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Climate Justice Between Historical Responsibility and Shared Obligations: A Reading of the Development of International Environmental Law

HANIFI Hadda *
Lecturer-A Faculty of Law, University of Béjaia
hadda.hanifi@univ-bejaia.dz

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Abstract:

This study aims to analyze the concept of climate justice in light of the balance between the historical responsibility of industrialized nations and the shared but unequal obligations of states. This is achieved through an analytical reading of the development of international environmental law and its key milestones, the study concludes that climate justice is no longer merely an environmental demand but has become a legal and ethical principle due to the evolution of international relations in the environmental field. It reflects the shift towards a more equitable global environmental system. The results also highlight that achieving climate justice Strengthening climate commitment and financing mechanisms, and activating gradual collective responsibility, is required to ensure a fair distribution of burdens among countries and to enhance opportunities for sustainable development for current and future generations.

Keywords:

Climate Justice, Climate Change, obligations of states, International Law, Environmental Law.

* **Corresponding author**

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Introduction:

In recent decades, the world has witnessed unprecedented environmental transformations due to the escalating effects of climate change. This is no longer a purely environmental issue but has become a comprehensive challenge impacting international security in all its economic, social, and political dimensions. Rising temperatures, the increase in natural disasters, and the depletion of natural resources have led to the emergence of new forms of conflict over water, food, and energy, making climate a significant factor influencing international stability and peace.

Environmental issues can no longer be separated from the international security agenda. This has prompted United Nations institutions, particularly the Security Council, to reconsider the concept of comprehensive security to include environmental and climate threats, especially given the escalating risks associated with climate change.

Since the beginning of the millennium, the United Nations has convened international summits and conferences to discuss the relationship between climate and security, and has adopted important agreements such as the 2015 Paris Agreement, which constituted a fundamental step towards building international commitments to reduce emissions. However, the efforts of the international community remain hampered by conflicting interests between developed and developing countries and the slow implementation of environmental commitments.

1. Problem of the Study:

Despite the numerous international agreements and initiatives to address climate change, debate continues regarding the fairness of distributing obligations and responsibilities between developed and developing countries, especially given the varying historical contributions to emissions and their impact on the environment. This study therefore poses the following central question:

To what extent does the development of international environmental law realize the concept of climate justice in light of the principle of common but differentiated responsibilities and obligations among nations?

From this main question arise a set of sub-questions:

- What is the conceptual framework of climate justice?
- How is the principle of common but differentiated responsibilities embodied in international environmental agreements?
- To what extent has the principle of common but differentiated responsibilities contributed to achieving equity among nations?
- What legal and institutional developments have occurred within the international system for addressing climate change?

- Has international environmental law succeeded in balancing the right of developing countries to development with their duty to protect the climate?

2. Study Objectives:

Our current study aims to achieve a set of key objectives related to understanding climate justice in international environmental law and its development in light of historical responsibility and common but differentiated obligations among states. These objectives are outlined in the following points:

- Analyzing the conceptual framework of climate justice and examining its legal and political dimensions in international environmental law.
- Evaluating the principle of historical responsibility of developed countries in contributing to emissions reduction and its impact on their obligations towards developing countries.
- Exploring the principle of common but differentiated obligations and how it is applied in international agreements such as the United Nations Framework Convention on Climate Change and the 2015 Paris Agreement.
- Identifying the most important international agreements and treaties, as well as initiatives and Security Council resolutions that have sought to mitigate climate threats.

3. Study Methodology:

Our current study relies on the descriptive analytical approach in order to analyze legal texts, international agreements, and official documents related to climate justice, and to identify the relationship between historical responsibility and the common obligations of states on the one hand, and to clarify the development of international environmental law and the principles of climate justice over time, with a focus on the most prominent international agreements, treaties, and initiatives, and the role of the Security Council and its resolutions in reducing climate threats on the other hand.

I. The Conceptual Framework of Climate Justice:

I.1. From Environmental Justice to Climate Justice:

Environmental justice movements have helped to reframe inequalities arising from the intersection of social discrimination, environmental changes, and the shifting of environmental and social costs across time, space, and relationships of confrontation and participation. Generally, these grievances are linked to the fact that groups and communities are subject to environmental transformations managed by others, and to economic and political paths pursued without having the ability to mitigate the attacks on their environments and living conditions, and without being able to defend the values that would help them reshape their ways of life and implement forms of cooperation to initiate the transition. Climate justice issues, formulated by coalitions and civil society organizations since 2000, have

focused on defending the rights, territorial nature, and environmental sovereignty of peoples and nations, and the importance of environmental transformation for local initiatives. However, since 2015, there has been a shift in perspective due to increased awareness of the state of climate justice[1].

The methodical and theoretical advancement of environmental justice has coincided with the emergence of the idea and movement of climate justice. Global climate change concerns were the focal point of the grassroots environmental justice movement, which gave rise to climate justice. The idea, or movement, started to gain traction in the 1990s and was mainly concerned with mitigation and adaptation, lowering carbon dioxide emissions, sharing the costs and benefits of climate change, and helping people impacted by it[2].

In the face of climate change caused by human activities, attempts began to rethink justice. New reflections on the temporal and spatial aspects of justice acquired new meanings, and it became increasingly important to consider how to interpret equitable relationships between governmental actors, societies, and generations in the context of climate challenges. Who bears responsibility and who benefits from climate justice? And what are the obligations of climate justice? Here, Stephen Humphries argued that climate justice begins with law—specifically, with human rights law and the comments of relevant treaty bodies regarding the identification of rights holders, responsibilities, and obligations. Climate justice, therefore, means adhering to already agreed-upon human rights standards, even if climate impacts involve long-term, costly commitments that are more expensive than anticipated when the core human rights treaties were adopted and ratified[3].

Climate justice places human rights at the heart of global development. It recognizes the needs of the poor and marginalized groups vulnerable to climate change, demands a fair distribution of the impacts of climate change, and calls for the participation of vulnerable groups in decision-making regarding mitigation and adaptation. This concept is gaining traction in the emerging sustainable development agenda, especially given the increasing challenges posed by climate change. A recent report by the World Humanitarian Forum indicated that climate change is already responsible for 30,000 deaths annually and affects 300 million people worldwide, with losses from climate change estimated at over US$125 billion per year. Current scientific projections from the Intergovernmental Panel on Climate Change (IPCC) indicate that average global temperatures are likely to rise

[1] Lydie Laigle, Justice Climatique et Mobilisations Environnementales, Vertigo, Vol. 19, Issue 1, 2019, P. 22.
[2] Kirsten E H Jenkins, Implementing Just Transition after COP24. Climate Strategies, 2019, P. 5.
[3] Angela Williams, Solidarity, Justice and Climate Change, Law in Globalization and Common Responsibilities of States, Routledge 1st Edition, 2013, P. 2.

by at least 1.8°C during the 21st century. Given the lack of scientific certainty, the IPCC's projections are conservative in their prediction of environmental change and its impact on humanity. The effects of rising global temperatures are likely to be felt in every aspect of human life[4].

Climate justice places human rights at the heart of global development. It recognizes the needs of the poor and marginalized groups most vulnerable to climate change and demands a fair distribution of the impacts of climate change. Climate justice acknowledges the paradox of development, which states that those who have contributed the least to greenhouse gas emissions will be the most affected by climate change. Therefore, states need a sound and applicable theory. Climate justice draws on the political theory of justice, precedents in environmental and social justice, and how climate justice relates to ideas of developmental justice[5].

However, the human rights system as it currently stands is inadequate to address climate injustices, especially since climate-related challenges exacerbate existing inequalities. By the end of 2014, the Special Procedures mandate holders of the Human Rights Council had sent a letter to the States Parties to the United Nations Framework Convention on Climate Change (UNFCCC) urging the inclusion of human rights in the new climate agreement[6].

