



Environmental and Climate Justice: A Public Policy Discourse

Akankshya Anuska Babu¹ and Bijayini Namrata Patel²

¹ B.A. LLB 5th Year (Constitutional Law Hons.), School of Law, KIIT-DU, Bhubaneswar, India

² BBA. LLB 5th Year (Constitutional Law Hons.), School of Law, KIIT-DU, Bhubaneswar, India

aababu2001@gmail.com

Abstract. In the discourse surrounding environmental and climate justice, it's crucial to distinguish between the terms 'environment' and 'climate' as they represent distinct yet interconnected concerns. The environment has undergone substantial changes due to developmental and economic growth, leading to ecological issues. On the other hand, climate change poses a societal challenge with the potential to disrupt various routine activities. However, these impacts aren't evenly distributed, creating an issue that transcends borders. Addressing climate justice requires not just tackling the immediate climate problems but also dismantling the systems that have contributed to this crisis. It calls for a systemic shift that prioritizes land stewardship, empowerment of women, support for frontline communities, and community-driven solutions.

A widely acknowledged principle in the field of climate justice is 'Common but Differentiated Responsibilities and Respective Capabilities' (CBDR+RC), first introduced within the United Nations Framework Convention on Climate Change (UNFCCC) in 1992. This principle combines the ideas of historical accountability (CBDR) and a nation's ability to take action (RC). Essentially, it suggests that a nation's fair contribution to addressing climate issues should consider its past emissions and economic wealth. While poorer nations emphasize the responsibilities aspect, industrialized countries have often favoured the capabilities angle, resisting strong formulations of historical responsibility. Over successive rounds of discussions, from the Kyoto Protocol to the Paris Agreement, there's been contention between developing nations, like India, and developed counterparts regarding the shifting of goals to reach a global consensus on combating climate change.

Keywords: Climate, Environment, Climate Justice, United Nations.

1 Introduction

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Achieving a balance between economic development and environmental conservation often poses a challenge, requiring policy frameworks that promote sustainability without stifling growth. Public policies continue to evolve as new environmental challenges emerge, and there's ongoing debate and adaptation to find more effective solutions.

2 Research Problems

Here are some potential research problems derived from the discussion on environmental and climate justice:

Assessing Global Disparities in Climate Impacts: Explore and quantify the unequal distribution of climate impacts across regions and demographics. Investigate how these disparities affect vulnerable communities and analyze the underlying causes contributing to differential impact occurrences.

Mechanisms Driving Ecological Problems from Development: Conduct a comprehensive study to identify and analyze the specific mechanisms within development and economic growth that contribute to ecological problems. Investigate policy implications and propose alternative frameworks for sustainable development.

Effectiveness of Climate Justice Initiatives in Empowering Marginalized Groups: Evaluate the impact of climate justice initiatives emphasizing land care, women's empowerment, and community-led solutions. Assess the effectiveness of these approaches in empowering marginalized groups and enhancing resilience against climate change.

Evolution and Implementation of CBDR+RC Principle: Investigate the evolution and application of the Common but Differentiated Responsibilities and Respective Capabilities (CBDR+RC) principle in international climate agreements. Assess how different nations interpret and implement this principle and the resulting impact on global climate action.

Role of Policy Shifts in Climate Negotiations: Analyze instances of policy shifts and changes in the negotiation strategies of developed and developing nations during global climate talks. Investigate how these shifts impact consensus-building and affect the overall trajectory of international climate agreements.

Challenges in Balancing Economic Growth and Environmental Conservation: Explore the challenges faced in achieving a balance between economic development and environmental conservation. Investigate policy frameworks that successfully promote sustainability without impeding economic growth, identifying key strategies and best practices.

Role of Public Participation in Environmental Policy Development: Investigate the impact and significance of public engagement in shaping environmental policies. Assess the effectiveness of different models of public participation and their influence on policy formulation and implementation.

Each of these research problems delves into different aspects of environmental and climate justice, offering avenues for in-depth study and analysis, aiming to contribute valuable insights and potential solutions to these critical global issues.

3 Literature Review

The purpose of this chapter, as can be well grasped from the name itself. The researchers shall delve into the existing resources on the topic chosen to get a clear understanding of the existing state of affairs and to identify the gap which the researchers shall try to bridge. Based upon several research papers published across several journals both national and international, it has been viewed that extensive research has been made on the areas of environment and laws regulating to protect in light of securing justice as a perspective of a nation for its citizens with regards to the essence of democracy. Several cases have also developed with authoritative values in determining the need, purpose and impact of this standpoint over the nations. The initial study conducted for this research paper is with the findings of each study briefly described to gain a basic understanding of Climate justice with all its aspects and its adaptability to the former international conventions. The textual data gathered from Daisy Simmons, regarding What is 'climate justice'? acknowledges the essence of justice in terms of development and environment. David Wright in "Determines Greenhouse Gases Harmful to People and Environment" held the essence of common but differentiated responsibilities and how fair it is to all nations. Referring to the statement of well-known environmentalist Disha Ravi, the authors conclude Climate Justice is about Intersectional Equality.

