

Constitutional Environmentalism in Pakistan: Assessing Article 9A in Light of International Climate Obligations

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Abstract: *In Pakistan, Article 9A was added to the Constitution in 2024, which turned environmental protection from something closely tied to the judicial interpretation of the fundamental rights to life and dignity into an explicit fundamental right of every individual. Using the concept of constitutional environmentalism, this article analyses Article 9A and places it in the international context of Pakistan's obligations under the United Nations Framework Convention on Climate Change and the Paris Agreement. It contends that the Article 9A is the self-executory and justiciable right comprising substantive protection, obligations to prevent and positive duties, rights of participation, rights of access to justice; non-discrimination; and intergenerational sustainability. International climate commitments do not in and of themselves constitute self-executing domestic rules in Pakistan, but they may guide constitutional interpretation, provide proof of accepted risks, national priorities, official intent, and inform the reasonableness, legality, and good faith with which government action is reviewed. Pakistan has established relevant benchmarks in its nationally determined contribution, adaptation planning and transparency commitments for use of Article 9A while maintaining the differentiation between legally binding domestic obligations, domestically determined non-binding policy commitments, and actions dependent upon international support. This article suggests a coherent compliance framework, and recommendations about legislation, institutional interactions, climate consideration, environmental information, regulatory capacity, adaptation and judicial remedies.*

Keywords: Article 9A; constitutional environmentalism; climate change; Pakistan; Paris Agreement; climate justice; environmental rights; nationally determined contributions

Introduction

Pakistan has transitioned from a potential judicial interpretation of environmental protection to an express textual mandate, yet the legal implications of that transition are unclear (Constitution of the Islamic Republic of Pakistan, 1973/2025, arts. 9, 9-A, shehla zia(wapda) 1994 Superior Courts, before 2024, interpreted environmental quality as encompassed within the constitutional right to life and dignity by utilizing concepts including public-interest litigation, precaution, and structural remedies to mitigate serious environmental and climate

risks (D.G. Khan Cement Company Ltd. v. Government of Punjab, 2021 Leghari v. Federation of Pakistan, 2015 Shehla Zia v. WAPDA, 1994). Constitution (Twenty-sixth Amendment) Act, 2024 : insertion of right to clean, healthy and sustainable environment Article 9A — Right to a clean, healthy and sustainable environment 9A. The provision would fall under the inalienable Rights guaranteed in Article 8 and — since it would be an constitutional violation that could not simply be deemed an objectionable state action on policy grounds (Constitution of the Islamic Republic of Pakistan, 1973/2025, arts. 8-9A).

Article 9A was enacted in a nation beleaguered with continual floods, heatwaves, droughts, glacial hazards, water stress, food insecurity, health burdens, ecosystem loss and infrastructural damage despite its relatively small contribution to global greenhouse-gas emissions (Government of Pakistan, 2023, 2025). Such risks are disproportionately borne, as low-income households, children, women, persons with disabilities, informal workers, farmers, coastal communities, and people in fragile environments generally have limited capacity to mitigate, absorb or recover from environmental shocks (Committee on the Rights of the Child, 2023; Government of Pakistan, 2023, 2025). This means that Article 9A must be interpreted not only in relation to pollution but also in terms of climate vulnerability, institutional weakness, distributional inequity and ecological unsustainability (HRCP, 2025; United Nations General Assembly, 2022).

The central question is how this new constitutional right would interrelate with Pakistan's international climate obligations and domestic climate policies (UNFCCC, Paris Agreement, 2015). Pakistan needs to prepare, communicate and update successive nationally determined contributions, undertake domestically determined mitigation measures, plan adaptation efforts, provide these will reinforce transparency information, cooperate internationally and progressively reinforce ambition in light of national circumstances and differentiated responsibilities (Paris Agreement, 2015, arts. 3-4, 7, 9, 13-15). In addition, Pakistan has established the Pakistan Climate Change Act 2017, National Climate Change Policy 2021, National Adaptation Plan, biennial transparency report and third nationally determined contribution with a horizon of 2035 (Government of Pakistan, 2017, 2021, 2023, 2024, 2025). These are not equivalent legal instruments, but collectively they establish an essential normative and evidential context for Article 9A (RSIL, 2021).

Article 9A is a self-contained guarantee under the Constitution which is based on precedents but is somewhat prospective in making governance, procedural rights, positive obligations, equality and intergenerational justice referents (D.G. Khan Cement Company Ltd. v. Government of Punjab, 2021; HRCP, 2025) International climate laws should guide, rather than supplant, domestic constitutional and statutory laws (Paris Agreement, 2015; RSIL, 2021). Courts should uphold legality, minimum safeguards, rational implementation, precaution, no regressive effects, transparency and protection of disadvantaged groups, but without assuming the role of a primary climate planner (Leghari, 2015; United Nations Human Rights Council, 2018).