In the face of the difficulties encountered in implementing distributive and corrective justice, many contributions of environmental justice can be mentioned. The movements in favor of environmental justice have highlighted the synergies that exist between social and environmental inequalities and synergies whose analysis is still incomplete in climate justice currents. In addition, these movements have helped to clarify how these synergies can be redistributed on a more global scale between countries, as well as between social groups that are considered unequal in the face of long-term environmental changes that negatively affect the public health and well-being of those living nearby while contributing significantly to the phenomenon of global warming[7].

I.2. The Concept of Climate Justice:

Since climate change entered the political sphere, justice concerns have been brought up because the poorest and most vulnerable nations bear the brunt of its

[4] Ibid, P. 2.
[5] Simon Anderson, Climate Justice and International Development: Policy and Programming, The International Institute for Environmental and Development, United Kingdom, 2013, P. 1.
[6] Andrea Aschapper, Climate Justice and Human Rights, International Relations, Saga Journals, Vol. 32, Issue 3, 2018, P. 2.
[7] Maxine Burkett, Just Solutions to Climate Change: A Climate Justice Proposal for A Domestic Clean Development Mechanism, Legal Studies Research Paper Series Working Paper 07- 26 October 2007, Vol. 56, 2008, P. 194.

effects despite having made the least contribution to its beginning[8]. Fundamentally, climate justice is about recognizing how people are affected differently, unjustly, and disproportionately by climate change and addressing the resulting injustices in a fair and equitable manner[9]. The fact that "the activity that constitutes the wrong [such as emitting greenhouse gases] is not wrong per se, like genocide or slavery, but is only wrongful when done excessively" complicates matters further[10]. As a result, various actors' interpretations of "climate justice" and their ability to affect results varied. From now on, equality and justice shall be used interchangeably.

Although the phrase "climate justice" is used in a variety of contexts, it is most frequently used to characterize environmental justice as a social movement that emphasizes the equitable sharing of environmental benefits and burdens. It is sometimes referred to as a multidisciplinary category of social sciences that encompasses ecopolitics, planning and governance for development and sustainability, environmental policy, environmental laws and their implementation, and theories of the environment and justice. According to David Eastern, climate justice is an essential foundation for action in the area of climate change, fighting poverty, inequality, and violations, and attaining a minimum of human dignity because it is based on the moral and legal imperatives of human rights and respect for human dignity[11]. It is also defined as "bearing the burdens and costs among different races, nations, individuals, groups and regions according to the locations of the environmentally polluting infrastructure and the methods of confronting this pollution"[12].

Climate justice has four aspects: intergenerational, distributive, procedural, and recognition. Decision-making procedures should be equitable and inclusive, encompassing meaningful participation and information availability, according to procedural justice[13]. Distributive justice refers to equity in how the costs and benefits of commodities and liabilities are distributed both physically and

[8] Jouni Paavola, Climate Change - the Ultimate Tragedy of the Commons?, In Property in Land and Other Resources, Chapter: 14, Publisher: Lincoln Institute for Land Policy, Editors: Daniel Cole, Elinor Ostrom, 2011, P. 417.
[9] Farhana Sultana, Critical Climate Justice, The Geographical Journal, Vol. 118, Issue 1, 2021, P. 118.
[10] Lukas H. Meyer and Dominic Roser, Climate Justice and Historical Emissions, Critical Review of International Social and Political Philosophy, Vol. 13, Issue 1, 2010, P. 230.
[11] David Estrin, Achieving Justice and Human Rights in an Era of Climate Disruption (IBA), International Bar Association Climate Change Justice and Human Rights Task Force Report, 2014, P. 17.
[12] Kerber Guillermo, Climate Change and Climate Justice: An Ecumenical Approach, In: Andrianos Lucas and Sneep J. W, Ecological Theology and Environmental Ethics, Ecothee 11, Orthodox Academy of Crete, Vol. 2, 2012, P. 232.
[13] Robert Falkner, The Unavoidability of Justice – and Order – in International Climate Politics: from Kyoto to Paris and Beyond, British Journal of Politics and International Relations, Vol. 21, Issue 2, 2019, PP. 270- 278.

temporally, as well as in determining who has access to what resources. Recognition pertains to both procedural and distributional aspects, but it is particularly concerned with identifying the disparities that exist between groups and safeguarding everyone's equal rights, particularly when there is an unequal ability to "exercise and defend those rights"[14]. Finally, preventing harm to future generations and holding people responsible for it accountable are key components of intergenerational climate justice.

According to Biermann and Kalfagianni's "Planetary Justice Framework", justice can be divided into three primary categories: 1) the subjects of justice; 2) the principles of justice, or what is just; and 3) the methods suggested to promote justice. The various ethical traditions that define justice have an impact on how justice-related issues are viewed. Biermann and Kalfagianni have recognized several fundamental ethical traditions in global (climate change) research. Since they are prominent in the political papers examined as the primary schools of thinking under the UNFCCC, three of these traditions are shown below. These are libertarian, cosmopolitan, and liberal egalitarian. Liberal egalitarianism uses social institutions to distribute rights while attempting to integrate equality, personal freedom, and personal responsibility. In this case, citizens of the nation-state would be the subjects of justice, and justice would depend on how institutions, typically the nation-state, allocate these rights and obligations. Similar to liberal egalitarianism, cosmopolitanism seeks to define "what constitutes a globally fair distribution of benefits and burdens in the context of a globalized world"[15]. People who are globally interdependent would be the subjects of justice in this case. Finally, unlike cosmopolitanism, which focuses on the results, libertarianism is more concerned with the rights of individuals to freedom and ownership and supports market methods, where the focus is on whether the process is valid and lawful.

The concept of justice varies among ethical traditions. This would be equality of opportunity for liberal egalitarians, a needs-based minimal floor principle for the world's population for cosmopolitans, and the protection of civil rights and free market exchanges for libertarians[16], indicating that each tradition would have a distinct approach to achieving justice because the desired results are varied. Power is a key problem in climate justice since various people's interpretations of it can

[14] Peter Newell, Shilpi Srivastava, Lars Otto Naess, Gerardo A. Torres Contreras and Roz Price, Toward Transformative Climate Justice: An Emerging Research Agenda, WIREs Climate Change, Vol. 12, Issue 6, 2021, P. 6.
[15] Frank Biermann and Agni Kalfagianni, Planetary Justice: A Research Framework, Earth System Governance, Vol. 6, 2020, P. 3.
[16] Ibid, PP. 3- 4.

vary greatly based on their ethical traditions and life experiences[17]. Power is commonly defined as "the likelihood that one actor within a social relationship will be able to carry out [their] own will despite resistance"[18]. According to Partzsch (2017), this definition encompasses three dimensions of power: power over, which refers to the influence of actors, structures, and discourses over the actions and thoughts of others; power to, which is the capacity to accomplish tasks; and power with, which serves the common good through learning processes and the development of new awareness[19]. It may have to do with broad matters like who determines the allocation of expenses and obligations and who is acknowledged as having valid claims for justice.

I.3. Historical Responsibility for Climate Change:

I.3.1. Determining Historical Responsibility for Climate Change

Historical responsibility (HR) for climate change is one of the most challenging subjects to tackle under the UN Framework Convention on Climate Change (UNFCCC). In its most abstract form, HR entails assigning tasks to mitigate climate change while clarifying the ethical relevance of historical events. Although many individuals agree that history has moral value, the political argument over how history should impact the need to act is marked by a variety of views[20].

The extent to which nations have contributed to climate change was suggested as a gauge of their obligation to take action during the early stages of the draft Convention's negotiations in early 1991. Other recommendations emphasized that industrialized nations should take the lead in addressing climate change, albeit perhaps not in proportion to their contributions, due to historical emissions and the responsibilities these would trigger[21]. When the UNFCCC was approved in 1992, some contended that the distinction between Annex 1 and 2 countries, each of which had different specific commitments, and non-Annex 1 Parties, or Parties not included in Annex 1, represented the adoption and subsequent operationalization of HR. However, the disagreement between what we shall refer to as the

[17] Peter Newell, Op, Cit, P. 6.
[18] Thomas Wiedmann, Impacts Embodied in Global Trade Flows, In book: Taking Stock of Industrial Ecology, January 2016, P. 53.
[19] Harriet Thew, Lucie Middlemiss and Jouni Paavola, Youth is not a political position: Exploring justice claims-making in the UN Climate Change Negotiations, Global Environmental Change, Vol. 61, March 2020, PP. 2- 3.
[20] Mathias Friman and Gustav Strandberg, Historical Responsibility for Climate Change: Science and the Science- Policy Interface, Wiley Interdisciplinary Reviews: Climate Change, Vol. 5, Issue 3, 2014, P. 299.
[21] Simon Caney, Environmental Degradation, Reparations, and the Moral Significance of History, Journal of Social Philosophy, Vol. 37, Issue 3, 2006, PP. 464- 482.

