



**NAVIGATING CLIMATE GOVERNANCE:
EXECUTIVE ACTION
AND JUDICIAL OVERSIGHT**

CLIMATE CHANGE CONFERENCE

June 08, 2024.

Organized by:

Law & Justice Commission of Pakistan

Venue:

Supreme Court of Pakistan Building, Islamabad.

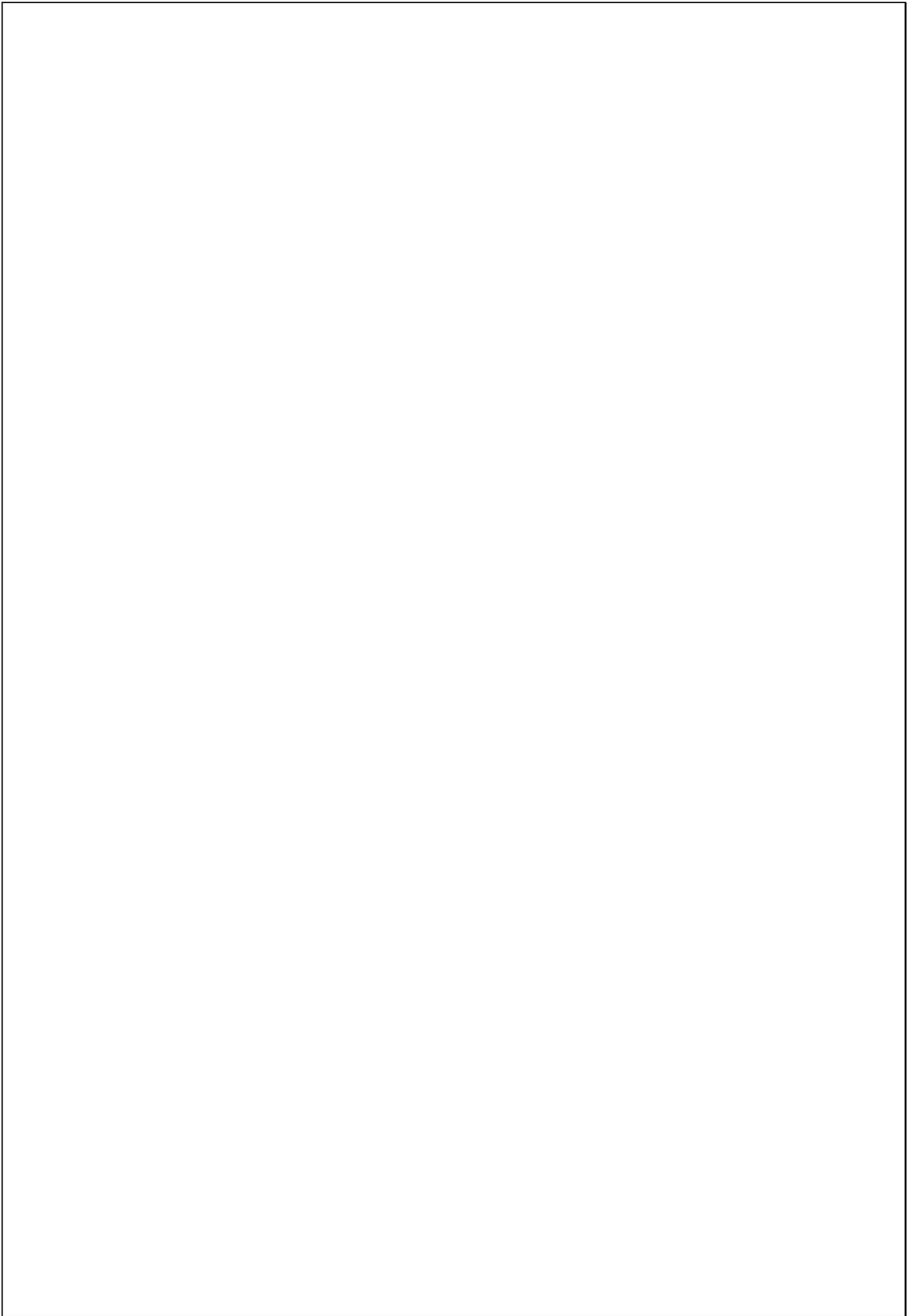
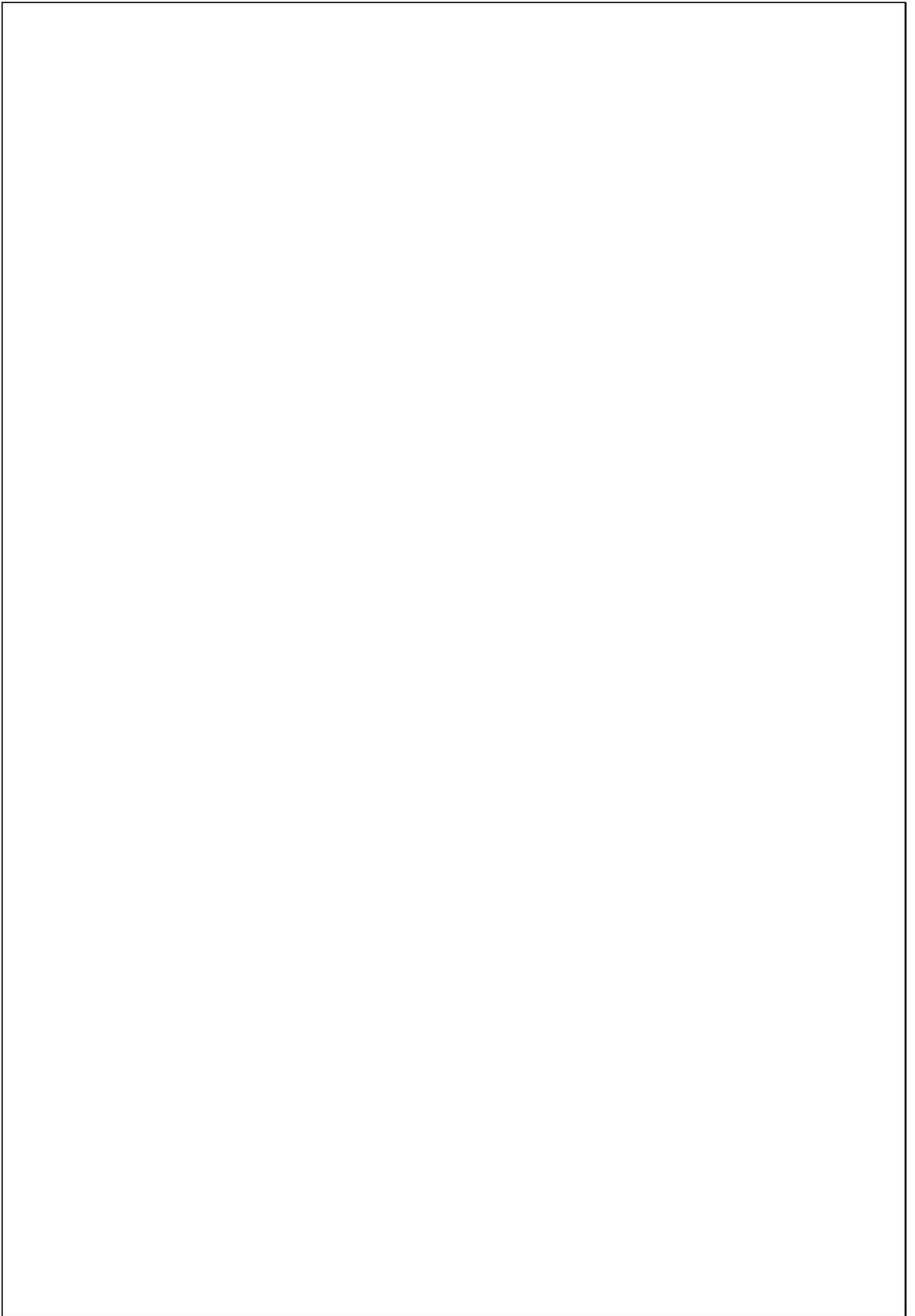


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i. Foreword

It is with great honor and immense privilege that I present this report on the “Conference on Climate Change - Navigating Climate Governance, Executive Action, and Judicial Oversight,” convened on June 8, 2024. This pivotal event, organized by the Law and Justice Commission of Pakistan (LJCP), gathered a highly esteemed group of judges, judicial officers, climate scientists, legal experts, students, and concerned citizens, all driven by a unified commitment to tackle the urgent and far-reaching challenge of climate change.

The conference provided a crucial platform for examining the multifaceted impacts of climate change, exploring the complexities of climate governance, and highlighting the judiciary’s pivotal role in promoting effective executive action and ensuring climate justice. It was an invaluable opportunity to discuss innovative conflict resolution mechanisms and cultivate an environment supportive of green initiatives.

The event began with remarks that set a meaningful tone, followed by a keynote address offering critical insights into global and national climate challenges. The discussions were organized into three panels: the first focused on national climate change challenges, the second on climate governance, and the third on the judiciary’s role in advancing climate justice and green support. The closing reflections reinforced the imperative of unified action to combat climate change.

A particularly impactful message came from the Chief Justice of Pakistan, who called for a shift from self-interest to collective responsibility for the planet and its inhabitants. This report captures the essence of these discussions and serves as a vital resource for those engaged in the ongoing battle against climate change.

I am deeply grateful to the Supreme Court’s law clerks for their invaluable work in documenting and summarizing the proceedings. My thanks also go to the administration of the Supreme Court of Pakistan for their unwavering support, and to the IT team of the Supreme Court, whose assistance in developing the conference webpage helped to ensure the event’s information reached a wider audience.

I extend my deepest appreciation for the diligent team at the Law and Justice Commission of Pakistan for their exemplary execution in orchestrating this conference under constrained resources. Particular recognition is due to the MIS team, whose technical expertise was indispensable in crafting a state-of-the-art video conferencing infrastructure that facilitated seamless global participation. Their masterful handling of audiovisual documentation, coupled with the meticulous development of the promotional materials and associated collateral, was instrumental in ensuring the event’s resounding success. Their unwavering commitment and exceptional proficiency created a dynamic atmosphere, crucial for fostering meaningful dialogue and collaboration.

I would also like to extend my deepest gratitude to Hon'ble Mr. Justice Syed Mansoor Ali Shah and Hon'ble Mrs. Justice Ayesha A. Malik for their unwavering support and vision, which were instrumental in shaping the conference and fostering judicial engagement in the climate justice discourse.

I would like to express my sincere thanks to Ms. Maira Hayat for her invaluable support in organizing the conference and developing its program. Additionally, I extend my heartfelt appreciation to both Ms. Maira Hayat and Mr. Waqas Ahmed for their outstanding roles as Masters of Ceremony. Their seamless coordination and captivating presence greatly enriched the overall experience of the event.

I wish to express my sincere gratitude to Barrister Zunaira Fayyaz and the exceptional team of Law Clerks from the Supreme Court of Pakistan. I would like to specifically acknowledge the contributions of i) Bilquees Bano Vardag, ii) Haanya Channa, iii) Hareem Godil, iv) Maira Hassan, v) Mishal Khan, vi) Muhammad Umer A. Ranjha, vii) Paras Zafar, viii) Rameen Moin and ix) Kehar Khan Hyder for their invaluable support in preparing the Conference Report. Their professionalism and dedication as rapporteurs, as well as meticulous efforts in compiling the report, were instrumental to our success. Their contributions have not only enhanced the quality of our work but also set a commendable standard for excellence. I appreciate their commitment and diligence.

In the end, I commend the remarkable efforts of all the speakers and participants and organizers and hope this report will inspire continued dialogue and action toward a sustainable and just future.

Riffat Inam Butt
Secretary
Law and Justice Commission of Pakis

ii. About the Law and Justice Commission of Pakistan

The Law and Justice Commission of Pakistan (LJCP) was established in 1979 with the Chief Justice of Pakistan as head of its Board of Governors. Its main objectives are to review legislative instruments, codify laws, remove inconsistencies in federal and provincial legislation, promote legal literacy, awareness programs, initiate reforms in the administration of justice to ensure substantive, inexpensive, and speedy justice, enhance coordination between the judiciary and executive, promote access to justice and legal aid, and manage the Access to Justice Development Fund.

The intersection of environmental justice, climate action and related rights jurisprudence has become a rapidly growing field of legal study. De-gradation of environment is a sheer violation of human rights, impacting inter alia individuals' health and well-being, agriculture, energy, transportation, and economic displacement. Since 2015, there has been a significant increase in climate change litigation worldwide. In South Asia, the judiciary of Pakistan has been a leader in making efforts to ensure a healthy and clean environment for its citizens, particularly since the Shehla Zia case in 1994. In landmark cases like Asghar Lighari (2018) and DG Khan Cement case (2021), the Supreme Court not only incorporated the concepts of "climate democracy" and "climate justice and human rights" in the legal horizon but also emphasized the principle of inter-generational equity. The court stressed the importance of upholding climate justice to protect future generations from the impacts of climate change. This underscores the significance of a rights-based rule of law that balances fundamental values with societal needs.

As global temperatures continue to rise, extreme weather conditions and resultant effects are becoming more frequent. There is a growing global consensus that delaying climate action is no longer an option. This conference is planned to address the urgent need for right based legal and judicial intervention that our changing climate demands.

The functions of the LJCP make it the ideal forum to initiate debate on climate change and to promote the three tenets of climate justice: distributive, procedural, and recognition of diversity.

The LJCP has taken this step towards developing necessary conversation for the survival, security, and healthy lives of the people. The goal for this gathering of academics, development and policy experts, and members of the judiciary and executive is to bring about gradual and transformative change, shifting the approach from reactive to proactive approach. The LJCP aims to foster a culture of coordination and collaboration among the legislature, executive, and judiciary.

iii. About the Climate Change Conference

Pakistan is among the countries most vulnerable to the effects of climate change, despite its negligible contribution to global greenhouse gas emissions. Climate change challenges for the country include a whole variety of phenomena, from increased frequency and intensity of flooding, waterlogging and salinity, a lowered water table, heat waves and crop failures, to longer and more frequent droughts, degraded coastal areas and fish habitats, and glacial lake outburst flooding. Outside the polar regions of the planet, Pakistan has the most glacial ice on earth.

The mangroves in the Indus delta are the world's largest dry-climate mangroves. Its irrigation infrastructure, the largest integrated irrigation network in the world, is fed by Himalayan glacial melt and enables agriculture in the country.