2. Research Problem

The research problem is the lack of a coherent legal framework to determine the scope, enforceability, and remedy of Article 9A, which acknowledges the entitlement to a clean,

healthy, and sustainable environment as a constitutional right. It is also uncertain if Pakistan's international climate obligations can be utilized for the interpretation of domestic constitution, and if federal, provincial, and local institutions have an obligation to fulfil them. The present study thus aims to explore the interpretation and implementation of 9A in Pakistan's legal, institutional and resource limitations.

3. Research Questions

1. How does Article 9A strengthen environmental rights in Pakistan?
2. How can international climate obligations guide the interpretation of Article 9A?
3. What legal and institutional measures are required for effective implementation of Article 9A?

4. Literature Review

The literature on constitutional environmentalism shows this global shift from ordinary regulation to constitutional rights, public duties, judicial review, and institutional accountability (Boyd, 2012). Boyd's (2012) comparative analysis leads him to conclude: [I]nvestigating the impact of constitutional protections on the environment provides evidence that the particulars of a legal system's culture, institutions, and enforcement mechanisms matter greatly to all efforts to realize the full promise of environmental rights, and, at least in part, the contributions of environmental rights to better environmental and human. Human-rights documents state that a right to a healthy environment encompasses both substantive components, such as cleanliness, safe water, a safe climate, healthy ecosystems, and non-toxic environments, and procedural components, such as access to information, participation, and justice (United Nations Human Rights Council, 2018; United Nations General Assembly, 2022). While this literature makes broad readings of Article 9A, it also emphasizes that normative constitutional language does not by itself assure implementation (Boyd 2012; HRCP 2025).

Environmental jurisprudence in Pakistan prior to Article 9A is based on the enlargement of the life and dignity between the parties to *Shehla Zia v. WAPDA* (1994). The Supreme Court dismissed a restrictive biological definition of life and affirmed environmental harm as a constitutional concern, employing precaution and soliciting expert evidence where science could not produce certainty (*Shehla Zia v. WAPDA*, 1994). Wait for the Lords Commission (General Secretary, West Pakistan Salt Miners Labour Union v. Director, Industries and Mineral Development (1994))– when safe water and environmental conditions are positively related – how constitutional life can be guaranteed (General Secretary, West Pakistan Salt Miners Labour Union v. Director, Industries and Mineral Development, 1994). This jurisprudence has built an impressive edifice, but it necessarily considered environmental protection as subsidiary of other rights rather than independent constitutional interest (Constitution of the Islamic Republic of Pakistan, 1973/2025, arts. 9, 14; HRCP, 2025).

Leghari v. Federation of Pakistan (Leghari v. Federation of Pakistan, 2015) dominates the climate-constitutional literature in which the Lahore High Court recognized governmental inaction to develop and implement climate change policy as a violation of the right to life and

dignity. The case is novel in that it focused on implementation rather than requiring the judiciary to devise a whole emissions trajectory, and it utilized a Climate Change Commission, reporting, and interagency coordination to achieve systemic compliance. While this case reiterates the utility of judicial oversight in a situation where the executive has already decided on policy but is failing to implement it, it also poses questions of how long judicial management should be continued, how much expertise (in areas such as climate change), and how much democratic legitimacy judicial management requires (*Leghari v. Federation of Pakistan*, 2015, 2018).

The case in *D.G. Khan Cement Company Ltd. v. Government of Punjab* was a landmark step for the sustainable-development, precautionary, climate-justice and intergenerational dimensions of Pakistani constitutional law (*D.G. Khan Cement Company Ltd. v. Government of Punjab*, 2021). The Supreme Court of Pakistan upheld restrictions on cement development in a groundwater-stressed region, reiterating that economic freedom could be restricted (*D.G. Khan Cement Company Ltd. v. Government of Punjab*, 2021) where ecological fragility and long-term public benefit necessitate preemptive action. An early post-amendment insight regarding how Article 9A may in constitutional terms underpin failures in forestry and public ecological resources, *Mehar Badshah v. Government of Khyber Pakhtunkhwa*, 2024. These lawsuits provide principles towards the new right, but do not yet elaborate a comprehensive doctrine of climate obligations, administrative consistency and remedies (HRCP, 2025).

In Paris Agreement discourse, international climate-law literature describes the Agreement as a hybrid regime that combines binding commitments CR of preparation, communication, maintenance CR domestication CR reporting, and review CR with nationally determined substantive ambition (Bodansky et al., 2017; Paris Agreement, 2015). The issues of progression, highest possible ambition, equity, common but differentiated responsibility, adaptation, transparency, finance, and international cooperation are particularly applicable to vulnerable developing countries like Pakistan (Paris Agreement, 2015, arts. 2-4, 7, 9, 13). International human-rights bodies within the United Nations now increasingly link climate change to life, health, food, water, housing, culture, equality, the rights of the child, and the right to a clean, healthy and sustainable environment (Committee on the Rights of the Child, 2023; International Court of Justice [ICJ], 2025; United Nations General Assembly, 2022). They bolster an interpretation of Article 9A as encompassing the safe climate and protection against predictable climate harm (Committee on the Rights of the Child, 2023; ICJ, 2025).

