



Climate Change and the Struggle for Climate Justice

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ABSTRACT

Climate change is one of the greatest global challenges. The phenomenon and actions taken to address it have thrown up some contentious issues. One of such issues is climate justice. This paper analyses the bases for climate justice and the attempts at achieving it. The basic sources of data were the publications/documents of the United Nations Framework Convention on Climate Change (UNFCCC) secretariat and the Intergovernmental Panel on Climate Change (IPCC). Information was also obtained from the publications and websites of the climate negotiation blocs, such as G77 + China and Alliance of Small Island States (AOSIS), and several Civil Society Organisations (CSOs) such as Climate Action Network, Oxfam, GreenPeace and Third World Network. The climate justice struggle has been necessitated mainly by two driving forces. These are the experiences of the impact of climate change and the environmental legal principles that have emerged from environmental and climate change challenges. In spite of the fact that climate change and its impact are global, vulnerabilities vary across regions and socio-economic groups. The disproportionate impact of climate change is one of the drivers of the struggle for climate justice. The environmental/climatic legal principles that have formed bases for the climate justice struggle derive largely from UNFCCC, the Rio Declaration and the Paris Agreement. They are, to an extent, related to the Principle of Disproportionate Climate Burden. The principles include Common But Differentiated Responsibilities, Polluter Pays, No-Harm (to others) and Beneficiary Pays. Strategies employed in the struggle for climate justice include advocacy, focused negotiations at CoPs, protests/strikes, and litigation. Although, the developing countries have been the leaders in the struggle for climate justice, CSOs have been particularly prominent. The demand for increased financing of climate mitigation and adaptation has been characteristic. The struggle has resulted in more climate action. However, the ultimate focus must be the achievement of net zero emissions.

Keywords: Climate Change, Climate Justice, Disproportionate Climate Burden, Legal Principles of Climate Justice, Strategies of Climate Justice Struggle.

INTRODUCTION

Natural processes in the earth's atmosphere result in changes in the global climate over time and space. There have been natural changes in the global climate system over the years, the decades, the centuries and even the millennia. For instance, there were great ice ages. Be that

as it may, it is now firmly established that there is also human-induced (anthropogenic) climate change which has become so significant that it is this that is usually referred to when the term “climate change” (CC) is used.

In spite of the fact that the idea that greenhouse gas emission is warming the earth dates back to the 19th Century, it was only in the 1970s that CC was generally accepted (Le Treat et al. 2007; Weart 2009; Hughes 2010). Climate change has devastating effects; for, it has exacerbated the adverse processes of the natural climate system through increase in the frequency, duration and intensity of slow-onset events such as drought and sea-level rise and rapid-onset events such as floods and hurricanes (IPCC 2021). It is one of the greatest global challenges. Indeed, on a long-term basis, it is the most significant (World Economic Forum, 2023). World leaders, through the United Nations, are addressing the climate challenge through a number of actions. A legal framework has been provided through the enactment of the United Nations Framework Convention on Climate Change (UNFCCC) of 1992 and the Paris Agreement of 2015. An annual Conference of the Parties to UNFCCC (COP), the first being in 1995 at Berlin, became the highest decision-making forum while the Intergovernmental Panel on Climate Change (IPCC) has emerged as a think-tank. The COP has established provisions for the mitigation of, and the adaptation to, climate change.

The phenomenon of climate change and attempts to address it have thrown up several contentious issues. One such issue is that of climate justice (CJ). This paper analyses the basis for CJ enunciated by its proponents and the strategies and trajectory in the attempt at achieving its goals. It also examines the extent of success so far of the struggle.

SOURCES OF DATA/INFORMATION

Data were obtained from a wide-variety of sources. These included mainly:

1. Publications/Reports of United Nations (UN) climate change/environment-related organisations, particularly UNFCCC Secretariat and IPCC;
2. Position papers and publications of various climate change negotiation blocs;
3. Publications/Reports of climate change and environment-interest civil society organisations (CSOs); and
4. Research Reports and publications of various research organisations and individual climate change researchers.

