



Climate Justice in the Global South: Legal, Ethical, and Policy

Challenges in Achieving Equitable Climate Action

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ABSTRACT

Climate change represents not only an environmental crisis but also a profound issue of global inequality and justice. Nowhere is this disparity more evident than in the Global South—comprising regions such as South Asia, Sub-Saharan Africa, Latin America, and Small Island Developing States—where communities are often the most vulnerable to the adverse effects of climate change, despite having historically contributed the least to global greenhouse gas emissions. Rising temperatures, extreme weather events, sea-level rise, desertification, and biodiversity loss threaten food security, health, water resources, and livelihoods across these regions, exacerbating existing socio-economic inequalities. This paper explores the multifaceted concept of climate justice, focusing on the legal, ethical, and policy dimensions that underpin the global response to climate change in the context of the Global South. It critically examines the efficacy of international legal instruments such as the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, both of which have emphasized the principle of common but differentiated responsibilities and respective capabilities (CBDR-RC). The paper further evaluates how domestic climate strategies in countries such as India and Bangladesh reflect—or fall short of—climate justice



principles, especially in relation to marginalized groups, indigenous communities, and gendered vulnerabilities.

Key challenges identified include the inadequacy of climate finance, barriers to technology transfer, and limited representation of developing countries in global climate negotiations. These structural inequalities perpetuate a climate regime where the burdens of mitigation and adaptation are inequitably distributed. The paper argues that climate justice must be rooted in a rights-based approach, integrating human rights frameworks into climate governance to ensure inclusivity, accountability, and procedural equity.

Through interdisciplinary analysis, the study offers comprehensive policy recommendations aimed at restructuring global climate governance to be more just and effective. These include reforming international finance mechanisms to prioritize adaptation in vulnerable nations, facilitating equitable technology sharing, strengthening legal institutions, and promoting participatory governance models. The paper concludes that advancing climate justice is essential not only for moral and ethical reasons but also for achieving long-term, sustainable, and resilient development across the Global South.

1. Introduction

The climate crisis is no longer a distant threat; it is a present and escalating reality that transcends ecological boundaries and permeates social, economic, legal, and ethical spheres. While often framed as a purely environmental concern, climate change is, at its core, a profound matter of justice—particularly climate justice, which emphasizes the uneven distribution of climate-related burdens and benefits across nations, communities, and populations. This paradigm acknowledges the stark imbalance wherein countries and communities that have contributed the least to global greenhouse gas emissions are often those most vulnerable to the devastating effects of climate change. The concept of climate justice is deeply rooted in the principles of equity, accountability, and human rights. It draws attention to the structural injustices that define the global climate order, where wealthier, industrialized nations of the Global North—primarily responsible for the accumulation of atmospheric carbon—have reaped the benefits of

economic development, while countries of the Global South, including much of Asia, Africa, Latin America, and Small Island Developing States, face disproportionate risks. These risks include sea-level rise, frequent and intensified extreme weather events, crop failure, water scarcity, loss of biodiversity, food insecurity, and mass displacement. Such impacts exacerbate pre-existing vulnerabilities rooted in poverty, inadequate infrastructure, and limited adaptive capacity.

Despite their minimal contribution to global warming, these developing and least developed countries (LDCs) are often underrepresented in global climate decision-making platforms, further marginalizing their voices in shaping the international climate agenda. The prevailing global climate governance structures often fail to fully account for historical responsibilities, economic disparities, and the differentiated needs of vulnerable populations.

This research paper seeks to delve into the evolving discourse of climate justice, with particular emphasis on its application and challenges within the Global South. It investigates the legal frameworks, such as the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, and critically examines their effectiveness in addressing equity concerns. It also explores ethical principles, including intergenerational justice, distributive justice, and procedural fairness, which are integral to shaping a more inclusive and just climate response. Furthermore, the paper analyzes national and regional policies, highlighting how countries such as India, Bangladesh, and Kenya have attempted to integrate climate justice into their domestic climate action plans, while facing formidable barriers such as limited financial resources, technological dependence, and institutional fragility.

By engaging with both international commitments and localized experiences, this study aims to contribute to a nuanced understanding of how climate justice can be operationalized through laws, policies, and participatory governance models. Ultimately, the paper argues for a transformative shift toward a rights-based, inclusive, and context-sensitive climate regime that not only mitigates environmental degradation but also rectifies socio-economic injustices, ensuring that the path toward sustainability is both equitable and resilient.