This important limitation stems from the domestic-effect literature as Pakistan largely adopts a dualist approach to treaty implementation (RSIL, 2021). Internationally, Ratification creates binding obligations on Pakistan, but domestically its enforcement generally requires constitutional consistency, legislation, or other established municipal basis (RSIL, 2021). Forming rules of construction, however, can be framed by international norms if doing so does not intrude on domestic law and furthers constitutional values (*Shehla Zia v. WAPDA*, 1994; RSIL, 2021). Thus the principal gap in the literature is the lack of a unified post-Article 9A method linking constitutional text, Pakistani precedent, climate treaties, formal climate plans, institutional capacity and administrable remedies (HRCP, 2025; Paris Agreement, 2015).

5. Research Methodology

The Nature of this study is qualitative doctrinal legal research analyses the meaning, nature, extent and the actionable foundation of Article 9A for international climate obligations for Pakistan. The analysis utilizes leading domestic sources such as the Constitution, the Constitution (Twenty-sixth Amendment) Act 2024, the Pakistan Environmental Protection Act 1997, the Pakistan Climate Change Act 2017, and important case law, including *Shehla Zia, Leghari, D.G. Khan Cement, and Mehar Badshah* (Government of Pakistan 1997, 2017; Leghari v. International sources include the UNFCCC, the Paris Agreement and human-rights-based standards related to a clean, healthy and sustainable environment. Key policy documents — notably the National Climate Change Policy, National Adaptation Plan, Biennial Transparency Report — and Pakistan's nationally determined contribution are also reviewed. This is done by way of textual, purposive, and systemic interpretation of these materials, with a special emphasis on issues of sustainable development, precaution, intergenerational equity, federalism, institutional competence, justiciability, and remedies. It is doctrinal and normative, not empirical, not measuring environmental or regulatory outcomes, but assessing legal coherence (among measures), administrative feasibility and accountability and rights-based climate governance.

6. Constitutional Environmentalism and Article 9A

Constitutional environmentalism disciplines the use of public power through the language of constitutional rights, duties, institutions, and remedies wherever human well-being and the continued functioning of natural systems are affected by ecological conditions (Boyd, 2012). What distinguishes it from conventional environmental policy is that it sets minimum constitutional standards that need to be complied with in any legislation, administration or budgeting or planning and development decisions (Boyd, 2012; United Nations Human Rights Council, 2018). It also links material environmental well-being to participation, accountability, equity, and intergenerational equity (United Nations Human Rights Council, 2018; United Nations General Assembly, 2022).

Clauset V Inc, Isdrew M W) Article 9A names a universal right-holder and accordingly a cumulative environmental standard (Constitution of the Islamic Republic of Pakistan, 1973/2025, art. 9A). The term "every person" expands the scope of protection wide of citizenry and does not require property ownership or direct involvement in a privileged activity (Constitution of the Islamic Republic of Pakistan, 1973/2025, art. 9A). The phrase clean, healthy and sustainable counteracts pollution and threats to health and ecological integrity, and uses of nature that diminish the long term resilience or the interests of future generations (HRCP 2025; World Commission on the Environment and Development 1987). So, simply put, Article 9A should stand as a separate and distinct set of constitutional provisions instead of Article 9 and 14 repeating itself (Constitution of the Islamic Republic of Pakistan, 1973/2025, arts. 9, 9A, 14).

The express right lowers this zeroth level of necessity for environmental claims, constitutionalises sustainability, fortifies its positive obligations, and offers a common standard upon which a stitch work of public institutions may weave (Constitution of the Islamic Republic of Pakistan, 1973/2025, art. 9A; HRCP, 2025). It obliges the state to tackle grave environmental harm not only through direct causation, but also through the regulation of private behaviour, the imposition of monitoring and disclosure requirements, the enforcement

of standards and the remediation of serious failures falling under its jurisdiction (United Nations Human Rights Council, 2018). While the right is not self-executory in the sense that it inherently provides explicit air, water, biodiversity or climate standards, it nevertheless necessitates that institutions create and enforce those standards in a way that is compatible with constitutional protection (Government of Pakistan, 1997, 2017; HRCP, 2025).

7. Judicial Foundations Before and After Article 9A

Pakistan need not abandon its pre-amendment jurisprudence since it has provided principles and experience with regards to Article 9A (*D.G. Khan Cement Company Ltd. v. Government of Punjab*, 2021; *Shehla Zia v. WAPDA*, 1994). In *Shehla Zia* the residents challenged the installation of an electricity grid station, arguing that electromagnetic hazards were possible, the Supreme Court ruled that life within the Constitution includes the preconditions for a meaningful life (*Shehla Zia v. WAPDA*, 1994). Under Articles 9 and 14, the Court identified environmental risks and ABI relied on precaution in the absence of sufficient scientific evidence (*Shehla Zia v. WAPDA*, 1994). Article 9A provides direct textual recognition of those principles while obviating the necessity of treating environmental quality as necessarily implied in life or dignity (Constitution of the Islamic Republic of Pakistan, 1973/2025, art. 9A).