Reports and publications of several UN bodies in the areas of climate change and environmental management, particularly the UNFCCC Secretariat, IPCC and the United Nations Environment Programme (UNEP) were the sources of the basic data on the character of CC, policies and programmes on CC, and debates and controversies on CC and various perspectives on CC and CJ. Documents on the UNFCCC and the Paris Agreement, Reports on each COP, and the Assessment and the Special Reports of IPCC were particularly useful.

Position papers and other publications of the climate change negotiation blocs were the sources of information on the perspectives of the various negotiation groups on different aspects of CC, including EJ. G77 + China, African Group, Alliance of Small Island States (AOSIS), and Least Developed Countries Group, with overlapping membership, represent the developing countries while the European Union Bloc and the Umbrella are the main representatives of the developed

countries. The perspective of the Global North is usually different from that of the Global South and this is usually apparent during the COPs and the publications emanating from these groups. Various perspectives on CC and CJ were also obtained from publications and reports by international and national CSOs. The major CSOs included Climate Action Network, International Institute for Sustainable Development, World Resources Institute, Oxfam, Third World Network, and Mary Robinson Foundation. Various declarations on CJ that resulted from conferences/workshops of various international and national CSOs and from local climate activist groups were also useful. These declarations included, among others, Delhi in 2002, Durban in 2004, St. Julian in 2015, Suva in 2017 and Girdwood in 2018.

In certain cases, the publications of climate change researchers were also useful sources of data. Publications, based on local settings outside the orbit of the UN organisations and major international CSOs, were useful. Several researches on climate change activism in the small island states of the Pacific Ocean fall into this spectrum. Indeed, some of the CJ declarations were by local climate activists.

THE BASES OF CJ STRUGGLE

Climate justice connotes a setting where the consequences of CC and the attempts at addressing them do not place any group or any region at an undue advantage over others. In other words, there is climate injustice if any group or any region suffers an undue disadvantage. All groups and regions must have a fair share of the climate change burden (Potter et al. 2020; Ikporukpo 2022; Newell 2022). The proponents of CJ, mainly the developing countries and several CSOs, argue that there must be CJ in the global climate regime and have taken various forms of action to achieve the goals of CJ. The basis for the argument and the actions is discussed in this section while the actions are examined in subsequent ones.

Two broad bases for the CJ struggle may be identified. These are the disproportionate climate burden borne by some groups and regions, and the availability of legal frameworks that support the struggle. There is considerable evidence that some groups and some regions bear disproportionate burden of climate change. Generally, the poor, given their disadvantaged economic situation, generate less greenhouse gases than the rich in their daily activities. In other words, the poor contribute less to CC than the rich who, given their affluent living, generate more CC causing greenhouse gases. However, whereas the rich can easily adapt to the adverse consequences of CC, the poor are not readily able to. Here lies the injustice; for, the poor that contribute less to CC are burdened more than the rich who contribute more to the challenge.

Several studies have shown the climate injustice some groups suffer compared to others (e.g. Islam & Winkel 2017; Voelker et al. 2018; Hsu et al. 2021; Berberian et al. 2022; Dorkenoo et al. 2022; Shteynberg et al. 2023). The various studies, taken collectively, have established a relationship between marginalisation, such as poverty, and race/ethnicity and vulnerability to climate change. For instance, the poor are not only more susceptible to the harms of CC but in most cases lack the ability to adapt and recover from CC disasters such as hurricanes.

This disadvantaged position was clearly stated by the poor, farmers, fishermen, and indigenous people in India, supported by climate activists from other parts of the world, in their call for climate justice in the Delhi Climate Justice Declaration of 2002 thus:

We recognize that the impacts of climate change are being disproportionately felt by the poor, women, youth, coastal people, indigenous people, fisherfolk, dalits, farmers and the elderly ... We recognize that unsustainable production and consumption practices are at the root of this (climate change) and other global environmental problems. We recognize that unsustainable consumption exists primarily in the North, but also among elites in the South (India Climate Justice Forum 2002).

The CJ implications of this state of affairs have generated considerable action.

