
ROLE OF NATIONAL COURTS AND HUMAN RIGHTS INSTITUTIONS IN CLIMATE CHANGE ACCOUNTABILITY

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ABSTRACT

Climate change presents an existential challenge that transcends environmental degradation and implicates the core of international human rights protection. Increasingly, national courts and National Human Rights Institutions (NHRIs) are emerging as pivotal actors in enforcing climate accountability. Through constitutional interpretation, application of international norms, and rights based reasoning, courts have transformed climate commitments into enforceable legal obligations. Simultaneously, NHRIs advance climate justice by monitoring compliance, conducting investigations, and advocating for vulnerable populations disproportionately affected by environmental harm. This article examines the jurisprudential evolution of climate litigation, the normative recognition of environmental rights, corporate accountability developments, and the institutional synergy between courts and NHRIs. It argues that an effective climate intergenerational equity, and sustainable development.

Keywords: climate accountability, climate litigation, national courts, human rights institutions, environmental constitutionalism, intergenerational equity, sustainable development.

1. Introduction

Climate change has transformed from a scientific concern into a constitutional and human rights crisis. Its effects ranging from extreme weather events and sea-level rise to biodiversity loss and food insecurity directly threaten the rights to life, health, water, housing, and cultural survival.¹ Vulnerable communities, including indigenous peoples, women, children, and economically marginalized groups, experience disproportionate burdens.

The recognition of a clean, healthy, and sustainable environment as a human right by the United Nations Human Rights Council in 2021 marked a watershed moment in international law.² This recognition strengthened the normative bridge between environmental protection and human dignity.

National courts have increasingly responded to governmental inaction through rights-based adjudication, climate litigation has expanded dramatically, with over 2,000 cases filed globally.³ This judicialization of climate governance signals a transformative phase in accountability mechanisms.

2. Climate change as a Human Rights issue

The intersection of environmental degradation and human rights is rooted in the principle that states bear positive obligations to protect individuals from foreseeable harm. International instruments such as the United Nations Framework Convention on Climate Change and the Paris Agreement impose commitments to mitigate greenhouse gas emissions and adapt to climate impacts.⁴

Human rights treaty bodies have clarified that climate inaction may constitute violations of:

- a) Right to life

¹ UN Human Rights Comm., General Comment No.36, 62, U.N Doc, CCPR/C/GC/36 (2018)

² G.A Res.48/13, the Human Right to clean, Healthy and Sustainable Environment (Oct.8,2021)

³ U.N Env't Programme, Global Climate Litigation Report: 2023 Status Review (2023)

⁴ Paris agreement, Dec.12,2015, T.I.A.S No.16-1104; U.N. Framework Convention on Climate Change, May 9,1992,1771 U.N.T.S 107

- b) Right to health
- c) Right to adequate housing
- d) Right to food
- e) Right to self-determination

The office of the High Commissioner for Human Rights has emphasised that environmental harm undermines the enjoyment of universally recognized rights.⁵

3. Role of National Courts in Climate Accountability

A. Transformative Constitutional Interpretation

1. Urgenda Foundation v.State of the Netherlands

In Urgenda foundation v. State of the Netherlands, the Dutch Supreme Court ordered the government to reduce greenhouse gas emissions by at least 25% by 2020 compared to 1990 levels.⁶ The court relied on Articles 2 and 8 of the European Convention on Human Rights, affirming that inadequate climate action endangered citizens' rights to life and private life.

This case represents the first instance of a supreme court mandating national emissions reductions based on human rights law.

2. Leghari v. Federation of Pakistan

The Lahore High Court held that governmental delay in implementing climate policy violated constitutional rights to life and dignity.⁷ The court established a climate change commission to supervise implementation, illustrating judicial creativity in structural remedies.

⁵OHCHR, Analytical study on the relationship between climate change and Human rights, U.N. Doc.A/HRC/10/61 (2009)

⁶Urgenda Found v. State of the Netherlands, ECLI: NI: HR: 2019: 2007(Neth.)

⁷Leghari v. Federation of Pakistan, W.P.No. 25501/2015 (Lahore High Court)

3. Neubauer v. Germany

Germany's Federal constitutional court ruled that insufficient long term emission reduction planning violated intergenerational freedoms protected under the Basic law.⁸ The Court emphasised that present shifts disproportionate burdens onto future generations.

4. Verein Klima Seniorinnen Schweiz v. Switzerland

In 2024, the European Court of Human Rights delivered a landmark judgment in this holding that Switzerland's inadequate climate measures violated human rights obligations.⁹ This decision solidifies climate protection within European human rights jurisprudence.

B. Indian Constitutional Jurisprudence

The Supreme Court of India has interpreted Article 21 of the Constitution expansively. In Subhash Kumar v. State of Bihar, the court recognised pollution-free air and water to the right to life.¹⁰

More recently, in M.K. Ranjitsinh v. Union of India (2024), the court acknowledged climate protection as constitutionally significant under articles 14 and 21, reinforcing environmental constitutionalism.