4 Environment Vs Climate

In the discussion of climate change and environmental degradation, one might often stand at two minds regarding the above-mentioned terms. Hence before delving into the discussion of Environmental and climate justice we first need to educate ourselves as to what these terms mean. The environment and climate are closely related but have distinct differences.³ The environment encompasses everything around us, including the air, water, land, plants, animals, and various ecosystems. It's essentially the surroundings in which we live, and it includes both natural and human-made elements. On the other hand, climate refers to the long-term patterns and averages of weather conditions in a particular region. It involves elements like temperature, humidity, precipitation, wind patterns, and more. Climate is determined by analysing weather patterns over an extended period, usually spanning decades or centuries. While the environment is broad and covers everything around us, the climate is a specific aspect of the environment that focuses on long-term weather patterns. Changes in the environment, such as pollution, deforestation, or habitat destruction, can influence the climate and contribute to alterations in long-term weather patterns. Understanding both the environment and climate is crucial for addressing issues like climate change and ensuring the sustainability of our planet.

5 Climate Justice

The climate justice movement pushes for equitable treatment of all individuals and an equitable allocation of the challenges and advantages stemming from climate change and environmental regulations. It acknowledges that marginalized groups, often those least responsible for global emissions, bear the greatest consequences of climate change. The movement stresses the importance of fairness in addressing these impacts. Despite having made minimal contributions to the issue, vulnerable populations such as low-income communities, indigenous peoples, and those in developing nations suffer disproportionately from the effects of climate change. Climate justice seeks to hold the entities or countries primarily responsible for greenhouse gas emissions throughout history. It calls for responsibility in reducing emissions and taking actions to mitigate climate change's effects. The movement encourages the participation of affected communities in decision-making processes regarding climate policies. This involves ensuring their voices are heard and respecting indigenous knowledge and practices related to environmental sustainability. Climate justice frames environmental issues as human rights issues. Access to clean air, water, a safe environment, and sustainable resources are considered basic human rights, and addressing climate change is seen as imperative for protecting these rights. It promotes solidarity among nations, communities, and individuals to collectively address the challenges posed by climate change. Collaboration and support across borders are essential for finding equitable solutions. Overall, climate justice seeks to address the social, economic, and environmental dimensions of climate change, aiming for fair and inclusive solutions that prioritize the most vulnerable populations while acknowledging the historical and systemic inequalities that have contributed to the current environmental crisis.

In India, climate justice is a significant concern due to the country's vast population, diverse ecosystems, and the various social and economic challenges faced by its people. Several factors contribute to the urgency of addressing

³ Hornik K., Cutts B., Greenlee A. Community Theories of Change: Linking Environmental Justice to Sustainability through Stakeholder Perceptions in Milwaukee (WI, USA) *Int. J. Environ. Res. Public Health*. 2016;13:979. doi: 10.3390/ijerph13100979.

climate justice in India. India is vulnerable to the impacts of climate change, including erratic weather patterns, rising temperatures, water scarcity, increased frequency of extreme weather events, and sea-level rise, which can have severe consequences for agriculture, water resources, and coastal communities. Marginalized communities, including tribal populations, rural farmers, and low-income groups, are disproportionately affected by climate change. These groups often lack the resources and infrastructure to adapt to changing environmental conditions. India's rapid economic growth has resulted in increased industrialization, urbanization, and energy consumption, contributing to environmental degradation, air and water pollution, deforestation, and the emission of greenhouse gases. Access to clean and sustainable energy is a critical aspect of climate justice. India has been making efforts to expand renewable energy sources, such as solar and wind power, to reduce its reliance on fossil fuels and mitigate climate change. India is a signatory to international climate agreements like the Paris Agreement and has committed to reducing its carbon intensity and increasing its use of renewable energy. Balancing economic growth with environmental sustainability remains a challenge. Efforts toward climate justice in India involve policy interventions, community-based initiatives, and technological advancements to mitigate the impacts of climate change while ensuring equitable access to resources and opportunities. Several grassroots organisations and civil society groups work on issues related to climate justice, advocating for the rights of vulnerable communities, promoting sustainable practices, and pressuring policymakers to address climate change fairly and inclusively. Developing countries, like India, place more emphasis on the economy than on the environment, assuming that by improving economic conditions, the gap can be bridged.

"Nature provides exceptions to every rule but development is inconceivable without change" Considering Aristotle's thought about "Virtuous", German philosopher "Immanuel Kant" coined the term "Ethics". He believes that ethics encompass the moral standards that enable us to discern between right and wrong, or good and bad. Integrating ethics with the concept of the environment imposes a duty on individuals who coexist with the natural world, upon which their survival and welfare hinge. Defining environmental ethics involves acknowledging a conscience or moral compass that signifies one's dedication and obligation to the environment, as well as to both present and future generations. It can aptly be described as a branch of philosophy that explores the "Ethical Relationship between Human Beings and the Natural Environment."

