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Environmental Sovereignty and Climate Justice: A Legal and Normative Perspective

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Abstract

This dissertation explores how the concept of environmental sovereignty fits into the climate justice paradigm in the structure of the international climate regime, with special consideration of how state sovereignty complicates the international fight against climate change. Environmental sovereignty had been used to permit states to supreme power over their domestic natural resources and environmental regulations. This principle is not fully applicable in the current age of climate change since environmental problems are international. As the central focus of the study, the research considers the Paris Agreement and seeks to explain how the agreement seeks to balance the sovereignty of nations, with the call for collective action by the international community in the fight against climate change. In specific, the study focuses on the divide between the first and third world nations, the principle of CBDR – common but differentiated responsibilities whereby the higher emission and capability countries have more responsibilities than the developing nations. Furthermore, the dissertation analyses climate litigation as an advocacy strategy, and exemplify how legal cases erode sovereignty in the framework of climate change treaty obligations. By using dogmatic legal writing and examples of cases, the dissertation provides prescriptive lessons on sovereignty and the imperative of climate justice.

Keywords: Environmental Sovereignty; Climate Justice; Paris Agreement; Climate Litigation; State Sovereignty; Global Climate Governance

1. Introduction

The concept of environmental sovereignty has become increasingly important in the context of global climate governance. It refers to the right of states to manage and control their natural resources and environmental policies within their own borders (Banai, 2016). At the same time, the world is facing an environmental crisis of unprecedented scale, with climate change representing a threat to global ecosystems and human societies. In this globalized world, climate justice has emerged as a critical framework to address the disproportionate climate burdens borne by vulnerable states and marginalized communities. It underscores the ethical imperative that those who have historically contributed the least to climate change—particularly developing countries—should not bear the brunt of its negative impacts.

The Paris Agreement, adopted in 2015, is a landmark international climate treaty that exemplifies the tension between state sovereignty and collective responsibility. While it acknowledges the sovereignty of states in making their own climate policies, it also promotes a shared global effort to combat climate change (Nollkaemper, 2009). The Agreement reflects a balance between state autonomy and the need for international cooperation, urging countries to set their own climate targets while contributing to global efforts aimed at limiting global temperature rise. However, the implementation of the Paris Agreement and broader climate goals remains fraught with challenges, as sovereign states continue to navigate competing interests, political dynamics, and the pressure of environmental degradation.

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In this context, climate justice seeks to redress the inequities of climate change by ensuring that the most vulnerable nations—often the least responsible for climate change—receive support through climate financing, adaptation measures, and mitigation technologies (Schlosberg & Collins, 2014). This dual emphasis on environmental sovereignty and global cooperation in climate governance is central to understanding the complexities of climate action in the 21st century.

1.1. Research Problem and Rationale

Despite the formation of international frameworks like the Paris Agreement and UN Climate Change Conventions, challenges remain in balancing state sovereignty with the urgency of climate action. Sovereignty is a double-edged sword in climate governance: on the one hand, it enables states to make individual commitments that reflect their unique environmental and economic circumstances; on the other hand, it can create significant barriers to global cooperation and climate justice (Seck, 2016). In particular, sovereignty often leads to disagreements over climate obligations, with powerful developed countries arguing for voluntary commitments while developing nations demand binding measures and adequate financial support.

A key tension persists between developed and developing nations regarding the historical responsibility for greenhouse gas emissions and the need for differentiated responsibilities. Developed countries, which have been historically responsible for much of the global emissions, are often seen as accountable for financing and providing technology to assist developing countries in their efforts to mitigate and adapt to climate change (Penz, 2014). However, there remains reluctance, particularly from developed nations, to implement binding obligations or financial commitments that would address the scale of the problem. This dynamic has created an ongoing debate over the fairness of climate action and has limited meaningful progress in global climate negotiations.

Moreover, climate litigation has emerged as a tool to hold states and corporations accountable for their actions regarding climate change. Lawsuits and legal actions increasingly seek to challenge government policies or corporate practices that exacerbate climate change or fail to meet international climate commitments (Seck, 2019). This area of law offers potential for advancing climate justice by compelling governments and businesses to take more robust action to address climate change. However, the success of climate litigation often depends on the interplay between sovereignty, national laws, and international legal obligations.