2. Concept of Climate Justice

2.1 Definition and Dimensions

Climate justice refers to the equitable distribution of the burdens and benefits of climate change and climate action. It goes beyond environmental sustainability to include:

- **Distributive justice** – Fair allocation of resources and responsibilities



- **Procedural justice** – Inclusive decision-making processes
- **Recognition justice** – Respect for diverse cultures and indigenous knowledge systems
- **Intergenerational justice** – Responsibility toward future generations

2.2 Historical Injustice

The origins of climate injustice are deeply embedded in the historical patterns of industrialization, particularly in the Global North. Countries in Europe, North America, and parts of East Asia began their industrial development in the 18th and 19th centuries, relying heavily on fossil fuels such as coal, oil, and natural gas. This prolonged dependence on carbon-intensive energy sources enabled them to achieve unprecedented levels of economic growth, infrastructure development, and technological advancement. However, this progress came at a significant environmental cost: the accumulation of greenhouse gases (GHGs) in the Earth's atmosphere, which has been the primary driver of anthropogenic climate change.

By contrast, many nations in the Global South—including large parts of Asia, Africa, Latin America, and island states—either remained colonized during the industrial revolution or lacked the capital and resources necessary to pursue high-emission development paths. As a result, their historical contribution to climate change is minimal, yet they are the most susceptible to its effects. This disparity highlights a profound global inequity: those least responsible for causing climate change are often the ones most severely impacted by it.

To address this imbalance, two foundational principles have emerged in international environmental law:

The Polluter Pays Principle (PPP):

This principle asserts that those who cause environmental harm should bear the costs of managing and remedying it. In the context of climate change, it implies that historically high-emitting countries and corporations should be held accountable for the damage caused by their emissions—both by reducing their current emissions and by compensating affected nations for loss and damage.

Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC):

First articulated in the 1992 United Nations Framework Convention on Climate Change (UNFCCC) and reaffirmed in subsequent agreements, this principle recognizes that while all nations share a common responsibility to address climate change, they do so with different capacities and levels of historical responsibility. Developed countries are thus expected to take the lead in emissions reduction, provide financial and technological support, and assist developing nations in adapting to climate impacts.

Together, these principles form the ethical and legal bedrock of climate justice. However, their practical implementation has been fraught with political contention. While developing nations consistently advocate for increased climate finance, technology transfer, and greater responsibility from industrialized nations, developed countries often resist binding commitments or downplay their historical emissions in favor of a “forward-looking” approach. This tension continues to shape the dynamics of global climate negotiations and underscores the urgent need to operationalize justice and fairness in climate governance.

3. Legal Frameworks and International Commitments

3.1 United Nations Framework Convention on Climate Change (UNFCCC)

The 1992 UNFCCC acknowledged differentiated responsibilities and capacities. It laid the foundation for a cooperative approach between developed and developing nations.

3.2 The Kyoto Protocol (1997)

This legally binding agreement required only developed countries to reduce emissions, a principle aligned with climate justice.

3.3 The Paris Agreement (2015)

While non-binding in terms of penalties, the Paris Agreement introduced Nationally Determined Contributions (NDCs) for all countries, aiming to limit global warming to below 2°C. However, the Agreement has been criticized for weakening the distinction between developed and developing nations.

3.4 Other Mechanisms

Mechanisms like the Green Climate Fund (GCF), Adaptation Fund, and the Warsaw International Mechanism for Loss and Damage are attempts to operationalize climate justice. However, their implementation has been marred by delays, insufficient funding, and bureaucratic hurdles.

4. Ethical and Human Rights Dimensions

4.1 Ethical Foundations

Ethical arguments for climate justice are based on fairness, equity, and responsibility. Those who enjoy the fruits of industrialization must bear the costs of mitigation and support vulnerable nations in adaptation.

4.2 Human Rights and Climate Change

The UN Human Rights Council has affirmed that climate change threatens the full enjoyment of fundamental rights — including the right to life, food, water, and housing. Climate litigation, especially by indigenous peoples and youth (e.g., the *Urgenda* case in the Netherlands or *Juliana v. United States*), reflects the growing integration of rights-based approaches into climate advocacy.

5. Climate Justice in the Global South: Challenges

5.1 Economic and Technological Disparity

Many developing countries lack the financial and technological capacity to shift to low-carbon economies or implement large-scale adaptation measures. This makes them dependent on aid, which is often delayed or inadequate.

