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## Climate Justice at the Crossroads: Legal Responses to a Warming World

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### Abstract

Climate justice is a growing concept within the climate discourse that attempts to acknowledge the disproportionate impact that marginalized communities have on climate change. Although climate change is a global phenomenon, its impacts are indeed local, with the greatest burden borne by populations with limited ability to adapt. It analyzes the legal tools which make possible global climate justice in the country of Pakistan. It considers how effectively international legal systems, including the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, have been able to create equitable environmental obligations. It also critically analyses the domestic legal responses in Pakistan in the form of the Pakistan Climate Change Act (2017) and the revised National Climate Change Policy (2021). The significance of judicial activism, particularly precedent-setting judgments like *Legahri v. Federation of Pakistan*, is examined to illustrate how the extent of legal interpretation has upheld climate justice. Major obstacles—including lack of enforcement, public participation, and institutionalization—are emphasized. It calls for an integrated approach that will include legal reforms, capacity-building and bottom-up participation. Suggestions range from strengthening the legal landscape, harmonizing domestic laws with global norms, to integrating climate into national consciousness. This paper adds to the larger conversation on climate justice by revealing that despite the salient legal and policy measures Pakistan has adopted, there is a long way to go before just climate resilience is achieved. In the process it provides a bird's eye view of the legal means through which climate justice could be pursued in a developing country.

**Keywords:** Climate justice, Pakistan, legal frameworks, environmental law, climate change, Paris Agreement, judicial activism, adaptation policy

### Introduction

Climate change is one of the greatest challenges of our time: it has consequences that go beyond borders and affect all areas of life. The principle of climate justice is based on the idea that the burdens and benefits of climate change and the solutions to address it should be shared in an equitable manner. The use of legal tools is an important means of addressing climate justice, especially in developing countries like Pakistan, which are highly vulnerable to climate-induced threats but are low emitters of greenhouse gases as well (Rasul et al., 2021).

Climate justice is broader than environmental concerns; it touches on questions of equity, governance, and human rights. It understands that climate change's burden tends to fall most heavily on those least responsible for it. Global warming and its effects are particularly pronounced in Pakistan and present themselves in extreme weather conditions, melting glaciers, diminished water



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supplies and food insecurity. These impacts have potentially serious consequences for the most vulnerable groups, including rural peoples, women and the economically disadvantaged.

In the face of growing global commitment to the Paris Agreement and the SDGs, the importance of the role of law and policy in delivering environmental justice is also gaining prominence. Legal actions – at the international and national levels – can play a critical role in attributing responsibility, revealing the truth and ensuring that climate measures are participative and fair.

This paper examines how climate justice is understood and practiced contextually in global legal order and then further narrows its perspective down to Pakistan. It evaluates the quality of current legal frameworks and point out shortcoming and constructive suggestions. In so doing, it highlights the need to incorporate climate justice into national legal and policy frameworks as a foundation for sustainable development and resilience.

### Literature Review

#### 1. **Global Perspectives on Climate Justice**

The concept of “climate justice” has been derived from the broader environmental justice movement which stresses justice in the equity of cause and effects of climate change (Schlosberg & Collins, 2014). Researchers contend that the changes in climate can exacerbate current social inequities and impacts are distributed unevenly according to who has less resources to adapt (Roberts & Parks, 2007). Legal research has focused on international treaties, human rights-based approaches, and potential of litigation in enforcing climate decrees (Bodansky 2010).

#### 2. **International Legal Frameworks**

Global climate governance is fundamentally based on the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol, and the Paris Agreement under the UNFCCC (Rajamani 2016). These mechanisms motivate the adoption of mitigation and adaptation measures by states, yet the enforcement provisions are weak. The concept of CBDR arguably constitutes an effort to articulate climate justice at the global level.

#### 3. **Judicial Responses to Climate Change**

Climate litigation is a key tool for climate justice. Judges on every continent, from the U.K. to the Netherlands and Colombia have found governments liable for insufficient climate efforts (Peel & Osofsky, 2018). Traditionally, legal claims are based in domestic constitutions, international obligations and human rights.

#### 4. **Pakistan’s Legal and Policy Framework**

Pakistan is considered a priority in top 10 most affected countries with respect to climate change (Germanwatch, 2020). Its climate legislative framework comprises the Pakistan Climate Change Act (2017), Pakistan National Climate Change Policy (2012 & revised 2021), and the environmental laws of several provinces. Pakistan’s judiciary has also been a key player, with landmark cases such as Leghari v. Federation of Pakistan (2015) securing justice on climate.

#### 5. **Legal Frameworks and Institutional Responses in Pakistan**

##### 1. **Pakistan Climate Change Act 2017**



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An Act to provide a regulatory framework to address and respond to the challenges of climate change and global warming. It created the Pakistan Climate Change Council and the Pakistan Climate Change Authority for the national policy and strategy for climate change. It seeks to mainstream climate resilience within national development plans (GoP, 2017).