"conceptual" and "proportional" perspectives of the moral significance of history was rekindled throughout the process of defining the UNFCCC in a protocol.

The conceptual view avoids making a clear connection between current obligations and historical emissions. It usually examines the current unequal distribution of the ability to act and makes the case that the history of this distribution's formation ought to be assessed morally. Those who hold the higher power to act have a moral obligation to act if it was unfairly accumulated in some regions of the world in the past, such as through colonialism and imperialism[22].

In contrast, the proportionate view establishes accountability according to historical contribution. The material that supports this viewpoint is more detailed than that which discusses conceptual understandings. It should come as no surprise that the proportional approach heavily relies on historical contribution modeling. The relatively high degree of information in the literature on proportional HR can also be explained by the well-established discipline of climate modeling in climate research[23].

The many definitions of HR relate to wildly disparate estimates of how each nation contributes to the global mitigation burden. President Obama of the United States announced his acceptance of the country's HR in 2009, operationalizing it to take the lead in reducing emissions. This resulted in a commitment to cut US emissions by about 3% in 2020 compared to 1990 levels. The United States' contribution to climate change is typically estimated to be between 20 and 25 percent. A 25% relative responsibility for mitigation may, in fact, result in significant reductions in emissions, depending on how the global mitigation needs are specified. The HR definition put out by Baer et al[24]. weighted by population and capacity to act, has been quantified into emission allowances by Höhne and Moltmann[25], resulting in a 61% decrease in emissions (compared to 1990 levels)

[22] Simon Caney, Cosmopolitan Justice, Responsibility, and Global Climate Change, Leiden Journal of International Law, Vol. 18, Issue 4, 2005, PP. 747- 775.
Also See: Pia Halme, Carbon Debt and the (in) Significance of History, Trames Journal of the Humanities and Social Sciences, Vol. 11, Issue 4, 2007, PP. 346- 365.

[23] Michel G.J. Den Elzen, Michiel Schaeffer and Paul L. Lucas, Differentiating Future Commitments on the Basis of Countries' Relative Historical Responsibility for Climate Change: Uncertainties in the 'Brazilian Proposal' in the Context of a Policy Implementation, Climatic Change, Vol. 71, Issue 3, 2005, PP. 277- 301.
Also See: Cathy Trudinger and Ian Enting, Comparison of Formalisms for Attributing Responsibility for Climate Change: Non-linearities in the Brazilian Proposal Approach, Climate Change, Vol. 68, 2005, PP. 67- 99.

[24] Paul Baer, Sivan Kartha and Tom Athanasiou, The Greenhouse Development Rights Framework, Climate and Development, Vol. 1, Issue 2, July 2009, PP. 147- 165.

[25] Niklas Höhne and Sara Moltmann, Distribution of Emission Allowances under the Greenhouse Development Rights and Other Effort Sharing Approaches, Heinrich-Böll-Stiftung, Germany, 2008, PP. 5- 8.

for the United States by 2020. The broad range of recommended emissions reductions is related to the definition of HR in both scenarios.

I.3.2. The Debate Between the North and the South is About Fairness in the Distribution of Burdens:

Who is to blame for climate change is a contentious issue. All states and peoples are affected by climate change, which is caused by the buildup of greenhouse gases in the atmosphere, yet they all contribute to the issue and experience its consequences in various ways. Asking "Who has emitted most?" is one way to frame accountability. Deeper issues about unsustainable patterns of production and consumption, the exploitation of nature for "development", and how they relate to the distribution of suffering and well-being throughout the global political economy would be examined via a different approach[26].

Since the industrial revolution centuries ago, anthropogenic greenhouse gas emissions have been increasing in the majority of nations[27]. However, the people most impacted by the issue are those who emitted the least during this extended period of time: those in the Global South, the impoverished, Indigenous peoples, and other marginalized groups in settler colonial governments[28]. Additionally, they have made the least amount of money, whereas the wealthy in the Global North's industrialized states have benefited from rising living standards.

Growing emissions in the Global South's fast industrializing republics, one of which is the world's top annual emitter, make it particularly difficult to define historical culpability. Furthermore, several industrialized nations in the Global North have historically contributed significantly more to emissions than they do now. Industrialized nations were accountable for three times as many emissions as underdeveloped nations between 1850 and 2002[29]. Twenty percent of all cumulative carbon dioxide emissions are attributed to the United States, and other seventeen percent to the European Union[30]. Even though they are more numerous and house a bigger share of the world's population, emerging nations currently produce the majority of annual emissions, and emissions are spread unevenly among them.

[26] Sarah Mason-Case and Julia Dehm, Redressing Historical Responsibility for the Unjust Precarities of Climate Change in the Present, Cambridge University Press, June 2021, PP. 170- 189.
[27] Myles Allen, David J Frame, Katja Frieler and Bill Hare, The Exit Strategy, Nature Reports Climate Change, Vol. 3, 2009, P. 56.
[28] Maxine Burkett, Op, Cit, P. 509.
[29] Tim Herzog, Jonathan Pershing and Kevin A. Baumert, Navigating the Numbers: Greenhouse Gas Data and International Climate Policy, World Resources Institute, 2005, P. 32.
[30] Marcia Rocha, Mario Krapp, Johannes Guetschow, Louise Jeffery and Bill Hare, Historical Responsibility for Climate Change – from Countries Emissions to Contribution to Temperature Increase, Climate Analytics, November 2005, P. 6.

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According to a different record, the great majority of past emissions can be linked to businesses that operate internationally and frequently have their headquarters in the Global North. Ninety "carbon majors", or fossil fuel and cement industries, accounted for sixty-three percent of all industrial emissions between 1751 and 2010[31]. Although their operations are linked to local dispossession, brutality against Black and Indigenous peoples, and the global economy, they also contribute to climate change[32]. Since we concentrate on international legal theories in this chapter, we do not address accountability for the past emissions of businesses that increasingly serve as the foundation for domestic lawsuits[33].

Emissions in the past have seriously harmed people. By 2100, the combined emissions from the United States, the European Union, Germany, Great Britain, Japan, and Canada between 1850 and 2012 will raise global temperatures by 0.5°C. Due to the Global North's industrialized states' excessive historical emissions, "atmospheric space" has been appropriated, preventing other nations from emitting their "fair share" within the carbon budget that is consistent with a particular temperature target. This has also limited the options available to these nations regarding their development paths[34]. It is frequently argued that nations in the Global North are not liable for damages caused by past emissions as long as they were unaware of the effects and could not be expected to be aware of them. A lack of understanding does not resolve the harm done, even though levels of knowledge are relevant to the assignment of legal responsibility under international law, as will be explored below. It does not remove the moral obligation that results from nations becoming wealthy at the expense of others during a specific period in history, so that their current generations benefit and continue to be "implicated" in the wrongs of both the past and the present[35].