In the devastating floods of 2022, more than three million lost their homes and livelihoods, and nearly two thousand lost their lives. As this pamphlet goes to print the country is reeling from an intense heatwave, and forest fires in the Margalla Hills, not far from the conference venue. Climate change is not of the future—it is here and Pakistanis are already suffering.

Amid this grim scenario, the Law and Justice Commission of Pakistan has organized this Conference on Climate Change, inviting academics, development practitioners, and members of the judiciary and executive, to come together to discuss climate change impacts, governance challenges, and strategies for more effective governance and adaptation. This inclusive approach acknowledges that the climate change challenge must be dealt with, simultaneously, as a human, economic, diplomatic, social, scientific, and planning challenge.

We convene in a spirit of open-mindedness, with a commitment to do better by learning from past successes and failures, and with the aim of strategizing what different institutions and bodies—governmental and non-governmental—can do to complement each other's efforts.

iv. Conference Objectives

1. Take stock of what the judiciary, legislature, and executive are doing, have done, and must do,
2. Identify challenges and road-blocks to better climate governance, and identify paths to better support the executive, legislature and judiciary,
3. Increase awareness of the varied climate change manifestations across Pakistan and the unique governance challenges they pose and adaptive responses they demand,
4. Identify the interplay of internal and international scales of climate governance, and recognize the need for research and technology to craft better adaptive and mitigation responses,
5. Consider the unique role of the judiciary in climate and environmental governance in Pakistan.

v. **Synopsis:**

The Law and Justice Commission of Pakistan (the '**LJCP**') in collaboration with the Supreme Court of Pakistan (the '**SCP**') hosted a "Conference on Climate Change - Navigating Climate Governance, Executive Action and Judicial Oversight" (the '**Conference**') on 8 June 2024. The conference was attended by the Hon'ble Judges of the Superior Courts, Judicial Officers from the District Judiciary, eminent National and International Climate Change Experts, Lawyers, Students and the General Public.

The primary objective of the Conference was to highlight climate change impacts and vulnerabilities; issues pertaining to climate governance and; the role of Judiciary in inspiring and guiding executive action while guaranteeing climate justice through crafting innovative conflict resolution mechanisms and creating an investment friendly environment for green initiatives. The Conference opened with remarks by Secretary LJCP. Hon'ble Mr. Justice Syed Mansoor Ali Shah in his inaugural speech, after drawing attention to climate risks and vulnerabilities and the need for financing to adequately address them, concluded the address on a note of optimism reminding all present that by cooperative and collaborative efforts by all stakeholders it is possible ensure a thriving, resilient Pakistan for generations to come. Mr. Adil Najam, Dean and Professor of International Relations at the Boston University Pardee School of Global Studies, served as the keynote speaker and was the final presenter in the inaugural session.

The discourse that followed was distributed among three panels: Panel 1 set the stage by highlighting climate change challenges and vulnerabilities in the national context; whereas Panel 2 took the discourse forward by discussing issues pertaining to climate governance and finally Panel 3 concluded by discussing the role of Judiciary in Climate Justice, providing an investment friendly environment for green initiatives and crafting innovative solutions to conflict resolution. The concluding remarks by Ms. Romina Khurshid Alam, Coordinator to the Prime Minister on Climate Change & Environmental Coordination ('**MoCC&EC**'), H.E. Mr. Khazar Farhadov, Ambassador of the Republic of Azerbaijan in Pakistan and Ms. Riffat Inam Butt, Secretary LJCP; highlighted the need for collective action to combat climate change. However, the most important concluding remarks came from the Chief Justice of Pakistan, Qazi Faez Isa who in addition to prompting action also pleaded to the humane side of mankind to take a step back from their greed for the survival of both men and all other living beings.

vi. Conference Themes



Climate Change in Pakistan

Given geographical and meteorological diversity, different parts of Pakistan face different climate change-related challenges, from glacial lake outburst flooding, to heatwaves, diminishing deltaic areas and species, crop failures and many more. What are some of the most urgent ones, how are they connected, and what adaptation measures are underway and required?



Climate Governance

What is the division of responsibility between federal and provincial bodies? Is there an architecture in place for coordinating the multiple adaptation and mitigation programmes underway? Is jurisdictional overlap being managed well or resulting in stalemate? What is the role of non-state actors and academics in aiding and improving governance?



Court-ing Climate Change

Across the world courts are deliberating on climate change governance and inadequacies of executive action. Given Pakistan's robust tradition of public interest litigation, it is unsurprising that our higher courts have authored detailed opinions on climate justice, environmental justice, and executive accountability. What are some recent developments in Pakistani courts, how do we evaluate them, and what are future directions likely to be? Within the judicial space, what is the role of specific fora such as commercial courts?

Inaugural Ceremony

1. Welcome Remarks

Riffat Inam Butt, Secretary, Law and Justice Commission of Pakistan

2. Conference Prelude

Hon'ble Mr. Justice Syed Mansoor Ali Shah, Senior Puisne Judge,
Supreme Court of Pakistan/Member LJCP

3. Keynote Speech (recorded)

Dr. Adil Najam, Dean and Professor, International Relations, Earth
and Environment, Boston University, USA

1. Inaugural Ceremony



Masters of the Ceremony Mr. Waqas Ahmed Mir and Dr. Maira Hayat

Masters of the Ceremony Mr. Waqas Ahmed Mir and Dr. Maira Hayat opened the Conference by welcoming guests including esteemed members of the judiciary, including the Chief Justices and the Judges of the Supreme Court and High Courts of Pakistan; members of district judiciary; members of the executive; academics; lawyers; foreign dignitaries and area experts. After the National Anthem and recitation of the Holy Quran by Qari Iftikhar Ali Mohsin, the Masters set the stage by providing an overview of climate change and its impacts. Thereafter, the Secretary Law and Justice Commission of Pakistan took the stage to apprise the audience of climate change challenges, reaffirm commitment of the LJCP to promote legal reforms that address important societal issues and highlight the need for enhanced climate governance structure. Hon'ble Mr. Justice Syed Mansoor Ali Shah, Senior Puisne Judge of the Supreme Court of Pakistan categorized climate change as one of the most urgent, complex challenge of our time which does not just alter physical environment but also affects economies, society and the very rights and dignity of countless individuals particularly the most marginalized requiring an integrated approach including mitigation, adaptation and measures to address human rights. Keynote address was given by Dr. Adil Najam, Global President for WWF through a recorded video message. He posed three questions: Firstly, what is climate change? Secondly, is this our issue? Lastly, what can we do about climate change? Further he drew attention to us being in the age of adaptation and linked climate change to security very pertinently giving the example of Attabad Lake to stress on the point. For action on local level Dr. Najam mentioned three steps i) pushing for stronger treaties internationally and making promises we can fulfill, to do so courts can play an important role; ii) implementable national policies and formation of lesser but more effective institutions; and iii) enforcement of existing regulatory environment. The inaugural ceremony concluded on a positive note with a beautiful folk song inspired by the Indus "دریا اور یا۔۔۔ بانی تیرے ڈونگے۔۔۔"



All rise for the National Anthem





Recitation from the Holy Quran by Hafiz Qari Mohsin.



1.1 Welcome Note by the Secretary, Law and Justice Commission of Pakistan



Welcome note by the Secretary, Law and Justice Commission of Pakistan

The National Conference on Climate Justice: Navigating Climate Governance - Executive Action and Judicial Oversight commenced with an opening address by the Secretary of the Law and Justice Commission of Pakistan (LJCP). The Secretary highlighted the severe and immediate impacts of climate change that Pakistanis have experienced first hand, such as floods, droughts, heatwaves, and air pollution. The call to action emphasized the necessity for collective efforts from policymakers, legal experts, and concerned citizens to mitigate these challenges.

The LJCP's commitment to upholding justice and promoting legal reforms was underscored, particularly in addressing critical societal issues like climate change. The conference was framed as a platform for experts to explore the multifaceted challenges posed by climate change and to devise effective governance strategies. The judiciary's essential role in interpreting and enforcing environmental laws was acknowledged as pivotal in fostering a governance framework that promotes sustainable development and protects future generations.

The Secretary cited alarming statistics, noting that nearly half of the world's population is at risk due to climate change, making them 15 times more likely to succumb to extreme heat, floods, and droughts. It was highlighted that climate disruption could displace over 200 million people by 2050. Specific reference was made to research by the Pakistan Meteorological Department, which attributed the exacerbation of the 2022 floods to glacial melting, intense rainfall, and mismanagement of water resources. These floods resulted in the displacement of over three million people and nearly two thousand fatalities, underscoring the urgent need for effective climate action.

The judiciary's critical role in addressing climate change was emphasized, with courts being instrumental in ensuring accountability and upholding environmental laws. This, in turn, drives meaningful action and safeguards citizens' rights against the adverse impacts of climate change. Mary Robinson's perspective that "Climate change is not just an environmental issue; it's a human rights issue" was highlighted to stress the broader implications of climate change.

The conference's objectives were clearly outlined: evaluating the actions of the executive, legislative, and judicial branches concerning climate change, identifying obstacles, proposing solutions, raising awareness of climate change's manifestations in Pakistan, and emphasizing the judiciary's role in promoting climate and environmental justice. The importance of judicial tools and innovation in climate governance was stressed, with a notable quote from Hon'ble Mrs. Justice Ayesha A. Malik underscoring the proactive role courts must play: "Judicial tools and crafting relief are essential in the face of escalating climate impacts. Our courts must be proactive in interpreting environmental laws to meet the evolving challenges posed by climate change."

The Secretary expressed gratitude to the Supreme Court Judges, particularly Hon'ble Mr. Justice Syed Mansoor Ali Shah, for their support in organizing the conference. The LJCP's dedication to evolving the legal and climate governance framework was reiterated, emphasizing the need to work with nature. During her discourse, the Secretary cited key legal judgments of Chief Justice of Pakistan, Hon'ble Mr. Justice Qazi Faez Isa & Hon'ble Mr. Justice Syed Mansoor Ali Shah's decision which have underscored the need for robust democracies to address climate change and protect future generations.

In conclusion, the Secretary expressed hope that the conference would lead to significant contributions towards climate justice and governance, reaffirming the commitment to ensuring that our planet not only survives but thrives, as we have only one Earth.



1.2 Inaugural Address: Hon'ble Mr. Justice Syed Mansoor Ali Shah, Senior Puisne Judge, Supreme Court of Pakistan/Member LJCP



Inaugural Address by Hon'ble Mr. Justice Syed Mansoor Ali Shah, Senior Puisne Judge, SCP

Hon'ble Mr. Justice Syed Mansoor Ali Shah, one of the top environmental jurists in the country and one of the organizers of the conference, kickstarted the inaugural ceremony through an empowering speech. He immediately laid out the purpose of the conference, which is to “stand united by a common purpose” and “to address one of the most complex challenges of our time: climate change”.

Hon'ble Mr. Justice Syed Mansoor Ali Shah highlighted that this challenge of climate change does not just alter our physical environment, but also has a severe impact on our economies, our societies, and the rights and dignities of the citizens, particularly those from marginalized communities who are the most vulnerable to the threats of climate change. Hon'ble Mr. Justice Syed Mansoor Ali Shah quoted Antonio Guterres, the U.N. Secretary General, who said that “we need an exit ramp off the highway to climate hell”, thus highlighting the dire circumstances we are in, globally.

Hon'ble Judge contextualized the threat of climate change by referring to some key figures and statistics which aptly and alarmingly explain the consequences of climate change already hitting the country. He stated that in 2022, Pakistan made global headlines as unprecedented floods hit the country, affecting thirty-three million people, including sixteen million children and rural women, thus being dubbed as the “climate catastrophe of the decade”. J. Shah further contextualized the discussion by demonstrating Pakistan's position with respect to climate change globally. He pointed out that according to the Global Climate Risk Index, Pakistan is currently “the fifth most climate vulnerable country” in the world and ranking 23rd out of 194 countries as per the 2024 Inform Risk Index issued by the European Commission. Pakistan has also become the 15th most water-stressed nation and is predicted to become water-scarce by 2035. According to J. Shah, these glaring statistics clearly underscore the need for a meaningful conversation on climate change, which this conference has attempted to do.

Hon'ble Judge stressed on the stark injustice that developing nations such as Pakistan face where despite having negligible contributions to greenhouse gas emissions, it is the 8th most affected country due to climate change. Hon'ble Judge also laid down the multifarious consequences of climate change in all aspects of the environment and society. For example, in Pakistan, climate change has resulted in a considerable increase in the intensity and frequency of extreme weather events. Further, the recession of the Hindukush-Karakoram-Himalayan (HKH) glaciers has threatened water inflows into the Indus River System (IRS). Being a water stressed country, the rising temperatures result in reduced agricultural productivity and higher sea surface temperatures result in rise in sea levels and increased cyclonic activity, thus posing grave dangers to coastal areas and the communities residing therein. All these risks, which impact every area of life, lead to major survival concerns for Pakistan, particularly in relation to its water security, food security, health security, and energy security.



These challenges were tied into the role and responsibilities of the judiciary by Hon'ble Judge as he highlighted how climate change is intricately linked to human rights. He explained how each of the impacts and consequences of climate change affect a range of fundamental rights, such as the right to life and security, right to health, right to water and sanitation, right to food, right to housing and property, right to self-determination and participation, thereby encompassing every area and aspect of a citizen's life. Hence, according to Hon'ble Judge these threats to fundamental rights require an integrated approach which focus on both mitigation and adaptation strategies with strong measures to protect human rights. This involves ensuring that climate policies are inclusive and equitable, actively involving the most affected communities.

Hon'ble Judge stressed on the importance of climate finance in dealing with issues of climate change for a developing country like Pakistan. He stated that climate finance is not just an aid but a necessity for developing countries to be able to meet their climate goals while pursuing sustainable development. He also underscored the importance of the Loss and Damage Fund which could play a pivotal role in building resilience, supporting adaptation efforts, and aiding in recovery from climate-induced losses. Hon'ble Judge referred to the steps that Pakistan has taken through its participation in COP-28, where it took a robust stance on climate finance and reached a historic agreement on the Loss and Damage Fund.

Thereon, Hon'ble Judge holistically brought together the theme of the conference by not just highlighting climate change issues but also paving the way forward for courts and other institutions of the country. He acknowledged that Pakistan possesses the knowledge, technology, and the capacity to "turn the tide" by embracing sustainable practices, investing in innovative technologies, and fostering a culture of climate stewardship. Hon'ble Judge urged the audience to imagine a Pakistan where resources are managed efficiently, and communities are resilient to the impacts of climate change, all of which is only possible if immediate and unified action is taken promptly.

