
INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

CLIMATE CHANGE AND HUMAN RIGHTS VIOLATION: UNVEILING THE ENVIRONMENTAL CRISIS- Kashika Naidu¹**Abstract**

World leaders, Environment enthusiasts, and Climate change activists have been voicing their thoughts at the state of environmental degradation for the better half of the 21st century. It is extremely clear that the deterioration of the environment raises serious concerns regarding Human rights violations. The right to a clean and sustainable environment² which goes hand in hand with the Right to life and personal liberty enshrined in Article 21³ under the Indian Constitution. With the emergence of the industrial revolution to the advent of modern technology, our focus of has been shifted from advancing science to protecting the earth we live on. This paper will delve into the gross human rights violations that happens due to the adverse effects on the environment. It will also talk about corporate responsibility in managing the environment and will put emphasis on the Environmental Impact Assessment (EIA) that corporations fail to uphold. The paper would talk about the core Human Rights treaties that the States actively engage in to adopt preventive measures to mobilize available resources in order to avert foreseeable human rights harms resulting from climate change. At the conclusion of the paper, we will try to highlight solutions where the protection of the environment comes in hand with protection of Human rights.

Key Words: Human Rights, Environment, Climate change, Corporate Responsibility, Environmental Impact Assessment, Treaties.

Introduction

In late 2018, Greta Thunberg marched in front of her country's parliament and made the world aware of the drastic climate crisis affecting the people. Almost 8 years later, no world leader has made significant changes to stop the world from melting under the heat of the environmental problems. They cite the pandemic as an excuse and then the rehabilitation of the people in the society after but what they fail to realize is that the pandemic will not be the most prominent cause for the deterioration of the world's population but the industrial waste, excessive carbon emissions and the harmful radiation that's still

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²Written statement of Vanuatu, Obligations of States in respect of Climate Change, ICJ, <https://www.icj-cij.org/node/204376>

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affecting some parts of the world will be the root of millions of deaths in our near future. Corporations call this business- we call it a human rights violation.

When we mention human rights, we speak in terms of war, genocide, and mass immigration but it's also important to focus on the current climate crisis when talking about these rights. The world has shifted on its axis since the Industrial revolution and now the melting ice caps in the Arctic are not the sole concern of environmental degradation. Human rights violations and Environmental damage are intrinsically linked, climate change directly impacts fundamental rights like the right to a clean and stable environment. Multinational corporations who are inadvertently the biggest contributors to climate deterioration are also the ones responsible for its negative side effects caused to humans which in turn infringe upon their right to live in harmony.

It's time we pool our resources not to revolutionize our lives but to save it, to stop the destruction of our earth before it's too late. This paper will attempt to delve into the reasons for environmental harm and the abuses of human rights that many companies partake in. It is anticipated that by learning about the link between human rights violations and environmental damage, this paper will contribute to advancing climate justice and the greater well-being of Humans.

Climate Change: The Old Crisis

The Kyoto protocol, Paris agreement, UN Climate change conference (COP), hundreds of environmental treaties since the 90's, and the age-old questions still remain - What about Climate Change?. The topic of climate change was introduced initially in the UN Scientific Conference also referred to as the First Earth Summit in 1972 and in 1979, the UNEP adopted the Convention on Long-Range Transboundary Air Pollution; the first international instrument to monitor air pollutants. Today, in 2025 the international community has yet to solve the Climate crisis, and the lives of the people around the globe are kept hanging. The environmentalist activists can only do so much as protest and spread awareness, it's time to hold those accountable so that we get to live in a world with a sustainable environment.

The United Nations officially acknowledged the right to a safe, healthy, and viable environment⁴, as a basic natural right in the years 2021 - 2022. This right to a healthy environment is recognized by 161 nations, which includes Article 21 of the Indian Constitution. Article 21 and environmental protection go hand in

³ India Consti. art. 21.

⁴Carmen Martínez, Council of Europe challenged to legally recognise the right to a healthy environment, FIBGAR, (5 June), <https://fibgar.es/en/council-of-europe-challenged-to-legally-recognise-the-right-to-a-healthy-environment/>.

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hand India not only promises to uphold the livelihood of its people but also tries to ensure that they have access to a clean and stable environment.

The landmark judgement⁵ delivered on March, 2024 in *M.K. Ranjit'sinh & Ors. v. Union of India*,⁶ The Supreme Court under a writ petition filed seeking to protect the Great Indian Bustard, it was held that the bird's habitat was endangered due to overhead power lines. The Supreme Court recognized a new right to be protected against the harmful effects of climate change,⁷ linking Article 21's right to life and Article 14's right to equality before the law.