### 2. **National Climate Change Policy (2012, revised 2021)**

The policy sets out a pathway for mitigation and adaptation and emphasizes sectors such as water, agriculture and disaster risk management. The 2021 update harmonizes the policy with the Paris Agreement and Sustainable development goals (SDGs) (Ministry of Climate Change, 2021).

### 3. **Judicial Activism and Precedents**

One of the groundbreaking decisions on climate litigation was that of the Lahore High Court in *Leghari v. Federation of Pakistan* (2015). The court accepted the non-implementation by the federal government of its climate policy as a violation on basic rights as guaranteed in the Constitution of right to life and dignity (Nasir, 2016).

### 4. **Provincial Environmental Legislation**

The environment was declared a provincial subject, following the 18th Amendment. Now each province has its own environmental protection acts and agencies.” But it is enforced very differently by province.

## **Challenges and Gaps in Legal Implementation**

### 1. **Weak Enforcement Mechanisms**

Even though its policies are strong on paper, enforcing them is still a problem. It is because of combination of institutional capacity, corruption as well political will (Khan et al., 2020).

### 2. **Lack of Public Awareness and Participation**

For climate justice to be effective, the public must be involved. In Pakistan, low levels of literacy, coupled with lack of information, inhibit citizen participation in environmental decision making.

### 3. **Coordination Between Federal and Provincial Authorities**

Interference and confrontation over federal-provincial functions after 18th Amendment have presented legal and administrative complications (Ahmed & Arif, 2021).

### 4. **Inadequate Climate Finance**

Pakistan’s arrangements for climate finance are at early stages. It has also been the recipient of international funds, but domestic climate finance systems are nascent (Ali et al., 2021).

## **Future Directions and Recommendations**

### 1. **Strengthening Legal Institutions**

Capacity-building for institutions involved in environmental governance should be prioritized. This includes training judiciary members on climate science and legal instruments.

### 2. **Enhancing Public Participation**

Inclusive policymaking processes that engage civil society, academia, and local communities can improve policy relevance and compliance.

### 3. **Developing Climate-Resilient Infrastructure**

Legal mandates should require climate risk assessments in all



infrastructure and development projects.

4. **Mainstreaming Climate Justice in Education**

Incorporating climate justice into educational curricula can foster a new generation of environmentally conscious citizens and professionals.

5. **Leveraging International Support**

Pakistan should actively engage in climate diplomacy and seek technical and financial support under international mechanisms like the Green Climate Fund.

## Conclusion

Climate justice is an important framework through which legal responses to climate change should be considered. In Pakistan much has been achieved in terms of policy documents and judicial activism, but there is also more work to be done regarding execution, coordination and mobilization of people. For a country that is grappling with the intersections of development and environmental sustainability, the urgency to bolster the legal response framework cannot be overstated if a fair transition to a climate resilient future is to be assured.

## References

- Ahmed, S., & Arif, H. (2021). Environmental governance and legal pluralism in Pakistan: An institutional analysis. *Environmental Policy and Law*, 51(2), 112–124.
- Ali, M., Khalid, A., & Hussain, S. (2021). Climate finance in Pakistan: Status, challenges and way forward. *Journal of Environmental Economics*, 3(1), 45–56.
- Bodansky, D. (2010). *The art and craft of international environmental law*. Harvard University Press.
- Germanwatch. (2020). *Global Climate Risk Index 2020*. <https://germanwatch.org>
- Government of Pakistan. (2017). *Pakistan Climate Change Act*. Islamabad: Ministry of Climate Change.
- Khan, R., Bukhari, F., & Saeed, F. (2020). Implementation gaps in Pakistan's climate policies. *Pakistan Development Review*, 59(4), 487–506.
- Ministry of Climate Change. (2021). *Revised National Climate Change Policy*. Government of Pakistan.
- Nasir, M. (2016). Climate justice in Pakistan: Leghari v. Federation of Pakistan. *Environmental Law Review*, 18(1), 41–48.
- Peel, J., & Osofsky, H. M. (2018). *Climate change litigation: Regulatory pathways to cleaner energy*. Cambridge University Press.
- Rajamani, L. (2016). The Paris Agreement: A new beginning. *International and Comparative Law Quarterly*, 65(2), 501–518.
- Rasul, G., Mahmood, A., & Sadiq, N. (2021). Climate change and its impacts on Pakistan—A review. *Pakistan Journal of Meteorology*, 17(33), 21–34.
- Roberts, J. T., & Parks, B. C. (2007). *A climate of injustice: Global inequality, North-South politics, and climate policy*. MIT Press.
- Schlosberg, D., & Collins, L. B. (2014). From environmental to climate justice: Climate change and the discourse of environmental justice. *Wiley Interdisciplinary Reviews: Climate Change*, 5(3), 359–374.