The environment has experienced significant alterations as a result of development and economic progress, resulting in ecological challenges. Mother nature has bestowed upon us the fundamental necessities of sustenance and shelter to establish an advanced and evolving society. Consequently, we must cultivate a harmonious coexistence with the natural world. However, the pursuit of economic growth has come at a substantial expense to nature, evident in escalating pollution, diminishing biodiversity, and a severe depletion of essential resources. Hence, it is beneficial to evaluate the impacts and repercussions of diverse developmental endeavour such as deforestation, wetland drainage, and numerous other concerns.⁴

Climate change, by its very nature, is a societal issue that can disrupt anyone's ordinary activities in a range of methods. However, not all climate impacts are created equal, nor are they distributed in the same way. This challenge has no limitation on borders. Climate change has disproportionate effects on historically marginalized or undeserved populations, from harsh weather to rising sea levels. "Climate justice" is a term, and beyond that, a movement, that recognizes that climate change can have varying social, economic, public health, and other detrimental consequences on deprived communities. Climate justice advocates confront these injustices head-on through long-term mitigation and adaptation initiatives.

A point worthy to write about is the scenario at protests and strikes, the term climate justice has grown widespread. But what does it mean, why are we focused on it now, and how is it a "green" issue? To acknowledge the issue incorporating climate justice has come into the picture after climate justice.

In the words of Disa Ravi, the famous activist of India who does not need any introduction to the domain of "green" economy, Climate justice is about inter-sectional equity. It is about being radially inclusive of all groups of people so that everyone has access to clean air, food and water. As a dear friend always says 'climate justice is not just for the rich and white. It is a fight alongside those who are displaced; whose rivers have been poisoned; whose lands were stolen; who watch their houses get washed away every other season; and who fight tirelessly for what is basic human rights

6 Environmental Justice

Environmental justice is a movement that champions the equitable treatment and engagement of all individuals, irrespective of their race, ethnicity, income, or geographical location, in environmental decision-making processes and regulations. It confronts the unequal allocation of environmental advantages and disadvantages, particularly within marginalized and economically disadvantaged communities. This movement asserts that no community should bear an undue burden of environmental pollution, hazards, or risks. Frequently, marginalized groups,

⁴ Daisy Simmons, What is 'climate justice?', Yale Climate Connections (Jul 19, 2020), What is 'climate justice'? » Yale Climate Connections.

including people of colour and those with lower incomes, reside in areas with heightened pollution levels, proximity to hazardous waste sites, or limited access to clean air and water. Environmental justice advocates for the meaningful involvement of affected communities in determining environmental policies, land use decisions, and industrial activities that may affect their health and welfare. It places importance on community expertise and endeavour to empower these groups to advocate for their rights. Furthermore, it draws connections between environmental quality and public health outcomes, acknowledging that exposure to pollutants and environmental dangers can result in adverse health impacts such as respiratory issues, increased cancer rates, and other illnesses, particularly within vulnerable communities. The movement aims to fortify laws and regulations to ensure that environmental policies are fairly enforced and that all communities receive equal legal protection against environmental harm. Environmental justice concerns have garnered attention in various nations, including the United States, due to the acknowledgement of disparities in environmental safeguarding and exposure to pollution among different demographic groups. Advocates and organizations strive to raise awareness, advocate for policy reforms, conduct research, and support affected communities in their pursuit of equitable treatment and environmental sustainability.

Environmental justice in India is a critical issue due to the country's diverse population, rapid industrialization, and environmental challenges. Several aspects contribute to the urgency of addressing environmental justice. Marginalized communities in India often bear a disproportionate burden of environmental degradation and pollution. Many of these communities, including tribal populations and low-income groups, live in areas with poor air quality, inadequate access to clean water, and proximity to industrial sites and waste disposal facilities. India's rapid economic development has led to increased industrialization and urbanization, resulting in higher pollution levels, deforestation, loss of biodiversity, and water contamination. This growth has often come at the expense of environmental degradation, impacting nearby communities. Unequal access to resources like clean water, land, and forests further exacerbates environmental injustices.⁵ Many communities, particularly indigenous and rural populations, rely heavily on natural resources for their livelihoods and are disproportionately affected when these resources are degraded or exploited. Vulnerability to climate change impacts, such as extreme weather events, water scarcity, and agricultural disruptions, also contribute to environmental injustice. These impacts often affect the most vulnerable populations, including farmers and those living in coastal areas. Efforts toward environmental justice in India involve grassroots movements, advocacy groups, and governmental initiatives aimed at addressing these disparities. Civil society organizations work to raise awareness, empower affected communities, and advocate for policy changes to ensure fair treatment and equitable access to resources. Governmental policies and regulations are being developed and implemented to address environmental concerns, such as pollution control measures, initiatives for renewable energy adoption, and conservation programs⁶. However, challenges persist in enforcing these regulations effectively, ensuring equal protection for all communities, and balancing economic development with environmental sustainability. Promoting environmental justice in India requires a comprehensive approach that considers social, economic, and environmental factors while actively involving affected communities in decision-making processes related to environmental policies and resource management. The movement aims to rectify historical injustices, prevent further environmental degradation, and promote the right of every individual and community to a clean and healthy environment.