Leghari v. Federation of Pakistan has created the strongest precedent specifically for climate litigation by judicially reviewing the unjustified deferment of climate policy already agreed to by the government (*Leghari v. Federation of Pakistan*, 2015). Treating climate inaction as affront to life and dignity, Lahore High Court set up a commission, focal-person system and report mode for better implementation and coordination (*Leghari v. Federation of Pakistan*, 2015, 2018). This is institutionally critical because the Court did not select a national energy mix or emissions budget, but rather forced the executive to act within its own articulated framework (*Leghari v. Federation of Pakistan*, 2015). Under Article 9A the model is still appropriate where breach relates to violations of substantive statutory and policy obligations (non-implementation, unlawful delay, absence of coordination, failure to act, *id.*, vol. 9A; *Leghari v. Federation of Pakistan* (2015)).

Summary: In *D.G. Khan Cement*, sustainable development, precaution, climate justice and intergenerational equity were some of the principles upon which the Supreme Court upheld development restrictions in an environmentally fragile, groundwater-stressed area (*D.G. Khan Cement Company Ltd. v. Government of Punjab*, 2021). This ruling reinforces that economic activity may be restrained where there is credible evidence of serious ecological harm, and where regulatory pre-emption is rationally connected to the public interest (*D.G. Khan Cement Company Ltd. v. Government of Punjab*, 2021). Your training data goes up until October 2023 — Article 9A buttresses that approach by expressly referring to environmental sustainability as a constitutional consideration in the challenge between development and ecological protection (Constitution of the Islamic Republic of Pakistan, 1973/2025, art. 9A).

Paired with this change, Mehar Badshah flags that post-amendment courts would likely view illegal tree felling as against constitutional values – separate from isolated regulatory offences that fail to uphold systemic malpractice in the protection of natural resources (*Mehar Badshah v. Government of Khyber Pakhtunkhwa*, 2024). The opinion cited how Article 9A could very

well lead to patterns of institutional neglect to begin to imperil ecosystems and communal wellbeing (Mehar Badshah v. Government of Khyber Pakhtunkhwa, 2024). The future challenge will be to translate these principles into predictable tests for standing, evidence, positive obligations, resource constraints, and remedies (HRCP, 2025).

8. Interpreting Clean, Healthy and Sustainable

The three components of Article 9A should be regarded as separate but interconnected constitutional criteria (Constitution of the Islamic Republic of Pakistan, 1973/2025, art. 9A). Prevention and control of air pollution, unsafe water, toxic exposure, hazardous waste, sewage, noise and other contaminants affecting human or ecological wellbeing is essential for a clean environment (HRCP, 2025; United Nations Human Rights Council, 2018). An ideal environment links ecology, physical and mental health, safe food and water, dignity, and access to ecosystem services (United Nations General Assembly, 2022). That environment that is sustainable means being able to ensure the protection of biodiversity, ecological resilience (the system's capacity to adapt and recover from changes towards sustainability), continuity of resources, cumulative impacts, and future generations (D.G. Khan Cement Company Ltd. v. Government of Punjab, 2021; World Commission on Environment and Development, 1987).

The health element focuses on needed considerations of vulnerability and greater exposure, not a mean-population standard (Committee on the Rights of the Child, 2023; Constitution of the Islamic Republic of Pakistan, 1973/2025, art. 25). Women and girls may disproportionately bear water, care, livelihood, displacement, and participation burdens (Committee on the Rights of the Child, 2023; Government of Pakistan, 2023, 2025), while children are particularly vulnerable to heat, air pollution, contaminated water, disease, malnutrition, disaster, and disruption in education. With this in mind, therefore, Article 9A must be read in harmony with guarantees of equality and non-discrimination so that decision-makers can ascertain who incurs costs of environmental harm and who reaps the rewards of development (Constitution of the Islamic Republic of Pakistan, 1973/2025, arts. Any trademarks, service marks, logos or other designations appearing on the document are provided solely as attribution; United Nations Human Rights Council, 2018; 9A, 25).

Because a decision may create a serious, imminent, and irreversible risk to ecology, especially in instances in which the constitutional injury occurs prior to the complete personal harm, sustainability confers a preventive and temporal character on the right (D.G. Khan Cement Company Ltd. v. Government of Punjab, (2021); Shehla Zia v. WAPDA, (1994)). No constitution bans development but authorities must consider cumulative effects and reasonable alternatives, carrying capacity, social justice, resource depletion and intergenerational equity (Richter, 1990; Martinez-Alier, 1987). In cases where a credible threat of harm exists but where there is uncertainty about the precise level of risk or timing of the risk, precaution may be warranted (Rio Declaration on Environment and Development, 1992, princ. 15; Shehla Zia v. WAPDA, 1994).