Not only did industrialized nations in the Global North appropriate atmospheric space for future economic expansion in the Global South, but their actions also contributed to the conditions of racial inequality, violence, slavery, dispossession, and unequal well-being that did and still do produce glaring

[31] Richard Heede, Tracing Anthropogenic Carbon Dioxide and Methane Emissions to Fossil Fuel and Cement Producers, Climate Change, Vol. 122, 2014, P. 229.
[32] Krizna Gomez and Gregory Regaigon, Digging Deeper: The Human Rights Impacts of Coal in the Global South, Dejusticia and Business and Human Rights Resource Center, 2015.
[33] Geetanjali Ganguly, Joana Setzer and Veerle Heyvaert, If at First You Don't Succeed: Suing Corporations for Climate Change, Oxford Journal of Legal Studies, Vol. 38, Issue 4, 2018, PP. 841- 868.
[34] Henry Shue, Changing Images of Climate Change: Human Rights and Future Generations, Journal of Human Rights and the Environment, Vol. 5, June 2014, P. 62.
[35] David Heyd, Climate Ethics, Affirmative Action and Unjust Enrichment, Cambridge University Press, 2017, PP. 22- 45.

disparities between and within nations[36]. In the past, not all nations and their people benefited equally from the emissions of the Global North, nor did they advance global development and prosperity. Instead, they made it possible for colonial repression "abroad" and class repression "at home", which contributed to the establishment of the current, unfair, and unequal international legal system[37].

The shift to fossil fuels in 19th-century Britain, for instance, demonstrates "the extent to which the historical origins of anthropogenic climate change was predicated on highly inequitable processes from the start"[38]. A small minority of white British entrepreneurs who held the means of production used steam power as a "weapon" on land and sea, via rail and boats, against the bulk of the world, rather than sparking a period of development and advancement for everyone[39].

Thus, historical emissions provide a "carbon footprint [that] haunts every step of the history of industrial and colonial expansion of the last centuries"[40]. "Uneven and persistent patterns of eco-imperialism and "ecological debt" have been made possible by the "historical legacies of uneven use of fossil fuels and exploitation of raw materials"[41]. Historical emissions "remain unrepaired in the present, whose wrongs continue to disfigure generations, and which, in consequence, call out now for a just response" due to their continuing ecological, political, and social ramifications[42]. Because of these factors, historical accountability for climate change leads to pressing, painful demands for justice that need to be translated into legal obligations. We demonstrate how international legal systems partially address this necessity in the following section.

II. Climate Justice in Light of the Development of International Environmental Law:

The United Nations plays a part in environmental protection through the conferences it has arranged, the agreements it has made, and the resolutions that the General Assembly and Security Council, two of the organization's organs, have issued. International climate change conferences, agreements, and procedures

[36] Branko Milanovic, Global Inequality: A New Approach for the Age of Globalization, Harvard University Press, 2016, P. 18.
[37] Elena Blanco and Anna Grear, Personhood, Jurisdiction and Injustice: Law, Colonialities and the Global Order, Journal of Human Rights and the Environment, Vol. 10, Issue 1, March 2019, PP. 86- 92.
[38] Andreas Malm, The Origins of Fossil Capital: From Water to Steam in the British Cotton Industry, Historical Materialism, Vol. 21, Issue 1, January 2013, P. 15.
[39] Andreas Malm and Alf Hornborg, The Geology of Mankind? A Critique of The Anthropocene Narrative, The Anthropocene Review, Vol. 1, Issue 1, 2014, PP. 62- 69.
[40] Stephen Humphreys, Climate Justice: The Claim of the Past, Journal of Human Rights and the Environment, Vol. 5, Special Issue, 2014, PP. 134- 148.
[41] Paul Chatterton, David Featherstone and Paul Routledge, Articulating Climate Justice in Copenhagen: Antagonism, the Commons and Solidarity, Antipode, Vol. 45, Issue 3, June 2013, PP. 602- 606.
[42] David Scott, Preface: Evil Beyond Repair, 2018, P. 22.

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Numerous international conferences and agreements have been organized in various nations throughout the world to address the issue of climate change and provide methods and ways to deal with it, such as:

II.1. International Conferences on Climate Change:

II.1.1. Earth Summit Rio de Janeiro 1992:

At the end of the 1980s, Brazil was the epicenter of global concern about the likelihood that greenhouse gas emissions from human activities generated an energy imbalance that raised temperatures and contributed to climate change. During a conference in Rio de Janeiro in 1992, the United Nations General Assembly developed a framework agreement on climate change, food production risk, and sustainable economic growth. Through financial institutions, the United States of America made substantial contributions to the United Nations, whether through grants and gifts or by fining particular businesses and organizations who disregarded its rulings on climate change[43].

The following are the outcomes of the Rio de Janeiro Earth Summit[44]:

•By establishing new levels of international cooperation and reaching agreements that protect the global environmental system and serve each country's interests, the Rio Declaration on the Environment, which contained 27 principles, aimed to convince international powers to create a new and equitable global partnership. These principles affirm that people are at the center of sustainable development, guarantee them a healthy living that is compatible with their surroundings, and assert that all challenges related to sustainable development revolve around people. The Desertification Convention, the work of the International Conference on Population and Development in Cairo in 1994, and the recognition of states' right to sovereignty with regard to the exploitation of their resources in accordance with their environmental and development policies—as long as they do not harm the environments of other nations or disregard the right of future generations to development—are some of the treaties, agreements, and conferences that have started to incorporate this principle into their programs. The Rio Declaration is a moral need rather than a piece of legislation or an international agreement.

•The 21st Century Agenda Note 21: The foundational document of the Rio Conference is a plan for development action that aims to minimize adverse effects on the atmosphere, control transportation to reduce emissions at the local, national, and international levels, analyze the physical, chemical, and geological processes

[43] United Nations, Conference on the Human Environment, Stockholm, 5-16 June 1972.
Also See: Saif Nussrat Tawfeeq, The Role of US Financial Institutions in the International Economic Sanctions Mechanism, Tikrit Journal for Political Science, Vol. 2, Issue 26, 2021, PP. 121- 147.
[44] Ibid.

that affect Earth's atmosphere, promote sustainable development through energy development, and strengthen international cooperation, mitigation measures, and response to address these changes. Gas emissions can be decreased by increasing land and marine resources, creating safe and less polluting technology, and selectively removing ozone from the upper atmosphere. In addition to developing and implementing comprehensive technology to measure transboundary air pollution, industrial and nuclear accidents, natural disasters, and the dependent or indirect destruction of human resources, Tilt seeks to reduce the harmful effects of ultraviolet radiation that reaches the Earth's surface.

II.1.2. Johannesburg conference 2002:

The World Summit on Sustainable Development, a United Nations summit in Johannesburg, South Africa, focused on three pillars: environmental preservation, climate justice, and economic efficiency. And in order to protect them, this conference attracted the attention of environmental experts and specialists worldwide. The conference resulted in a detailed plan of action that calls for using clean and renewable energy, lowering the number of people without access to sanitation and safe drinking water by 2015, and making twice as much progress as the Rio Conference in 1992. Increasing the energy efficiency of developing countries In terms of health, the summit determined that by 2020, chemicals will be manufactured and utilized in ways that do not adversely affect society or the environment. efforts to achieve sustainable agriculture, as well as global pledges to reduce the loss of ecosystem variety, slow the extinction of plants and animals, and fully replenish fisheries[45].

II.1.3. The Bali Conference 2007:

The purpose of this conference, which took place in Bali, Indonesia, was to debate climate change in order to establish long-term cooperation within the framework of the accord and to set goals for reducing greenhouse gas emissions in both industrialized and developing nations[46].

II.1.4. Copenhagen Climate Conference 2009:

Representatives from 192 nations gathered in the Bella Center area in the heart of the Danish capital under the auspices of the UN to investigate the problem of climate change and develop a plan for reducing greenhouse gas emissions from the burning of coal, oil, and gas[47].

[45] United Nations, World Summit on Sustainable Development, Johannesburg, 26 August-4 September 2002.

[46] IISD Reporting Services, Summery of the Bali Climate Change Conference, Earth Negotiations Bulletin, December 2007.

[47] IISD Reporting Services, Summery of the Copenhagen Climate Change Conference, Earth Negotiations Bulletin, 7- 18 December 2009.

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II.1.5. Cancun Conference 2010:

The purpose of this meeting was to talk about the phenomenon of climate change in Mexico. Following deliberations, the participants came to a number of choices to mitigate emissions, ensure accountability for them, and promote clean energy markets globally in order to battle climate change and its effects on international security[48].

II.1.6. Durban Conference 2011:

In order to create a new international accord to protect the environment, this conference on climate change was organized in South Africa[49].