Over the past few years, some of the European Union's largest companies have been involved in shocking violations of human rights and harm to the environment in nations worldwide. These companies have been left unscathed in the destruction caused in their wake to individuals and the climate alike, a few of many examples included:

Ferrero International SpA is an Italian Multinational company and one of the biggest chocolate producers in the world. Most of the cocoa plantations for the company happen in the region of West Africa where there is a high rate of child trafficking and child labour. Children are kidnapped from the streets and their homes to work in these plantations. Widespread deforestation has also been happening to make way for cocoa plantations.

Boliden Mineral AB stands as one of the largest mining companies in Sweden,⁸ one of its contractors Promel was instructed to export mining waste which eventually led to dangerous health effects for the people working there leading to cancer, skin diseases and neurological defects. When the people went to court to sue the company, the court dismissed the case and found that the company had no way of foreseeing this outcome as Promel shouldn't have exported mining waste without removing the arsenic. The main company Boliden was left unharmed from the lawsuit.

⁵*M.K. Ranjit'sinh & Ors. v. Union of India*, Writ Petition (Civil) No. 838 of 2019

⁶Hemica Ponnamma & Harshitha H. S., International Conference On Revitalizing Sustainable Development Goals For a Resilient Future in Special Issue on SDGs, (Building A Sustainable World Together: Stakeholder Roles In Advancing Sdgs), ISSN 2321-4171, JSSJLSR, at 78–91 (Hemica Ponnamma & Harshitha H. S. eds.), (Nov.–Dec. 2024). <https://www.jsslawcollege.in/jsslc-online-journal/>.

⁷*Id.* at 5.

⁸Deva, S. 'Mandatory human rights due diligence laws in Europe: A mirage for rightsholders?', Vol. 36(2), *Leiden Journal of International Law*, pp. 389–414, (2023).

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Royal Dutch Shell is one of the largest oil and gas companies.⁹ Ogoni is the region of southern Nigeria and also the name of the ethnic people that live there. These oil companies have seriously damaged not just the ecosystem but also the lives of these indigenous people. They have reduced them to poverty, environmental deforestation, and economic human rights abuses.

These huge corporations have used the environment as a tool to strip the people of their right to live in a clean environment. It's time that we hold these companies accountable for their actions so that we can move towards rectifying the gross conduct that they have bestowed on us humans and our environment.

Climate Justice: Demands For Change

“Those on the front lines of climate disruption are the least responsible for this disaster.” Twenty - seven year old French climate activist, Camille Etienne said it right. The corporations on the front lines of these gross environmental violations are the last to bear the brunt of it. The indigenous people are the ones most affected by this bomb to the ecosystem, these communities around the world are facing terrible climate impacts. Their identities have been deeply interwoven with their land and water and now they have taken up the fight against climate change. It's time the rest of the world also picks up their voice and tries to make the changes they have promised to do so on countless occasions.

Climate Justice acknowledges the harsh effects of climate change on disadvantaged sections of society and communities of colour across the globe, specifically affecting those people and areas that contribute the least to this issue. It links the climate catastrophe to social, racial and environmental factors.

For example, in California's Bay Area oil refineries, economically disadvantaged neighbourhood communities and people of colour are severely affected by pollution and diminished air quality in the area leading to cancer and respiratory diseases.¹⁰ Similarly in the Western Amazon region, the history of oil extraction has resulted in significant environmental harm and adverse effects on the livelihood of the indigenous people.

The fight against climate change for these marginalized sectors of society shows us how personal the degradation of our environment is, looking through an equity perspective, it's important to curb these human violations so that climate justice is achieved for all.

⁹ Case Study: Shell, European Union agenda, Corporate Justice Coalition (on file with EU Agenda), (Nov. 2024), <https://euagenda.eu/upload/publications/cjc-casestudy-shell.pdf>

¹⁰What Is Climate Justice?, UC Center for Climate Justice, (July 2022), <https://centerclimatejustice.universityofcalifornia.edu/what-is-climate-justice/>.

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The Mary Robinson Foundation for Climate Justice¹¹ emphasizes several foundational principles to guide climate action. At its core, it first and foremost upholds to safeguard human rights while supporting the right to sustainable development. Climate justice ensures that plans and decisions made are inclusive, transparent and hold responsibility towards the nations to fight against climate change while ensuring that there is an equitable distribution of resources and balancing it with gender equality. These principles highlight the need for partnership and advocating for climate stewardship¹², through education in the ever-changing fight for climate justice. These principles are rooted in the protection of Human rights from environmental abuses.