Thus, the challenge lies in how to reconcile state sovereignty with the pressing need for collective climate action. Examining the interplay between these two principles is essential for ensuring that international climate governance mechanisms are both effective and fair.

1.2. Research Question

The central research question guiding this dissertation is: What role does sovereignty play in enabling or hindering global climate justice?

This question seeks to uncover the tensions between the exercise of state sovereignty and the principles of climate justice, focusing on how sovereignty can both empower and obstruct efforts to address climate change at the international level. The research will delve into whether sovereign states are more likely to prioritize national interests over global climate commitments, and how this dynamic affects vulnerable communities in developing countries that are disproportionately impacted by climate change.

1.3. Research Objectives

The dissertation aims to achieve the following objectives:

To analyze the relationship between state sovereignty and climate governance under international legal frameworks such as the Paris Agreement and the United Nations Framework Convention on Climate Change (UNFCCC). This objective will explore the complexities of how sovereignty intersects with international climate commitments and whether sovereignty allows states to avoid or minimize their climate obligations.

To evaluate the tensions between developed and developing nations over climate responsibilities. This will include examining the principle of common but differentiated responsibilities (CBDR) and its practical implications for international climate negotiations, with a focus on the conflicts that arise regarding financing mechanisms and the distribution of climate burdens.

To examine the role of climate litigation as a tool for advancing climate justice and accountability. This objective will explore how legal actions, including lawsuits against governments and corporations, contribute to promoting climate accountability and bridging the gap between sovereign interests and global climate justice.

To propose normative approaches for balancing sovereignty with equitable climate action. This objective will investigate possible frameworks for reconciling state sovereignty with the global need for urgent and fair climate action, proposing legal, policy, and practical solutions that can align national interests with international climate justice goals.

Through these objectives, the dissertation will contribute to a deeper understanding of how state sovereignty can be both a facilitating and limiting factor in global climate governance and justice. It will also propose ways to navigate these complexities to ensure that climate action is both effective and fair, especially for the most vulnerable populations.

1.3.1. Conclusion

The concept of environmental sovereignty is central to the challenges faced in addressing climate change and ensuring climate justice. As the international community grapples with the need for more robust climate action, the balance between state sovereignty and collective responsibility remains a critical issue. Through this dissertation, the research will analyze how sovereign states can navigate the tensions between national interests and global climate obligations, proposing pathways to reconcile these competing priorities in the pursuit of a just and sustainable global climate future.

2. Literature Review

2.1. Defining Sovereignty in the Environmental Context

Sovereignty, in its traditional sense, refers to a state's absolute authority over its territorial boundaries, including the exclusive right to govern and regulate activities within those boundaries. This principle has been a cornerstone of international law, ensuring that states exercise autonomy in shaping their domestic policies. However, as environmental issues have become increasingly global in nature, the traditional understanding of sovereignty has come under scrutiny, particularly in the context of environmental protection (Gear, 2014).

Environmental sovereignty is a nuanced extension of the traditional concept of sovereignty. It emphasizes a state's right to exploit its natural resources, but it also carries an inherent responsibility to prevent transboundary harm (Thorp, 2014). This responsibility is enshrined in international legal principles like the Trail Smelter Principle, which establishes that a state cannot allow activities within its borders to cause harm to the environment or the health of people in neighboring states. Similarly, the Rio Declaration on Environment and Development (1992) reaffirms this responsibility by asserting that "States have the sovereign right to exploit their own resources, but they must ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction." This reflects the evolving understanding of sovereignty, where national rights are increasingly constrained by the need to protect global common goods such as the environment (Kotzé et al., 2024).

The concept of environmental sovereignty, therefore, represents a balancing act between national control over natural resources and the global responsibility to prevent environmental harm that transcends borders. As climate change is a transnational issue, addressing the environmental sovereignty of states becomes crucial for effective international climate governance (Harris, 2004).