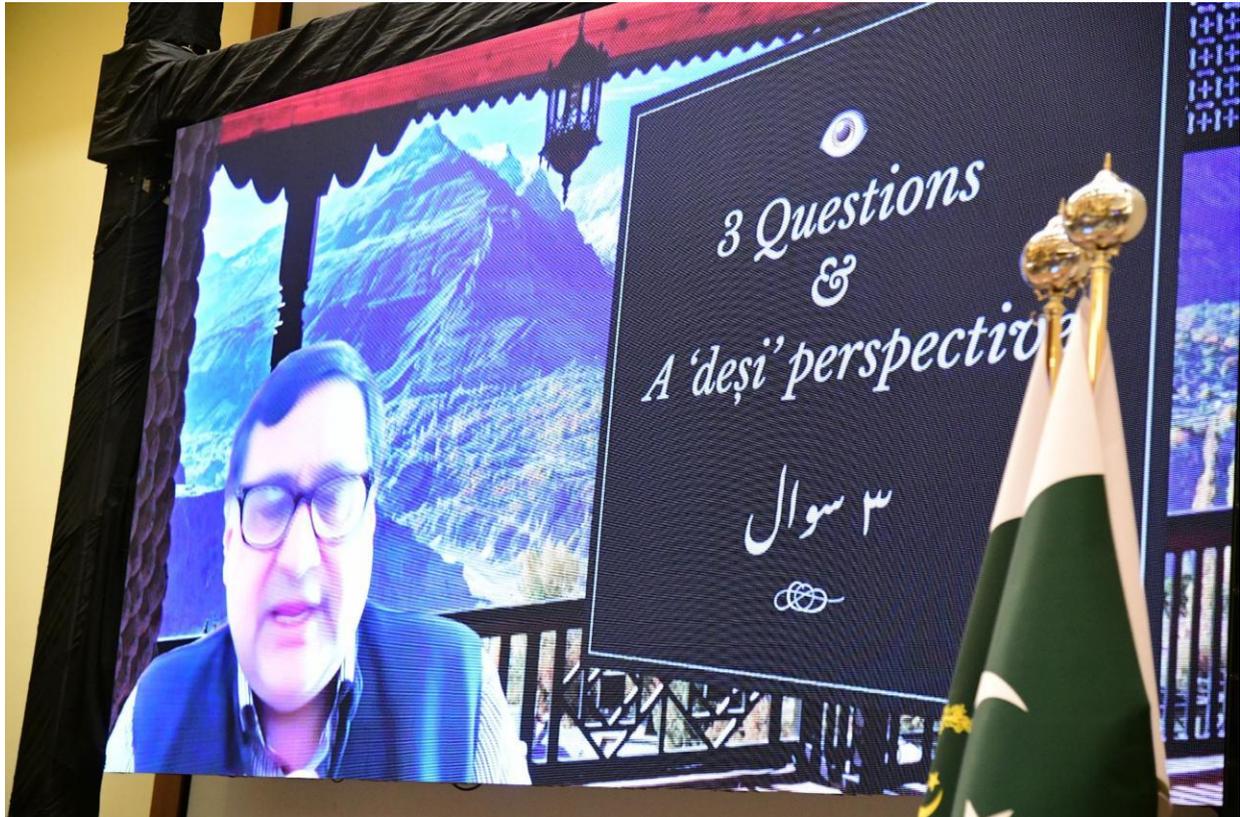


Lastly, Hon'ble Judge concluded by highlighting the importance of this conference which brings together multiple stakeholders, thus recognizing that climate change is a multidisciplinary challenge and must be dealt with holistically. He summarized the crux of the discussion to be undertaken within each panel and struck a chord of hope within the auditorium, reminding the audience that every discussion and viewpoint is a step forward in the fight for climate justice.

Summary:

Hon'ble Mr. Justice Syed Mansoor Ali Shah underscored the urgent climate crisis in Pakistan, emphasizing its severe impacts on marginalized communities despite the country's minimal contributions to global emissions. He linked climate change to fundamental human rights, guaranteed under the Constitution of Pakistan, and highlighted Pakistan's proactive stance on climate finance and the Loss and Damage Fund at COP-28. Stressing the need for integrated and inclusive approaches, Hon'ble Judge called for unified action from the judiciary, government, civil society, and international partners to ensure a sustainable and resilient future for Pakistan.

1.3 Keynote Address by Dr. Adil Najam, Global President of World Wildlife Fund, Dean & Professor, International Relations, Earth & Environment, Boston University USA



Dr. Adil Najam at the outset set the tone of his keynote address by stating that he intended to tackle the subject of climate from a 'desi' perspective. Thereafter, he initiated his address by asking three critical questions: Firstly, what is climate change? Secondly, is this our issue? Lastly, what can we, as Pakistanis, do about it?

To answer the first question, Dr. Najam, aptly stated that the answer to the question can be felt by all in the form of rising temperatures, particularly in the week preceding 8 June 2024 (*date of the conference*). He presented images reflecting erratic weather patterns demonstrating it is no longer just about rising temperature rather about the system losing its validity. Another image was displayed for the audience, showing temperatures are already touching 1.5°C, almost making it certain that at some point it will be crossing 2°C. However, Dr. Najam cautioned against despondency and urged the need to work even harder to bring the temperatures back down within acceptable limits. He summarized his observations in three parts (a) climate remains a system problem, (b) climate is no longer a future issue, and (c) it must be dealt with as adaptation, as impacts on real Pakistanis increase.

After summarizing key takeaways from question one, Dr. Najam transitioned to answering his second question: Is this our issue? One answer is high emitting countries need to be asked to reduce emissions. But there is another answer: It is a Pakistani issue because it impacts

Pakistanis. Safety and security of citizens are fundamental rights under the Constitution of Pakistan, rights which are jeopardized by climate change. In this perspective Dr. Najam stressed we have entered the age of adaptation mandating we think of how to respond to impacts of climate change in addition to reducing emissions. How to keep Pakistanis safe from the aftermath of a phenomenon not of their making rather of rich countries and rich Pakistanis. He linked impacts of climate to health by mentioning effects on vector borne diseases, ecosystems etc. Next connection was drawn between climate and water, succinctly put “In the age of adaptation water becomes to adaptation what carbon becomes to mitigation”. Briefly impacts of climate change on water such as rising sea levels, melting glaciers, floods, droughts etc. were mentioned. Further he stated that water is the language in which climate impacts therefore water is the front edge where law and climate will meet. Water was further linked to food. Climate hinders development, yet again making it a Pakistani issue. Finally, Dr. Najam displayed a picture from a morgue in Karachi filled with unclaimed bodies of homeless who lost their lives to excruciating heat. The harrowing image drove the message home that heat kills the poorest. It was reiterated for emphasis that those deaths and all similar deaths are a direct consequence of actions of the richest nations and people. He stressed we are making our cities unlivable. Finally, Dr. Najam yet again through a strong visual, connected security and climate. The visual was of Attabad lake, lake we show off for its beauty, oblivious of its history. Attabad lake was not always a lake, till 2010 it was a village. In 2010 a glacier slides, forms a lake, village is now submerged under water, known as Attabad lake. He then posed a question: if an enemy were to come destroy our village, would we not call it a security issue? The answer is affirmative. Hence, very articulately with absolute simplicity of prose Dr. Najam connected security and climate.



Finally, third question: What can we do? He conceded a lot that needs to be done must be done by multilateral institutions through treaties and other instruments. But that does not absolve us on a national level, nationally we must take action on multiple levels: (i) Global - Push for stronger treaties which make emitters emit less in their homes; (ii) Implementation commitments on international forums taken on by developing countries should be reasonable ones, "let us not make promises we cannot keep". However, once a commitment is made it must be kept, Courts can play a monumental role in this regard; iii) on national level, language is policy. Nature of policy should be rooted in country's own priorities, ability, and resources. We should make fewer but more effective institutions. Further, collaboration amongst institutions is important; and iv) Enforcement – most urgent and most essential. Judiciary can play a monumental role, especially first tier judiciary. Dr. Najam showed his appreciation for the Pakistani Judiciary for crafting solution through innovation in the climate change jurisprudence by establishing alternative dispute resolution and environmental courts and tribunals, etc.

Lastly, Dr. Najam urged us to rethink the issue of climate change as *our* issue; a *Pakistani* and *Desi* (indigenous) issue. He gave the analogy of the Indus River, which reflects our country's political, social, economic and cultural basis. Dr. Najam concluded that if the Indus is healthy, Pakistan's climate will be healthy as well.



"دریا اور پانی تیرے ڈونگے۔۔۔" - Captivating folk song played by Dr. Najam during his presentation.

Summary:

Climate Change is a Pakistani issue, it affects safety and security of its citizens, hinders development, increases diseases and takes lives of the poorest and most marginalized. Despite the harrowing statistics not all is lost, there is still time to work together albeit a little harder than before. Formulation, implementation and enforcement of policies must work in tandem. All institutions must work in collaboration. We must keep our promises and fulfill our commitments.



Panel One:

Climate change challenges for Pakistan

2. Panel One: *Climate change challenges for Pakistan*

2.1 Overview:

In the context of Pakistan's diverse geographical and meteorological position, Panel One highlighted the most urgent climate related challenges such as glacial lake outburst flooding, drought conditions, crop failures and declining yields, excessively high temperatures; and discussed how they were connected, what adaptation measures were underway and what is required.

Chair:

Mr. Ali Tauqeer Sheikh,

Advisor on Climate Change, Planning Commission of Pakistan.

Panelists

Dr. Ghulam Rasul

Ex – Director General, Meteorological Department, Pakistan

Dr. Nausheen H. Anwar

Director, Karachi Urban Lab & Professor, City and Regional Planning, Institute of Business Administration, Karachi

Dr. Iqrar Ahmad Khan

Vice Chancellor, University of Agriculture, Faisalabad

Ms. Simi Kamal

Chairperson, Hisaar Foundation, Karachi

Dr. Fahad Saeed

Scientific Model and Data Manager/ Regional Climate Scientist

Dr. Sajid Rashid Ahmed

Dean Geo Sciences, University of Punjab

2.2 Mountain Ecosystems and Livelihood Challenges - Dr. Ghulam Rasul, Ex – Director General, Meteorological Department, Pakistan



Dr. Ghulam Rasul offered a detailed examination of how climate change is affecting mountainous areas of Pakistan, particularly the Hindukush and Himalayan regions. Mr. Rasul began by highlighting the critical state of the 7,000 glaciers in the Hindukush and Himalayan regions of Pakistan. These glaciers are significantly impacted by global warming, resulting in their accelerated thinning. He explained, “The thinning of glaciers is causing water supply issues in mountainous communities as the water channels which were drawn from the accumulation of glacier water are drying up.” This loss of glacial mass not only affects water availability but also has broader implications for the ecosystem and livelihoods in these regions.

Mr. Rasul further drew attention to the catastrophic potential of glacial lake outbursts. He stated, “The outburst of these lakes causes disasters in Gilgit Baltistan and the Chitral areas. These lakes, when they overflow, carry a lot of mud over the steep slopes, effectively erasing the landscapes from those locations.” The resulting flooding and mudslides pose severe risks to communities and infrastructure.

In discussing possible solutions, Mr. Rasul pointed to successful adaptation strategies from other regions, specifically Bhutan. He shared, “Bhutan is a glaring example of success in adapting. They are now carbon neutral and have promoted organic agriculture to the extent that their communities have



prospered.” He contrasted this with the situation in Pakistan, where efforts are still in the early stages. He expressed hope that Pakistan could follow Bhutan’s lead, stating, “In Pakistan, there are some efforts at the initiation stage. I hope, like Bhutan, we can achieve that stage.”

Mr. Rasul also addressed the socioeconomic challenges faced by the people in Gilgit Baltistan. He highlighted the gendered impacts of climate change, noting, “Women are most vulnerable. They are left behind to do agriculture, to take care of children, and face the consequences of the climate disasters, while men migrate.” This underscores the need for targeted interventions to support these vulnerable groups.

Finally, Mr. Rasul stressed the urgency of addressing climate change, emphasizing that the current rate of change is outpacing the efforts being made. He concluded by acknowledging the interventions in place but called for more robust and swift actions to combat the effects of climate change.



Summary:

Mr. Ghulam Rasul provided a comprehensive overview of the challenges posed by climate change in Pakistan’s mountainous regions. He highlighted the critical issues of glacier thinning, water supply disruptions, and disaster risks, while also drawing on successful international examples like Bhutan to inspire local efforts. He emphasized the socioeconomic impacts, particularly on women, and called for accelerated interventions to mitigate the fast-paced effects of climate change.

2.3 Urban Planning, Heatwaves and Liveable Cities - Dr. Nausheen H. Anwar, Director, Karachi Urban Lab & Professor, City and Regional Planning, Institute of Business Administration, Karachi

Dr. Nausheen H. Anwar delivered a thought-provoking address at the annual climate change conference, highlighting critical issues and strategies often overlooked in climate discourse. Dr. Anwar began by lamenting the scarcity of climate success stories, attributing this shortfall to a glaring omission: the inadequate consideration of the "heat factor." She emphasized that heat, both chronic and acute, is a stealthy killer that disproportionately affects urban populations, yet remains conspicuously absent from mainstream climate conversations. She criticized the insufficient response systems at local and municipal levels, pointing out that the World Health Organization has recognized the urgency of addressing heat-related health risks.



Comparing international efforts, Dr. Anwar noted that countries like Bangladesh and various African nations have appointed dedicated heat officers, whereas Pakistan has yet to initiate serious discussions on the matter. She underscored the necessity for tailored response strategies that cater to diverse urban demographics, highlighting the critical role of local community involvement and responsive legal frameworks.

Furthermore, Dr. Anwar stressed the significance of urban greenery, particularly trees, in mitigating urban heat islands and enhancing environmental resilience. She advocated for the recognition of a fundamental "right to shade" as intrinsic to the broader "right to cooling," linking these rights directly to the preservation of human life in increasingly urbanized settings.



In conclusion, Dr. Anwar articulated that achieving meaningful climate adaptation and mitigation requires a paradigm shift towards inclusive, community-driven approaches. She emphasized that collective action, informed by local knowledge and supported by robust legal frameworks, is indispensable in navigating the complex challenges posed by climate change.

Dr. Anwar's insights underscored the urgent need for comprehensive strategies that integrate the heat factor into climate resilience planning, emphasizing equity, community engagement, and proactive governance as foundational pillars for sustainable urban development in Pakistan and beyond.