➤ **Intergenerational Equity: Looking Towards The Future Today**

The concept of Intergenerational equity¹³ asserts that every generation shares the Earth both with members of the current generation and also with future and past generations, those who came before and those that will come after. This principle expresses an idea of equity between generations regarding the utilization and preservation of our habitat¹⁴ and its essential resources. This idea is rooted in the principles of sustainable development,¹⁵ which strives to fulfill the needs of the present without jeopardizing the ability of future generations to meet their needs.¹⁶

In order for us not to exhaust our natural resources, the present generation needs to find ways to reduce climate change so that our future children don't have to live in a barren wasteland. Rapid toxic contamination of ground water, nuclear contamination of water bodies, depletion of the ozone layer, destruction of forests and biodiversity hubs are some of the major harm that our future generations will suffer from.

Human rights are also part of Intergenerational equity, International human rights laws have referenced the rights of future generations - right to food, shelter and safe livelihood. The right to safe drinking water was recognized in 2010, by the United Nations General Assembly ('UNGA') and the United Nations Human

¹¹ Mary Robinson & Tara Shine, Achieving a climate justice pathway to 1.5 °C, Vol. 8, Nature Climate Change, 564–569 (2018). <https://doi.org/10.1038/s41558-018-0189-7>

¹² Joanne Lu, "Climate Justice" Advances Discussion of Climate Change Risks and Response, GlobalWA, Newsletter, (Posted on February 6, 2020), <https://globalwa.org/2020/02/february-2020-newsletter/#issue-brief>.

¹³ Edith Brown Weiss In Fairness to Future Generations: International Law, Common Patrimony and Intergenerational Equity, Oxford Public International Law [MPEIL] (April 2021).

¹⁴ Maria Antonia Tigre, Armando Rocha, and Delton Winter de Carvalho, Pioneering Climate Litigation for a Global Cause, ISBN: 978-90-04-69081-3, Brazil and Climate Justice, (2025).

¹⁵ Gro Harlem Brundtland, Our Common Future : From One Earth to One World, Report of the World Commission on Environment and Development, (OUP Oxford 1987).

¹⁶ Louis J Kotzé, Environmental Law and Governance for the Anthropocene, ISBN 9781509906567, (Oxford, Hart publishing), (2017).

Rights Council.¹⁷This right carries an obligation on the existing generation to ensure that this right carries towards future individuals.

The Human Rights Committee affirmed in 2018 that ‘environmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life’. It has increasingly become clear that in order for this earth not to evaporate in the next few thousand years, we present have to protect our environment for the future.

Environmental Impact Assessment: Ensuring Corporate Accountability

To ensure the health and safety of both current and future generations, states must adhere to international environmental law which requires effective Environmental Impact Assessment (hereinafter “EIA”). The major harm to the environment is us humans who manage the corporations that fail to uphold the EIA mandates and despite the state’s responsibility in holding corporations accountable for their misuse of money and power they somehow get away with polluting the environment and severe human rights violations.

The Environmental Impact Assessment under the Environment (Protection) Act, 1986 is a process used to evaluate the potential environmental consequences and financial impacts of suggested projects or activities prior to their approval and execution.¹⁸ The development of EIA started during the industrial period when lead levels increased in the atmosphere causing significant amounts of pollution in the air from numerous factories and industries. Now, it has become an international mandate and conducting an EIA on activities which cause transboundary environmental harm has become part of international customary law declared by the International Court of Justice which is an obligation on the part of state parties of multilateral treaties to maintain. The ICJ has stated that each state’s domestic law has discretion while detailing the specific regulations of the EIA mechanism.

EIA is often referred as a structured and collaborative process aimed at collecting information utilized to identify, comprehend, and oversee the possible impacts of the proposed developments, both public and private, on the natural environment (e.g., air, water, land, flora and fauna) as well as on the social environment (e.g., culture, health, community development, employment and economic stability).¹⁹ It’s a

¹⁷*Id.* at 14.

¹⁸ Foster, George K., Community Participation in Development, Free Library, (Jan 2018), <https://www.thefreelibrary.com/Community+Participation+in+Development-a0531721370>.

¹⁹ Encyclopedia of Geography, Vol. 2, Internet Archive (2010), http://archive.org/stream/geography-encyclopedia/Geography_2_djvu.txt

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common misconception that the regulations that the state and international community emphasize to the companies are being followed thoroughly. Many businesses try to speed through the mandatory EIA process and sometimes even fail to wait for a clearance leading to many cases of employees facing health problems due to working in hazardous places.