⁵ James W, Jia C, & Kedia S (2012). The uneven magnitude of disparities in cancer risks from air toxics. *International Journal of Environmental Research and Public Health*, 9(12), 4365–4385; [PMC free article] [PubMed] Larty J, & Laughland O (2019, May 6). Cancer town. *The Guardian*. <https://www.theguardian.com/us-news/ng-interactive/2019/may/06/cancertown-louisiana-reserve-special-report>

⁶ Carbon Brief staff, Experts: Why does 'Climate Justice Matter?', Carbon Brief (Oct, 2021), Experts: Why does 'climate justice' matter? - Carbon Brief

7 Climate Justice vs Environmental Justice

Climate justice and environmental justice are closely related but have distinct focuses within the broader scope of social and environmental activism.

Environmental Justice	Climate Justice
<p>Scope: Environmental justice primarily addresses the fair treatment of all people, irrespective of race, income, or location, in the development, implementation, and enforcement of environmental laws, regulations, and policies. It focuses on preventing communities, especially marginalised or low-income groups, from bearing a disproportionate burden of environmental hazards and pollution.</p>	<p>Scope: Climate justice specifically focuses on the fair distribution of the burdens and benefits of climate change and environmental policies. It acknowledges that climate change disproportionately affects vulnerable communities, particularly those who have contributed least to global carbon emissions.</p>
<p>Concerns: It encompasses a wide range of environmental issues such as access to clean air, water, and soil, as well as protection from hazardous waste sites, industrial pollution, and other environmental risks. The movement advocates for the equitable distribution of environmental benefits and burdens.</p>	<p>Concerns: It addresses issues related to the impacts of climate change, such as extreme weather events, sea-level rise, disruptions in agriculture, and loss of livelihoods. Climate justice advocates for equitable solutions that consider the needs of vulnerable populations and aims to rectify historical and systemic inequalities that exacerbate climate vulnerabilities.</p>
<p>Community Empowerment: Environmental justice emphasises the participation and empowerment of affected communities in decision-making processes related to environmental policies. It aims to amplify the voices of those impacted by environmental injustices and advocates for their rights to a healthy environment.</p>	<p>Global Perspective: Climate justice often has a global perspective, highlighting the responsibility of developed nations that have historically contributed the most to greenhouse gas emissions. It seeks not only fairness within nations but also across international borders.</p>

While environmental justice deals with a broader spectrum of environmental concerns and aims to ensure fair treatment in environmental matters, climate justice specifically hones in on the disproportionate impacts of climate change on vulnerable communities and aims to address these disparities in the context of global climate action. Both movements strive for fairness, inclusivity, and empowerment but within different spheres of environmental and social challenges.⁷

⁷ McQuaid J (2000, May 24). 'Cancer Alley': Myth or fact? Times-Picayune. https://www.nola.com/news/politics/article_6b4bc58-0778-5374-817b-3929a8fc4b01.html

8 Importance of Climate Justice: Why does it matter?

"Justice involves respecting others' rights, treating everyone with dignity, and taking responsibility for our community to foster peace and prosperity. With climate change, these values have been challenged. Climate justice is crucial to acknowledge how climate change disproportionately affects different groups. It's about recognizing that its impacts differ greatly between, for instance, a middle-income family in a developed country and a disadvantaged migrant in a developing nation. To address this, we need fair and inclusive actions that prioritize those most affected. This requires not just tackling climate issues but also dismantling the systems that brought us here.⁸ Climate justice involves a fundamental shift toward caring for the land, empowering women, supporting frontline communities, and embracing community-led solutions. We must grasp that environmental disparities persist in climate change and understand how racial injustices worsen during climate disasters. In many parts of the world, especially in more affluent regions, embracing climate justice demands a process of unlearning and re-education."

Impact of GHGs: Care for less emissions

Greenhouse gases including carbon dioxide, methane, nitrous oxide, and other synthetic compounds trap some of the Earth's radiated energy, retaining heat in the atmosphere. Changes in the Earth's radiative balance—the balance between energy absorbed from the sun and energy emitted by the Earth cause climate and weather patterns to shift on a global and regional scale.

Multiple lines of evidence show that human activities have the *prima facie* to cause global warming for the past 50 years. Variations in the sun's output, volcanic activity, the Earth's orbit, the carbon cycle, and other natural variables all have an impact on Earth's radiative balance. However, since the late 1700s, human activities have resulted in a steady increase in greenhouse gas concentrations over the world.⁹

Greenhouse gas emissions have a wide range of environmental and health consequences. They contribute to respiratory disease caused by smog and air pollution, as well as contributing to climate change by trapping heat. Extreme weather, food supply disruptions, and increased wildfires are other effects of climate change caused by greenhouse gases. The emission of one ton of carbon dioxide into the atmosphere causes economic loss termed the social cost of carbon. It is expressed as the dollar value of the losses suffered. The nation has to look over the economic losses suffered in adaptation to climate change, rebuilding post-extreme climate events and money spent on climate change mitigation.