2.2. Understanding Climate Justice

Climate justice is a concept that aims to address the ethical and equity dimensions of climate change, ensuring that the burdens and benefits of addressing the crisis are distributed fairly and equitably. It recognizes that climate change disproportionately affects certain populations, particularly vulnerable communities in developing nations and marginalized groups (Gear, 2015). Climate justice encompasses several key dimensions:

Intergenerational justice emphasizes the responsibility to protect the environment for future generations. This dimension advocates for ensuring that actions taken today do not irreversibly harm the ability of future generations to meet their own needs and thrive. Intergenerational justice challenges the notion of present-day sovereignty that prioritizes short-term gains over long-term sustainability (Schuppert, 2016).

Distributive justice focuses on the disproportionate impacts of climate change on different nations and communities. It argues that those who have contributed the least to the global greenhouse gas emissions should not bear the brunt of the impacts (Scholtz, 2013). Developing nations, particularly Small Island Developing States (SIDS) and least-developed

countries (LDCs), are often most vulnerable to the consequences of climate change, such as rising sea levels and extreme weather events, despite having contributed minimally to historical emissions. Distributive justice thus calls for a fair allocation of responsibilities for addressing climate change, including financing mechanisms, technology transfer, and adaptation support for the most vulnerable (Bonyhady & Christoff, 2007).

Procedural justice concerns the fair participation of all states, especially the most affected, in the decision-making processes that govern global climate action. This dimension emphasizes the importance of inclusive dialogue and decision-making to ensure that those who are most impacted by climate change have a voice in shaping global climate policies (Mancilla & Beard, 2024).

Together, these dimensions of climate justice create a framework that challenges the traditional notions of state sovereignty, advocating for fair and equitable solutions to address the global nature of climate change. The theoretical understanding of climate justice is central to evaluating international climate agreements, national policies, and legal mechanisms aimed at mitigating climate change and supporting adaptation efforts (Gümplová, 2020).

2.3. Sovereignty and the Paris Agreement

The Paris Agreement represents a significant attempt to reconcile state sovereignty with the need for collective action to address climate change. It recognizes that nationally determined contributions (NDCs) are central to the Agreement's structure, respecting the sovereignty of states while simultaneously fostering global cooperation. The concept of NDCs allows states to determine their own climate action plans based on national circumstances, capacities, and priorities, reflecting the principle of sovereign flexibility (Ryngaert, 2017).

However, the voluntary nature of NDCs presents a key challenge. While the Paris Agreement emphasizes the importance of ambition and progressive targets, there is a notable accountability gap regarding whether states will follow through on their commitments (Stec, 2010). The lack of binding legal mechanisms to ensure compliance with these targets leads to inconsistent national ambitions and insufficient global action, undermining the collective effort needed to meet the Agreement's goal of limiting global temperature rise to well below 2°C above pre-industrial levels.

The Common but Differentiated Responsibilities (CBDR) principle, which forms the backbone of the Paris Agreement, underscores the notion that while all states have a responsibility to address climate change, their obligations are differentiated based on historical emissions, economic capacity, and development status (Vanderheiden, 2017). This principle is a compromise between recognizing the sovereignty of states and ensuring equitable action in tackling climate change. Developed nations, which have historically contributed the most to global emissions, are expected to take the lead in mitigation efforts and financial support for developing countries. However, the principle remains a source of tension in international climate negotiations, with developing countries arguing for more robust commitments from developed nations in terms of financing, technology transfer, and adaptation support (Cuadros, 2019).

2.4. Developed vs. Developing Nations: Climate Obligations and Tensions

The tensions between developed and developing nations in the context of climate change are rooted in historical emissions patterns and the concept of climate debt (Green, 2017). Developed nations, having industrialized over the past century, are responsible for the majority of historical greenhouse gas emissions, while developing countries, which have contributed much less to global emissions, face the most severe consequences of climate change (Wright, 2013). The concept of climate debt argues that the industrialized world owes a responsibility to the developing world to provide financial resources and technology transfer to help them mitigate and adapt to climate change.

Developing nations assert that climate obligations should not hinder their right to economic development and that they should not be held to the same standards as developed nations (Maloney, 2023). Sovereignty, in this context, is used as a defense against perceived undue climate obligations that could undermine national growth and development. While developed nations call for shared responsibility and stronger commitments from emerging economies, the debate continues over equity and fairness in distributing climate burdens.