Many industries in India have taken a by-road following the mandatory EIA clearance and taken help in the form of ex-post facto Environmental clearance, where in exceptional circumstances an EIA can be granted after the operations have started. The courts have been quick to shut this down as seen in *Alembic Pharmaceuticals v. Rohit Prajapati*,²⁰ where it was held that granting ex-post facto clearances is void.

Moreover, in *Common Cause v. Union of India*,²¹ it was also a settled proposition that the concept of retrospective environmental clearance is 'completely alien to environmental jurisprudence.'

Multinational Corporations (MNCs) are often responsible for serious human rights abuses such as, The Bhopal gas leak where thousands of people died due to a gas leak of methyl isocyanate from a pesticide plant in Bhopal, India.²² The chemical plant which was a subsidiary of Union Carbide corporation compromised its safety measures leading to the death of thousands of citizens and many more suffering from health diseases. This incident exposed the dangers of operating hazardous industries without proper safety checks and raised critical questions about corporate accountability as initially the company tried to deny their role in the disastrous gas leak. This case essentially serves as a stark reminder of the potential consequences when MNCs prioritize profit's over environmental regulation.

One cannot talk about stringent environmental regulations without mentioning the name of M.C Mehta, an environmental lawyer dedicated to environmental conservation and infamous in many renowned cases has helped in safeguarding our ecosystem. One such case that stands out is the landmark case in Indian environmental Law, The Oleum gas leak²³ case where a poisonous gas leak at Shriram fertilizer industry in Delhi killed one person and left many injured. Mehta filed a PIL to raise an issue pertaining to industry safety and the right to a healthy environment. From the judgement involved the absolute liability principal against hazardous industries regardless of precautions taken. This case underscored the need for regulatory and safety mechanisms for corporations; that endanger the environment and the people with it while having a complete disregard for our precious globe.

²⁰*Alembic Pharmaceuticals Ltd. v. Rohit Prajapati* (2020) 17 SCC 157.

²¹*Common Cause v Union Of India* (2017) 9 SCC 499.

²² Edward Broughton, The Bhopal Disaster and it's Aftermath: A Review, Vol 4 ,Environmental Health, (May 10, 2005)

²³*M.C. Mehta v. Union of India*, (1987) 1 SCC 395.

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Over the years, Multinational corporations have faced numerous allegations of committing human rights violations as well as violating environmental regulations, both employment rights and the rights of ordinary citizens who get caught in the crossfire. These cases above illustrate that despite a framework of rules intended to ensure that these corporations are held responsible for their actions, this situation of harm persists. It's time that we band together and come up with possible solutions in order to achieve climate change stability and hold these corporations accountable for their gross misconduct.

Rights Of Nature

Rights Of Nature (RoN) holds that nature in itself bears legal rights and it is our duty to protect this ecosystem. The Rights Of Nature movement has gained traction over the years as it finally recognizes the environment not just as a means to an end but as a living breathing organism which should be protected at all costs. Many advocates and environmentalists have started to recognize the RoN movement as a part to protect the rights of future generations, as only if we protect Mother Earth will we be able to protect the future children.

The Supreme Court of Colombia, in *Future Generations v Ministry of the Environment*,²⁴²⁵ Colombians argued that due to climate change and the deforestation of the Amazon, their rights were being threatened. The court recognized the Amazon as entitled to legal right and as such it should be protected and conserved. It was observed that the people's human rights were essentially linked to the rights of the environment.

Germany's regional court on August 2nd 2024 marked a new era for the Rights Of Nature movement when it ruled that 'nature is not an object, but it's a subject with its own protection.' This decision comes as a breath of fresh air after over a decade of litigation, increasing emissions and the state's failure to hold corporations accountable has led to an increase in human rights-based climate litigation.