C. Corporate Climate Accountability

Climate litigation increasingly targets corporate actors.

In Milieudefensie v. Royal Dutch Shell, the Hague District ordered Shell to reduce its global emissions by 45% by 2030.¹¹ The ruling applied a duty of care standard grounded in human rights and international climate norms.

This development signals a paradigm shift from state-centric accountability toward

⁸Bundeseverfassungsgericht(BVerfG) (Federal Constitutional Court), Mar.24, 2021, 1 BvR 2656/18 (Ger.)

⁹Verein KlimaSeniorinnen Schweiz v. Switzerland, App.No.53600/20 (Eur.Ct.H.R.2024)

¹⁰Subhash Kumar v. State of Bihar, AIR 1991 SC 420 (India)

¹¹Milieudefensie v. Royal Dutch Shell, C/09/571932 (Hague Dist.Ct.2021)

shared responsibility between governments and multinational corporations.

4. Challenges faced by courts

Despite progressive rulings, courts confront significant constraints

1. **Legislative Gaps:** Many jurisdictions lack comprehensive climate legislation
2. **Separation of Powers Concerns:** Critics argue that courts intrude into policy domains.
3. **Enforcement Limitations:** Implementation depends on executive compliance
4. **Global Competitiveness Argument:** States fear economic disadvantage in unilateral regulation.

Nevertheless, courts justify intervention on the basis of constitutional duty and protection of fundamental rights.

5. Role of National Human Rights Institutions (NHRIs)

NHRIs serve as complementary accountability mechanisms.

A. Normative Advocacy

The office of the United Nations High Commissioner for Human Rights has consistently highlighted states climate-related human rights obligations.¹²

B. Investigative and Quasi-Judicial Functions

The commission on Human Rights of the Philippines conducted a landmark inquiry into fossil fuel companies' responsibility for climate -related human rights harm.¹³ Though not legally binding, the findings carry strong persuasive authority.

¹²OHCHR, Frequently Asked Questions on Human Rights and Climate Change (2021)

¹³Commission on Human Rights of the Philippines, National Inquiry on Climate Change Report(2022)

C. Protection of Vulnerable Communities

NHRIs advocate for:

- a) Indigenous land rights
- b) Gender-responsive climate policy
- c) Youth participation
- d) Climate displacement safeguards

Their soft-law influence strengthens participatory justice.

6. Institutional Synergy between National Courts and Human Rights Institutions

The effectiveness of climate accountability increasingly depends upon institutional cooperation between national courts and National Human Rights (NHRIs). While courts exercise binding adjudicatory authority, NHRIs perform advisory, investigative, and monitoring functions that strengthen the implementation and legitimacy of judicial decisions. Their complementary roles create a multi-layered accountability structure capable of addressing the complex, long-term, and transnational dimensions of climate change.

A. Complementary mandates: adjudication and oversight

National courts possess the constitutional authority to interpret fundamental rights and compel compliance through enforceable judgments. Climate litigation has demonstrated that courts can transform aspirational environmental commitments into legally binding obligations. In *Urgenda Foundation v. State of the Netherlands*, for instance, the Dutch Supreme Court ordered concrete emission reductions grounded in human rights protections.¹⁴ Such decisions establish normative clarity and binding precedents.

However, judicial authority alone does not guarantee sustained implementation.

¹⁴*Urgenda Found v. State of the Netherlands*, ECLI: NL:HR:2019:2007 (Neth.)

Courts generally lack institutional capacity to conduct ongoing technical monitoring or engage extensively with affected communities. Here, NHRIs fill a critical gap. As independent statutory bodies aligned with the Paris Principles, NHRIs, monitor state compliance with human rights obligations, conduct thematic inquiries, and provide policy recommendations.¹⁵ Their reports often inform judicial reasoning and legislative reform.

For example, the commission on Human Rights of the Philippines conducted a landmark inquiry into fossil fuel companies' contributions to climate -related human rights harms.¹⁶ Although its findings were not judicially binding, they strengthened evidentiary foundations for future litigation and influenced global accountability discourse.

Thus, courts provide enforceability; NHRIs provide continuity and systematic oversight.

B. Enhancing Democratic Accountability

Climate governance frequently involves complex policy trade-offs between economic development, energy security, and environmental protection. Judicial intervention may be criticised as undemocratic. Yet when courts rely on constitutional rights and international obligations, they reinforce rather than undermine democratic commitments to rule of law and fundamental rights.

NHRIs enhance this legitimacy by facilitating public participation and inclusive consultation. Through public hearings, stakeholder engagement, and community outreach, NHRIs ensure that climate policies reflect the voices of marginalized populations.¹⁷ This participatory dimension strengthens the democratic foundation of climate accountability.