Summary:

Dr. Nausheen H. Anwar emphasized the critical oversight of the "heat factor" in climate discussions, noting its lethal impact on urban populations. Dr. Anwar criticized Pakistan's lack of focus on heat management compared to other regions like Bangladesh and Africa, where dedicated heat officers are appointed. She advocated for inclusive strategies involving local communities and robust legal frameworks to achieve effective climate adaptation and mitigation. Her insights underscored the need for proactive measures to integrate heat resilience into urban planning for sustainable development.

2.4 Climate Smart Agriculture and Food Security - Dr. Iqrar Ahmed Khan, Vice Chancellor, University of Agriculture, Faisalabad



Dr. Iqrar Ahmad Khan began his speech by addressing the implications of climate change on agricultural and food security. In his opinion, it is the land and water precipitation equation which has worsened as an outcome of rising temperatures and climate change. Quoting figures, he stressed that Pakistan has 54 million acres of cropped land, 140 million feet of water, out of which 54-58 million feet of water is underground while the remaining comes from its rivers. Water efficiency can be gauged in many ways; one of the ways is the global standard as per which each million acres foot of water translates into a gross domestic product (“GDP”) of \$1 billion. At the same time, Pakistan’s agricultural GDP is less than 50% of its water use efficiency. This is mainly due to flood irrigation designs constructed in the colonial era, small land-holdings, lack of land reforms and most importantly uneven distribution of water. Water allocation in Upper and Central Punjab is 4 cusecs per 1,000 acres, as we move towards the southern belt, these figures increase, reaching almost 20 cusecs per 1,000 acres near Sukkur barrage.



Dr. Iqrar linked water equation in Pakistan to two crops; wheat and rice which not only take 75% of the water but are the most inefficient water using crops. He further highlighted that it is important to note that wheat has a political economy which is one of the reasons why the entire cropping pattern has not successfully moved from wheat despite crop diversification being need of the hour. Pakistan's food import is at \$10 billion, mainly because of the political economy of five crops; wheat, cotton, sugarcane, rice and maize. In order to curb this issue, Pakistan must shift its cropping pattern from wheat to other crops by escaping this political economy equation and instead focus on the diversification of crops.

He further stressed that Pakistan's agriculture sector has sufficient potential to become climate resilient through the incorporation of climate smart technology. "Technology package which is sitting on the shelf awaits proper investment", he added. There needs to be heavy reliance placed on genetically modified crops, image processing technology, bio-fertilizers, bio-processors and biopesticides. Investment in mechanization, encouraging investment environment and biosafety law, and putting the legal framework together as originally envisaged is the need of the hour.

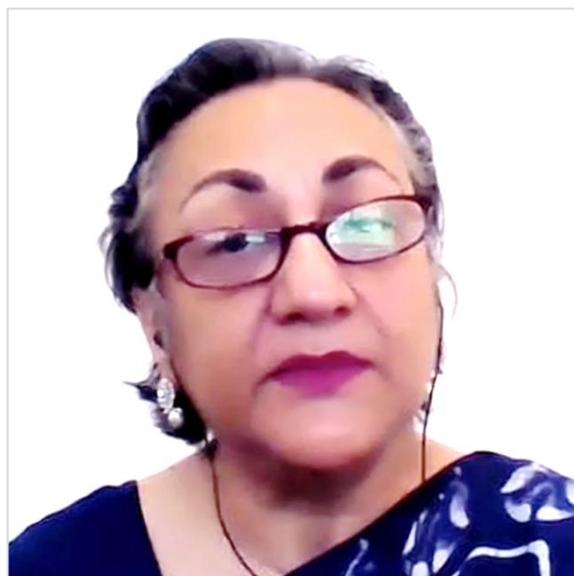
Summary:

Dr. Iqrar addressed the implications of climate change on agricultural and food security and observed that Pakistan must shift its cropping pattern from wheat to other crops by escaping this political economy equation and instead focus on the diversification of crops.



2.5 Water Governance, Justice and Rights - Ms. Simi Kamal, Chairperson, Hisaar Foundation, Karachi

Ms. Simi Kamal set the stage for her discussion by referring to historical injustices in the subcontinent pertaining to water, stressing that in order to have an effective discourse on the impact of climate change on water in Pakistan, it was imperative to first understand the context and nuances of said injustices. She drew attention to the initial design of the irrigation system, which was made to meet the requirements of colonizers, who were also the landowners. In this manner, she casually drew the connection between the origin of class of landowners and laborers to water, with the latter suffering from deprivation of access to water.



Ms. Kamal stated that unfortunately, the current situation of water rights in Pakistan remains abysmal and the inequality in distribution of water persists. In her opinion, “Land ownership continues to be a condition for water rights, and this has led to the biggest injustice in agriculture and the right to access to water”. This underscores the importance of having a comprehensive water law. She advocated that unless there is a comprehensive water law regulating the access and amount of water, it will not be possible to facilitate agriculture or the food market in the wake of climate change. Hence, the issue of climate change in Pakistan needs to be looked at from the lens of water.

From a legal, economic, and social perspective, Ms. Simi highlighted that water is linked to every sphere of our life, whether we look at water as a source of development for economy or as a necessity for life or dignity of citizens.

Talking about the problems in the current irrigation system, one important thing Ms. Kamal focused on was the lack of a platform or a forum for those involved in irrigation systems to raise their concerns. However, she was optimistic about the positive impact of social media and internet to overcome the gap.

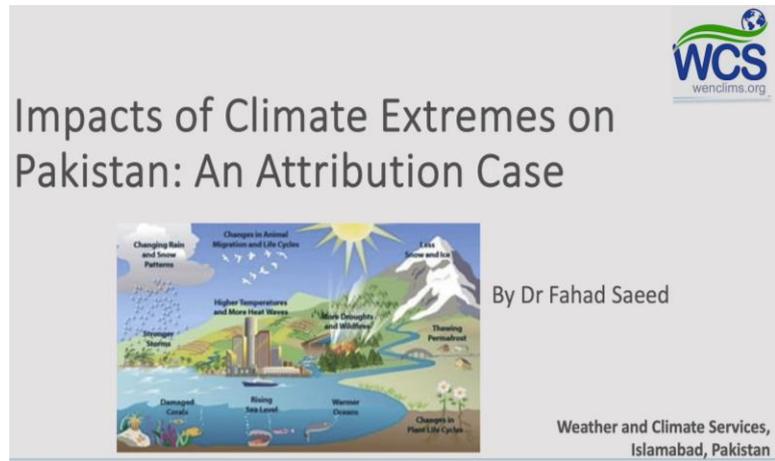
In response to how the local population has reacted to water related issues, Ms. Kamal informed about several interventions taken by local groups, NGOs as well as communities while citing the example of Thar. Lastly, moving towards adapting to the current water crisis, Ms. Simi addressed that there is a need for biodiversity and diversification of our agricultural methods. However, to make that possible, she stressed on the need to empower local governments. She concluded her address by stating that there is a dire need of leadership as well as will in the government to solve this crisis.



Summary:

Ms. Simi Kamal discussed the historical injustices surrounding water management in the subcontinent, highlighting how colonial irrigation systems favored landowners over laborers. She emphasized the enduring inequality in water rights in Pakistan, stressing the necessity of a comprehensive water law to regulate access and quantity, crucial for controlling agriculture and food markets amidst climate change. Ms. Kamal underscored water's significance in legal, economic, and social spheres, advocating for a platform for irrigation stakeholders to voice concerns, leveraging social media for this purpose. She pointed to local interventions in places like Thar and emphasized the need for biodiversity and local government involvement in agricultural diversification to address the current water crisis, stressing the importance of leadership and governmental will in finding solutions.

2.6 Climate Change Attribution Science - Dr. Fahad Saeed, Scientific Model and Data Manager/Regional Climate Scientist



Dr. Fahad Saeed was unable to attend in person, however he addressed the conference through a pre-recorded video message. The primary focus of his discussion was on impacts of extreme climate events in Pakistan, specifically through the lens of climate change attribution. Before diving into attribution, he provided some background of the international framework for climate governance. Starting with apprising the audience that upon realization that fossil fuel burning over the centuries had led to significant emissions, causing global warming and affecting countries that were not major historical emitters the United Nations Framework Convention on Climate Change (UNFCCC) was established in 1992 to reduce emissions and remove greenhouse gases from the atmosphere. Further he mentioned that the first major agreement, the Kyoto Protocol, was signed in 1997, focusing on mitigation and the responsibility of developed countries to reduce emissions and support developing nations in transitioning to renewable energy. Initially, the focus was solely on mitigation. However, by the early 2000s, it became evident that the warming levels would necessitate adaptation. Discussions on adaptation began, and significant decisions were made during the UNFCCC Conferences of Parties in 2001, 2007, and 2010. Developed countries agreed to support developing nations financially, as well as through capacity building and technology transfer. Adaptation aimed to proactively increase resilience and reduce vulnerability to climate impacts.

After laying the foundations Dr. Saeed moved on to inclusion of loss and damage fund in the 2015 Paris Agreement tracing origins to escalation in severity of climate impacts by 2010 exemplified by events like the 2010 Pakistan floods. Similar occurrences worldwide highlighted the urgent need to address present climate change impacts leading to inclusion of loss and damage, alongside adaptation and mitigation. The loss and damage fund was established two years ago in Sharm El Sheikh. Further, Dr. Saeed stated that for loss and damage discussions, there is a requirement to

establish the role of climate change in exacerbating specific extreme events. Historically, floods and droughts have occurred without fossil fuel emissions, so there is a need to quantify the impact of climate change on these events. This evolving field is known as climate change attribution.

Dr. Saeed shared some relevant studies. In 2022, Pakistan and India experienced a record-breaking heatwave in early spring, resulting in significant losses and damages. Study conducted with leading global institutions like Columbia University, Oxford, Princeton, and Imperial College London, found that the heatwave was 30 times more likely due to climate change. In other words, without climate change, such an event would have been 30 times less likely. Later that year, Pakistan experienced severe flooding. Another study, conducted with various authors and published in a scientific journal, found that these floods were 50% worse due to global warming. Without climate change, the floods would have been 50% less severe. He stressed that this attribution helps in understanding the contribution of fossil fuel-dependent businesses to these events, enabling legal actions for compensation.

Summary:

Mr. Fahad Saeed, Scientific Model and Data Manager and Regional Climate Scientist, discussed the impacts of extreme climate events in Pakistan through climate change attribution. He outlined the evolution of the UNFCCC from its 1992 establishment to address global emissions, through the Kyoto Protocol's focus on mitigation, and the subsequent inclusion of adaptation strategies. Dr. Saeed mentioned the importance of climate change attribution by linking it to loss and damage fund. He further drew attention to severe events like the 2010 Pakistan floods. Dr. Saeed also shared studies showing that the 2022 heatwave was 30 times more likely due to climate change, and the floods that year were 50% worse because of global warming. These findings emphasize the importance of understanding climate change impacts for legal and compensatory actions.

2.7 Air Pollution and Urban Transportation-impacts on Human Health - Dr. Sajid Rashid Ahmed, Dean Geo Sciences, University of Punjab



Dr. Sajid Rashid Khan started his discussion by asserting that air pollution is a serious environmental concern with devastating impacts on human health. He further stated that up until 2015, there was no conversation on underlying reasons behind declining air quality. The issue only got (reactive) attention when thick smog engulfed cities and resulted in various health concerns such as respiratory issues etc. Comparison was drawn with first world countries like USA and China who have been facing the issue of air, water and land pollution since the 18th and 19th Century hence have devised mechanisms to tackle the associated problems. Whereas in Pakistan, the issue may not necessarily be recent, but the attention most certainly is.



Dr. Khan stressed that air pollution should be dealt with utmost seriousness for its fatal consequences such as reducing lifespan of citizens by five years. He attributed approximately 45% of air pollution to the transportation sector, other factors included agriculture and lack of adequate societal response. It was aptly observed that transportation should not be viewed from the lens of federal or a provincial issue, instead a perspective change is needed where it is looked at as an individual issue whereby attributing responsibility on an individual level.

Dr. Khan stated that improving fuel quality and increasing use of public transport are some viable solutions to deal with this pressing issue of air pollution. Further, he recommended using new and

updated technologies. To stress on the mentioned point, he referred to the success of using “zigzag technology” in brick kilns which entails a method of firing bricks in a kiln that uses a unique design to reduce emissions of pollutants and increase efficiency. Casual link between deforestation and air pollution was also created.

While addressing challenges Dr. Khan mentioned lack of data, especially in the national inventory, as a big hindrance towards devising effective strategies and interventions. He also brought to light the big challenge of prioritizing economic gains over commitment to address air pollution, as an example he quoted the sports industry in Sialkot which is a big contributor but being a major exporter and generating significant revenue, detrimental effects of the industry do not form part of national discourse. He concluded by stating that there needs to be a strong legal, communal and governmental response to tackle the pressing issue of climate change.



Summary:

Dr. Sajid Rashid Khan mentioned the reactive nature of action in Pakistan as opposed to anticipatory. He attributed 45% of air pollution to the sector of transport. Further, he stressed on the need to use technology to combat air pollution. Importance of data in policy making was also mentioned. Finally, need for behavior change was deemed necessary for effective action.

2.8 Summing up: Connecting the Dots: Integrating Issues, Policies and Laws - Mr. Ali Tauqueer Sheikh, Advisor on Climate Change, Planning Commission of Pakistan



After seamlessly moderating Panel 1, Mr. Ali Tauqueer Sheikh gave short and insightful concluding remarks to bring together different perspectives and viewpoints offered by the panelists. Mr. Sheikh pointed to the range of issues discussed by the panel of experts and explained how they highlighted two major points. Firstly, that Pakistan is one of the most vulnerable countries in terms of climate change, and secondly, that it faces one of the most diverse threats from various ecosystems, which are all connected with each other. He exemplified this statement through Pakistan's unique case, where the rivers are drying up from both the top and the tail-end, thereby creating bigger risks. Mr. Sheikh further presented the example of Pakistan's glaciers, two-thirds of which are predicted to melt by the mid-century, thereby resulting in a loss of around 80% of Pakistan's surface water. Mr. Sheikh wished to further exemplify the urgency of the situation by referring to the alarming heat waves around the country, especially in Karachi. He stated that the heatwaves in the Upper Indus Basin are speeding up the melting of the glaciers, thereby resulting in



additional surface water in the present but the looming threat of shortage and disasters in the future. Mr. Sheikh stated that the purpose of giving these examples is to show how each of these ecosystems, which are inter-connected, are fast approaching their tipping points, thus requiring immediate and integrated approaches. The urgency of the situation was further highlighted by Mr. Sheikh through the rate of urbanization which is twice as high as the rate of population thus pointing to the fact that the carrying capacity of our ecosystems is fast depleting. This depletion has the greatest impact on people from underprivileged backgrounds who then move to urban areas in search for a better quality of life, unaware that they are moving into flood-prone and disaster-prone areas where schools, public transportation, parks and other infrastructure are barely available, thus finding themselves in a deeper and more stubborn poverty net. Therefore, it is not just the ecosystems and our responses which are interlinked, but these actions also share a direct relationship with the fundamental rights of the citizens. Hence, Mr. Sheikh comments, that this day of the conference marks a significant recognition by the Supreme Court of the issues of climate change by highlighting them to not just members of superior but also first tier judiciary, and by reminding them that these issues directly concern our fundamental rights and the quality of life which must be upheld under the Constitution.