II.1.7. Climate Summit 2014:

This summit, which took place in New York, unveiled a number of projects and pledges, including safeguarding forests and attempting to form an international coalition for smart agriculture in order to adapt to climate change[50].

II.1.8. Katowice Conference 2018:

The summit, which was held in Poland with the goal of controlling the rate of temperature rise and keeping it below two degrees Celsius, resulted in a consensus among the participating countries over the practical ways to implement the Paris Agreement. The focus of the meeting was how to reduce global warming by 1.5 degrees Celsius by halving emissions before 2030. This is a significant step toward keeping promises to cut dangerous emissions that exacerbate climate change. One of the most important results of the conference was a "rulebook" outlining the details of the implementation of the historic Paris Agreement[51].

II.1.9. Climate Summit 2019:

On September 23, 2019, Secretary-General António Guterres convened the Climate Summit to unite world leaders from governments, the private sector, and civil society to support the multilateral process and increase and accelerate climate action and ambition. He appointed former Mexican diplomat Luis Alfonso de Alba as his Special Envoy to lead the Summit. The Summit adopted the guiding principles of the Universal Declaration of Human Rights, specifically Article 1, which states that "all human beings are equal in rights and freedoms", and Article 28, which states that "all human beings are entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be realized". The summit concentrated on important areas that have the potential to

[48] IISD Reporting Services, Summery of the Cancún Climate Change Conference, Earth Negotiations Bulletin, 29 November- 11 December 2010.
[49] IISD Reporting Services, Summery of the Durban Development and Climate Days at COP 17, Earth Negotiations Bulletin, 3- 4 December 2011.
[50] UN Climate Summit 2014.
[51] IISD Reporting Services, Summery of the Katowice Climate Change Conference, Earth Negotiations Bulletin, 2- 15 December 2018.

have the greatest impact, including cities, energy, resilience, heavy industry, nature-based solutions, and climate financing. At the UN Climate Change Conference in 2020, world leaders discussed their present initiatives and their plans for expanding and renewing commitments. At the summit's close, the Secretary-General said, "You have given a strong boost to building momentum, strengthening cooperation, and raising ambition. But we still have a long way to go. We need more concrete plans, greater ambition from countries, and broader partnerships. We need support from all public and private financial institutions, and we must choose to invest in the green economy going forward"[52].

II.1.10. Climate Summit 2021:

The 2021 US-led Climate Summit, chaired by President Joe Biden, was the first opportunity to bring the United States back to the climate table after four years of American denial. This summit, which brought together 40 world leaders, achieved some impressive results. President Biden committed the United States to halving its greenhouse gas emissions by 2030 compared to 2005 levels. Canada, Japan, and the United Kingdom also raised their targets. The UK pledged a 78% reduction from 1990 levels by 2035, while Japan aimed for a 46% reduction by 2030. Canada proposed a 40-45% reduction from 2005 levels by 2030, and the European Union pledged a 55% reduction from 1990 levels by 2030. All these countries committed to achieving net-zero emissions by 2050. These moves are significant if implemented, but the summit also witnessed There has also been some disappointment due to the Australian Prime Minister's lack of a clear commitment to raising targets or reducing coal production. However, with some of Australia's biggest coal customers in Asia, such as China, Japan, and South Korea, moving away from trading coal, Australia will have nowhere to turn if it does not reduce its coal production soon, in line with other countries. Moreover, China, the world's largest emitter of carbon, India, the third largest, and Russia, the fourth largest, have made vague promises without offering new pledges or specific targets[53].

II.2. Protocols and Agreements Related to Climate Change:

II.2.1. The U.N. Framework Convention on Climate Change

The purpose of Eco92 was to address concerns brought up at the 1972 Stockholm Conference. Participating nations adopted the UNFCCC during this conference, establishing a number of objectives to address the problems caused by global warming. According to Article 2 of the Convention, the cop aims to: (...)

[52] Articles (1) and (28) of the Universal Declaration of Human Rights 1948.
Also See: IISD Reporting Services, Summary of the Paris Climate Change Conference, Earth Negotiations Bulletin, 2019.
[53] Joseph Maya, Environmental Justice and climate change, Journal of Environmental Education, 2021, p.107.

stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent hazardous anthropogenic interaction with the climate system. In order to ensure that food supply is not jeopardized, allow ecosystems to naturally adapt to climate change, and enable sustainable economic growth, this threshold should be reached in a timely manner[54].

Because managing and reversing climate change is a worldwide obligation, the Convention established the notion of common responsibility. However, it set varying standards based on countries' levels of development in order to draw emerging nations to the discussion table[55].

According to this interpretation, Article 4 of the Convention distinguishes between three groups: non-annex i Parties, which are primarily developing nations; Annex ii Parties, which are developed nations that are members of the Organization for Economic Co-operation and Development (oecd); and Annex i Parties, which are developed and industrialized nations. The Convention allocated the duties outlined in its preamble in this manner[56]. Under this division, non-Annex I Parties are not required to lower their greenhouse gas emissions.

Article 7 creates the cop, a specialized organization that periodically reviews member nations' duties and publishes findings and suggestions for how the Convention should be implemented. For example: 1. This establishes a Conference of the Parties. 2. As the supreme body of this Convention, the Conference of the Parties will regularly review the Convention's implementation and any related legal instruments it may adopt. It will also make the necessary decisions within its mandate to support the Convention's effective implementation[57].

As a result, the Convention's highest authority is the cop, which is made up of all signatory governments[58]. Following its ratification in 1994, the parties have been meeting every year for two weeks since 1995[59]. The Ramsar Convention of 1971, which foresaw a similar organization in its Article 6, is brought to mind by the emergence of this new player in international law[60]. Three factors set this conference apart from previous diplomatic gatherings: First, unlike traditional ad

[54] United Nations, United Nations Framework Convention on Climate Change (unfccc), 1992.
[55] Richard P. Hiskes, The Human Right to a Green Future: Environmental Rights and Intergenerational Justice, Cambridge University Press, Cambridge, 2008, P. 5.
[56] Eduardo Viola, O Regime Internacional de Mudança Climática E O Brasil, Revista Brasileira de Ciências Sociais, Vol. 17, Issue 50, 2002, PP. 25- 46.
[57] United Nations, Op, Cit.
[58] Alex Kiss and Dinah L. Shelton, Guide to International Environmental Law, Martinus Nijhoff Publishers, Boston, 2007, PP. 11- 12.
[59] IISD Reporting Services, Summary of the First Conference of the Parties for the Framework Convention on Climate Change, Earth Negotiations Bulletin, Paris, 1995.
[60] IISD Reporting Services, Summary of the Second Conference of the Parties to the Framework Convention on Climate Change, Earth Negotiations Bulletin, Paris, 1996.

hoc sessions at the diplomatic level, the cop is permanent. Determining various arrangements and expectations pertaining to regular meetings and implementation reports is made possible by continuity. 23 police officers has been detained since 1995 until 2017. This figure demonstrates how reliable these meetings are[61]. The Conference is classified as a "quasi-intergovernmental organization" due to its length[62].

Second, the judgments made by the cop are legally binding, which sets it apart from other diplomatic conferences. By claiming that decisions are not taken through the customary process of treaty ratification and, therefore, cannot be obligatory, member states have impeded this potential. Nonetheless, it is evident that member states and other international entities generally accept the bulk of police decisions as legally enforceable[63]. The majority of people on the planet concur that these rulings represent shared interests and have binding authority.

The potential for trade sanctions to protect the Conference's rulings is the third factor. Humanity as a whole suffers when presumptive commitments are broken; for example, the globe is severely impacted by greenhouse gas emissions, according to subsequent IPCC reports[64].

Nonetheless, the Convention offers "practicable steps" and stays away from phrases that imply trade restrictions and coercion[65]. As a result, this topic is still debatable.

The developed country Parties and other developed Parties listed in Annex II shall take all reasonable measures to promote, facilitate, and finance, as appropriate, the transfer of or access to environmentally sound technologies and know-how in order to enable other Parties, particularly developing country Parties, to implement the provisions of the Convention[66].