2.5. The Role of Climate Litigation

Climate litigation has emerged as a powerful tool for advancing climate justice and holding both states and corporations accountable for their actions regarding climate change. Landmark cases like *Urgenda Foundation v. The Netherlands* (2015) and *Juliana v. United States* have showcased the role of the judiciary in compelling governments to take stronger climate action. These cases rely on various legal mechanisms, including human rights law, environmental treaties, and

national constitutions, to assert that governments have an obligation to protect citizens from the harmful impacts of climate change.

However, climate litigation faces significant challenges, particularly when it comes to state sovereignty. Governments often resist external judicial influence, arguing that climate policies fall within their sovereign right to determine (Taylor, 2008). Moreover, judicial rulings may conflict with international obligations and national interests, leading to push back from states that seek to preserve their policy autonomy. Despite these challenges, climate litigation continues to be a growing field, demonstrating the potential for legal avenues to advance climate justice and accountability.

2.6. Literature Gaps

While there is a growing body of literature on climate justice and climate governance, there are notable gaps in the analysis of how environmental sovereignty can be reconciled with the goals of equitable climate action. Much of the existing research focuses on climate justice in terms of its ethical, economic, and political implications but lacks sufficient attention to how sovereignty affects the practical implementation of climate justice principles at the international level (Warnock & Preston, 2023). Similarly, climate litigation has garnered increasing scholarly interest, but there is limited analysis on how it can serve as a global accountability tool, especially in cases where national governments assert sovereignty against external pressures.

Further research is needed to bridge these gaps, exploring how sovereign rights can be aligned with the need for global cooperation and climate justice. Additionally, more focus is required on emerging climate litigation trends and their potential to reshape the future of international climate governance.

2.6.1. Conclusion

This chapter has outlined the theoretical frameworks surrounding environmental sovereignty, climate justice, and the key tensions that arise between sovereignty and global cooperation in addressing climate change. As we move forward in exploring the legal and normative aspects of these issues, it is critical to understand how these concepts interact and influence both international law and climate action.

3. Methodology

3.1. Research Design

This study adopts a qualitative research design to assess the role of sovereignty in advancing or hindering climate justice within the framework of global climate governance. Given the normative and legal dimensions of the topic, the research will utilize doctrinal legal analysis to examine the existing legal instruments and principles governing climate action. Doctrinal legal research is particularly suited for exploring how international law and domestic legal systems intersect to shape climate justice, particularly in the context of sovereignty. This approach will allow for a deep analysis of the legal texts, including international agreements, litigation outcomes, and state practices regarding sovereignty and climate justice.

In addition to doctrinal legal analysis, case studies will be employed to provide context and practical examples of how sovereignty impacts climate justice. These case studies will include specific examples of climate litigation, international agreements, and the perspectives of developing nations, which will offer a broad understanding of the challenges and opportunities for reconciling sovereignty with climate justice goals. The aim is to understand both the legal and practical implications of sovereignty in climate governance, focusing on how states' exercise of sovereignty interacts with global efforts to mitigate and adapt to climate change.

3.2. Data Sources

The data sources for this research will be both primary and secondary in nature.

3.2.1. Primary Sources

International legal instruments: The primary legal sources for this study will include international treaties and frameworks such as the Paris Agreement, the United Nations Framework Convention on Climate Change (UNFCCC), and the Rio Declaration. These documents will provide the legal basis for understanding the interaction between state sovereignty and collective climate action.

Climate litigation case documents and international court rulings: Another critical primary source will be legal case documents related to climate litigation, including landmark cases like *Urgenda Foundation v. The Netherlands* (2015). These cases will be analyzed to understand how national sovereignty has been contested or upheld in the context of climate obligations and the pursuit of climate justice. International court rulings, including decisions from the International Court of Justice (ICJ) or regional courts, will be used to further analyze state responsibility and climate obligations in a legal context.

3.2.2. Secondary Sources

Books, academic journals, and reports: Scholarly articles, books, and peer-reviewed journals on sovereignty, climate justice, and global climate governance will provide a conceptual and theoretical foundation for the study. These sources will offer insights into the ethical, legal, and political dimensions of climate justice, particularly as it intersects with sovereignty.