Summary:

Mr. Ali Tauqeer Sheikh emphasized Pakistan's severe vulnerability to climate change, highlighting interconnected ecosystem threats. He stressed the urgent need for integrated responses, noting how

rapid urbanization strains the capacity of ecosystems and disproportionately impacts the marginalized classes. He also linked environmental challenges to fundamental rights of citizens, underscoring the conference's importance in urging the judiciary to address climate change issues as constitutional issues.



2.9 A few clicks to capture the moment during the Session Break!







*Panel Two:
Climate Governance*

3. Panel Two: Climate Governance

3.1 Overview:

The Panel discussed division of responsibilities between federal and provincial bodies after the 18th Amendment, architecture in place for coordinating multiple adaptation and mitigation programmes and role of non-state bodies/actors in aiding and improving state efforts.

Chair:

Dr. Maira Hayat,
Assistant Professor, University of Notre Dame, USA

Panelists

Mr. Eazaz A. Dar
Secretary, Ministry of Climate Change & Environmental Coordination, Pakistan

Mr. Hammad Naqi Khan
Director General/CEO, World Wide Fund for Nature, Pakistan

Mr. Muhammad Idrees Mahsud
Member Disaster Risk Reduction, National Disaster Management Authority

Mr. Mansoor Usman Awan
Attorney General for Pakistan

Mr. Abid Suleri
Executive Director, Sustainable Development Policy Institute (SDPI)

Mr. Ahmed Irfan Aslam
Former Federal Minister for Law and Justice, Climate Change and Environmental Coordination,
Water Resources

3.2 Pakistan's Role at International Fora; International Climate Finance - Mr. Eazaz A. Dar, Secretary Ministry of Climate Change & Environmental Coordination



Mr. Eazaz A. Dar provided the government's perspective to climate governance, Pakistan's role at international fora, and international climate finance. Mr. Dar started off with a disclaimer that "bad news often sells better than good news" as the latter often gets suppressed and does not reach the media. Hence, Mr. Dar vouched to dispel misconceptions and make clarifications, while also accepting responsibility for the shortcomings of the government. Mr. Dar started off by assuring the audience that the government is working proactively to deal with the issue of climate change. He affirmed his belief in human resilience and human effort, which when undertaken collaboratively can lead to momentous achievements on the agenda of climate change.



Mr. Dar began by setting the context of climate change, calling it a "gloom and doom picture", and acknowledging that all forms of life on the planet are in grave danger due to climate change. However, Mr. Dar also tried to put forth the alternate perspective of climate skeptics such as Mike Hulme, Professor at the University of Cambridge and a Nobel Prize Winner, who urged the global community to strike a balance between climate scare and the belief in human resilience. Mr. Dar

stated that on the international fora, he took inspiration from Professor Hulme who emphasized the importance of treating climate change as a collective responsibility, which can only be dealt with through collaboration and cooperation, and not by hectoring nations into submission. This led to Mr. Dar stressing the need for all sectors of our vibrant society to come together to solve and manage the issue of climate change.



While discussing the strategy undertaken by the Government, Mr. Dar informed that he undertook a SWAT analysis of the Ministry of Climate Change & Environmental Coordination to delineate its strengths and weaknesses. In terms of strengths, it was stated that the Ministry is a legal rational authority and a national lead in terms of climate change, that the Government attaches high priority to this subject, that policy and resources within the likes of architecture and apparatus are available, and that collective action awareness is also thoroughly present. Regarding weaknesses, Mr. Dar accepted the role of governmental and institutional challenges in creating roadblocks, along with issues of coordination, unavailability of consolidated data, lack of access to climate finance, and lack of technical capacity. After undertaking this analysis, he concluded that the main purpose of the Ministry is to convert these challenges into opportunities.

After stressing the weaknesses of climate change agenda which primarily lies in coordination and collaboration, Mr. Dar sought to explain how the Ministry dealt with the same. He gave examples of five different mechanisms developed by the Ministry to address this issue: i) the Climate Change Council headed by the Prime Minister, ii) the National Coordination and Implementation Committee under the Climate Change Policy of 2021, iii) Inter-Ministerial Federal Secretary Committee, iv) GCF and GEF Federal Approval Boards, and v) Sectoral Advisory Committees consisting of experts and representatives of various Ministries. In terms of climate diplomacy,

Mr. Dar highlighted the achievements of the current government despite the size and constraints of a developing country like Pakistan. He stated that Pakistan has signed 38 international treaties, contributed to at least 22 international forums, and has been represented on at least 12 international bodies' boards and committees. Pakistan is also co-chairing the GCF Fund and is represented in the Loss and Damage Fund, which gives it substantial leverage when it comes to attaining climate finance. Mr. Dar further stated that in 2021, the climate finance tracker showed that the country has attracted \$12.4 billion, with 67% devoted to mitigation and 33% to adaptation strategies with the Government's goal to equalize these percentages and focus on adaptation as much as on mitigation. He also provided a comparative view of the government's performance by stating that within 2 months, Pakistan's climate finance portfolio rose from \$451 million to \$1.9 billion, thus encapsulating the seriousness and consistent efforts of the government in tackling the issue of climate change.



Summary:

Mr. Eazaz A. Dar addressed climate governance from the government's perspective, highlighting both efforts and challenges. He emphasized the need for a balanced approach, integration cooperation and resilience against climate doom scenarios. Despite coordination and capacity issues, Dar pointed out significant governmental achievements at the international level and in terms of international climate finance, with an increased focus adaptation to meet the country's specific needs.

3.3 Navigating the Green Climate Fund - Mr. Hammad Naqi Khan, Director General/CEO, World Wildlife Fund, Pakistan



Mr. Hammad Naqi Khan delivered an insightful speech on the intricacies of international climate finance. As an environmentalist and a representative of one of the largest environmental organizations in the country Mr. Khan provided a critical perspective on the state of climate finance and the necessary steps for effective local action.

Mr. Khan began by highlighting the disparity between international promises and local realities. He noted, "Climate finance has been an agreed phenomenon; a lot of promises and hollow commitments were made." However, he emphasized that local action is paramount, stating, "No one stopped a country like Pakistan from taking local action. It is a local issue; the action needs to be taken on a local level." He pointed out that adaptation strategies must be tailored to specific regions to effectively address their unique challenges.

Mr. Khan shared his frustration with bureaucratic obstacles that hinder climate action, despite successful efforts to secure substantial climate funding for Pakistan. He remarked, "Our own bureaucracy should be supporting us instead of creating bureaucratic hurdles." He criticized the inefficiencies in the system, noting, "Who is accountable when a policy developed through a consultative mechanism is just lying on the shelf?"



He advocated strengthening local governance structures, emphasizing the need for readiness and action at the community level. He said, "Local departments need to be strengthened and need to be ready to take action. We need adaptation plans at the tehsil level."

Discussing innovative approaches, Mr. Khan highlighted the Recharge Pakistan project, which aims to implement nature-based solutions, such as diverting floodwaters to ponds and wetlands. However, he lamented the bureaucratic delays, stating, "We need a three-sentence letter from the Government just to ensure that the green climate project is supported. But we don't get that for months."

He stressed the importance of internal accountability before seeking external assistance, stating, "Before we play the victim card and approach external donors, we need to look within. We need to ensure that our own house is in order."

Mr. Khan concluded by advocating for the empowerment of Local Governments and communities to spearhead grassroots climate actions. He noted that such localized, innovative solutions could significantly enhance adaptive capacities at the community level. However, he also emphasized the need for a cohesive institutional framework to align these efforts with national strategies, which is currently lacking.



Summary:

Mr. Hammad Naqi Khan's speech underscored the critical need for localized action and the removal of bureaucratic barriers to effectively address climate change in Pakistan. He emphasized the importance of tailoring adaptation strategies to specific regions, strengthening local departments, and implementing nature-based solutions. His call to action highlighted the need for internal accountability and the alignment of grassroots efforts with national strategies to create a cohesive response to the climate crisis.

3.4 Coordination Across Scales (National, Provincial and Local) - Mr. Muhammad Idrees Masud, Member Disaster Risk Reduction, National Disaster Management Authority



Mr. Muhammad Idrees Masud opened his address by stating that Pakistan is 8th most vulnerable country to climate change (*German watch*). In this context he spoke about the role NDMA could play in combatting this climate crisis and the challenges thereof. He apprised the audience of the legal structure of disaster management authorities by mentioning that the National Disaster Management Act 2010 established national, provincial and district-level disaster management authorities under Article 144 of the Constitution of Pakistan, 1973, however the provinces were dependent upon the Federation for implementation of disaster management systems. Mr. Masud appreciated work done by Federal and Provincial disaster management authorities but stressed on the need to develop the same at district level.



Mr. Masud emphasized that Pakistan is witnessing climate change and it's impacts on its citizens. To emphasize the point he mentioned changing weather patterns such as reduction in the number of spring seasons and the shift in monsoon patterns. He advised that prior to dealing with the phenomenon of climate change, it should be properly understood to avoid “coming up with towns and infrastructure which further create vulnerability.”

Some of the key challenges highlighted by him were: climate change issues *not business as usual*, extreme weather events, inadequate capacities and resource availability especially at the local level and unbridled development. As a response to these challenges and the way forward, Mr. Masud proposed that Pakistan needs to enhance response capacity in the disaster management system, capacity which can be further aided by developing social projects from the lens of disaster management.

He concluded by recognizing the importance of institutional integration in a single command to deal with these issues. For him, Pakistan needs to have a strong coordination mechanism, early warning systems, risk-sensitive development and knowledge, which will create efficiency in the administration of disaster management. Lastly, he stressed upon community-based disaster risk management as a way forward which requires sensitization by state authorities.

Summary:

Mr. Muhammad Idrees Masud, representative on behalf of the National Disaster Management Authority, focused on the role of the authority and highlighted the challenges it faces. Mr. Masud has also provided extensive recommendations, which shall be needed to enhance our response capacity in the disaster management system.

3.5 The Climate Change Authority and the Questions of Jurisdictional Overlap - Mr. Mansoor Usman Awan, Attorney General for Pakistan



Mr. Mansoor Usman Awan discussed the status of the Climate Change Authority, expressing disappointment over its delayed implementation despite the enactment of the Climate Change Act in 2017. He noted that it took a Supreme Court order to prompt Government action on this critical issue. The Climate Change Council, required to meet twice annually, had only convened three times in seven years, highlighting a lack of seriousness in addressing climate policy at the state level.

Mr. Awan explained that the Climate Change Authority is crucial for creating and continuously updating the national adaptation plan, given the evolving nature of climate change. This Authority is unique in that it facilitates collaboration between Federal and Provincial governments, essential for addressing localized climate impacts effectively. He concurred with the need for robust local governments to implement adaptation strategies, particularly in areas like crop pattern changes which are best managed at the district level.



He also emphasized the role of provinces, which now have resources post 18th amendment, in supporting local adaptation efforts. The Federal Government has initiated steps to operationalize the Climate Change Authority, including nominating members from each Province and advertising federal positions. Awan underlined that the Authority must become an effective body for devising and implementing climate plans, potentially revising the National Adaptation Plan developed in 2023.

Further, he highlighted the constitutional mandate for Federal involvement in climate change due to its nationwide impacts, such as glacier melting and resultant floods. He stressed the necessity for provincial departments like agriculture, irrigation, and environment to play active roles in adaptation activities. Effective local governments, supported by necessary finances and administrative powers, are crucial for implementing these plans down to the union council level.

In conclusion, Mr. Awan referred to the 2015 *Asghar Leghari case*, where the judiciary had to prompt government to take action on climate policy implementation, revealing a lack of awareness and framework within governmental bodies. He called for a wake-up call in capacity and willpower to enforce climate policies, urging the executive branch to back the judiciary's efforts with tangible actions.



Summary:

Mr. Mansoor Usman Awan, Attorney General for Pakistan, highlighted the inefficacy and delays in implementing the Climate Change Act of 2017, emphasizing the urgent need for action on climate issues. Despite the Supreme Court’s intervention, the Climate Change Council met only three times in seven years, reflecting poorly on Governmental commitment. Mr. Awan stressed the importance of the Climate Change Authority, which brings Federal and Provincial governments together to develop and implement national adaptation plans. He pointed out that effective climate adaptation must involve robust local governments, capable of handling specific regional issues. He concluded by calling for increased executive action to complement judicial efforts in addressing climate challenges.



3.6 Policy Silos - Mr. Abid Suleri, Executive Director, Sustainable Development Policy Institute



Mr. Abid Suleri opened by stating that Pakistan’s climate agenda was built on two pillars: climate policy and climate institutions. Policy stipulates requisite actions and institutions attribute roles for implementation. Both are created as a kneejerk reaction, as an urgent requirement. He further went on to state there is no dearth of policies in Pakistan, but the problem lies in silo approach where departments are not talking to each other, they are not in sync, which creates implementation hurdles.

He mentioned how policies were created by provinces but the same were not implemented. Mr. Suleri then went on to appreciate the judiciary specifically Justice Shah and Justice Minallah for prompting provincial governments to implement their policies. He also cautioned against approaching climate policy as an isolated subject, climate policy must be looked at in conjunction with others such as power policy, water policy, food security policy. To demonstrate problems with policy silos, Mr. Suleri gave the example of solar energy policy in Pakistan where there is thought of discouraging the adoption of solar energy on one hand and on the other policy states that usage of solar energy must be increased. Further he stated that Ministry of Climate Change & Environmental Coordination



could not work in isolation due to lack of mandate. He expressed hope that the Climate Change Authority can make a difference however to do so the Authority must be independent from the Ministry of Climate Change & Environmental Coordination to avoid a fate similar to that of the Environment Protection Agency.