The disproportionate burden in some regions has been the basis for the clamour for, and struggle for, CJ at the international sphere. It is indeed at the international level that the injustice in the climate regime is much more obvious. For instance, the more than fifty Small Island Developing States account for less than 1% of global greenhouse gas emissions but suffer some of the most acute forms of climate change impact (Climate & Clean Air Coalition 2023). The situation in the small island States of the South Pacific Ocean is typical. These small island states with very insignificant contribution to greenhouse gas emissions face existential challenges from CC. The challenges in this region, which has been described by the UN as “the frontline of the battle against climate change” (United Nations 2019), include sea level rise, coastal erosion, severe cyclones and salination of soils and inland water resources. The most critical challenge, which has attracted global attention, and has been the main basis of the region’s struggle for CJ, is sea level rise. Sea level rise has not only resulted in the shrinking of land but has, indeed, led to the disappearance of many of the islands particularly in the Solomon Islands group. One implication of the submergence of islands is that some of the States may become extinct if anthropogenic climate-induced sea level rise is not checked. The result will be forced migration and the phenomenon of Stateless individuals (Campbell & Warrick 2014; Allen 2018; De la Sierra 2018; Larsen 2018; Thomas et al. 2020).

The second basis of the CJ struggle which is often employed by the developing countries and CSOs is the fact that the UNFCCC, the Rio Declaration and the Paris Agreement have provisions that require the developed countries that are the predominant greenhouse gas emitters the responsibility to address the challenges of climate change. These provisions include:

1. Principle of Common but Differentiated Responsibilities;
2. Principle of Polluter-Pays; and
3. Principle of No Harm to Others.

The Principle of Common but Differentiated Responsibilities derives from that of Disproportionate Burden. The basic tenet is that all countries have a responsibility to address CC. However, those countries that are mainly responsible for creating the challenge and are economically better placed to address it, that is the developed countries, must bear the major responsibility while those countries that are not responsible but are disproportionately affected have little responsibility to address CC. It is only in such a setting that there will be CJ. The Principle of Common but Differentiated Responsibilities, as provided in the preamble of the UNFCCC (United Nations 1992a) and Article 2(2) of the Paris Agreement (United Nations 2015), has a corollary; that is the Principle of Respective Capabilities in the Light of Different

National Circumstances. This Principle reinforces the first in its differentiation of the ability of different countries to address CC.

Several demands for, and declarations of, CJ employ the “Common but Differentiated Responsibilities” argument. For instance, the Mary Robinson Declaration of September 2013, endorsed by the 21 members of the High-Level Advisory Committee of the Climate Justice Dialogue of Mary Robinson Foundation put it succinctly thus:

All countries are part of the solution but developed countries must take the lead, followed by those less developed but with the capacity to act (Mary Robinson Foundation 2013).

The African Climate Justice Manifesto of February 2010 (Pan African Climate Justice Alliance 2010) put it explicitly thus:

We call on the Developed countries to acknowledge they have already used more than a fair and sustainable share of the Earth's atmospheric space. They must repay their debt through deep domestic emission reductions and by transferring the technology and finance required to enable us to follow a less polluting pathway, without compromising our development.

The Polluter-Pays argument which has support in Principle 16 of the Rio Declaration (United Nations 1992b) is that the developed countries' polluted the atmosphere through greenhouse gas emissions over time, and in order to ensure CJ, these countries have the responsibility to address CC. This perspective has been canvassed by the developing countries through their various negotiation blocs in various fora. Some individual countries, such as Bangladesh, Ghana, Pakistan and Switzerland have also demanded the application of the principle (AOSIS 2008; LDCs 2008; Khan 2015).

Generally, the No-Harm Principle requires that no State, in its various activities, harms another. In the context of CJ, no State is expected to impose adverse climatic conditions through greenhouse gas emissions on others. Where a harm occurs, it is expected to be discontinued and compensation paid (Roht-Arriaza 2010; Mayer 2016; Maljean-Dubois 2021). Principle 2 of the Rio Declaration (United Nations 1992b) put the No-Harm Principle in an environmental context thus:

States have in accordance with the United Nations and the principles of international law, ... the responsibility to 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.

Paragraph 8 of the preamble of the UNFCCC is a repetition of this principle of the Rio Declaration. The need to avoid harm was emphasised by Vanuatu, a Pacific Ocean small island State, in its Statement at COP 27 in 2022 (Vanuatu 2022). The developing countries and several CSOs have articulated and employed these bases in their pursuit of the goal of CJ. The next section examines the strategies that have been employed in the pursuit of the CJ goal.

