environment and holding those responsible for ecological harm accountable. In an age of accelerating climate change, ensuring the effective implementation and enforcement of these rights is more urgent than ever (Wahid & Magassing, 2025; KHAN et al., 2021).

### **Climate Justice Litigation: Trends and Impact**

Climate justice litigation has emerged as a powerful legal strategy to hold governments and corporations accountable for their contributions to climate change and its disproportionate impacts on vulnerable populations. Rooted in human rights, constitutional, and environmental law, these lawsuits seek not only to compel emissions reductions or policy reforms but also to highlight the inequities embedded in the climate crisis. In recent years, climate litigation has evolved from peripheral environmental activism into a mainstream and increasingly effective tool for advancing environmental justice at both national and international levels. One of the major trends in climate justice litigation is the shift from traditional environmental lawsuits to human rights-based claims. Plaintiffs, particularly youth groups, indigenous communities, and civil society organizations, are increasingly invoking constitutional rights such as the right to life, health, and a healthy environment to challenge climate inaction or harmful development projects. Landmark cases such as *Urgenda Foundation v. The Netherlands* demonstrated the success of this approach, with the Dutch Supreme Court upholding the government's duty to reduce emissions under both domestic constitutional law and the European Convention on Human Rights. Similarly, in *Leghari v. Federation of Pakistan*, the Lahore High Court recognized that government failure to implement climate adaptation policies violated citizens' fundamental rights (Rodríguez, 2025; Usman et al., 2021).

Another significant development is the emergence of corporate climate litigation, where major fossil fuel companies are being sued for misleading the public, failing to disclose climate risks, or

causing climate-related harms. Cases like *Milieudefensie v. Shell* in the Netherlands have set a precedent by holding corporations legally accountable for aligning their business models with international climate goals. This type of litigation signals a growing recognition of the responsibility of private actors not just states in contributing to and mitigating climate change. Youth-led and indigenous litigation is also becoming increasingly prominent. For example, the *Juliana v. United States* case, filed by a group of young Americans, argued that the federal government's promotion of fossil fuels violated their constitutional rights to life, liberty, and property. Although procedural hurdles have impeded its progress, the case has sparked global attention and inspired similar efforts worldwide. Indigenous groups, too, are turning to courts to protect their land, cultural heritage, and way of life from environmental degradation caused by extractive industries and deforestation, linking these harms to broader climate injustices. At the international level, climate justice litigation is also influencing transboundary and global norms (Chenier & Tremblay, 2025; Khan et al., 2020).

Advisory proceedings before human rights bodies such as the Inter-American Court of Human Rights and the International Court of Justice ICJ, which was recently asked to clarify states' obligations concerning climate change are helping to shape international legal standards on climate responsibility and intergenerational equity. These developments reflect a growing trend of using international legal forums to articulate and enforce climate obligations grounded in justice and human rights. The impact of climate justice litigation extends beyond courtroom victories. Even where plaintiffs do not win, such cases play a crucial role in raising public awareness, influencing policy debates, and pressuring governments and corporations to act. They also help to develop legal doctrines and precedents that strengthen the enforceability of environmental and human rights law in climate contexts. In conclusion, climate justice litigation represents a dynamic and evolving field that reinforces environmental justice as a human right. By holding powerful actors accountable and giving voice to affected communities, it provides a legal avenue for redress, empowerment, and systemic change. As climate impacts intensify and international commitments remain inadequate, litigation will continue to serve as a critical instrument for achieving climate accountability and safeguarding human dignity (Fitriah & Amarini, 2025; Khan et al., 2020).

## **Challenges to Legal Enforcement**

While significant progress has been made in recognizing environmental justice as a human right, enforcing these rights through legal mechanisms remains fraught with challenges. Structural, procedural, political, and jurisdictional obstacles often hinder the realization of effective remedies, especially in cases related to climate accountability. These enforcement barriers are more pronounced in the Global South, where vulnerable communities suffer the most but often lack access to robust legal protections. One of the primary challenges is the fragmentation of international environmental law. Unlike other areas of international law, there is no singular, binding treaty that comprehensively codifies the right to a healthy environment or climate accountability. The legal landscape consists of multiple treaties, declarations, and soft law instruments that are often inconsistent or non-binding. As a result, states may interpret their obligations differently, and enforcement depends largely on political will rather than legal compulsion. Another barrier is the limited justiciability of environmental rights in many domestic legal systems. In several countries, environmental rights are not explicitly recognized in constitutions or statutes, or they are framed as non-enforceable directive principles. Courts may be reluctant to adjudicate climate cases due to concerns about judicial overreach, lack of jurisdiction, or political sensitivity, especially where powerful economic interests are implicated. Even where