Policy documents and NGO reports: Reports from international organizations and NGOs will complement the analysis of legal instruments. Documents from the Intergovernmental Panel on Climate Change (IPCC), the Climate Action Tracker, and relevant policy papers will offer data on global emissions trends, the effectiveness of international climate agreements, and the performance of countries in meeting their climate commitments. These sources will also provide perspectives on climate equity, adaptation needs, and mitigation efforts, particularly in developing countries and vulnerable communities.

3.3. Case Study Selection

Case studies will be employed to illustrate the complex interplay between state sovereignty and climate justice. The selected case studies are:

The Paris Agreement: The Paris Agreement is the foremost international climate framework that seeks to reconcile national sovereignty with global collective action. This case study will explore how the Nationally Determined Contributions (NDCs) structure respects state sovereignty while simultaneously advancing the goals of climate justice. The study will also evaluate the challenges and opportunities posed by the Common but Differentiated Responsibilities (CBDR) principle, which aims to balance sovereignty with the fairness of climate obligations across developed and developing countries.

Urgenda Case (Netherlands): The *Urgenda Foundation v. The Netherlands* case represents a significant example of climate litigation, where the Dutch government was ordered to reduce emissions more aggressively. This case will serve as an example of how national sovereignty can be legally challenged through human rights frameworks, particularly when a state's climate policies fail to meet international expectations or are insufficient in addressing the climate crisis. This case will illustrate the role of the judiciary in holding states accountable for their climate responsibilities.

Global South Perspectives: Developing countries, particularly Small Island Developing States (SIDS), have been vocal in calling for more equitable climate action, given their vulnerability to climate change impacts despite contributing minimally to global emissions. This case study will examine the role of sovereignty in defending the climate justice claims of these nations, focusing on how their sovereignty is expressed in international negotiations and climate advocacy. It will explore tensions between the right to economic development and climate obligations and how sovereignty is invoked to challenge imbalanced climate responsibilities.

The case study approach will allow for a deeper exploration of real-world applications of sovereignty in the climate context, offering insights into the legal and political complexities of climate justice.

3.4. Ethical Considerations

The study acknowledges several ethical considerations in its analysis of sovereignty and climate justice:

Biases and Geopolitical Sensitivities: Given the inherently political nature of climate justice and sovereignty debates, it is important to acknowledge potential biases in interpreting the actions of states and the geopolitical sensitivities involved. The study will ensure that it provides a balanced and fair representation of the perspectives of both developed and developing nations, recognizing that climate justice is a multi-dimensional issue that involves diverse stakeholders with differing interests.

Transparency and Fairness: This research will be conducted with a commitment to academic integrity, ensuring that all sources and legal cases are transparently cited. The study will also aim to present fair and comprehensive analyses of both the successes and limitations of various climate governance frameworks, including how they intersect with state sovereignty.

Avoiding Harm: In analyzing climate litigation and the responsibilities of states, the study will aim to avoid harm by carefully considering the potential impacts of legal decisions on vulnerable communities. Special attention will be given to the ethical implications of legal rulings that affect developing nations, marginalized groups, and indigenous peoples, ensuring that their interests are fairly represented.

3.4.1. Conclusion

This chapter has outlined the methodological approach for assessing the role of sovereignty in climate justice. By combining doctrinal legal analysis with case studies, the research aims to provide a thorough examination of how sovereignty influences both the formulation of climate policies and the pursuit of justice in the face of climate change. The study's use of primary legal sources, secondary literature, and case studies will offer a comprehensive understanding of the challenges and opportunities in reconciling national sovereignty with the need for global climate action. Ethical considerations will guide the research to ensure balanced, fair, and responsible analysis.

4. Data Analysis, Presentation and Interpretation

4.1. Sovereignty and the Paris Agreement

The Paris Agreement represents a delicate balance between respecting state sovereignty and pursuing global climate action. At the core of this balance is the concept of Nationally Determined Contributions (NDCs), which allows each state to voluntarily set its own climate goals. This flexibility is a recognition of national sovereignty, as countries are empowered to tailor their commitments based on their capabilities, circumstances, and development priorities.