STRATEGIES OF STRUGGLE

Several strategies have been employed in the attempt to achieve CJ. These include:

1. Advocacy and Sensitisation;
2. Climate Negotiations;
3. Climate Protests and Strikes; and
4. Climate Litigation.

The increasing impact of CC, particularly since it is disproportionate at the personal and the regional levels, has resulted in the emergence of numerous local and international organisations and networks interested in promoting CJ through advocacy and sensitisation (Porta & Parks 2014; La Via Campesina 2018; Grosse 2019; Cordova et al. 2022; Gulliver et al. 2023; Joshi 2023). The basic strategies employed by the environmental organisations and networks involve the use of print and electronic media and the organising of meetings and workshops. Until the emergence of the CJ movement, knowledge and impact of CC were the bases for the use of the media, particularly the social media, in the advocacy process of climate activism (Schafer & Schlichting 2014; Mohamed 2018; Culloty et al. 2019; Mungai 2021; Schafer & Painter 2021; Mooseder et al. 2023). Generally, since the idea of CJ became popular, particularly since the emergence of *Fridays for Future* and *Extinction Rebellion* in 2018, the climate justice narrative has been prominent in the media, especially the social media. Indeed, it is an effective use of the social media, particularly Twitter, Facebook and Instagram that facilitated the emergence and the popularity of *Fridays for Future* and *Extinction Rebellion* (Chia 2021; Drieschova 2021; Smiles & Edwards 2021; Taylor & Elks 2021; Kamboh & Ittefaq 2022; Chen et al. 2023; Fernandez-Zubieta et al. 2023; Shim 2023).

The various meetings and workshops of CJ activists do not only serve as avenues for awareness-creation and mobilisation but also facilitate the sharpening of the ideals and thoughts for more effective climate action. Several of such meetings and workshops have been held in several locations over the years. Some of these held during COPs. They are usually attended by members of climate justice organisations/networks, indigenous groups, peasants and other climate-impacted groups. For instance, a meeting in Delhi, India, in 2002 involved over 1,500 individuals from India and more than 20 countries made up of climate activists, youth, the poor, indigenous people, fishermen and farmers (India Climate Justice Forum 2002). Some of the most significant meetings/workshops have been those of Durban in 2004, Mary Robinson Foundation in 2013, St. Julian in 2015, Volmoed in 2015, Suva in 2017 and Girdwood in 2018 (Ikporukpo & Ikporukpo 2022).

Typically, these meetings and workshops result in resolutions and declarations on climate justice which are disseminated through print and electronic media. For instance, a meeting of more than 60 climate justice groups from across the world which held on 12 December 2023 in Dubai during COP 28 lamented the impact of climate change, the lack of effective climate action and the failure to provide the “climate finance that those on the frontline (of climate change) are owed”. The statement concluded thus:

... What good is a package of false solutions, empty finance and meaningless promises?

As is characteristic of such resolutions and statements, the group demanded, “Climate Justice Now!” (Global Campaign to Demand Climate Justice 2023).

The climate negotiations provide an opportunity to pursue CJ. This is understandable; for, the very basis of the negotiations is to design strategies to ensure that climate change is not a threat to people and regions, particularly the most vulnerable. This is reflected in the legal frameworks, particularly the UNFCCC and the Paris Agreement, for the negotiations. The UNFCCC put it thus:

The ultimate objective of this convention ... is to achieve in accordance with the relevant provisions of the convention, stabilization of greenhouse gas concentration in the atmosphere at a level that would present dangerous anthropogenic interference with the climate system. (United Nations, 1992a)