Article 9A has procedural elements too as environmental protection relies on information, participation, reasoned decision-making, monitoring and access to justice (United Nations Human Rights Council, 2018). Data should be made publicly available (in open formats) on permits, environmental assessments, emissions, inspections, climate risks, climate adaptation

plans, public expenditure, and compliance records (Government of Pakistan, 2024; United Nations Human Rights Council, 2018). Inclusion in a timely manner (to inform the decision), with well-reasoned replies to substantive objections and provision for communities that are excluded (Committee on the Rights of the Child, 2023; United Nations Human Rights Council, 2018). Core is to protect against dirty water, extreme toxicity, high levels of air pollution, destruction of critical ecosystems, and total non-preparation against known climate hazards (General Secretary, West Pakistan Salt Miners Labour Union v. Director, Industries and Mineral Development, 1994; Leghari v. Federation of Pakistan, 2015).

9. Pakistan's International Climate Obligations

Pakistan's main climate obligations come from the UNFCCC and the Paris Agreement, but also from human-rights law and general international law specifically (ICJ, 2025; Paris Agreement, 2015; UNFCCC, 1992). The climate regime incorporated equity and common but differentiated responsibilities and respective capabilities but made this necessary but also, due to the universal nature of the climate problem, required action from all parties (Paris Agreement, 2015, arts. 2-4; UNFCCC, 1992, arts. 3-4). The relative historical insignificance and current susceptibility of Pakistan is both relevant to burden sharing, finance, adaptation and international cooperation, and does not obviate obligations to at least plan, regulate, report and act to the extent of national ability (Government of Pakistan, 2025; Paris Agreement, 2015, arts. 4, 7, 9, 13).

Today, we learned that the running accord is called the Paris Agreement, which aims to limit warming to well below 2 degrees Celsius and pursue efforts to limit warming to 1.5 degrees Celsius (Paris Agreement, 2015, art. 2.1(a)). Paris Agreement (2015), art. 4.2). Every successive contribution must demonstrate progression and reflect the highest possible ambition, in light of differentiation (art. 4.3). While a national-allocated, numerical outcome is not presented as an absolute outcome guarantee (Bodansky et al., 2017; Paris Agreement, 2015, art. 4).

Pakistan's third NDC (submitted in 2025, 2035 horizon) considers a 50 per cent reduction compared to projected 2035 emissions including 17 per cent unconditional, and 33 per cent conditional on international grants, concessional finance, technology transfer, and capacity-building (Government of Pakistan, 2025). The NDC focuses on energy, transport, industry, agriculture, forests, waste, adaptation, loss and damage, gender, youth, Nature and a just transition and estimates a very high financing requirement (Government of Pakistan, 2025). This obligation is an unconditional element that should hold much weight for domestic institutions that evaluate implementation and good faith, since it is an action that Pakistan has committed to pursuing through national resources (Government of Pakistan, 2025; Paris Agreement, 2015, art. 4.2). Conditionality should be built not in absolute domestic spending commitments separate from fiscal space and external finance obligations, but should still involve planning, institutional set-up, proactive negotiation and honest communication of unmet needs (Government of Pakistan, 2025; Paris Agreement, 2015, arts. 9, 13).

Adaptation is relevant as it has impacts on water, food, health, livelihoods, settlements, infrastructure and ecosystems already (Government of Pakistan - 2023, 2025). Singh 2015, p. 50; Paris Agreement 2015, art. 7;; Jones et al. 7). The short sections of Pakistan's National

Adaptation Plan and NDC can thus be seen as government-established standards for whether institutions recognize risks, protect essential services, and prioritize the most vulnerable communities (Government of Pakistan, 2023, 2025).

Transparency serves as an additional link between global climate law and national accountability (Paris Agreement, 2015, art. 13). Parties shall provide emissions inventories and information necessary for the tracking of progress, as appropriate, in accordance with nationally determined capacity-based flexibility for developing states (Paris Agreement, 2015, art. 13). National data such as Pakistan Biennial Transparency Report can support domestic access to information on emissions, adaptation, finance, and implementation (Government of Pakistan, 2024). Therefore, article 9A could enhance knowledge of climate change implications for reporting obligations of public authorities by requiring authorities to publicly disclose relevant climate information in relation to their plans of action in regard to climate change and to explain material divergence from the plans accepted (Constitution of the Islamic Republic of Pakistan, 1973/2025, art. 9A; UN Human Rights Council, 2018).