He concluded by saying that victim mentality will not take us anywhere even though Pakistan is a climate vulnerable country with most communities having spent their entire resources to bring lives back to normal. Instead, Pakistan needs to plead its case before the international community for finances and capacity. On national level he stressed on the need for a whole of government and society approach.



Summary:

Mr. Abid Suleri targeted lack of implementation of policies due to silo approach. He stressed that climate policy cannot be looked at in isolation, rather must be looked at as a part of other policies such as water, power etc. Further he mentioned critical role that can be played by the Climate Change Authority however, for success independence is a prerequisite.

3.7 International Water Governance - Mr. Ahmed Irfan Aslam, Former Federal Minister for Law & Justice, Climate Change and Water Resources



Mr. Ahmed Irfan Aslam initiated his address by underscoring the water crisis prevalent in Pakistan terming it as the “most visible manifestation of climate change.” He stressed on the devastating impact acute water crisis has on climate in Pakistan and its adverse effects on individuals. Statistically, with over 7000 glaciers, Pakistan boasts the highest number of glaciers anywhere in the world outside the polar region, and 70 percent of Pakistan’s water is stored in glaciers. The average temperature in glacial areas have risen by 1°C leading to accelerated melting. The most possible reflection of the climate catastrophe on the glaciers is the reduction in their thickness by 30 meters in the last 30 years. At the current rate all glaciers will have melted away by 2075 and Indus family of rivers will dry up and reduced to seasonal streams. These glaciers are a significant source of freshwater for the country are melting rapidly due to rising global temperatures associated with climate change, resulting in the formation of numerous glacial lakes. It is important to imagine what that would do to our nation, our communities and our ecology.



He further highlighted that another component of the water crisis is how the glacial melt is leading to increased flooding and water scarcity. The rapid disappearance of these glaciers has become a

matter of great concern for the livelihoods of millions of people who depend on them for their daily needs. This year, shortfall between demand of water and its availability in Pakistan was 31% which is a distressing proof of this crisis. Mr. Aslam also mentioned the Water Apportionment Accord (“WAA”) which was signed amongst the provinces in 1991 and approved by the Council of Common Interests. The WAA, although made great strides in resolving the issues of apportionment of water between the provinces but it failed to address the real issue of sharing water storages caused conflicts between the provinces. These conflicts further exacerbated due to water scarcity caused by climate change, wastage of water due to outdated water infrastructure and lack of efficient water management and governance. “At the district and provincial level, water is not accorded priority it deserves given the enormity of the scale”, he noted. Furthermore, no resources have been apportioned to make the canal system more efficient.

Three fundamental issues which have perpetuated the water crisis in Pakistan including inadequate storage, low system efficiency and significant groundwater depletion with no regulatory mechanism in place. On an international scale, almost all of Pakistan’s focus is on the Indus Water Treaty, signed between Pakistan and India in 1960, without the realization that half of its water comes from Afghanistan. Despite that, there is no bilateral arrangement between Pakistan and Afghanistan. Mr. Aslam concluded his address saying, “We probably won’t be here in 2075, but our children and their children will be.”



Summary:

Mr. Ahmad Irfan Aslam asserted that water crisis was the most visible manifestation of climate change. Statistics and consequences of melting glaciers were mentioned to stress on the point. He attributed water crisis to three fundamental issues: inadequate storage, low system efficiency and significant groundwater depletion with no regulatory mechanism in place. His address was concluded with the observation that Pakistan needed stronger and more targeted foreign policy to adequately address transboundary issues.

Panel Three:
Court-ing Climate Change

4. Panel Three: Court-ing Climate Change

4.1 Overview:

The panel discussion was aimed at exploring emerging global trend of courts deliberating on climate change governance and inadequacies of executive action, specifically in the context of Pakistan's robust tradition of public interest litigation where higher courts have authored detailed opinions on climate justice, environmental justice, and executive accountability.

Chair:

Mr. Waqas Ahmad Mir

Advocate, Supreme Court of Pakistan

Panelists:

Mr. Ahmed Rafey Alam

Advocate, Environmental Lawyer and Climate Activist

Mr. Muhammad Amir Munir

Director Research and Publication, Federal Judicial Academy, Islamabad

Hon'ble Mr. Justice Jawad Hassan

Judge, Lahore High Court, Lahore

Hon'ble Mrs. Justice Ayesha A. Malik

Judge, Supreme Court of Pakistan

Hon'ble Mr. Justice Syed Mansoor Ali Shah

Senior Puisne Judge, Supreme Court of Pakistan/Member Law and Justice Commission of Pakistan

4.2 Trends in Climate Change Litigation & Challenges - Advocate Ahmed Rafay Alam, Environmental Lawyer & Climate Activist



Advocate Ahmed Rafay Alam began by painting an accurate picture of the numerous ways in which climate change has severely altered every aspect of civilization. He began by simply explaining the causal relationship between greenhouse gases, which are primarily produced because of fulfilling our transport and energy needs, and the rising temperatures, referred to as 'global warming'. He demonstrated how since the Industrial Revolution, the global community has increased the Earth's temperature by approximately 1.2 degrees centigrade. This shows that the Earth's "delicate ecological balance", which had been maintained for around 150,000 years, and which had sustained civilization, has now been severely endangered. To regulate the excessive emission of greenhouse gases, the UN Framework Convention on Climate Change was signed in 1992 by a number of countries. However, the grave truth of the matter is that the global community has produced more greenhouse gases since the signing of the Convention than it has at any point in time before that.



While placing this climate catastrophe within the context of Pakistan, Mr. Alam referred to an attribution science study regarding the 2022 floods in Pakistan which showed that around 50% of the intensity of the rains in certain parts of Sindh and Balochistan was due to global warming. He further referred to the Asian heatwave of 2024 being experienced currently, which “decimated” crops in Sindh, being caused by global greenhouse gases. He also gave the example of the underreported catastrophe in the Kasur District where over 100,000 people were evacuated when the Sutlej River rose and flooded along with 120 deaths in KPK and Balochistan caused by rain-related flooding, and an alarming rise in deaths of children due to pneumonia exacerbated by worsening air quality. Through these real-life and real-time examples, Mr. Alam demonstrated that these dangers of climate change are consistently present around us, and its damaging impacts have raised serious concern.

Mr. Alam expressed his appreciation towards the judiciary for innovating environmental law and moving towards the idea of climate justice. He traced the history of environmental and climate justice jurisprudence by referring to the well-known *Asghar Leghari* case where the court observed that climate justice principles were very much entrenched within Pakistan’s constitutional scheme. In this case, the court ruled that “climate justice is observed with science, response to science, and acknowledges the need for the equitable stewardship of the world’s resources”. He then referred to the *Raja Zahoor* case where the Supreme Court observed that “the effective climate change on cities, affects its residents and their core fundamental right to life, liberty, and property...and therefore form an integral part of fundamental human rights...adaptation, climate resilience, and sustainability assume the role of a constitutional necessity and an overarching constitutional obligation”. He reminded the audience that these principles are crucial precedents which are bound to be followed. Mr. Alam also discussed the *DG Khan Cement* case, which concerned the positive and negative classifications of areas where industrial activity can take place, where the court observed that these classifications are fluid and should depend on the changing environmental and climate circumstances and, particularly in this case, the water resources of the area. Lastly, he talked about the *RUDA* judgement given by the Lahore High Court where the court ruled that determination of “public purpose” under the land acquisition laws of Pakistan must include climate assessment, food security issues, and climate change, along with compensation for adverse environment amenities that people have been deprived of. Thus, Mr. Alam emphasized that courts have not just developed climate justice jurisprudence in cases where the direct subject matter considers the environment but have also incorporated these considerations in other areas of law.



Mr. Alam then moved on to discuss the legislative scheme of environmental and climate justice law. He stressed on the fact that most climate adaptation issues are provincial subjects, thereby urging provincial and local governments to develop robust climate policies and mainstream them in local governance structures. He also referred to Rule 16 and 49 of the Federal Government Rules of Business which obligate provincial governments to devise effective climate policies. Urging the judiciary to hold these governmental bodies accountable. Lastly, Mr. Alam succinctly captured the role of the judiciary in handling complex climate change issues by quoting Benjamin Franklin who said that “in this world nothing can be said to be certain, except death and taxes”. This means that law is more easily accommodating of “discreet” subjects and themes, such as the civil procedure for plaintiffs and defendants; subjects like climate change and climate justice are far from discreet. Thus, the challenge for the judiciary is to be able to adapt to these complex challenges and to redefine justice in the present day and circumstances with an initial path already carved out by the superior court through progressive and climate-oriented jurisprudence.

Summary:

Advocate Ahmed Rafay Alam discussed the severe impact of climate change on the Earth’s ecological balance and civilization, emphasizing the need for robust climate policies at the provincial and local level in Pakistan. He highlighted the judiciary’s role in advancing climate justice through landmark cases like *Asghar Leghari* and *Raja Zahoor*, which integrated climate considerations into constitutional rights. He urged the legal system to adapt to the complexities of climate change, redefining justice to address these urgent challenges.

4.3 Environmental Jurisprudence and District Judiciary - Mr. Muhammad Amir Munir, Director Research & Publications, FJA, Islamabad



Mr. Amir Munir initiated his discussion by highlighting substantial number of pending cases across the Supreme Court, high courts, and district courts. He underscored the critical role of district judges in effectively managing and adjudicating the cases presented before them. Emphasizing the judiciary's responsibility, Mr. Munir delved into the concept of social justice, which he defined as a principle centered on equality and fairness. He pointed out that this principle is explicitly articulated in the preamble of the constitution, underscoring its foundational importance.



Mr. Munir then drew a nuanced distinction between content jurisdiction and context jurisdiction. He explained that content jurisdiction is characterized by a narrow focus, where judges decide cases strictly based on legal statutes and mandates. This approach is relatively limited and does not engage with the broader implications of the legal outcomes, thereby making it less participatory.

In contrast, context jurisdiction requires judges to consider the wider context surrounding a case, including socio-economic, cultural, and human rights aspects. This approach is more holistic and

participatory, as it goes beyond mere legal mandates to address the broader impact of judicial decisions. Mr. Munir highlighted that the Supreme Court frequently employs context jurisdiction and advocated for district judges to adopt a similar approach to ensure more comprehensive and equitable justice.



Further elaborating on the judiciary’s role in environmental protection, Mr. Munir emphasized the importance of considering environmental factors in judicial decisions. He specifically highlighted the significance of topsoil, noting that it contains the maximum nutrients essential for agriculture and ecosystem health. Mr. Munir urged the subordinate judiciary to actively consult international treaties and conventions related to environmental law. This, he argued, would enable judges to make well-informed decisions that take into account the potential environmental impact, thereby promoting sustainable development and environmental conservation.

Summary:

Mr. Amir Munir discussed the backlog of cases in Pakistan’s judiciary, stressing the pivotal role of district judges in case management. He defined social justice as integral to the constitution’s preamble, advocating for a judiciary that considers both content jurisdiction (strict legal interpretation) and context jurisdiction (broader socio-economic and human rights implications). Mr. Munir highlighted the Supreme Court’s use of context jurisdiction and urged district judges to adopt this approach for more inclusive justice. Regarding environmental protection, Mr. Munir emphasized the importance of integrating environmental factors into judicial decisions, particularly highlighting the role of topsoil in agriculture and ecosystem health. He encouraged judges to reference international treaties to ensure informed decisions promoting sustainable development and environmental conservation.

4.4 Climate Finance and Commerce - Hon'ble Mr. Justice Jawad Hassan, Judge, Lahore High Court



Hon'ble Mr. Justice Jawad Hassan, a distinguished judge of the Lahore High Court, began his address by expressing gratitude to the judges of Pakistan for their exemplary jurisprudence, particularly in environmental law. He noted that despite not having explicit environmental provisions in the Constitution, Pakistan has developed a robust body of environmental jurisprudence. This evolution was marked by the landmark Shehla Zia case in 1994, where the Supreme Court interpreted the right to life under Article 9 to include a right to a healthy environment, a decision that paved the way for numerous other environmental rulings.



Justice Hassan outlined the historical progression of environmental law in Pakistan, starting from the concept of environmental nuisance in the early legal framework to the introduction of environmental protection laws in the 1990s. He highlighted key judicial decisions, such as those addressing water rights and preventing nuclear waste dumping, which have contributed to Pakistan's reputation for strong environmental rulings.

He emphasized the importance of climate justice, distinguishing it from environmental justice, and pointed to significant judgments, including the Asghar Leghari case, which focused on climate

adaptation. He also discussed the role of the judiciary in overseeing climate finance, ensuring that funds from international donors are used effectively and transparently.

Justice Hassan concluded by noting the increasing international attention on climate-related legal actions, citing cases from various jurisdictions that influence Pakistan's legal landscape. He expressed optimism about the judiciary's role in leading climate justice initiatives and maintaining Pakistan's commitment to environmental protection, underscoring the judiciary's potential to handle the forthcoming challenges in climate finance and related litigation.



Summary:

Justice Jawad Hassan of the Lahore High Court emphasized the significant role of the Pakistani judiciary in advancing environmental jurisprudence. He highlighted key Supreme Court decisions, including the landmark Shehla Zia case which interpreted the right to life as encompassing a healthy environment. He discussed the evolution of environmental law in Pakistan from dealing with environmental nuisances to the contemporary focus on climate justice and climate finance. Justice Hassan praised the judiciary's proactive stance and urged continued vigilance in ensuring that climate funds are effectively utilised and that Pakistan's green guidelines are upheld.

4.5 Judicial Tools and Crafting Relief - Hon'ble Mrs. Justice Ayesha A. Malik, Judge, Supreme Court of Pakistan



Hon'ble Mrs. Justice Ayesha A. Malik delivered an insightful speech on the judiciary's role in addressing climate change. She emphasized the increasing prevalence of climate litigation globally, including in Pakistan, and the need for courts to adapt to this rising challenge. She articulated the distinct nature of climate change cases, which differ fundamentally from traditional environmental cases due to their transnational causes and complexities.

Hon'ble Mrs. Justice Malik began by highlighting the judiciary's essential role in safeguarding the basic rights of people against the impacts of climate change, despite its complexities and global nature. She noted, "Judges cannot solve the climate crisis, but they do have a role to play and that fundamental role is to safeguard the rights of the people."