II.2.2. Kyoto Protocol:

The Kyoto Protocol is the first legally binding agreement for all countries on reducing atmospheric concentrations of greenhouse gases to prevent damage to the Earth's climate system. The Protocol's Article 3/Paragraph 6 declares: "To

[61] Farhana Yamin and Joanna Depledge, The International Climate Change Regime: A Guide to Rules, Institutions and Procedures, Cambridge University Press, 2004, P. 25.
[62] Philippe Sands, Climate Change and the Rule of Law: Adjudicating the Future in International Law, Journal of Environmental Law, Vol. 28, Issue 1, 2016, PP. 19- 35.
[63] Philippe Sands, Op, Cit, PP. 19- 35.
[64] IISD Reporting Services, Summary of the Paris Climate Change Conference, Earth Negotiations Bulletin, Paris, 2015.
[65] Makane Moise Mbengue, The Intergovernmental Panel on Climate Change: A Singular Model of Expertise in the International Legal Order, In: International Law and Environmental Challenges. Y. Kerbrat, & S. Maljean-Dubois, (Ed.), Pedone, Paris, 2011, PP. 97- 114.
[66] United Nations, Op, Cit.

encourage appropriate reforms in relevant sectors with a view to promoting policies and measures that limit or reduce greenhouse gas emissions"[67].

One of the most significant IEAs connected to the United Nations Framework Convention on Climate Change (UNFCCC) system is the Kyoto Protocol. The goal of this protocol is to reduce emissions of greenhouse gases (GHGs). Adopted in Kyoto in 1997, it became operative in 2005. There are 192 parties to this protocol as of 2016. The European Union (EU) and 197 nations make up the parties[68].

The 1992 UNFCCC's central tenet, "common but differentiated responsibilities and respective capabilities", states that while assigning obligations for emission reductions among parties, the Protocol takes into account variations in emissions, wealth, and capacity for change[69].

The Protocol's Annex I list the primary sources of greenhouse gas emissions. The list comprises countries whose economies are now in transition as well as those that are members of the Organization for Economic Cooperation and Development. Annex I parties were consequently subject to stricter globally binding emission reduction targets. Additionally, this Protocol creates three market-based mechanisms—International Emissions Trading, the Clean Development Mechanism (CDM), and Joint Implementation—to help countries achieve their carbon reduction objectives[70]. These flexible market mechanisms enable Annex I parties to more cost-effectively meet their reduction requirements.

Based on the principle contained in the Convention, which states that duty varies according to a country's circumstances and level of development, the Protocol makes a distinction between obligations incumbent upon all States Parties and those incumbent upon developed countries only. This principle places the greatest responsibility on developed countries for emissions of harmful gases into the atmosphere. Legally, the Kyoto Protocol obligates developed countries to meet emission reduction targets[71]. The first commitment period of the Protocol began in 2008 and ended in 2012. The second commitment period began on January 1, 2013, and ended in 2020. The Kyoto Protocol can be said to comprise two sets of commitments: the first set consists of a number of general commitments

[67] Article 3/Paragraph 6 of the Kyoto Protocol 1997.
[68] UNFCCC, United Nations Framework Convention on Climate Change [cited 2020 March 15], 2018.
[69] Michael Grubb, Kyoto and the Future of International Climate Change Responses: From Here to Where, International Review for Environmental Strategies, Vol. 5, Issue 1, 2004, PP. 15- 38.
[70] Akihisa Kuriyama and Naoya Abe, Ex-post assessment of the Kyoto Protocol – Quantification of CO2 Mitigation Impact in Both Annex B and Non-Annex B countries, Applied Energy, Vol. 220, 2018, PP. 286- 295.
[71] Sami El-Tayeb Idris Mohamed, Climate Justice Repercussions and Implications, Journal of Economic, Administrative and Legal Sciences (JEALS), Vol. 7, Issue 1, 2023, PP. 108- 142.

undertaken by all member states, and the second set is borne by developed countries on behalf of developing countries[72]:

- Thirty-eight developed countries have committed to reducing their greenhouse gas emissions by varying percentages.
- They will preserve and expand green spaces, such as forests, which act as reservoirs for these gases.
- They will conduct research to study the levels of these emissions and their negative economic and social impacts.
- They will collaborate in education, training programs, and awareness campaigns on climate change.
- They will work to produce and develop environmentally friendly technologies.
- Developed nations promise to support and enable the transfer of technology to developing and underdeveloped countries.
- Developed nations pledge to assist developing countries in mitigating the adverse effects of climate change.

The concept of climate justice is not specifically mentioned in the Kyoto Protocol, but it should be noted that the Conference of the Parties, which is the meeting of the Parties to the Kyoto Protocol, required the Parties to adhere to Article 3 of the Framework Convention when putting the Clean Development Mechanism's objectives into practice. This includes the need to apply the Clean Development Mechanism and the equity principle based on equitable geographic distribution and to ensure that developing nations' rights to development are not compromised in any way.

II.2.3. Paris Agreement:

The international agreement on climate change was announced at the 21st Conference of the Parties (COP21), also known as the Conference of the Parties (COP21), which took place in Paris in 2015. At the 2015 Paris Conference, the parties came to a historic agreement to fight climate change and to step up and increase the investments and actions required to achieve a low-carbon, sustainable future. A list of widely acknowledged environmental principles is produced by identifying the principles of the Paris Agreement using the UNFCCC and international environmental law; however, this list does not account for the possibility that principles may change based on the Agreement's structure. In this case, the variable is internal, and the instrument being studied is used to identify

[72] Paola Villoria Sáez, Vivian WY Tam, Mercedes del Río Merino and Carmen Viñas, Effectiveness of Greenhouse-Gas Emission Trading Schemes Implementation: A Review on Legislations, Journal of Cleaner Production, Vol. 127, 2016, PP. 49- 58.

the principles[73]. We distinguish between three categories of principles: technical, high-level, and architectural:

- Architectural principles:

In order for the UNFCCC to function as a framework convention—that is, as an agreement on the high-level rules established to drive international cooperation on climate change—its enumerated principles are essential. However, in terms of institutional processes and collective pledges, the Paris Agreement is far more comprehensive than the UNFCCC. The principles of the UNFCCC cannot completely realign the legal regime with the international community's new, more specific, and ambitious political objectives on climate change since the Agreement adopted new objectives that now drive the climate system. Therefore, additional principles were required to provide additional guidance about the implementation of the Paris Agreement, even if the UNFCCC principles are still relevant. These partially coincide with what some academics refer to as the "conceptual pillars"[74] or "building blocks"[75] of the Paris Agreement, which are standards that underpin the text's legal structure.

We identify four primary architectural principles in the Paris Agreement based on their structural importance. The first overriding premise is self- (or national) determination, which has shaped the Paris Agreement's architecture and continues to direct its implementation. It signaled a departure from the UNFCCC and established what is frequently referred to as a bottom-up structure[76]. It is mostly expressed through the Nationally Determined Contribution (NDC) framework. The principle represents a balance between the pursuit of shared objectives and the maintenance of sovereign autonomy.

The principle represents a balance between the pursuit of shared objectives and the maintenance of sovereign autonomy[77].Despite ambition's initial exclusion

[73] Hans Kelsen, Principles of International Law, The Lawbook Exchange, 3rd, 2003, P. 7.

[74] Lavanya Rajamani and Emmanuel Guérin, Central Concepts in the Paris Agreement and How they Evolved, In Daniel Klein and others (eds), The Paris Agreement on Climate Change, Oxford University Press, 2017, P. 74.

[75] Lavanya Rajamani, Ambition and Differentiation in the 2015 Paris Agreement: Interpretative Possibilities and Underlying Politics, International and Comparative Law Quarterly, Vol. 65, Issue 2, 2016, PP. 493- 494.

[76] Jorge E Viñuales, The Paris Agreement on Climate Change, German Yearbook of International Law, Vol. 59, 2016, P. 33.