The negotiations over the years have resulted in defined responsibilities for the Global North and the Global South and strategies for achieving the goal of addressing climate change. Mitigation and adaptation have emerged as central strategies. They involve not only the provision of leadership by the developed countries but also the flow of finance and technology from the Global North to the Global South (Ackerman 2009; Allan et al. 2017; Colenbrander et al. 2017; Garrison 2017; Jensen & Roniger 2023). Several types of climate funds have emerged over the years. These include mainly the Adaptation Fund, the Special Climate Change Fund, the Green Climate Fund, and the Loss and Damage Fund. The Adaptation Fund was established in 1997 under the Kyoto Protocol and is meant to finance projects and programmes for assisting developing countries adapt to climate change. The Special Climate Change Fund, established in 2001, focuses on adaptation, transfer of technology, energy, transport, industry, agriculture, forestry and waste management. It is also meant to support the economic diversification of fossil fuel dependent countries. The Green Climate Fund, the result of the negotiations during COP 16 in Cancun, Mexico in 2010, focuses on mitigation and adaptation in developing countries. The Loss and Damage Fund which was accepted in principle during COP 27 was formally established in 2023 at COP 28. In addition to the defined Funds, the developed countries pledged during COP 15 in 2009 in Copenhagen to provide by 2020, one hundred (100) billion dollars annually to support mitigation and adaptation efforts in the developing countries (Ackerman 2009; Biagini & Dobardzia 2011; Chaudbury 2020; Bhandary et al. 2021; CarbonBrief 2023; Jensen & Roniger 2023).

The trajectory of the Loss and Damage Fund from its initial demand by the AOSIS in 1991 to its formal emergence in 2023, testifies to how tedious the struggle for climate justice has been. Table 1 shows that for about two decades the demand for a Loss and Damage Fund received little or no attention. The developed countries, particularly U.S.A., continued to reject the establishment of the Fund. Their argument was that it was not necessary to establish the Fund given the fact that the Adaptation Fund could effectively address the needs of Loss and Damage. The opposition was particularly vehement because of the framing of the proposed Fund by the developing countries in terms of liability of the developed countries and as reparation (Callian 2016; Allan et al. 2017; Pottier et al. 2017; Calliari et al. 2020; Falzon et al. 2023).

The protest strategy, particularly protest march, is commonly employed and is usually impactful. Protest march and blockade are the most popular forms of protest. The annual COPs

have been characterised by protest marches by environmental activists from across the world. It is significant that even in COP 28 of 2023 in Dubai, where the government does not usually tolerate any form of protests, climate activists organised protest marches. Such protests are characterised by procession of sign post-carrying activists chanting about the ills of CC and their frustration on the lack of urgent climate action by world leaders meeting each year for climate talks. Apart from the commonly used slogan of “Climate Justice Now”, many others have emerged over the years (Ikporukpo 2022).

Since the emergence of radical climate justice campaign groups, such as *Fridays for Future*, *Extinction Rebellion* and *Last Generation*, off-season protest march (not during a COP) has become popular. Several protest marches have taken place over the years, particularly by the *Fridays for Future* climate justice movement. The *Fridays for Future*, a youth movement started by the then 15-year-old Swedish school girl, Greta Thunberg in 2018, is based on the philosophy of students skipping school on Fridays to protest for climate, organises several protest marches each year.

Table 1: Attention to Loss and Damage Financing in UNFCCC Meetings, 1991-2023

S/No.	Type of Meeting	Venue	Date	Nature of Attention/Outcome
1	Intergovernmental Negotiating Committee Sessions on UNFCCC	Geneva, Switzerland	Feb. 1991 - May 1992	The UNFCCC, which became the basis for negotiations on L & D, was adopted on 9 May 1992 and came into force on 21 March 1994. A submission on L & D, financing by AOSIS was rejected.
2	Conference of the Parties (COP) 1	Berlin, Germany	28 March - 7 April 1995	N.A.
3	COP 2	Geneva, Switzerland	8-19 July 1996	N.A.
4	COP 3	Kyoto, Japan	1-11 Dec. 1997	N.A.
5	COP 4	Buenos, Aires, Argentina	2-14 Nov. 1998	N.A.
6	COP 5	Bonn, Germany	25 Oct. - 5 Nov. 1999	N.A.
7	COP 6	The Hague Netherlands & Bonn, Germany	13-24 Nov. 2000 & 13-27 July 2001	N.A.
8	COP 7	Marrakech, Morocco	29 Oct. - 10 Nov. 2001	N.A.
9	COP 8	New Delhi, India	23 Oct. - 1 Nov. 2002	N.A.
10	COP 9	Milan, Italy	1-12 Dec. 2003	N.A.
11	COP 10	Buenos, Aires, Argentina	6-17 Dec. 2004	N.A.
12	COP 11	Montreal, Canada	28 Nov. - 9 Dec. 2005	N.A.
13	COP 12	Nairobi, Kenya	6-17 Nov. 2006	N.A.
14	COP 13	Bali, Indonesia	3-15 Dec. 2007	Bali Action Plan to address L & D impacts in developing countries was established.
15	COP 14	Poznan, Poland	1-12 Dec. 2008	A multi-window mechanism on L & D was proposed by AOSIS.