About the harmful effects of emissions and sources of greenhouse gases, the Washington Environmental Protection Agency (EPA) has stated that,

"The administration will not ignore science or the law any longer, nor will we avoid the responsibility we owe to our children and our grandchildren."¹⁰

- Lisa Jackson (EPA Administrator)

In India, Chandigarh became the first state/UT in India to launch the Caron watch, a mobile application to assess the carbon footprint of an individual. An individual is asked for details on four segments namely water, energy, waste generation and transport. Climate sensitivity is defined as the global temperature rise following a doubling of CO₂ concentration in the atmosphere compared to pre-industrial levels. If we know what climate sensitivity is, it will help us estimate how much CO₂ we can emit and still stay below two degrees Celsius of warming as per the Paris Agreement.

9 International Conventions for Climate Justice

The concept of 'Common but Differentiated Responsibilities and Respective Capabilities' (CBDR+RC) stands out as a prominent notion within the realm of climate justice. This principle was initially established in Article 3 of the United Nations Framework Convention on Climate Change (UNFCCC) in 1992 and has since been incorporated into subsequent agreements such as the Kyoto Protocol, the Paris Agreement, and various decisions made during the Conference of the Parties (COP). CBDR+RC integrates both the principles of historical responsibility (CBDR) and the capacity of nations (RC). Its fundamental idea is that a country's equitable contribution to addressing

⁸ Ard K., Colen C., Becerra M., Velez T. Two Mechanisms: The Role of Social Capital and Industrial Pollution Exposure in Explaining Racial Disparities in Self-Rated Health. *Int. J. Environ. Res. Public Health*. 2016;13:1025. doi: 10.3390/ijerph13101025.

⁹ Finley-Brook M., Holloman E. Empowering Energy Justice. *Int. J. Environ. Res. Public Health*. 2016;13:926. doi: 10.3390/ijerph13090926.

¹⁰ DAVID WRIGHT, EPA Determines Greenhouse Gases Harmful to People and Environment, ABCNEWS (Dec8,2009)<https://abcnews.go.com/WN/epa-declares-greenhouse-gases-hazardous-peoples-health-environment/story?id=9272194>

climate issues should be based on its past emissions and economic status. While developing nations have often emphasized the responsibilities aspect, industrialized countries have typically favoured focusing on capabilities over strong formulations of historical responsibility.¹¹

The Johannesburg Principles on the Role of Law and Sustainable Development, 2002, note 69 above [We express our conviction that the deficiency in the knowledge, relevant skills and information regarding environmental law is one of the principal causes that contribute to the lack of effective implementation, development and enforcement of environmental law IPCC

The IPCC, abbreviated for 'Intergovernmental Panel on Climate Change,' serves as the UN organization responsible for evaluating the scientific aspects of climate change. It was founded jointly by the United Nations Environmental Programme (UNEP) and the World Meteorological Organization (WMO) in 1988. The IPCC generates reports that aid the United Nations Framework Convention on Climate Change (UNFCCC). Periodically, the IPCC produces extensive Assessment Reports aimed at enhancing comprehension of climate change caused by human activities, its potential consequences, and strategies for both mitigation and adaptation.

Paris Agreement

Droughts, floods, and storms are among the most severe consequences of climate change that require prevention. The Paris Agreement also referred to as the CoP21 agreement, was established in 1994 as the primary global initiative under the United Nations Framework Convention on Climate Change (UNFCCC) aimed at addressing climate change comprehensively. Developed nations are dedicated to supporting climate actions in developing countries to diminish emissions and enhance resilience against climate change impacts. Moreover, developed countries are committed to maintaining and reinforcing their collective objective of mobilizing USD 100 billion annually by 2020.

Over 90 countries pledged to reduce reliance on conventional energy sources and transition to clean energy during the Paris climate change summit. However, the agreement will only become effective if at least 55 countries, covering 55 per cent of global emissions, ratify it. India, responsible for 4% of global emissions, ratified the pact on the occasion of Gandhiji's 147th birthday, becoming the 62nd country to do so.

New Zealand has introduced the 'ZERO CARBON LAW,' which targets achieving net-zero greenhouse gas emissions, excluding methane, by 2050 and reducing methane emissions by 24-47 per cent by 2030. This law aims to attain a balance between net-zero emissions and carbon neutrality in activities that generate climate pollution and processes that mitigate pollution to zero or near-zero levels.