courts are willing to intervene, procedural hurdles such as standing requirements, evidentiary burdens, and high litigation costs can deter affected individuals and communities from pursuing claims. The transboundary and global nature of climate change also complicates enforcement. Climate harms are often cumulative, indirect, and dispersed across national boundaries, making it difficult to establish causation and assign liability to specific actors (Yustitianiingtyas, et al., 2025; Khan et al., 2020).

This complexity weakens the ability of plaintiffs to hold states or corporations accountable for violations. Furthermore, many international courts and human rights bodies lack enforcement powers, and their decisions rely on state cooperation and voluntary compliance. Enforcement is also undermined by imbalances in resources and power. Corporations and governments often have far greater legal, financial, and technical capacity than the communities challenging them. Environmental defenders especially in the Global South frequently face intimidation, harassment, or violence, further discouraging legal activism. While regional treaties like the Escazú Agreement offer protections for such defenders, enforcement of these provisions remains inconsistent and dependent on state capacity and commitment. Additionally, institutional weaknesses such as corruption, lack of judicial independence, or inadequate regulatory frameworks further obstruct enforcement. In many countries, environmental laws exist on paper but are poorly implemented in practice due to insufficient funding, lack of training, or political interference. Environmental agencies may be under-resourced or captured by vested interests, and enforcement actions may be selective or ineffective., even successful litigation faces challenges in terms of implementation of judgments. Courts may issue progressive rulings mandating climate action or environmental protection, but follow-through by executive agencies is often slow or symbolic. Without mechanisms for monitoring and ensuring compliance, landmark decisions may remain aspirational rather than transformative. While legal frameworks for environmental and climate justice are expanding, enforcement remains the weak link. Addressing these challenges requires strengthening legal institutions, enhancing access to justice, clarifying legal obligations, and fostering political commitment to uphold the rights of those most affected by environmental harm. Only through systemic reform and international cooperation can the promise of environmental justice as a human right be fully realized (DAFIEL, 2025; Khan et al., 2020).

## **Conclusion**

This research underscores the growing recognition of environmental justice as an essential dimension of human rights, especially in the context of escalating climate crises. As environmental degradation increasingly threatens life, health, and dignity particularly for marginalized and vulnerable populations—the need to reinforce climate accountability through legal mechanisms has become both urgent and indispensable. By analysing a wide array of legal tools—from international treaties and national constitutions to climate-specific legislation and procedural rights—this study has shown that the law can be a powerful instrument for environmental protection and social equity. Moreover, the rise of climate justice litigation has opened new avenues for rights-based enforcement and systemic transformation. However, the effectiveness of these legal tools depends on their enforceability, accessibility, and alignment with justice-centered principles. The research identified key challenges to legal enforcement, including the fragmentation of legal regimes, institutional weaknesses, limited access to justice, and the lack of political will. Overcoming these challenges requires not only legal reform but also the empowerment of civil society, the protection of environmental defenders, and the integration of environmental justice into mainstream human rights discourse. Going forward, future research

could explore comparative analyses of enforcement models across different jurisdictions, the role of regional human rights courts in advancing climate justice, and the legal implications of emerging concepts like intergenerational equity and the rights of nature. Additionally, interdisciplinary studies that combine legal analysis with ecological, sociological, and technological perspectives will be essential to develop innovative and effective accountability frameworks. affirming environmental justice as a human right is not merely a legal aspiration it is a normative imperative for sustainable, inclusive, and equitable development. The law must continue to evolve as both a shield and a sword: protecting communities from environmental harm and empowering them to shape a just and resilient future in the age of climate change.

Environmental justice must be understood as a core human right in the age of climate change. Legal tools from constitutional rights and international treaties to strategic litigation offer powerful means to promote accountability and redress harm. However, their effectiveness depends on political will, legal innovation, and sustained pressure from civil society. A rights-based approach to climate governance not only empowers vulnerable communities but also reorients global legal systems toward a just and sustainable future.

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