16	COP 15	Copenhagen, Denmark	7-18 Dec. 2009	N.A.
17	COP 16	Cancun, Mexico	28 Nov. - 10 Dec. 2010	A work programme to strengthen international cooperation and technical assistance was accepted.
18	COP 17	Durban, South Africa	28 Nov. - 9 Dec. 2010	Decided on Continuation of work programme.
19	COP 18	Doha, Qatar	26 Nov. - 7 Dec. 2012	It was decided that there was a need to establish/strengthen institutional arrangements on L & D.
20	COP 19	Warsaw, Poland	11-23 Nov. 2013	The Warsaw International Mechanism for Loss and Damage (WIM) was established. It is meant to promote the implementation of approaches to address L & D.
21	COP 20	Lima, Peru	1-12 Dec. 2014	An initial two-year workplan of the Executive Committee of Warsaw International Mechanism was approved.
22	COP 21	Paris, France	30 Nov. - 12 Dec. 2015	Emphasised the need for averting, minimising and addressing L & D Article 8 of the Paris Agreement was specifically on L & D.
23	COP 22	Marrakech, Morocco	7-18 Nov. 2016	Marked the first review of WIM. It was recommended that the Executive Committee should establish an expert group on action of support.
24	COP 23	Bonn, Germany	6-17 Nov. 2017	N.A.
25	COP 24	Katowice, Poland	13-14 Dec. 2018	Provided for the inclusion of L & D in the biennial transparency reports. Parties were urged to develop policies, plans and strategies to avert, minimize and address L & D.
26	COP 25	Madrid, Spain	2-13 Dec. 2019	Santiago Network on L & D meant to provide technical assistance was set up.
27	COP 26	Glasgow, Scotland	31 Oct. - 13 Nov. 2021	A mechanism, "Glasgow Dialogue" to explore ways of funding L & D was established. It expressed the need for increased financial and technical support especially to developing countries to address L & D.
28	COP 27	Sharm El Sheikh, Egypt	6-20 Nov. 2022	The Parties expressed great concern about the challenge of L & D in all parts of the world, particularly the impact on the finances of developing countries. This was the first time L & D was included in the agenda. The setting up of an L & D fund was accepted in principle; although the modalities were to be worked out over the next year.
29	COP 28	Dubai, United Arab Emirates	30 Nov. - 12 Dec. 2023	Loss and Damage Fund was formally established. The Fund which is separate and independent of other types of Funds is to be managed by a 26-member Board.

Note: N.A. means little or no attention. Source: Ikporukpo & Ikporukpo, 2024.

The organisation which now has branches all over the world, for instance, organised four global protest marches in 2019; in March, May, September and November. The largest of the four, that of September, involved 6,000 protests in 185 countries with about 7.6 million people participating (Kessler & Pizmony-Levy 2021; Sisco et al. 2021; Fabel et al. 2023; McGowan 2024).

Blockades include mainly those involving infrastructure, particularly those facilities perceived as being implicated in climate change. *Extinction Rebellion* and *Last Generation* have particularly been active in blockades. For instance, in October 2019, *Extinction Rebellion* organised what it christened “International Rebellion”. The two-week long action in various cities of the world involved several thousand individuals. The climate activists disrupted activities in several cities, particularly in the United Kingdom and the U.S.A. A good example is that on 10 October where there was a sit-in action in one of the exits of London City Airport which disrupted flights (Wibon & Walton 2019).