USED

According to the United Nations Conference on Environment and Development (UNCED), individuals play a central role in both sustainable development and economic progress. They can live a healthy and prosperous life while maintaining a harmonious relationship with the natural world. The declaration also acknowledges the entitlement to access environmental information and a shared interest in ecological processes.¹²

Kyoto Protocol

The Kyoto Protocol was signed on December 11, 1997, and after a protracted ratification process, it was finalized on February 16, 2005, with a total of 192 signatories. Aligned with the principles and framework of the Convention, the Kyoto Protocol operates on an extension-based structure, adhering to its standards and provisions. The Kyoto Protocol places the burden of reducing greenhouse gas emissions primarily on wealthy nations, framing it as a commitment to the 'common good'. While acknowledging that mitigating greenhouse gas emissions is a shared responsibility, the Protocol emphasizes that developed countries should bear the main responsibility. This stance is based on the principle of 'differentiated responsibility and respective capabilities' outlined by the United Nations Conference on Environment and Development. According to this principle, developed countries are deemed largely accountable for the current high levels of greenhouse gas emissions in the atmosphere, as they prioritize economic growth and the well-being of their citizens over environmental concerns, contrasting with the priorities of developing nations.

MARPOL Convention

The International Convention for the Prevention of Pollution from Ships (MARPOL) stands as the primary international agreement dedicated to averting pollution of the marine environment caused by ships, whether due to operational activities or unintentional occurrences. Adopted on November 2, 1973, by the International Maritime Organization (IMO), the MARPOL Convention underwent a significant amendment in 1978 following a series of tanker incidents that occurred between 1976 and 1977. This Convention incorporates measures aimed at preventing and reducing ship pollution, encompassing both accidental releases and pollution resulting from routine operations.

¹¹ Manjunath Thamminidi, Gaurav Sharma, Environment For UPSC and State Civil Services Examinations (2021)

¹² *Ibid.*

10 Equity Component Instead of Climate Justice

Climate justice is rooted in the fundamental principle of equality and fairness within society, even in the face of a changing climate. Equality is regarded as a fundamental human right and a cornerstone of justice in contemporary society, essential for its proper functioning. It is now widely recognized that those who have benefited the most from high levels of emissions are typically the ones who have gained the most during the process of development. Consequently, they bear a responsibility to ensure that other vulnerable groups have an equitable opportunity to thrive by moderating their consumption within reasonable bounds and striving to mitigate the pace of climate change. There is evidence indicating that certain individuals and groups associated with it support this notion.

Climate justice is founded on principles of equitable development, human rights, and inclusive political participation for all. It encompasses a policy agenda aimed at combating global warming by addressing development disparities and policies that perpetuate climate injustice and societal discrimination. This requires transformative changes and a shift in focus beyond national boundaries towards what is in the best interest of humanity as a whole.

According to a discussion paper released by the European Climate Justice Action Network (CJA) in March 2010, climate justice entails unifying all efforts opposing neoliberal economics and striving towards a society where communities have the autonomy to make decisions for themselves. The key takeaway is that without addressing the underlying causes, we will be unable to effectively mitigate further global warming.

11 Obligations upon Nation-States

Environmental justice upholds the reverence for Mother Earth, the unity and interconnectedness of all species, and the entitlement to protection from ecological harm. It calls for public policies grounded in mutual respect and fairness for all individuals, devoid of bias and discrimination. To ensure a sustainable planet for both humans and other life forms, it also ensures the right to ethical, equitable, and conscientious utilization of land and renewable resources.

According to Environmental Justice, nuclear testing, the extraction, manufacturing, and disposal of toxic or hazardous materials, as well as the creation of radioactive substances, all pose threats to the fundamental entitlement to clean air, land, water, and food. Environmental Justice upholds the right to political, economic, cultural, and environmental self-determination as a fundamental human right. It calls for an end to the production of all toxins, hazardous wastes, and radioactive materials, alongside stringent accountability measures for detoxification and containment at production sites, both past and present. Environmental Justice advocates for equal treatment of all parties involved in decision-making processes, spanning needs assessment, planning, implementation, enforcement, and evaluation. It asserts that all workers have the right to a safe and healthy work environment without being forced to choose between job safety and unemployment. Moreover, it emphasizes that individuals who work from home should be free from environmental hazards. Environmental Justice ensures that victims of environmental injustice receive full restitution and compensation for their losses.

Governmental actions that perpetrate environmental injustice are regarded as violations of international law, including the Universal Declaration of Human Rights and the United Nations Convention on Genocide, according to Environmental Justice. Environmental Justice emphasizes the importance of recognizing a unique legal and natural relationship between Native Peoples and the government through treaties, agreements, compacts, and covenants supporting sovereignty and self-determination. Additionally, it highlights the need for urban and rural ecological policies to remediate and rejuvenate our cities and rural areas in alignment with nature, while also honouring the cultural integrity of all communities and ensuring fair access to resources. Environmental Justice insists on the strict enforcement of informed consent regulations and an end to human testing of experimental reproductive and medical treatments, as well as vaccinations.

12 India's stance on Climate Justice

Amid the potential for economic revival in the post-Covid-19 pandemic era to prompt a recalibration of efforts to address climate change, India, under the leadership of Prime Minister Narendra Modi, aims to prioritize "Climate Justice for Climate Change" at the upcoming 26th Conference of Parties (COP26), the annual UN climate change conference scheduled to take place in Glasgow from October 31 to November 12.