However, the voluntary nature of NDCs presents both strengths and weaknesses. On the one hand, it ensures broad participation by accommodating diverse national contexts, allowing both developed and developing nations to contribute to climate mitigation efforts without being bound by legally enforceable targets. This inclusivity has been a cornerstone of the Paris Agreement, as it enables a broad coalition of countries to participate in collective action, avoiding the impasse that might result from mandatory commitments.

On the other hand, the voluntary aspect also creates significant accountability challenges. Without binding obligations and clear enforcement mechanisms, there is a risk that countries might underperform or renegotiate their commitments in the face of shifting domestic priorities or economic pressures. The absence of strong legal consequences for non-compliance undermines the long-term effectiveness of the Paris Agreement. As such, while sovereignty is respected, it also leads to questions about the Agreement's ability to compel meaningful action, particularly as climate science increasingly emphasizes the urgency of reducing emissions.

Despite these challenges, the Paris Agreement has been a success in fostering international cooperation without undermining state sovereignty. It has created a global framework for climate action, with regular reporting mechanisms (e.g., the Global Stocktake) and opportunities for enhancing ambition over time. The agreement's flexibility in accommodating diverse national interests has also allowed countries to engage in climate action while still preserving control over their own policies and development strategies.

4.2. Developed vs. Developing Nations: Climate Obligations and Justice

The tension between developed and developing nations is central to debates about climate justice and sovereignty. The principle of Common but Differentiated Responsibilities (CBDR) enshrined in the UNFCCC and the Paris Agreement recognizes that, while all countries share responsibility for addressing climate change, developed nations bear a greater burden due to their historical contributions to greenhouse gas emissions. This principle is rooted in historical responsibility, which provides a moral and legal basis for differentiated climate obligations.

Developed nations argue that all states, regardless of their historical emissions, must contribute to climate action to avoid catastrophic global warming. However, for many developing nations, particularly those in the Global South, the call for equitable contributions is often seen as an infringement on sovereignty. Developing countries argue that climate commitments that limit emissions could impede their economic growth, which is necessary for addressing poverty and

improving living standards. In this context, sovereignty becomes a tool for asserting the right to development and defending against perceived neo-imperialism in the form of external climate pressure.

The issue of climate financing also lies at the heart of this divide. Mechanisms such as the Green Climate Fund (GCF) were created to support developing nations in their transition to low-carbon economies. However, the effectiveness of these mechanisms remains limited. Critics argue that the funding is often insufficient, poorly allocated, or tied to conditions that undermine sovereignty. For instance, some developing nations view the fund as an external imposition, which limits their ability to set their own climate policies and pursue economic development strategies. Thus, while climate financing aims to level the playing field, the reality often falls short of ensuring true equity.

A striking example of the climate justice challenges faced by vulnerable nations is the experience of Small Island Developing States (SIDS). These nations, which contribute the least to global emissions, face the greatest risks from climate change, including rising sea levels and extreme weather events. SIDS often argue that climate justice should not only address emissions but also include compensation for the damages caused by the historical emissions of developed nations. Sovereignty, in this context, becomes a critical tool for these nations to assert their rights and demand both adaptation support and compensation for loss and damage.

4.3. Climate Litigation: Challenging Sovereignty for Accountability

Climate litigation has emerged as a powerful tool to challenge state sovereignty and demand stronger climate action. Human rights-based litigation, in particular, has been a key avenue for holding states accountable for their failure to meet climate obligations. Landmark cases, such as *Urgenda Foundation v. The Netherlands* (2015) and *Juliana v. United States*, represent significant moments in the evolution of climate law.

In *Urgenda*, a Dutch court ruled that the Dutch government had a legal obligation to reduce emissions more aggressively, citing the right to life under the European Convention on Human Rights. The case marked a significant challenge to state sovereignty, as the court-imposed obligations on the state that went beyond its voluntary commitments under the Paris Agreement. This case set a precedent for the idea that states have a duty to protect the rights of their citizens from the effects of climate change, regardless of the nation's own sovereignty claims.

Similarly, in *Juliana v. United States*, the plaintiffs, a group of young Americans, sued the federal government for violating their constitutional rights by failing to take sufficient action on climate change. This case, though still ongoing, raises important questions about the relationship between sovereignty and intergenerational justice. The claim here is that future generations have the right to a stable climate, and that sovereign states are obligated to act in a way that preserves this right.