Also See: Joanna Depledge, The "Top-down" Kyoto Protocol? Exploring Caricature and Misrepresentation in Literature on Global Climate Change Governance, International Environmental Agreements: Politics, Law and Economics, Vol. 22, 2022, P. 673.

[77] Paris Agreement, art 3, 4(3), (5), (11), art 6(1), (8)(a).

See: Matthew Hill, 'Keeping Commitments: Examining the New Principles in the Paris Agreement, NJ Envtl. L, Vol. 21, 2017, PP. 53- 55.

from the UNFCCC, the "High Ambition Coalition", which brought together like-minded states around fundamental demands deemed necessary to design a successful climate treaty, played a significant role in the drafting of the Paris Agreement. These demands included cycles of ratcheted-up NDCs, the 1.5°C limitation goal, long-term strategies to reach net-zero emissions, and loss and damage[78]. The Paris Agreement now employs the ambition concept with a promise to constantly reduce greenhouse gas emissions through NDCs that are communicated every five years and represent the parties' "highest possible ambition" and "progression over time". Without dictating particular activities, the two concepts of ambition and progression guarantee the regime's flexibility and dynamism.

Transparency is a third fundamental principle of the Paris Agreement. According to Article 13(5), its goal is to "provide a clear understanding of climate change action" with regard to both adaptation and mitigation. The Agreement elevates transparency as a guiding principle to balance the voluntary nature of mitigation measures with the principle of self-determination. It is an enabler of the UNFCCC preambular principle of 'sovereignty of States in international cooperation to address climate change'[79]. In order to prevent non-compliance and free-riding, information on greenhouse gas emissions and climate action is crucial to international collaboration[80].

Climate finance, which is listed as a goal of the Paris Agreement in Article 2(1)(c), is the last potential principle. Although finance is not typically thought of as a principle, its structural importance in the Paris Agreement has occasionally led to its classification as a principle. According to Peeters, "this provision can be seen as a principle, a rule, or perhaps something in between, since Article 2(1)(c) clearly states that, at a certain point in time, all financial flows have to contribute to core aims" of the Paris Agreement[81]. The fact that money plays multiple diverse roles in the text—it is one of the objectives of the Agreement, the third pillar after mitigation and adaptation, and a key tool for implementation—leads to uncertainty

Also See: Christina Voigt and Felipe Ferreira, Dynamic Differentiation, The Principles of CBDR-RC, Progression and Highest Possible Ambition in the Paris Agreement, Transnational Environmental Law, Vol. 5, 2016, P. 285.

[78] Farhana Yamin, The High Ambition Coalition, in Henrik Jepsen and others (eds), Negotiating the Paris Agreement, Cambridge University Press, 2021, PP. 216- 244.

[79] UNFCCC, preamble, clause 9.

[80] Benoit Mayer, Transparency Under the Paris Rulebook: Is the Transparency Framework Truly Enhanced?, Climate Law, Vol. 9, 2019, P. 40.

[81] Marjan Peeters, Environmental Principles in International Climate Change Law, In Ludwig Krämer and Emanuela Orlando (eds), Principles of Environmental Law, Elgar Encyclopedia of Environmental Law Series, Edward Elgar, Vol. 6, 2018, PP. 509- 524.

regarding the normative nature of the provision[82], and it is a tool that must guide all choices pertaining to the Agreement's implementation. Although its role in guiding decision-making is a definitional function of a principle, it would not be considered a rule due to its lack of precision in terms of definition and timetable.

- High-level principles

The first group includes high-level values that serve as the moral cornerstones of the Paris Agreement, such as justice[83], equity[84], and fairness[85]. Unlike its predecessors, the text's main concerns are about creating equitable routes to a net zero future. Despite not being specifically related to environmental protection, these principles provide valuable insights into the common values that the global society upholds toward the environment. However, they are also very complicated concepts that are rarely defined, therefore they can only "sketch the parameters of a debate" rather than providing a clear solution[86]. They are only able to "draw rudimentary lines in the sand"[87] because of their flexibility, which does not "necessitate a particular decision"[88].

Nevertheless, they are essential to the Agreement's execution and have a significant impact on climate discourses and narratives. For example, Article 2(2), which states that the Paris Agreement "will be implemented to reflect equity", presents equity as a cross-cutting clause. There are references to the Global Stocktake, which stipulates that it must be conducted "in the light of equity and best available science", in addition to the Agreement's goals and mitigation aim[89]. The Paris rules reflected this commitment; for example, the Global Stocktake decision mentions equity or fairness in seven paragraphs. Even while ideas like justice and fairness are broad, it is evident that a lot of effort is being made to figure out how to connect the Agreement's implementation with them[90].

- Technical principles:

[82] Jorge E Viñuales, Op, Cit, P. 11.
[83] Paris Agreement, Preamble, clauses 3, 11; arts 2(2), 4, 14.
[84] UNFCCC, Decision 1/CP.21 (n 17), para 27.
[85] Paris Agreement, Preamble, clauses 10, 13.
[86] Jutta Brunnée, Climate Change, Global Environmental Justice and International Environmental Law, In Jonas Ebbesson & Phoebe Okowa (eds), Environmental Law and Justice in Context Cambridge University Press, 2009, PP. 316- 319.
[87] Ronald M Dworkin, The Model of Rules, University of Chicago Law Review, Vol. 35, Issue 1, 1967, P. 14.
[88] Cinnamon P Carlarne and J. D. Colavecchio, Balancing Equity and Effectiveness: The Paris Agreement and the Future of International Climate Change Law, NYU Environmental Law Journal, Vol. 27, 2019, PP. 107- 129.
[89] Paris Agremeent, art. 14(1).
[90] Lavanya Rajamani et al, 'National 'Fair Shares' in Reducing Greenhouse Gas Emissions within the Principled Framework of International Environmental Law, Climate Policy, Vol. 21, Issue 8, 2021, P. 983.

Another set of principles in the Paris Agreement are more technical in nature, since they guide the creation of the agreement's institutional processes. Let's use the Technology Framework as an example. The Katowice Rulebook listed "coherence, inclusiveness, results-oriented approach, transformational approach, and transparency" as the five guiding principles for the Technology Framework in carrying out the Paris Agreement[91]. The rulebook goes into further detail about these, highlighting the necessity of aligning with the goals of the climate regime "and beyond," ensuring full stakeholder participation, emphasizing the need for results, addressing the transformative changes of the Paris Agreement, and ensuring process and outcome transparency. In a similar vein, the Katowice Rulebook outlines eight guiding principles for the Enhanced Transparency Framework: the necessity of promoting transparency in a unique and helpful way, advancing reporting and transparency, allowing for flexibility based on parties' capacities, preventing double counting, encouraging accuracy and comparability, maintaining reporting frequency and quality, avoiding duplication of effort, and safeguarding environmental integrity[92]. These guidelines are different from the basic environmental guidelines. Rather, they are ad hoc principles that are used to reflect a preliminary agreement on the priorities that would guide the creation of an institutional entity. They consist of a combination of more pragmatic principles tailored to the particulars of the mechanism and rules intended to align the mechanisms with the goals of the Paris Agreement (ambition, transparency).

Although the aforementioned principles are the most obvious ones, the phrase is frequently used in a flexible manner, seeing a principle as a synonym for any standard that could potentially affect how the Paris Agreement operates. Therefore, a standard like public engagement has also been designated as a Paris Agreement principle[93]. The Paris Agreement, for example, "depends on public engagement, informed by the information that is made available through the national communications that are submitted to international registries, the global stocktake, the peer review, and other measures" according to Cordonier-Segger[94]. Although nonparty stakeholders are included in the Paris Agreement, it is less clear if the public participation principle—which safeguards rights to knowledge, participation, and access to justice—has a direct impact on the agreement. However, since it should guarantee stakeholder participation and consultation, it

[91] UNFCCC, Decision 15/CMA.1, UN Doc. FCCC/PA/CMA/2018/3/Add.2, 19 March 2019, Annex, para 3.
[92] UNFCCC, Decision 18/CMA.1, UN Doc. FCCC/PA/CMA/2018/3/Add.2, 19 March 2019, Annex, para 3.
[93] Cordonier-Segger (n 7), PP. 224- 226.
[94] Ibid, PP. 224- 225.

has the potential to be a significant standard in the operation of, say, the Article 6(4) market mechanism[95].