Hon'ble Mrs. Justice Malik provided examples of how Pakistani courts have effectively used various judicial tools to address climate change issues. For example, in the *Asghar Leghari* case,



where a farmer sued the government for failing to implement its climate policy, which adversely affected his livelihood due to drought and insufficient water. The court responded by forming a commission to gather data, coordinate among stakeholders, and ensure timely implementation of climate policies. This led to the establishment of the Ministry of Climate Change and new laws and policies. Justice Malik noted the commission’s effectiveness in “structuring the process, bringing collaborative dialogue, consolidating efforts, and offering practical solutions.” Justice Malik also illustrated how courts can facilitate interim solutions through public-private partnerships. In a case concerning the delay in providing clean drinking water, the court prompted a collaboration between the government and the community to fund short-term solutions until long-term projects were completed.



She also underscored the importance of community participation. In a case related to flood management in Sindh, the Supreme Court upheld the formation of Citizen Committees to enhance government decision-making. This approach, according to her, ensured accessibility, effective disaster management, and representation of vulnerable groups, including women. Such judgment highlights the importance of “public participation in enhancing government insight, empowering decision-making, creating awareness, and representing vulnerable groups.” She reiterated that women are most vulnerable to climate change and therefore it is critical that the gender perspective is included in all decisions related to climate change, otherwise the impact on women and vulnerable groups is missing from the narrative and in the decisions.

Hon'ble Mrs. Justice Malik concluded by urging judges to remain informed about climate science and its implications. She encouraged the judiciary to uphold the rights and well-being of future generations, promoting sustainability and balancing economic development with environmental preservation. She emphasized that courts can make a very constructive and positive role in climate litigation by being proactive and prepared.

Hon'ble Mrs. Justice Malik's parting words encapsulated her call to action: "Think climate, think rights, create solutions. Together let us craft solutions that protect the planet and its people."



Summary:

Hon'ble Mrs. Justice Ayesha A. Malik's speech underscores the judiciary's pivotal role in addressing climate change through innovative judicial tools and active engagement. She highlighted key cases and strategies, emphasizing the need for ongoing education, public participation, and proactive measures to ensure a sustainable future.

4.6 Climate Justice and Road Ahead - Hon'ble Mr. Justice Syed Mansoor Ali Shah, Senior Puisne Judge, Supreme Court of Pakistan/Member Law and Justice Commission of Pakistan



Hon'ble Mr. Justice Syed Mansoor Ali Shah, who is also currently the Senior Puisne Judge of the Supreme Court of Pakistan has always been at the forefront in the judiciary for the cause of environment and climate change. Among the remarkable environmental judgements of the Supreme Court of Pakistan, majority are those authored by Justice Shah. Introduced with a huge round of applause, Hon'ble Mr. Justice Shah inaugurated his speech by recalling his time of legal practice and stated that protection of nature and environment has been the focus of his career since the last twenty-five years.



He narrated one of his experiences in 1990s when he appeared in the civil court for an air pollution case. Hon'ble Mr. Justice Shah accepted that at that time, only civil and criminal cases were prioritized before the courts and environmental cases were seen as 'fancy little litigation'. However, the sensitivity towards climate cases has increased in the past two decades with the judiciary taking an active role in solving these cases. However, it is still not mainstream and building a judicial climate lens and adopting pro climate resilient judicial approach still requires effort. With reference to the state's responsibility, Hon'ble Mr. Justice Shah

informed that on 09 April, 2024, the Grand Chamber of the European Court of Human Rights (“ECHR”) in the seminal case of *Verein Klima Seniorinnen and Others v. Switzerland* held that by failing to take effective measures to meet the 2015 Paris Agreement temperature targets and mitigate the effects of climate change, Switzerland had violated the ECHR. This, he said, presents an apt example of a State being held accountable for its climate justice failures.



Continuing his discussion, Hon’ble Mr. Justice Shah made a noteworthy observation that the three organs of the state, whether its executive, judiciary or legislature has been making its efforts by taking a human-centric approach to the issue of climate change. However, humans are not the only victims. With climate change disrupting entire ecosystems causing loss of species in plants and animal beings, Justice Shah strongly contended that it is high time that we move our efforts from solely anthropogenic judicial approach and adopt a more bio-centric approach when planning our adaptation and mitigation measures. This necessarily means moving beyond humans and recognizing that it is nature that needs protection and care and to respect all life forms on the planet and understanding the interconnectedness of nature. Linking it with fundamental rights, Hon’ble Mr. Justice Shah noted that nature is also a legal person in the eyes of law and “If we were to protect nature’s dignity, we are able to protect our own dignity”.

Talking about his institution in general and its attitude towards climate cases, Hon’ble Mr. Justice Shah expressed the general lack of willingness where climate cases are only assigned to two or three specific judges. He stated that the judiciary as a whole needs to treat climate cases as ‘human rights

cases'. Therefore, "The concept of champions of environmental law or environmental justice needs to change. All the judges at the Supreme Court, High Courts, and district judiciary must deal with climate cases and make them mainstream like any other civil or criminal case". Rather than few judges partaking in it, we need all the judges at all levels to participate in the process. According to him, all courts are required to fully enforce climate rights which arise from fundamental rights, international treaties and agreements and the law of the land.

Hon'ble Mr. Justice Shah further argued that in order to ensure climate justice is achieved, courts should not be the only functionaries involved. Rather, alternative dispute mechanisms (ADRs) such as negotiations, mediation and arbitration need to be introduced to ensure the swift and speedy disposal of climate disputes. Referring to them as green ADR, Justice Shah forecasted that in the later years, there is an expected rise in climate litigation, therefore it is the need of the hour to establish other mechanisms of dispute resolution considering the courts are already backlogged. Another important reason, according to him, is the specialized knowledge to be possessed by those ADR experts. Through green ADR, not only the issue of speed but the issue of lack of expertise will also be resolved. Furthermore, considering the strong nexus between climate and economy, climate disputes can also be dealt with more effectively by the commercial courts.



While the country may take steps to mitigate and adapt to climate, Hon'ble Mr. Justice Shah stated that these are insufficient unless there is a global forum for climate justice. Therefore, Justice Shah suggested that the countries must make efforts to join and make a global court to deal with

international climate cases and environmental justice, particularly to ensure that vulnerable countries are provided their due compensation for loss and damages caused by the actions of industrialists in developed world. As President Rafael Correa of Ecuador stated, “An environmental court for environmental justice should be set-up. It is not understandable that we have courts to force countries to pay financial debts but we do not have a court to enforce environmental debts.” Hon’ble Mr. Justice Shah also appreciated that the recent work by the UN General Assembly where it requested the International Court of Justice (“ICJ”) to render an advisory opinion with respect to climate change to ensure the protection of the climate system is a noteworthy starter. Pakistan has also filed a written response highlighting the challenges Pakistan faces as a result of climate change, including flooding, glacial melting, extreme heat events by using the Intergovernmental Panel on Climate Change’s report as evidence. It also focused on the legal obligations, such as transboundary harm, common and differentiated responsibilities with respect to adaptation, mitigation etc. Pakistan aims to achieve compensation in one form or another and capacity building and technology transfer to adapt and mitigate to the adverse effects of climate change.

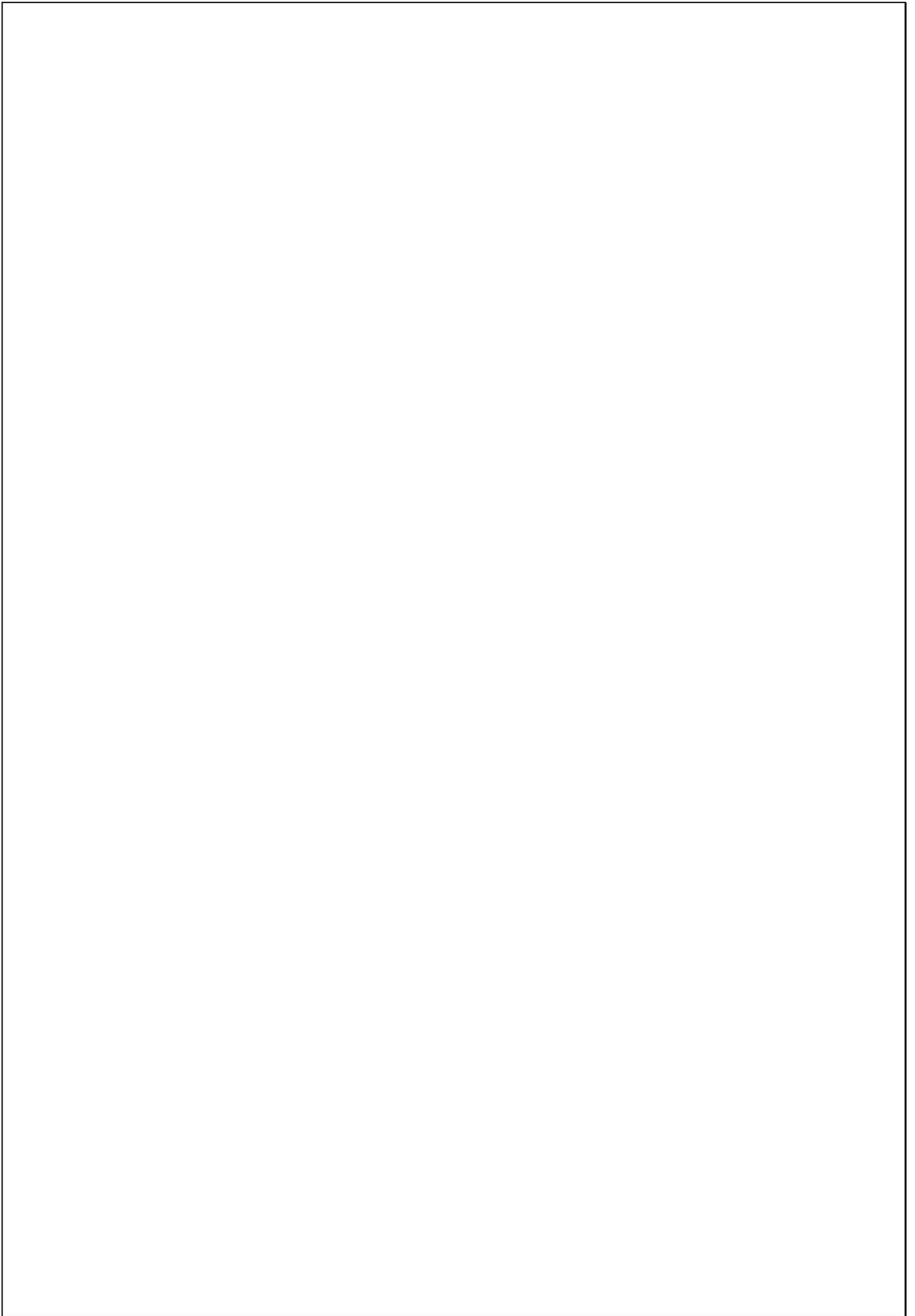


After discussing the steps at the country level and at an international level, Hon’ble Mr. Justice Shah spoke about the role of public institutions in the future. Starting from his own institution, he stated that apart from adjudicating disputes and developing jurisprudence, the Supreme Court of Pakistan can also contribute towards climate sustainability. This can be done through the use of renewable energy to remain sustainable. The Supreme Court building can be converted into a

smart building with the use of solar energy as a source of electricity. Furthermore, specialized water systems can be used to boost water efficiency as conserving water is the key to positively impacting our carbon footprint. Smart building technology and designs can pave the way for smart water management systems in the court buildings. With regard to use of technology, Hon'ble Mr. Justice Shah suggested that we may use Internet of Things (“IoT”) devices and sensors to conserve energy. The Internet of Things (IoT) is a transformative technology that involves connecting physical devices—from everyday household objects to sophisticated industrial tools—to the internet. This connectivity allows devices to communicate with each other, with users, and with centralized management systems to offer a range of benefits and efficiencies. This relatively low-cost technology, in essence, IoT devices and sensors allow to collect and transmit real-time data based on the environment, building operations, and occupants’ activities in the building. In terms of transportation, a shift from gasoline or petrol-powered cars to electric/hybrid vehicles was also recommended. Furthermore, for the public, the facility of video-linking to be made available across all provinces so that it is easier for the public to appear before the Court, reducing stress on transportation. The most important recommendation made by the Hon'ble Judge, however, was the idea of a paperless court. Our legal system is currently highly dependent on the use of paper from case files to applications to judgments. If we are to ensure that the Supreme Court practices are made environmentally friendly, we need to digitize our processes to reduce the use of paper. Through these measures, Hon'ble Mr. Justice Shah believes that not only Supreme Court of Pakistan but we, as a whole, can make sure to reduce our carbon footprint.

Lastly, he concluded by affirming the commitment that we must change our lifestyles to internalize climate justice and start living like environmentalists. In exact words, he stated ‘To start thinking like an environmentalist, you need to start living like one. The Judges should not just talk about climate justice but also adopt it in their own life’.





*Concluding
Session*

5. Concluding Session

5.1 Remarks by Ms. Romina Khurshid Alam - Coordinator to the Prime Minister on Climate Change & Environmental Coordination



Ms. Romina Khurshid stated that the judiciary has provided significant support in the fight against climate injustice, ensuring a sustainable environment for all. She quoted the landmark case of Shehla Zia, which underscored the judiciary's role in environmental protection. This commitment aligns with the principles set forth during the 1992 Earth Summit, emphasizing sustainable development and environmental protection. Ms. Khurshid appreciated the judiciary's support in implementation of national policies and laws such as the National Climate Change Policy and the Pakistan Climate Change Act. She highlighted some of the achievements due to implementation of the said policies such as planting of 2 billion trees which demonstrated a testament to the government's dedication to combating climate change. Ms. Khurshid informed that to improve coordination between Federal and Provincial efforts, the Prime Minister has appointed a committee to ensure that climate policies are effectively formulated and implemented. As of now, two provinces have established climate policies, and two more have been given deadlines to develop their respective policies. She concluded by stating that climate change is a very real threat that demands serious and immediate action. It has become a ticking time bomb, and our response must be swift and decisive. It's either now or never.



5.2 Remarks by H.E. Khazar Fahadov - Ambassador of the Republic of Azerbaijan to Pakistan



His Excellency Mr. Khazar Farhadov, Ambassador of the Republic of Azerbaijan to Pakistan, initiated his remarks by noting that the impacts of climate change are becoming increasingly evident. Giving an example of global warming, he stated that increased levels of greenhouse gases have intensified the greenhouse effect, leading to more heat being trapped in the atmosphere. This excess heat has warmed the Earth's surface and contributes to global warming. His Excellency emphasized that solving global warming requires concerted efforts from all countries because it is a complex issue with global implications. Therefore, there needs to be urgent unified action from all countries.