The Pacific Climate Warriors group of the small islands of the Pacific Ocean has also been involved in a dramatic blockade. On 17 October 2014, climate activists from the Pacific islands blockaded New Castle Harbor, New South Wales, Australia, the world’s largest coal export port. Using canoes they had brought in from their countries, and with the assistance of a few hundred Australian activists, the blockade resulted in a disruption in the movement of coal barges for eight hours. The blockade was an action against the use of coal as an energy source, given its remarkable greenhouse gas emission potential (Fair 2020).

The litigation strategy is usually employed when it is believed that other options have failed. UNEP (2020: 9 & 10) put the relevance of litigation thus. Litigation cases

... Compel governments to accelerate their efforts to implement emissions reduction targets, demonstrate that national GHG emissions goals are insufficiently ambitious or not being pursued at all, connect harms suffered by vulnerable communities to emitters responsible for a share of global temperature increases, bring global climate change concerns to bear on local action, and either force adaptation action or recover damages that result from others’ failures to adapt.

Litigation, which is usually against governments and corporations, has increased in significance since its potentials were realised, particularly in the developing countries. In 2017, there were cases involving 24 jurisdictions. The number increased to 39 in 2020 and to 65 in 2023. Between 2017 and 2022, the number of cases increased cumulatively by 2.5 times. The U.S.A. led in terms of the number of cases. As at the end of 2022, there were 1,522 cases in the U.S.A. out of a global total of 2,180 cases. Other countries with significant numbers were United Kingdom (79), Germany (38) and Brazil (30). Some of the cases were filed in international courts and tribunals while others were in regional courts (UNEP 2023a).

ASSESSING SUCCESS OF STRUGGLE

Theoretically, the CJ movement may be said to have succeeded where there is no disproportionality in the impart of CC. Alternatively, it is when the net-zero goal of climate action is achieved. These scenarios are rather utopian; for, none of these can be achieved in the short term. Thus, one measure of the effectiveness of the CJ struggle is the extent to which the

movement is able to influence the allocation of adequate resources for climate mitigation and adaptation. This perspective on the significance of financial allocations is apparent in several submissions of the developing countries, particularly G77 + China and AOSIS in the climate negotiations. G77 and China put it in its statement during the opening plenary of COP 27 (G77 + China 2022) thus:

Developed countries must provide adequate and predictable means of implementation (of Loss and Damage) including finance ... Finance remains the key to achieving the objectives of the Convention and the Paris Agreement.

The relevance of finance is also emphasized by Qi & Quian (2023:7) thus:

To date, climate finance has been viewed in part as a means of increasing justice by redistributing resources from countries that have dominated production of greenhouse gas emissions that drive global warming to countries that are experiencing or are expected to experience the most severe effects (of Climate Change).

The United Nations appreciates the significance of financial resources. This is emphasised in the Paris Agreement on the need for financial flows from the developed to the developing countries. It is also the basis for the hundred (100) billion dollars yearly pledged by the developed countries at COP 15 in Copenhagen in 2009. This pledge is put in decision number 8 of the Copenhagen Accord thus:

“developed countries commit to a goal of mobilizing jointly 100 billion dollars a year by 2020 to address the needs of developing countries” (United Nations; 2009).

In terms of the mobilisation of financial resources, the Climate Justice struggle has only achieved limited success. There is general acceptance, even by the developed world that financial and technological flows to the developing countries are necessary. The setting up of a Loss and Damage Fund during COP 28 of 2023, after decades of rejection by the developed world, is a major achievement. However, the challenge of climate funding gaps remains. The one hundred (100) billion dollar annually pledged by the developed world continues unrealised (Independent Expert Group on Climate Finance 2020; Qi & Qian 2023).

Generally, climate financial resources have been grossly inadequate. In spite of promises, developed countries have not only taken inadequate climate mitigation action but have also not generated adequate financial flows to the developing world (Chowdhury & Sundaram, 2022; Gallagher & Addison, 2022; Richardson et al., 2023; Tamasiga et al., 2023). For instance, only about 12% of the climate finance needed in Africa is provided (Guzman et al., 2022). Globally, the adaptation finance gap was estimated in 2023 to be between 194 and 366 billion dollars per year (UNEP; 2023b). This clearly indicates the tremendous lack of climate finance.