In *Leghari v. Federation of Pakistan*, the Lahore High Court established a climate change commission composed of governmental and civil society

¹⁵Principles relating to the Status of National Institutions (The Paris Principles), G.A.Res.48/134 (Dec.20,1993)

¹⁶Commission on Human Rights of the Philippines, National Inquiry on Climate Change Report (2022)

¹⁷U.N.Env't Programme, Global Climate Litigation Report:2023 status review (2023)

representatives to oversee implementation.¹⁸ Such structural remedies reflect a blending of judicial authority and participatory oversight, demonstrating how institutional collaboration can deepen democratic governance.

C. Promoting intergenerational Equity

Climate change uniquely implicates future generations. Courts have increasingly recognised intergenerational equity as a constitutional principle. In *Neubauer v. Germany*, Germany's federal constitutional court held that insufficient long-term climate planning disproportionately restricted the freedoms of younger and future generations.¹⁹

While courts articulate intergenerational principles in constitutional terms, NHRIs operationalize them through policy monitoring and advocacy. Many NHRIs now incorporate youth consultations and climate impact assessments into their mandates. The recognition of a clean and sustainable environment as a human right by the United Nations Human Rights Council further strengthens this framework.²⁰

Together, courts and NHRIs translate abstract intergenerational duties to enforceable standards and measurable policy obligations.

D. Strengthening Climate Governance

Climate governance operates across multiple levels local, national, regional, and international. Judicial decisions often draw upon international instruments such as the Paris Agreement and human rights treaties to interpret domestic obligations.²¹ NHRIs reinforce this alignment by integrating international human rights standards into national policy review processes.

The synergy becomes particularly evident in European jurisprudence. In *Verein KlimaSeniorinnen Schweiz v. Switzerland*, the European Court of Human

¹⁸ *Leghari v. Federation of Pakistan*, W.P.No.25501/2015 (Lahore High Court)

¹⁹ *Bundesverfassungsgericht (BVerfG) (Federal constitutional court)*, Mar.24,2021, 1BvR 2656/18 (Ger.)

²⁰ G.A. Res.48/13, *The Human Right to a Clean, Healthy and Sustainable Environment* (Oct.8, 2021)

²¹ Paris Agreement, Dec.12,2015, T.I.A.S. No.16-1104

Rights recognized inadequate climate action as a violation of human rights protections.²² Domestic courts and NHRIs across Europe now rely on this reasoning to scrutinize national climate frameworks.

By linking constitutional interpretation, international norms, and administrative oversight, courts and NHRIs collectively strengthen the coherence and durability of climate governance.

E. Expanding Access to Justice

Access to justice is a cornerstone of environmental accountability. Climate harms often affect communities with limited legal resources. Courts provide formal remedies, including declaratory relief, injunctions and structural orders. However, procedural barriers such as standing requirements, litigation costs and evidentiary burdens may restrict access.

NHRIs mitigate these barriers by offering complaint mechanisms, mediation services, and advisory opinions that are more accessible than formal litigation.²³ They can also support strategic litigation by documenting human rights impacts and providing expert submissions.

This collaborative framework expands avenues for redress and ensures that climate accountability is not confined to well-resourced litigants. It democratizes climate justice.

F. Toward a multi-layered accountability framework

The interaction between courts and NHRIs produces a multi-layered climate accountability model characterized by:

- Norm articulation (judicial interpretation of constitutional and human rights principles)
- Policy monitoring (NHRI oversight and evaluation)

²²Verein Klima Seniorinnen Schweiz v. Switzerland, App. No.53600/20 (Eur.Ct.H.R.2024)

²³ OHCHR, frequently asked questions on Human Rights and Climate change (2021)

- Public participation (consultative and investigative mechanisms)
- Remedial enforcement (binding judicial orders)
- International alignment (integration of treaty obligations into domestic law)

Rather than functioning in isolation, these institutions create a mutually reinforcing accountability ecosystem. Courts provide authority and finality; NHRIs provide persistence and inclusivity. Together, they transform climate commitments into enforceable, monitored, and participatory governance structures.

7. Conclusion

The evolution of climate litigation marks a constitutional moment in environmental governance. Courts are no longer passive interpreters of environmental statutes; they are guardians of intergenerational justice. By grounding climate obligations in fundamental rights, courts elevate climate protection from political discretion to legal necessity.

However, judicial intervention alone cannot resolve the structural dimensions of climate change. Sustainable accountability requires:

- Comprehensive domestic climate legislation
- Clear emission reduction pathways
- Strengthened NHRI mandates
- Corporate due diligence frameworks
- International co-operation mechanisms

National courts and human rights institutions must function as complementary pillars in a broader ecosystem of accountability. Their legitimacy lies not in replacing democratic institutions but in reinforcing constitutional commitments to dignity, equality and sustainability.

Climate change challenges the moral and legal foundations of governance. The continued development of rights-based climate jurisprudence reflects a growing recognition that environmental protection is inseparable from human survival. An effective climate accountability regime must therefore align constitutional values, international obligations and institutional co-operation to secure a safe, healthy, and equitable environment for present and future generations.