The United Kingdom is hosting the summit in collaboration with Italy. It is anticipated to be one of the most significant gatherings on climate change, with leaders and experts from over 120 countries in attendance. The summit will welcome representatives from nations that have ratified the United Nations Charter.

Nations that are party to the United Nations Framework Convention on Climate Change (UNFCCC), which came into force in 1994, are expected to participate. The meeting has been postponed by a year from its original schedule due to the Covid-19 pandemic.

From the Kyoto Protocol to the Paris Agreement, India's war cry for the fight against climate change comprises assertions from the poor world that developed counterparts have been changing their goalposts in various rounds of discussions to achieve a global consensus.

The call for climate justice emerged from assertions by developing nations that promoting zero emissions by 2050 as a solution to climate change undermines the objectives of a fair and equitable society addressing climate issues. As the efforts to hold polluters accountable persist, India will reiterate that the principle of zero emissions has been employed by wealthier nations to evade their responsibilities and transfer the burden onto developing countries such as India.

13 Environment, Environmental Justice and Public Policy

The nexus between the environment and public policy plays a pivotal role in tackling diverse environmental issues. Public policy encompasses governmental actions, decisions, and regulatory frameworks aimed at addressing societal issues, including environmental matters. Environmental policies are tailored to effectively govern, safeguard, and sustainably manage natural resources, ecosystems, and the environment at large.

These policies can encompass a wide range of areas, such as:

- Climate Change: Policies aimed at reducing greenhouse gas emissions, promoting renewable energy, and adapting to the impacts of climate change.
- Natural Resource Management: Policies focused on preserving forests, water resources, biodiversity, and land use planning.
- Pollution Control: Regulations addressing air, water, and soil pollution through measures like emission standards, waste management, and clean-up initiatives.
- Sustainable Development: Policies promoting sustainable practices in industries, agriculture, transportation, and urban planning to balance economic growth with environmental protection.
- Conservation: Policies for protecting endangered species, establishing protected areas like national parks, and implementing conservation programs.

Here are some key aspects of how public policy intersects with environmental justice:

- Equitable Distribution of Environmental Benefits and Burdens: Policies can aim to prevent the concentration of environmental hazards (like pollution sources) in marginalised communities. This might involve regulations on siting industrial facilities, conducting environmental impact assessments, or establishing buffer zones around sensitive areas.
- Community Participation and Decision-Making: Policies can encourage the inclusive participation of all community members, especially those historically marginalised, in environmental decision-making processes. This might involve public hearings, community consultations, or the creation of advisory boards to ensure diverse perspectives are considered.
- Health and Safety Regulations: Policies can focus on setting and enforcing regulations that protect public health in all communities, regardless of socioeconomic status or location. This includes standards for air and water quality, safe drinking water, and waste management.
- Legal Advocacy and Enforcement: Public policy can support legal frameworks that enable affected communities to seek justice and hold polluters accountable for environmental injustices. This might involve strengthening environmental laws or providing legal aid to communities facing environmental issues.
- Education and Awareness: Policies can promote environmental education and awareness programs targeted at communities facing environmental injustices. Empowering these communities with knowledge can help them advocate for their rights and take action to address environmental concerns.

Addressing environmental justice through public policy requires a comprehensive and intersectional approach that considers socioeconomic factors, race, ethnicity, and other forms of marginalization. Effective policies often involve collaboration between government agencies, community organizations, advocacy groups, and academia to identify and rectify environmental disparities. The goal of such policies is not only to mitigate existing environmental injustices but also to prevent future disparities, ensuring that all individuals and communities have equal access to a clean and healthy environment. However, designing and implementing effective environmental

policies can be complex due to various factors like economic interests, technological limitations, international cooperation, and differing public opinions.¹³ Striking a balance between environmental protection and economic development is often a key challenge in crafting these policies.¹⁴ Ultimately, the synergy between environmental concerns and public policy is essential for ensuring the sustainability of our planet and addressing the challenges posed by issues like climate change, biodiversity loss, and resource depletion.

14 Recommendations to Overcome the Challenges: Ensure Climate Justice

We must acknowledge that climate change has victims and offer them a chance to be heard in court. States should implement a "model statute on legal remedies for climate change," according to the paper, which can help those who are directly affected by climate change. It's mostly a question of defining procedural norms. The IBA has already started writing a model statute in this area as a further step.

Climate change has long been recognised as a threat to human rights. It's less apparent whether judges will be able to apply existing law and precedent to these offences. After all, the law was drafted without regard for the magnitude and urgency of climate change. Climate change, like other human rights violations, has agents, victims, and injuries. Making the causal connection does not need much legal creativity. Politicians, attorneys, and the international community can all contribute by emphasizing the link.

15 Indian Context: Case References

According to the principles of sustainability, each generation has the right to profit from the resources, so it is our responsibility to use the assets wisely. The Supreme Court established a reasonable threshold and a polluter pays the norm under Indian environmental law as a result of the case 'Vellore Citizen Welfare Forum V. Union of India 1996'¹⁵. The court in 'M.C Mehta V Union of India'¹⁶ gave weight to the closure of mechanical stone crushing exercises in Delhi, giving equal weight to both the economy and ecology, making it a historic decision. In addition, the case titled 'Ivory Traders and Manufacturers Associations V. Union of India'¹⁷ is a ruling in which inhabitants' primary right to save and safeguard the environment is upheld.