Furthermore, although a Loss and Damage Fund was approved during COP 28 in 2023, the initial signs are that it will not be adequately funded. The financial pledges made for Loss and Damage were so inadequate that CarbonBrief (2023) asserted that the pledged amount was

only about 0.2% of the need. The challenge is that, as the climate Justice Movement believes, pledges and promised actions usually turn out to be empty promises.

Apart from the challenge of inadequate financial resources, there are other limitations in the use of financial flows to developing countries as a strategy for addressing climate injustice. A fundamental one is that in attempts to address the challenge of inadequate finance, another complex one is created. Climate financial flows to developing countries complicate and deepen the debt crises facing many of these countries. This is because of the predominance of loan – based compared to grant – based financial flows. Loans account for at least two-thirds of the climate financial flows to the developing countries each year from 2016 to 2020. Grant – based finance was typically less than one-third (23 – 28%) while other instruments accounted for between 4 and 7 percent. Furthermore, the loan component for climate finance was more than that in other types of financial flows to developing countries (OECD 2022; Cichoka & Mitchel, 2022; European Parliament Research Service, 2023). Increasing interest rates complicate the challenge.

The challenge of precisely determining the amount of money needed in each developing country to address climate change is also a limitation in the use of financial flows for enthrone climate justice. The precise determination for loss and damage is a good example. In spite of the progress in attribution science, the challenge continues to be. For instance, a slow – onset event such as decertification may be multicausal; resulting from anthropogenic climate change, poor landuse processes, natural climatic changes and overpopulation. Isolating climate change as the cause or determining or determining what proportion of the cause may be attributed to climate change, and therefore what proportion of the loss should be paid for, is difficult (Otto et al., 2016 Chhetri et al., 2021). It is thus understandable that financial estimates for climate action vary and even the range of a given estimate is usually large.

Given the circumstances, the focus must continue to be the realization of the basic objective of the UNFCCC as enunciated in Article 2; which is the

“... Stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system (United Nations, 1992a).

A strategy of Net Zero Emissions has been accepted for implementation by the parties to UNFCCC in achieving this objective. The nature of this strategy as Article 4.1 of the Paris Agreement of 2015 put it, involves achieving

“... A balance between anthropogenic emissions by sources and removal by sinks of greenhouse gases ...” (United Nations, 2015).

It is envisaged in the same Article of the Agreement that this balance would be achieved

“... In the second half of this (21st) century, on the basis of equity and in the context of sustainable development and efforts to eradicate poverty”.

Most countries and several cities and corporations have developed plans for achieving Net Zero. Many countries have chosen 2050 as the target date, though some have earlier target dates and others, particularly the developing countries, have later dates. For instance, the target of Finland is 2035, that of Sweden is 2045, for the U.K. is 2050, and it is 2060 and 2070 for China and India respectively (Allen et al, 2022; Hale et al, 2022; Elliott et al, 2023; Jackman, 2024).

In spite of the limitations in the use of the financial mechanism for achieving climate justice, the climate justice struggle has recorded considerable success in the area of awareness creation and the mobilisation for necessary action. A clear indication of this is the large number of individuals participating in climate protests and strikes. The increasing number of individuals and groups, outside government circles, attending COPs and the phenomenal rise in the popularity of *Fridays for Future* are indicative.

CONCLUSION

Climate change, in spite of doubts by some sceptics and deniers, has been generally accepted as a major challenge to humanity. The disastrous impact of rapid – onset and slow – onset events has been such that could not be ignored (Tabari 2020; IPCC 2021; Ikporukpo & Areola 2023). The disproportionate burden of CC and the disadvantages of some groups and regions have thrown up issues of justice that created political and socio-economic challenges.

The need for climate justice has resulted in the emergence of several organisations and climate activists. The climate justice organisations and the governments of the developing countries have vigorously pursued climate justice through various strategies. However, the climate justice movement faces several challenges in its effort to enthrone justice in the climate regime. A critical challenge has been the reluctance of the Global North. Be that as it may, the climate justice movement continues to create awareness necessary for the ultimate success in the enthronement of justice in the climate regime, particularly in the achievement of Net Zero emissions.

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