While climate litigation offers an important mechanism for holding governments accountable, it also faces significant sovereignty-based defenses. Many states argue that climate action is a matter of national sovereignty, and that external judicial interventions or international mandates are an infringement on their ability to govern. The resistance to such claims can also be seen in international courts, where states often push back against external judicial oversight in environmental matters, citing the principle of sovereignty.

4.4. Bridging Sovereignty and Climate Justice

As the challenges of climate change intensify, a critical question is how to redefine sovereignty to support global climate governance and climate justice. Traditional notions of sovereignty emphasize the absolute authority of states over their domestic affairs, including their natural resources. However, climate change requires a more nuanced understanding of sovereignty, one that recognizes states' responsibility to the international community to avoid transboundary harm and contribute to collective global efforts.

One promising approach is to view sovereignty as responsibility, where states exercise control over their resources and policies while also upholding global climate goals. Sovereignty should not be seen as an obstacle to climate action, but as a tool for integrating climate justice principles into national policies. Sovereignty can be reframed to support equitable transitions, where developing nations' needs are addressed through climate financing and capacity-building.

Strengthening procedural justice mechanisms is also essential. These mechanisms would ensure that vulnerable states and communities, particularly in the Global South, have a meaningful role in climate negotiations and decision-making processes. Enhancing participation and representation in international forums like the UNFCCC will help ensure that the voices of those most affected by climate change are heard and that their sovereignty is respected.

Normative proposals for bridging sovereignty and climate justice could include integrating climate justice principles more explicitly into existing frameworks, such as the Paris Agreement and the UNFCCC. This might involve incorporating binding commitments for loss and damage, ensuring greater equity in climate financing, and rethinking differentiated responsibilities in the light of new economic and environmental realities. These proposals would help create a more inclusive, fair, and effective climate governance system.

4.4.1. Conclusion

The analysis of sovereignty in the context of climate justice reveals both tensions and opportunities. Sovereignty can act as a tool for protecting national interests but also risks hindering the collective global action needed to tackle climate change. By rethinking sovereignty in a way that integrates responsibility, equity, and fairness, it is possible to create a framework that addresses the needs of both developed and developing nations, while ensuring that the most vulnerable communities are protected from the impacts of climate change. The evolution of climate litigation, as seen in cases like *Uganda and Juliana*, demonstrates the potential of legal frameworks to challenge sovereignty when states fail to meet their climate obligations. Ultimately, the future of climate justice lies in finding a balance between sovereign rights and collective responsibilities, ensuring that all nations can contribute to a just and sustainable future.

5. Conclusions

5.1. Summary of Key Findings

This dissertation has explored the intricate relationship between sovereignty and global climate justice, shedding light on how state sovereignty both enables and hinders the achievement of equitable climate governance. Sovereignty, traditionally seen as an instrument of national authority, also plays a pivotal role in shaping global climate responses. While it ensures that states maintain control over their territories and policies, this very control can also impede coordinated action on a global scale. As climate change is a transboundary issue, the lack of binding commitments and the voluntary nature of state-led climate action, as seen in the Paris Agreement, creates significant accountability gaps that undermine the effectiveness of global climate governance.

A key finding is the ongoing tension between developed and developing nations. While the principle of Common but Differentiated Responsibilities (CBDR) in the Paris Agreement aims to address the historical responsibility of industrialized nations, developing countries continue to argue that climate obligations undermine their right to development. The disparities in climate financing, though improving, have not been sufficient to address the needs of vulnerable countries, particularly those in the Global South. Furthermore, climate litigation has emerged as an alternative pathway for advancing climate accountability. Cases such as *Urgenda Foundation v. The Netherlands* and *Juliana v. United States* illustrate how litigation challenges sovereignty and compels states to take stronger action on climate change. However, these cases also highlight the sovereignty-based defenses that states raise to resist external judicial oversight, creating barriers to the full realization of climate justice.