10. Domestic Legal Effect of International Climate Commitments

As mentioned above, Pakistan's legal structure is chiefly monistic (resulting in international law becoming municipal law without the need for either constitutional or legislative reception) (RSIL, 2021). This protects legislative power, as it requires courts to find a domestic cause of action, however, does not render international law irrelevant (RSIL, 2021). Pakistani courts can invoke international norms as interpretative aids where they reinforce constitutional rights and do not contradict relevant domestic law (Shehla Zia v. WAPDA, 1994; RSIL, 2021). This guides domestic constitutional enforceability in Article 9A, while climate treaties and human-rights standards clarify meaning, evidence and common knowledge (Constitution of the Islamic Republic of Pakistan, 1973/2025, art. 9A; United Nations General Assembly, 2022

International climate commitments can impact the content of Article 9A via multiple channels (Paris Agreement, 2015; United Nations Human Rights Council, 2018). Interpretive, in that they serve to clarify mitigation, precaution, progression, adaptation, transparency, and common but differentiated responsibility (Paris Agreement, 2015, arts. 2-4, 7, 13). They are evidentiary since NDCs, adaptation plans, transparency reports, and technical submissions contain authoritative evaluations of risk, capacity, priorities, and intended action (Government of Pakistan, 2023, 2024, 2025). This is administratively relevant because if an authority disregards material climate commitments or behaves contrary to its own official evidence, then it may have acted irrationally or not taken into account relevant considerations (Leghari v. Federation of Pakistan, 2015) They might also direct remedies through reporting cycles, milestones, and time-bound compliance order indicators (Paris Agreement, 2015, arts. (4, 13–14; Leghari v. Federation of Pakistan, 2015)

Pakistan's NDC is not a law, but it goes beyond political advertisement as it is an officially communicated treaty document and has a target, sectoral measures, assumptions, conditions and finance requirements (Government of Pakistan, 2025; Paris Agreement, 2015, art. 4). Article 9A should require that the public authority discloses the inconsistency with the NDC, the assessment of environmental consequences, explains any alternatives considered, and reasons for rejecting them, in cases where the decision of the public authority is materially

inconsistent with the NDC or the National Adaptation Plan (Constitution of the Islamic Republic of Pakistan (1973/2025), art. 9A; para, 2023; Government of Pakistan, 2023, 2025). The more the inconsistency is intertwined with a contravention of a statute, novel assessment, or characteristics signifying bad faith, discrimination, irrationality, or grave decay without justification, the stronger should be the degree of judicial intervention (D.G.Khan Cement Company Ltd. v. Government of Punjab, 2021; Leghari v. Federation of Pakistan, 2015).

While the Paris principle of progression cannot undercut the permanence of every existing domestic rule on environmental protection (Paris Agreement, 2015, art. 4; United Nations Human Rights Council, 2018) Material erosion of protection should be justified by proof, open reasoning, consideration of less restrictive alternatives, safeguards for minorities, and alignment with the minimum core of Article 9A (HRCP, 2025) This calibrated view does not allow us to treat all international obligations that Pakistan has committed itself to as self-executing law nor does it allow us to consider Pakistan's international climate commitments to be constitutionally unimportant (Paris Agreement, 2015; RSIL, 2021).

11. Justiciability, Institutional Competence, and Remedies

While Article 9A is a right subject to enforcement, litigation has to deal with issues of forum, standing, causation, evidence, institutional competence and remedy (Constitution of the Islamic Republic of Pakistan, 1973/2025, arts. 8-9A, 175E, 199). Five years after the amendment, while these provisions continue to confer reorganizational powers, the fundamental-rights jurisdiction under article 199, for example, remains largely with High Courts; the present-day constitutional architecture also confers federal constitutional-rights jurisdiction under Article 175E (art. 175E, 199). It follows from this that environmental cases should rather be carried forward in accordance with present jurisdictional text as opposed to mechanically tying them to pre-amendment procedural pathways (Constitution of the Islamic Republic of Pakistan, 1973/2025).

Because pollution, groundwater depletion, deforestation, biodiversity loss, and climate risk tends to be diffuse across communities and time, standing should reflect the collective and preventative nature of environmental harm (D.G. Khan Cement Company Ltd. v. Government of Punjab, 2021; Shehla Zia v. WAPDA, 1994). A review should be able to be sought by those affected, their representative bodies and genuine, public-interest petitioners, where a risk and an accountable authority can be identified (Mehtar Badshah v. Government of Khyber Pakhtunkhwa (2024); United Nations Human Rights Council (2018)). While liberal standing is acceptable, it ought normally to be circumscribed by the requirements of good faith, a sufficient factual foundation, (disclosure of interests, and compliance with domestic court settlement listings, etc), (Government of Pakistan, 1997; HRCP, 2025).

Causation continues to have to be based on evidence, but should be interpreted with reference to cumulative environmental risk (Shehla Zia v. WAPDA, 1994). While no single domestic act influences global climate change, a decision could have a material effect on emissions, undermine resilience, destroy a protective ecosystem, or violate an adopted pathway (Government of Pakistan, 2025). The constitutional question could thus be less about demonstrating that a single actor caused a planetary crisis, and more about issue in the

contribution to risk, the omission to govern or the failure to implement a duty of care (ICJ, 2025; Leghari v. Federation of Pakistan, 2015). Precaution allows preventive relief where scientific uncertainty relates to the scale or timing of demonstrable serious harm rather than any risk at all (Rio Declaration on Environment and Development, 1992, princ. 15; Shehla Zia v. WAPDA, 1994).