5.2 Climate-Induced Displacement

Rising sea levels and desertification have displaced millions in Bangladesh, Sub-Saharan Africa, and Pacific Islands. These climate refugees lack formal legal protection under current refugee laws.

5.3 Weak Institutional Frameworks

Corruption, bureaucratic inefficiencies, and lack of coordination among ministries hinder effective climate governance in several Global South nations.

5.4 Loss and Damage Debate

The demand for reparations or compensation from developed nations for irreversible climate damage remains controversial. While moral grounds exist, political resistance from rich countries stalls any binding commitments.

6. Case Studies

6.1 India

India is both a victim of climate injustice and a significant emitter due to its size and development needs. Its Climate Action Plan emphasizes renewable energy, afforestation, and sustainable agriculture. However, challenges remain in climate finance, inter-state coordination, and inclusion of marginalized communities.

6.2 Bangladesh

As one of the most climate-vulnerable nations, Bangladesh has shown resilience through adaptation projects, community-based planning, and early warning systems. Still, international support for long-term adaptation remains insufficient.

6.3 Small Island States (e.g., Maldives, Tuvalu)

These nations are on the frontlines of sea-level rise. Despite contributing less than 1% to global emissions, their very existence is at risk. Their advocacy at international forums highlights the urgency of addressing climate justice.

7. Recommendations

1. Legal Reforms and Enforcement

- National climate laws should integrate principles of climate justice, including explicit recognition of vulnerable groups and procedural rights.
- Strengthen environmental courts and tribunals.

2. Equitable Climate Finance

- Developed nations must fulfill the \$100 billion annual commitment made under the Paris Agreement.
- Funds must be easily accessible and tailored to local needs.

3. Technology Transfer and Capacity Building

- Encourage North-South collaboration on clean technologies, with intellectual property flexibility.
- Build local capacity through education, training, and institutional development.

4. Regional Cooperation

- Regional platforms such as SAARC and African Union must coordinate climate adaptation strategies.

5. Climate Litigation and Rights-Based Advocacy

- Promote public interest litigation to hold governments and corporations accountable.
- Recognize environmental rights as fundamental rights in national constitutions.

8. Conclusion

Climate justice transcends the boundaries of environmental law and international policy—it is fundamentally a moral and ethical imperative. It challenges the global community to confront not only the scientific realities of climate change but also the deep-seated historical, economic, and geopolitical inequities that shape its impacts and responses. The Global South, which includes a diverse range of countries across Africa, Asia, Latin America, and Small Island Developing States (SIDS), is confronting an existential threat. From rising sea levels swallowing coastlines and islands, to prolonged droughts, erratic monsoons, desertification, and forced migration, the consequences are not abstract possibilities—they are already devastating lives, economies, and ecosystems. These vulnerabilities are not simply the result of geographic misfortune, but are rooted in centuries of global inequality, colonization, and environmental exploitation, largely orchestrated by the Global North. Wealthy industrialized nations built their prosperity on carbon-intensive development models, reaping the benefits of technological advancement and economic growth, while externalizing the environmental costs to the rest of the world. Today, the same countries hold disproportionate power in international institutions, while developing nations are expected to achieve sustainable development within a severely constrained carbon budget.

Although international legal instruments such as the UNFCCC, Kyoto Protocol, and the Paris Agreement have laid an important normative and institutional foundation for global climate cooperation, they often fall short in implementation, enforcement, and equity. Mechanisms for climate finance, technology transfer, and capacity building—essential tools for ensuring justice—remain underfunded, unevenly distributed, and bogged down by bureaucratic barriers. Principles such as "common but differentiated responsibilities" (CBDR) and "polluter pays" are acknowledged in theory, but often diluted or contested in practice.

To bridge the gap between principle and practice, a multifaceted transformation is required. This transformation must begin with legal innovation, including stronger domestic climate laws that integrate rights-based approaches, environmental justice, and accountability mechanisms. Ethical reflection must inform global and national policies, grounding decisions in solidarity, fairness, and recognition of historical responsibilities. Equally crucial is policy reform—creating inclusive, transparent, and participatory governance frameworks that amplify the voices of indigenous communities, women, youth, and marginalized populations.



In essence, climate justice demands a reimagining of global climate governance—one that prioritizes equity over expediency, cooperation over competition, and long-term sustainability over short-term gain. Achieving a just and equitable climate order is not only necessary to protect the most vulnerable today, but is also essential for ensuring a livable and dignified future for generations to come. The time for moral clarity, collective responsibility, and decisive action is now.

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