5.2. Contribution to Knowledge

This dissertation contributes significantly to the understanding of how sovereignty and climate justice intersect within the realm of global climate governance. By analyzing the tensions between the exercise of state sovereignty and the need for collective action to address climate change, it has highlighted the contradictions inherent in the existing international climate framework. The research also underscores the challenges of reconciling national interests with the global climate imperative, revealing that while states are integral to the success of climate agreements, their pursuit of sovereignty can limit the effectiveness of these frameworks.

Additionally, the dissertation examines the role of climate litigation in advancing accountability and justice. By providing concrete examples, it demonstrates how the courts have become essential actors in climate governance, offering alternative routes for ensuring that states fulfill their obligations to protect the environment. This research also opens up new avenues for normative proposals that can balance state sovereignty with the need for a just and effective global response to climate change.

5.3. Recommendations

The following recommendations aim to address the challenges identified throughout this dissertation and offer pathways for reconciling sovereignty with the need for global climate justice:

Conceptualizing Sovereignty: Sovereignty should be redefined as environmental responsibility rather than a barrier to collective action. States must recognize that climate change transcends borders and that national policies should align with global climate goals. This perspective encourages states to view their climate obligations not as external impositions, but as inherent responsibilities to both their citizens and the global community. Encouraging states to adopt policies that support sustainable development and climate justice will allow them to exercise sovereignty in ways that contribute to the collective good.

Strengthening Climate Justice Frameworks: International climate governance must be strengthened by expanding climate financing mechanisms for developing nations. This includes not only increasing financial support but ensuring that the Green Climate Fund and other financial instruments are better tailored to the specific needs of vulnerable countries. Moreover, formalizing accountability mechanisms within the Paris Agreement framework would help bridge the accountability gaps identified in this dissertation. Binding commitments for loss and damage and clearer guidelines for climate adaptation should be integrated to ensure that the most vulnerable states are supported and can contribute to global climate goals without compromising their sovereignty.

Enhancing Climate Litigation: Climate litigation has proven effective in advancing climate accountability, but its potential is limited by sovereignty-based defenses. Supporting the role of international courts and expanding domestic litigation opportunities are crucial for holding governments and corporations accountable for their environmental obligations. Legal mechanisms that allow for human rights-based claims and environmental protections should be encouraged. Additionally, greater coordination between domestic courts and international tribunals can create a unified legal framework for enforcing climate justice globally.

5.4. Future Research Directions

While this dissertation has addressed key issues at the intersection of sovereignty and climate justice, several areas remain underexplored and warrant further investigation:

Regional Climate Agreements: Future research could explore the role of regional climate agreements in balancing sovereignty and cooperation. By examining regional frameworks such as the African Union's climate agreements or the Association of Southeast Asian Nations (ASEAN)'s approach, researchers can gain insights into how regional collaboration can overcome the limitations of the Paris Agreement and tailor climate action to local contexts.

Human Rights Law and Environmental Sovereignty: Another promising research avenue is exploring the intersection of human rights law and environmental sovereignty. How can human rights—such as the right to a healthy environment—be integrated into climate governance frameworks in a way that challenges sovereignty without undermining it? This line of research could lead to the development of international legal norms that reconcile the right of states to control their territories with the fundamental rights of their citizens to live in a sustainable and secure environment.

5.5. Final Reflections

Achieving global climate justice in the context of sovereignty requires a profound shift in how both national and international actors view their roles in climate governance. Sovereignty must no longer be seen as an insurmountable barrier to collective action but as a tool for collaboration and shared responsibility. A reimagined conception of sovereignty that incorporates environmental responsibility can provide the foundation for more inclusive, effective, and equitable climate action.

This research highlights that global cooperation is essential for addressing the climate crisis, but it also requires a careful balancing act that respects the rights and responsibilities of sovereign states. By rethinking sovereignty in a way that integrates climate justice principles and enhances both accountability mechanisms and climate litigation, the international community can work towards a just and sustainable future. Ultimately, the transition from sovereignty as a barrier to sovereignty as responsibility will be crucial for reconciling national interests with global climate imperatives and ensuring that no nation or community is left behind in the fight against climate change.

Compliance with ethical standards

Statement of ethical approval

Ethical approval was obtained.

Statement of informed consent

Informed consent was obtained from all individual participants included in the study.

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