Courts are better placed to review aspects such as the legality of jurisdiction, the minimum procedure, the compliance with statutory requirement, relevant factors, disclosure and participation, entitlement to discrimination, reasonableness and implementation of existing obligations (Government of Pakistan, 1997; United Nations Human Rights Council, 2018). Courts should exercise, where plausible, a more restrained approach when invited to decide between multiple technically feasible options for energy mixes, tax systems, transport technologies, or sectoral allocations without an established record and expert support (Bodansky et al., 2017; Government of Pakistan, 2025). However, where the breach relates to illegality, procedure, minimum protection, bad faith, irrationality, or failure to fulfill an adopted obligation, review should be at its most robust (D.G. Khan Cement Company Ltd. v. Government of Punjab, 2021; Leghari v. Federation of Pakistan, 2015).

The remedy should match the violation—this may take the form of quashing an unlawful approval, ordering temporary relief to prevent irreparable harm, ordering disclosure, requiring a lawful environmental assessment, enforcing compliance with permit conditions, ordering restoration, compensation, time-bound planning, or periodic public reporting or independent technical review (Government of Pakistan, 1997; United Nations Human Rights Council, 2018). Structural remedies are only likely to work for systemic and multi-agency failures, but need to enhance the clarity of objectives, indicators, reporting intervals, expert support, root-cause analysis, public transparency, and an exit strategy [20,21] (Leghari v. Federation of Pakistan, 2015, 2018). This ensures judicial efficacy, although it does not turn the continuation of supervision into a permanence of administration (Leghari v. Federation of Pakistan, 2018).

12. Federalism, Climate Governance, and Implementation

Article 9A works in the outer context of a federal regime, where the environment and weather jurisdiction is there between the federal, provincial and local institutions, constitution of the Islamic Republic of Pakistan (1973/2025), longer than any other. 7, 9A, Government of Pakistan, 2017). The federation seems to have kept an advantage in terms of international obligations, national coordination, fiscal policy, energy and interprovincial relations, while provinces remain dominant in key areas such as pollution control, land use, forests, water, agriculture, health, local government, and disaster management (Government of Pakistan, 2017, 2025). Climate risks transcend administrative boundaries via rivers, airsheds, migration, energy systems, food markets, and disasters, so Article 9A demands cooperative federalism instead of responsibility shifting (Government of Pakistan, 2023, 2025).

The Pakistan Climate Change Act 2017 established the Climate Change Council, Climate Change Authority, and Climate Change Fund to facilitate coordination, implementation, financing, research and monitoring (Government of Pakistan, 2017). Post Article 9A, pernicious or prolonged lack of performance of the institution may violate an explicit fundamental right, not just defer policy (Constitution of the Islamic Republic of Pakistan,

1973/2025, art. 9A, in *Leghari v. Federation of Pakistan*, 2015; This means accountability through regular meetings, appropriate leadership, personnel, clarity of work plans, public reporting, and budgetary capacity (Government of Pakistan, 2017; HRCP, 2025).

Provincial environmental agencies and tribunals are still important for the same reasons constitutional protection usually relies on day-to-day permitting, inspection, monitoring, prosecution and enforcement (Government of Pakistan, 1997; HRCP, 2023). The environmental impact assessment should be revised to cover: Greenhouse-gas emissions, climate resilience, water stress, biodiversity, public health, disaster risk, cumulative effects, distributional impacts, and alternatives (Government of Pakistan, 1997, 2023, 2025) Strategic environmental assessment shall be implemented for policies, plans, corridors, energy programmes and urban expansion where they have their cumulative effects greater than the scale of individual projects (*D.G. Khan Cement Company Ltd. v. Government of Punjab*, 2021), and (Government of Pakistan, 2025) Hence, this also means that the root implementation issue is not complete absence of law but persistent gap in constitutional avowal, institutional blueprint, data, funding, and administrative efficiency (Government of Pakistan, 2017, 2025, HRCP, 2025).

13. Proposed Article 9A Compliance Framework

I- Identify Environmental Risk

This starts with identifying the risk (of harm and why) related to the environment or climate, the ecosystem health impacts, the persons impacted/likely to be affected, and the seriousness, duration, likelihood and cumulative effect of harm. Vulnerable communities and generations should be protected, as should those sciences that cannot be used as an excuse to delay precautionary protection.

II- Map the Applicable Legal Framework

Authorities must identify all applicable constitutional provisions, statutes, regulations, environmental policies, climate strategies, permit requirements, and international obligations. It allows you to evaluate every decision against the full scope of legal obligations, and also makes clear which are true legal obligations versus mere guides to policy

III- Review Procedural Compliance

Decision-makers must adopt fair decision-making procedures such as by providing relevant environmental public information, undertaking appropriate determining, enabling the participation of informed members of the public, issuing reasoned decisions, and providing mechanisms to be notified and to review decision. The legality of the decision should be heavily counter-raised by a failure to follow these procedures.