Human rights-based climate cases talk about the impact of environmental deterioration that violates human rights which include the right to life and to a clean and stable environment as seen above. The litigators have seen the obscene amount of gross violations these large companies have taken part in and they say no more, they are the true advocates for the unseen people. A few examples of how these human rights violators have been made to own up to their conduct are as follows:

²⁴Emma Freedman and Jacob Metz-Lerman, *Human Rights-Based Climate Litigation and the Rights of Nature: International Case Review and Analysis*, Earth Law Center, (May 2025), <https://www.earthlawcenter.org/blog-entries/2025/5/human-rights-based-climate-litigation-and-the-rights-of-nature-case-review-and-analysis>

²⁵*Future Generations v Ministry of the Environment*, STC 4360-2018

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In the case of *Billy v Australia*,²⁶ indigenous residents of some Australian islands argued that Australia had infringed upon the human rights commitment codified in the ICCPR²⁷ and the changing weather patterns accompanied by the rise in sea level had harmed their traditional lifestyle. The United Nations Human Rights Committee concluded that the indigenous islander's rights were indeed violated and asked Australia to compensate the people, to take measures to ensure the communities safe existence on the island.

In another place, the youths challenged Montana's fossil fuel policy in *Held v. Montana*,²⁸ on the grounds that it infringed on their right to a clean and healthy environment. The youths argued that a provision in the Montana Environmental Policy Act which states that the state should not consider the impact of greenhouse gas emissions was in violation of the state's constitution, which guarantees that 'each person should maintain a clean and healthy environment for present and future generations'. The American court recognized that this law contributed to climate change and hence an infringement on the people's constitutional rights.

Many guidelines have also been established by the international community in protecting the rights of humans while balancing the climate change impacts. The international sphere has become something of a watchdog for the environmental protection of our earth.

The National Contact Point (NCP) is a body set up under the OECD Guidelines²⁹, for Multinational Enterprises, which encourages responsible business conduct. This body holds companies accountable for human rights violations and environmental impacts.

One such example of this is *The Society for Threatened Peoples Switzerland vs. BKW Group*³⁰, this case was focused on the company's investment in a wind energy project in Norway, which threatened the land rights and human rights of indigenous Sami people living there. The Swiss National contact point acted as a mediator between the NGO and the Company to help resolve the issue.³¹

In another such instance, the Danish National Contact Point concluded in the *West Virginians for Sustainable Development vs. Rockwool*,³² according to the complaint the company had not conducted risk-

²⁶*Daniel Billy et. al v Australia*, CCPR/C/135/D/3624/2019

²⁷*Id.* at 23.

²⁸*Held v State of Montana*, Docket No. CDV-2020-307 (Mont.1st Dist.Ct.)

²⁹ Briefing Paper, State Of Remedy 2021, Understanding OECD Guidelines Complaints Through the Lens of Remedy, OECDWatch, (Pg 1-3), (June 2022).

³⁰*Society for Threatened Peoples Switzerland v. BKW Group*, OECD Guidelines Specific Instance (filed Jan. 16, 2020)

³¹ *Id.* at 28.

³²*West Virginians for Sustainable Development v. Rockwool International A/S*, OECD Guidelines Specific Instance (filed Oct. 21, 2019)

based HRDD in accordance with the Guidelines. It was supposedly Rockwool's inability to identify societal, environmental, and health risks associated with the construction of a mineral wool plant in West Virginia, USA.

These cases highlight that the world is not just watching from the shadows, but that it is silently rectifying its inaccuracies. The advocates and the judges have converged in an effort to protect human rights due to climate change. The international standards like the OECD guidelines and tools like NCP mediation further help in promoting corporate responsibility and protecting human rights.

Conclusion

We find ourselves on the brink of a climate war fought not with weapons of mass destruction but in slow deliberate ignorance of human rights violations fizzling under the weight of an environmental crisis. This has been a call to our fellow humans to open our eyes and take note of the situation unfolding. There is no doubt that there is a significant connection between the climate crisis and violations of human rights, we have seen how the issue of climate change has progressed over time and the protection of human rights has become increasingly challenging in the 21st century. This paper has attempted to throw light on the gross infringement of rights that these multinational companies participate in, with the help of a variety of cases.

This paper has put emphasis on the different regulations which the nations try to integrate and uphold such as the Environment Impact Assessment (EIA) tool, The RoN movement and climate-based litigation. These steps help us in achieving the possibility of upholding the fundamental rights enshrined in our constitution. The international community strives to maintain a sustainable environment not just for the current but also for the future generations.

As we conclude this paper, we look towards the mess of our ecosystem to which we have contributed and try to realize it's time for a change, to fight towards our goal of achieving climate justice. It is not just humans who are subjected to environmental violations but the environment itself needs to be protected. Countries and communities have to come together and hold accountable the people who misuse the environment and in turn contribute to climate change. The interconnection between the environmental crisis and human rights has been blurred, and now it's time to take a stand. To end with a quote -

“The climate crisis has already been solved. We already have the facts and solutions. All we have to do is wake up and change.” - Greta Thunberg

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