II.3. The Role of the General Assembly and Council in Reducing Climate Change:

The General Assembly and Security Council can address the issue of climate change and lessen its detrimental effects through their deliberations and resolutions:

II.3.1. The General Assembly's Function in Mitigating Climate Change:

The Member States' commitment to addressing this phenomenon is demonstrated by the General Assembly's forum for discussing climate change and supporting negotiations within the framework of the United Nations Framework Convention, as well as by the General Assembly's debate and the meetings on climate change that the Secretary-General was asked to call. In order to recover from the global Covid-19 pandemic, Secretary-General "Antonio Guterres" urged governments to implement climate measures, including investing in green jobs, ceasing to support polluting industries, ending subsidies for fossil fuels, considering climate risks in all financial and political decisions, cooperating, and not falling behind[96].

Resolution No. 44/224 of December 22, 1989, on international cooperation in monitoring and assessing environmental dangers, preparing to combat them, and providing emergency assistance, was one of the General Assembly's resolutions on the subject of climate change. and the United Nations Conference on Environment and Development's Resolution No. 44/228 of December 22, 1989. and Resolution No. 207/24 of December 22, which addresses the idea that humanity should be concerned about climate change[97].

Resolutions No. 45/212 of 12/21/1989, No. 44/207 of 22/12/1989, No. 45/212 of 31/12/1990, and No. 46/169 of 19/12/1991 on climate protection for the benefit of current and future generations of mankind. and Resolution No. 44/206 of December 22, 1989, which addresses the potential negative impacts of sea level rise on islands and coastal regions, particularly low-lying coastal areas. Additionally, Resolution No. 44/172 of December 19, 1989, concerning the execution of the desertification action plan[98].

[95] UNFCCC, Decision 3/CMA.3, UN Doc. FCCC/PA/CMA/2021/10/Add.1, 8 March 2022, Annex, para 31(e).
[96] United Nations Secretary-General, UN Secretary- General António Guterres Urges Leadership to face "direct existential threat of climate change", United Nation, 11 September 2018.
[97] UN General Assembly, Protection of Global Climate for Present and Future Generations of Mankind (A/RES/44/206), United Nations, 22 December 1989.
[98] UN General Assembly, Implementation of the Plan of Action to Combat Desertification (A/RES/44/172), United Nations, 19 December 1989.

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II.3.2. The Role of the Security Council in Limiting Climate Change:

Through its initiatives to deepen and broaden the notion of international security within the context of the new international order, the Security Council plays a significant role in the climate change issue. Global peace and security are not always restored by wars and military confrontations between nations. The economic, humanitarian, and environmental spheres are examples of non-military challenges that now pose a real threat to global peace and security. danger to global security and peace[99].

The Security Council convened in 2018 to explore the connection between climate change and international conflicts and to enhance knowledge of the security issues associated with climate change. Climate change should be considered a security risk by the Council. According to the speakers, climate change will increase risks and dangers and make it impossible to achieve sustainable development goals. The consequences of climate change may also make it easier for terrorists and extremist organizations to carry out their operations. Climate change is predicted to put 720 million people at danger of poverty by 2050[100].

In 2021, the UN Security Council will discuss climate change and the threat it poses to international stability, especially in view of a report published by the Intergovernmental Group for the Study of Climate Change that indicates the continued rise in temperatures may lead to additional international conflicts. This suggests that, at the initiative of Britain, which chairs the council and is led by its foreign minister, this environmental phenomenon presents a threat to international security. “Margaret Beckett”. “Energy, Security and Climate” is the official title of the summit. Instead of making choices, the summit raised global awareness of the problem of climate change, which is a global challenge, and the fact that the cost of doing nothing is greater than the cost of taking action[101].

The Security Council's conclusions on the subject of climate change include a commitment to the processes of sustainable development and see it as essential to tackling the issue, since one of the goals of sustainable development is climate protection. Preventive diplomacy was another tactic that the Security Council pledged to employ. The Security Council concluded that the first step in addressing the issue of climate change is to support national initiatives. It is impossible to

UN General Assembly, Protection of global climate for present and future generations of mankind (A/RES/46/169). United Nations, 19 December 1991.

[99] Alaa Mohammed Hassan and Saif Nussrat Tawfeeq, The Role of The United Nations in Mitigating Global Climate Change, Russian Law Journal, Vol. 11, Issue 9, 2023, P. 531.

[100] Ibid, P. 532.

[101] Nina von Uexkull and Halvard Buhaug, Scientific Uptake in United Nations Security Council Debates on Climate Change and Security, Climate Change, Vol. 178, Issue 125, 2025, PP. 125- 178.

lessen the effects of climate change without taking action within national borders. This is the Security Council's vision, which views national initiatives as a first step toward an international collaboration to solve the issue of climate change and its security ramifications. The following are the United Nations' most significant victories in the fight against climate change[102]:

- **The Paris Agreement:** which was reached in 2015 under the auspices of the United Nations, is an international agreement that aims to slow the rise in global temperatures and the adverse effects of climate change. It has been ratified by most countries, and those who have signed it are committed to achieving the goals of reducing carbon emissions and enhancing climate change adaptation.
- **The United Nations Framework for Combating Climate Change (UNFCCC):** In order to improve international cooperation in the battle against climate change, was established in 1992. The framework gives Member States a place to meet, exchange information, and collaborate on putting measures to mitigate climate change into action.
- **World Climate Summit (COP):** The United Nations organizes the Global Climate Summit (COP) each year, bringing together representatives from governments, corporations, and civil society to discuss and negotiate climate change measures. These summits aim to provide assistance for developing countries, promote adaptation, and take decisive action to reduce carbon emissions.
- **Climate Finance:** The UN has pushed for significant investment to help initiatives to slow down climate change. Financial tools and funds such as the Green Climate Fund and the United Nations Adaptation Fund were established to help.

Conclusion:

This study has highlighted that climate justice is a fundamental pillar in the development of international environmental law, as it is directly linked to the historical responsibility of industrialized nations and the shared obligations of all countries to address the impacts of climate change. Through an analysis of international treaties and protocols, such as the 1992 United Nations Framework Convention on Climate Change, the 1997 Kyoto Protocol, and the 2015 Paris Agreement, as well as a review of conferences and UN Security Council resolutions, it becomes clear that climate justice represents an intersection of legal, ethical, and political dimensions. Its realization depends on international cooperation and the commitment of states to environmental and ethical standards. The study also demonstrates that the historical responsibility of industrialized nations is not merely symbolic but forms the basis for a fair distribution of climate

[102] Alaa Mohammed Hassan and Saif Nussrat Tawfeeq, Op, Cit, P. 532.

burdens, while shared obligations provide the practical framework for unifying the efforts of the international community in confronting current and future environmental challenges.

Results:

- Climate justice is a fundamental principle for guiding sustainable development policies and distributing the burdens of climate change among nations.
- The historical responsibility of industrialized nations is evident in their historical emission levels and must be considered in formulating climate commitments. International agreements and protocols provide a legal framework for climate action, but they require effective implementation mechanisms to ensure fairness and adherence to international standards.
- International summits and conferences contribute to raising awareness and strengthening cooperation among nations, but they require continuous follow-up to achieve lasting results.
- Integrating climate change into the priorities of the UN Security Council reflects a shift towards understanding the environment as a central element of international peace and security.

Recommendations:

- Strengthen international cooperation to implement climate justice through effective financing and technical mechanisms, especially to support developing countries.
- Strict adherence to international climate agreements and protocols, with clear indicators to measure implementation.
- Focus on achieving the principle of equality and equity in distributing the burdens of climate change among nations according to their historical responsibility and current capacity to bear.
- Integrate climate justice into national and regional policies to activate the role of local initiatives as a first step towards international cooperation.
- Promote scientific research and ongoing documentation on the impact of climate change on international peace and security to ensure that decisions are based on accurate and realistic data.

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