Furthermore, under Article 19(1), any exchange, including the slaughter of animals, cannot be considered a business or trade (g). The terms economy and ecology are frequently used interchangeably. None of these can be exchanged for the others. On the other hand, both are equally important for our better future. The state and federal legislatures, as well as the residents, are all responsible in this regard. Furthermore, we shall achieve our goals to provide a pollution-free developed nation for our future generations.

And per the case of 'V Lakshmipathy V. Karnataka'¹⁸, Environmental protection and preservation should be given priority. As a result, disregard for Mother Nature will be an invitation to calamity. Article 51A indicates that it is the responsibility of every Indian citizen to maintain and improve the natural environment, which includes forests, lakes, and rivers.

Developing countries, such as India, are more concerned with the economy than with the environment. The economy and nature are intricately linked because the earth provides assets to the economy while also acting as a sink for outflows and waste. While the basic instruments that connect the economy and the environment are subjectively known, ecological assessments are frequently limited by a lack of data. While the basic instruments that connect the economy and the environment are subjectively known, environmental assessments are usually limited by a lack of dependable metrics to examine the costs and benefits of strategy modifications, or by a growing lack of exact proof. As a result, rigorous legal and administrative measures should be implemented before the calamity strikes; otherwise, India will be unable to build its economy while gradually degrading the environment. It is a well-established order to keep the earth safe and to develop it. It takes a nation's commitment to commit to the idea of a welfare state.

¹³ Professor Richard Macrory & Michael Woods, Paragraph 4.4, note 75 above.

¹⁴ Teixeira S., Zuberi A. Mapping the Racial Inequality in Place: Using Youth Perceptions to Identify Unequal Exposure to Neighborhood Environmental Hazards. *Int. J. Environ. Res. Public Health*. 2016;13:844. doi: 10.3390/ijerph13090844.

¹⁵ Vellore Citizens Welfare Forum v. Union of India, WP 914/1991 (1996.04.26) (Tanneries Case: Tamil Nadu), <https://elaw.org/content/india-vellore-citizens-welfare-forum-v-union-india-wp-9141991-19960426-tanneries-case-Tamil->

¹⁶ M.C. Mehta vs Union Of India & Ors on 18 March 2004, CASE NO.: Writ Petition (Civil) 4677 of 1985 <https://indiankanoon.org/doc/69408974/>

¹⁷ M/S. Ivory Traders vs Union Of India And Others AIR 1997 Delhi 267 b, ILR 1997 Delhi 22, <https://indiankanoon.org/doc/1148354/>

¹⁸ V Lakshmipathy V. Karnataka ILR 1991 KAR 1334, 1991 (2) Kar LJ

16 Conclusion

In summary, the intricate relationship between the environment and public policy underscores the crucial role of policy frameworks in shaping environmental outcomes. Through regulations, incentives, and established structures, public policy aims to address environmental challenges. However, the effectiveness of these policies relies on various factors, including political willingness, robust enforcement mechanisms, scientific insights, and active public involvement. Striking a balance between economic development and environmental conservation remains a persistent challenge, requiring policy frameworks that promote sustainability while facilitating growth. This delicate balance requires continuous adaptation and refinement of policies to address emerging environmental issues without hindering progress.

As environmental challenges evolve, the adaptation of public policies becomes imperative. Ongoing discussions and adjustments are essential in seeking more effective solutions. The dynamic nature of environmental issues highlights the need for agile, responsive governance capable of adapting to changing circumstances, paving the way for a sustainable future.

In the realm of environmental and climate justice, distinguishing between 'environment' and 'climate' serves as a fundamental foundation. The evolution of our environment, influenced by relentless development and economic expansion, has led to ecological challenges. Conversely, climate change acts as a societal disruptor, profoundly impacting various aspects of daily life and affecting individuals and communities differently. Recognizing the disparity in climate impacts across borders emphasizes the urgent need for comprehensive action. True climate justice entails not only addressing the immediate climate crisis but also dismantling the underlying mechanisms that have led to this precarious situation. It requires systemic transformation, advocating for responsible land management, empowering women, uplifting frontline communities, and promoting community-led solutions. India's advocacy in the fight against climate change mirrors the concerns of many developing nations, highlighting the need for developed countries to adjust their positions to achieve global consensus. As these discussions progress, transparent, equitable, and inclusive dialogue becomes essential.

In essence, the pursuit of climate justice demands collective, collaborative action transcending geographical and socio-economic boundaries. It requires not only reconfiguring policies and agreements but also transforming attitudes, practices, and power dynamics. The ongoing dialogue, informed by diverse perspectives and guided by principles of fairness and sustainability, is crucial in shaping a global response that addresses the urgency of climate change while ensuring justice for all.

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