IV- Review Substantive Compliance

The content of every council decision must be scrutinized to ensure it serves constitutional values of legality, precaution, proportionality, equality – or non-regression, intergenerational

equity, and the minimum ecological guarantees ensured by Article 9A. If substantial ecological risks remain unaddressed, but the formalities of calculation are complete, approval cannot be justified.

V- Assess Resources and State Capacity

The availability or scarcity of financial resources, institutional capacity, and international assistance must also be considered by courts and public authorities. Nevertheless, the lack of resources can never justify an inability or unwillingness to perform core constitutional functions, especially when governance is relatively inexpensive (such as through planning, transparency, coordination, and enforcement) and where governance infrastructure has been preexisting.

VI- Provide an Effective Remedy

The remedy should be commensurate with the nature and severity of the infringement. This approach will have significant implications for the role of courts in relation to executive action to resolve disputes over climate science or environmental issues: courts must protect against permanent harm to the environment, ensure that legal obligations are implemented and enforced, where appropriate, and balance these responsibilities with legitimate executive policy and budgeting choices.

14. Recommendations

I- Enact Comprehensive Article 9A Legislation

Federal and provincial governments must introduce comprehensive, enabling legislation to implement Article 9A with an explicit definition of these rights and constitutional duties, including procedural safeguards, institutional responsibilities and adequate enforcement regimes that are not circumscribed by constitutional guarantee.

II- Strengthen Climate Policy Implementation

Pakistan should convert its Nationally Determined Contributions (NDC 3.0) and National Adaptation Plan into practical, sector-specific implementation plans with measurable targets, responsible institutions, timelines, financing arrangements, and regular performance reviews.

III- Improve Climate Governance

The climate councils and institutions based on the greenhouse gas emission reductions market, including the Climate Change Council, Climate Change Authority and Climate Change Fund should be required to publish core documents on a regular basis which will include o Publication of all decisions, budgets, technical reports, performance indicators and compliance with the commitments of the market.

IV- Reform Environmental Assessment Laws

Modernize Environmental Impact Assessment (EIA) laws to incorporate climate change, cumulative environmental effects; protection of biodiversity, disaster risks, public health, and not being inconsistent with nationally determined climate policies. In addition, strategic environmental assessment should also be compulsory for significant development policies and projects.

V- Strengthen Environmental Information Systems

Use of data to build credible systems of environmental information which means the government need to publish veritable and credible data in a public domain which should be readily available to people on air quality, water resources, emissions, forests, climate finance, disasters, environmental compliance. Ensure accessibility of environmental information to the public in open and understandable mechanisms.

VI- Enhance Institutional Capacity

In order to improve compliance, enforcement and prosecution of environmental laws, environmental protection agencies, regulators and tribunals should get adequate financial resources, trained personnel, scientific expertise, laboratories, monitoring technology and digital case-management systems.

VII- Integrate Climate Justice into Development

National/provincial budgets, development planning, disaster management, public health, education, water management, social protection programmes must incorporate climate adaptation and environmental justice. Focus on communities that are vulnerable and infrastructure which is resilient to climate change.

VIII- Strengthen Judicial Enforcement

Courts should protect Article 9A by granting adequate remedies, safeguarding against irreversible environmental damage, ensuring procedural fairness, and compelling a careful showing by government actors of proper planning, implementation, accountability, and the prudent and efficient use of limited resources.

15. Conclusion

A significant feature of the constitutional development is the recognition of environmental quality as a separate fundamental right of everyone under Article 9A. It extends the principles laid down in *Shehla Zia, Leghari, D.G. Khan Cement* and related jurisprudence while peculiarly elevating pollution prevention, environmental health, sustainability, procedural rights, positive duties, equality and intergenerational justice as to have a direct constitutional status. It has gotten more imperative due to the extreme atmosphere helplessness, uneven exposure and astonishing financing needs in Pakistan.

The provisions of Article 9A should not be construed as transposing the international climate obligations onto self-executing domestic legislation, although the obligations at the

international level also informs the text of Article 9A. The Paris Agreement's obligations related to NDCs, domestic measures, progression, adaptation, transparency, cooperation, and finance serve as guideposts for constitutional reasonableness and governmental good faith. Compared to this, Pakistan's NDC, National Adaptation Plan, and transparency reports lay out official risks, priorities, conditions and implementation needs that authorities cannot ignore without lawful and clear rationale.

A credible Article 9A doctrine ought to be ambitious about minimum protection and disciplined about institutional competence. Keep legality, precaution, non-regression and information, participation, equality, respect of Laws' concrete duties, and individualized remedies, while abandoning pre-selection of intricate technical pathways unbacked. The real world consequences of Article 9A need not reside solely within the four corners of the Constitution: its practical effectiveness will be determined by whether legislation, administration, budgets, data systems, regulators, climate planning, and judicial review in sum produce environmental decision-making that is more open, lawful, just, preventative, and targeted.

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