Drawing the insights from the panel discussion, His Excellency was very positive about the judicial tools being employed by Pakistani courts to produce viable results. Specifically, he appreciated the judicial oversight of climate governance in Pakistan. Concerning climate finance, His Excellency recalled that climate finance was an important aspect of the latest Conference of the Parties. According to him, we need to integrate the financial services industry to create innovative climate solutions, which can also act as a resource to the damage vulnerable developing world.

Lastly, His Excellency emphasized the leading role of Azerbaijan, especially by hosting COP29 and putting climate action into the heart of the country's national plans. He noted that Azerbaijan has made green growth as one of the key priorities of development and the President of Azerbaijan declared 2024 as the 'Year of Solidarity for a Green World' to foster momentum on climate action at a national level and beyond. He noted, "We look forward to the support from friendly countries like Pakistan in forging a consensus in Baku COP29. Only through our

collective efforts we can address the climate challenges and safeguard our ecosystem for future generations.”



Summary: His Excellency Mr. Khazar Farhadov, Ambassador of the Republic of Azerbaijan to Pakistan, emphasized upon the collective efforts of all countries addressing the climate challenges and safeguard our ecosystem for future generations.

5.3 Closing Remarks - Hon'ble Mr. Justice Qazi Faez Isa, Chief Justice of Pakistan



Hon'ble Chief Justice Qazi Faez Isa, Chief Justice of Pakistan (“**CJP**”) started this address by highlighting the World Environment Day which is celebrated each year to commemorate the goal of raising awareness about environmental concerns such as global warming, deforestation, depletion of the ozone layer, plastic pollution, and to advocate sustainable living in harmony with nature, protecting biodiversity, reset the balance of nature with transformative changes in how one eats, lives, works and move around. “*52 years have passed – let us acknowledge that what we were set out to do, we have failed*”, he added. The CJP underscored the illness and sickness of the human body and the implications of the same, noting that high human body temperatures denote sickness in human body. The climate catastrophe has resulted in making the earth ill, sick, feverish and more.

CJP stressed upon the need to stop burning fossil fuels and to conserve earth for generations to come, observing the importance of conservation as a method to protect biological biodiversity, maintaining and restoring habitats, and preventing the wasteful use of water resources. At this juncture, the intersection between Islam and environment plays a pivotal role in understanding the importance of protecting the environment. Quoting Hazrat Ali, the third Muslim Caliph who said, “Do not make your stomach the graveyard of animals” the CJP underscored the impact environment and unhealthy diet has on the human body. “Till 300 years ago, the weekly consumption of sugar was a teaspoon and today the average consumption is 1 kilogram. The colonizers introduced sugar. They captured. Who did they capture? 12.5 million people from Africa. That when you put a teaspoon of sugar in your teeth, it is stained with spots of human blood – *William Fox.*” It was the imperial powers who introduced these drugs overlooking the impact it would have on the human body. Another significant measure prescribed by doctors to

improve human life standards is to encourage walking – instead of using electric vehicles, it is even better to use your feet.

He further noted the importance of Earth as a *living organism* and quoted Dr. Syed Nasar Hassan Shah, according to whom, the current environmental crisis is a “spiritual crisis.” Having said that, it is equally significant to address the issue of resolving this crisis because “When we deplete natural resources and nature, we diminish ourselves.” The idea of embracing the interdependence between humans and these resources is essential and has a strong legal backing as provided under the Constitution of the Islamic Republic of Pakistan, 1973 (“**Constitution**”). It is this legal foundation which mandates each and every individual to preserve the environment as not only the custodians of the Constitution or humanity but of all creation. Furthermore, the environmental crisis needs to be viewed not only from a philosophical dimension as it is a dimension present in all sacred texts and in all knowledge one can possess. Against this background, it is imperative to address the imbalances that have crept in and the need to introduce forums where the traditional perspective of Pakistani citizens is taken into account.

Towards the end, the CJP extended his gratitude to Hon’ble Mr. Justice Syed Mansoor Ali Shah, Senior Puisne Judge, Supreme Court of Pakistan, Hon’ble Mrs. Justice Ayesha A. Malik, Judge, Supreme Court of Pakistan, Ms. Riffat Inam Butt, Secretary, Law and Justice Commission, as part of the organizing committee for successfully executing the Conference. He acknowledged the efforts of the Conference of the Parties (“**COP**”) Presidency for their role in organizing COP each year. Furthermore, he thanked foreign dignitaries, distinguished panelists, participants and the staff of the Supreme Court. On a concluding note, he noted: “The more we know about climate change, the more we are degrading and the more human heart degenerates.”



Summary:

Hon'ble Chief Justice Qazi Faez Isa, Chief Justice of Pakistan stressed upon the need to stop burning fossil fuels and to conserve earth for the generations to come, observing the importance of conservation as a method to protect biological biodiversity, maintaining and restoring habitats, and preventing the wasteful use of water resources. For him, the environmental crisis needs to be viewed not only from a philosophical dimension but from all other dimensions.

6. Remarks by Masters of Ceremony - Dr. Maira Hayat, Assistant Professor, University of Notre Dame, USA and Mr. Waqas Ahmed Mir, Advocate Supreme Court of Pakistan



The Masters stated that changing climate, changes everything: the air we breathe; the extreme temperatures we adjust to; the shortages and excesses of water that devastate lives and livelihoods; the food we can grow, and that we can no longer grow; the viruses we must grapple with; the insects we must learn to live with or fight.

For instance, they mentioned increase in frequency of glacial lake outburst flooding events in Pakistan's northern and north-western areas; correlation of dengue fever with increased temperatures and precipitation; and the response of locust swarms to wind and rain patterns and intensities. They stressed that the need and ability to adapt is not equally distributed – the wealthier inevitably faring better than those with fewer resources.

Further attention was drawn to the fact that devastation and disruption that Pakistan is experiencing, and will experience is disproportionate to its carbon emissions. And yet Pakistan is one of the countries most vulnerable to the effects of climate change – as scholars and activists increasingly stress, “high-income nations are the primary drivers of global ecological breakdown.” On such questions of accountability and responsibility, discourse within Pakistan has been very refined thanks to activists, civil society actors, academics, journalists. Strong voices have articulated that a recognition of global inequality, while indispensable, cannot excuse the work that needs to be done internally. How are the country's institutions, old and new, acting, adapting, responding? What political, executive, and judicial innovations has Pakistan's governance produced? By mandate, thanks to pressure and critique from society, and judicial

oversight, and thanks to the worsening effects of climate change. Recent court judgments, for instance, have pronounced an interesting transition from environmental to climate justice. A broad and dynamic approach to climate change and governance is reflected in today's 3-step process: i) to grasp the scale and variety of the problem; ii) assess the state of jurisdictional interplay and institutional roles, public and private; iii) examine court responses.

7. Visual Highlights: A Glimpse into the Event



































Climate Change & Role of Judiciary

8. Climate Change: Role of Judiciary

Role of Judiciary brings to life the words of Archbishop Desmond Tutu of South Africa (*as quoted by Mary Robinson in her book Climate Justice*), Climate Justice can be new “narrative of hope”. A few instances reflecting role of Judiciary and expanded jurisprudence on environmental issues in Pakistan are as follows:

1. IDENTIFICATION OF NECESSITY OF POLLUTION-FREE ENVIRONMENT:

“Ms. Shehla Zia and others Vs. WAPDA” (PLD 1994 Supreme Court 693)

In 1994 the Supreme Court of Pakistan, in the case of Ms. Shehla Zia and others Vs. WAPDA (PLD 1994 Supreme Court 693) cited the precautionary principle from the 1972 Rio Declaration, and observed that:

“The rule of precautionary policy is to first consider the welfare and safety of the human beings and the environment [...] In the quest of economic development one has to adopt such measures which may not create hazards to life, destroy the environment and pollute the atmosphere.”

The court appointed a commission to examine WAPDA’s proposed project and report on the likelihood of health hazards. A direction was also issued to WAPDA to ensure affected members of the public were heard in future grid stations and transmission line schemes. This public hearing requirement was incorporated in the Pakistan Environmental Protection Act 1997.

2. INTRA-GENERATIONAL EQUITY & PUBLIC TRUST:

“Asghar Leghari V. Federation of Pakistan and others” (2018 CLD 424=PLD 2018 Lahore 364):

The court recognized climate change as a severe threat to fundamental human rights. It noted the lack of substantial governmental action towards implementing the climate change policy and framework, emphasizing that the government’s failure to act constituted a violation of the petitioner’s constitutional rights and fundamental environmental principles. It held that the interpretation of these fundamental rights must be guided by (i) the constitutional values of democracy, equality, and social, economic, and political justice; and (ii) international environmental principles of sustainable development, precautionary principle, intergenerational and intragenerational equity, and the doctrine of public trust. The Court appointed a Commission to submit a report and then constituted a standing committee, creating an ongoing link between the Court and the executive.

“While mitigation can still be addressed with environmental justice, adaptation can only be addressed through climate justice, where the courts help build adaptive capacity and

climate resilience by engaging with multiple stakeholders [...]Climate justice is informed by science, responds to science and acknowledges the need for equitable stewardship of the world's resources.”

3. CLIMATE DEMOCRACY & SUSTAINABLE DEVELOPMENT:

i. “D. G. Khan Cement Company Ltd. V. Government Of Punjab through Chief Secretary, Lahore and others” (2021 SCMR 834):

D.G. Khan Cement Company challenged a notification issued by the Punjab Government, prohibiting the establishment and expansion of cement plants in a particular area. The government decision was based on concerns over environmental degradation and water resource depletion. The Court upheld the government notification in the interests of dealing with groundwater depletion, and preventing harmful environmental impacts.

“This Court and the Courts around the globe have a role to play in reducing the effects of climate change for our generation and for the generations to come. Through our pen and jurisprudential fiat, we need to decolonize our future generations from the wrath of climate change, by upholding climate justice at all times. To us there is no conflict between environmental protection and development because our answer would be sustainable development. Sustainable development means development that meets the needs of the present generation without compromising the ability of future generations to meet their needs and it is in step with our constitutional values of social and economic justice.”

ii. “Shah Zaman Khan Vs. Govt. of Khyber Pakhtunkhwa through its Chief Secretary, Peshawar and others.” (CA. 329/22) (PLD 2023 S.C 340)

“.. Denuding land of forests and trees has catastrophic effects including avalanches, flash floods, silting up of rivers, lakes and dams, the accumulation of carbon dioxide (a greenhouse gas) and climate change. Forests and trees remove carbon dioxide; over a one-year period a mature tree absorbs about 22 kilograms of carbon dioxide from the atmosphere, and in exchange releases oxygen.... Climate change is not just a future threat but a present reality. The planet is in crisis and disasters are accelerating disasters. Climatic events of unprecedented severity are being witnessed. The unilateral and unsustainable pillage of the earth's resources has left humanity, and all other species, vulnerable. Excessive burning of fossil fuels has heated up the earth's temperature and when forests, which sequester carbon emissions are stripped away, its effect is compounded. Carbon fuel extraction needs to correlate with the available

trees, plants and phytoplankton which store emissions. The causes of climate change and the catastrophic events that it unleashes are (by now) empirically established, yet the problem is not being addressed with the requisite urgency and seriousness. Simple mitigation measures are also not implemented. Carbon emissions, and not trees, have to be cut down. The learned Judges failed to consider that the Forest Ordinance was a beneficial piece of legislation which was enacted to conserve scarce remaining forests. ...”

4. OBLIGATIONS OF AUTHORITIES & CLIMATE FINANCING:

i. “Collector Of Customs, Model Customs Collectorate, Peshawar Vs. Waseef Ullah and others” (2023 SCMR 503):

The Court noted: “The mere legislation of laws without effective implementation and execution is useless and ineffectual. Instead, sincere efforts are required by the concerned authorities to safeguard the climate and reduce the adverse environmental impact of human activity.”

ii. “Province of Sindh through Chief Minister and others Vs. Sartaj Hyder and others” (2023 SCMR 459):

The Court noted that the Ministry of Climate Change and the National Disaster Management Authority (NDMA) bear the primary responsibility for developing and implementing a national climate adaptation plan to mitigate such disasters. The Court stressed the need to develop mechanisms for allocating funds and identifying key infrastructural projects to enhance national climate resilience. It underscored the importance of investing global funds in building resilience to minimize the impact of future climate disasters.

“Climate change is undoubtedly the most serious existential threat faced by Pakistan and the major cause of the recent floods. ... In order to protect their right to life and above all their right to dignity under Articles 9 and 14 of the 1973 Constitution of Islamic Republic of Pakistan, a climate resilient adaptation plan including a detailed mechanism for utilization of financial support coming to Pakistan from the loss and damage fund, is the need of the hour.”

5. THE GENDERED IMPACT OF CLIMATE CHANGE:

“Province of Sindh through Chief Minister and others Vs. Sartaj Hyder and others” (2023 SCMR 459):

The Court noted the gendered impact of climate change: “we find that the Policy Guidelines require the participation of women in disaster management plans at all levels to ensure integration of the gender perspective. As per the Policy Guidelines, women are at a greater risk from natural disasters than men. They are vulnerable and victims in natural disasters but also play a significant role throughout the disaster management cycle, without being adequately recognized and included in the decision making.. ...In this context, we note that the affected areas require maternity and healthcare for women so there is an increased need for female doctors, trainers and caretakers to attend to the health concerns. Women are often subjected to gender-based violence and harassment in times of such calamities, therefore safety and security concerns are also of significance for which appropriate response is also required. In this context, although the framework exists, an effort must go into ensuring that it actually functions and fulfils its mandate. Accordingly, we find that the citizens committee should ensure the representation of the vulnerable groups, particularly of women, in order to strengthen its perspective.

6. URBAN PLANNING & DEVELOPMENT:

i. “Raja Zahoor Ahmed and others V. Capital Development Authority through Chairman and others” (2022 SCMR 1411):

In a case against the Capital Development Authority, the petitioners argued against the conversion of residential neighborhoods into commercial zones, highlighting the adverse environmental and social impacts of such actions. The Court ruled that urban development authorities must ensure that their plans, policies, and decisions incorporate the principles of adaptation, climate resiliency, and sustainability:

“Climate-resilient development in cities of all sizes is crucial for improving the well-being of people and increasing the life opportunities of future generations [...] It is high time that our urban planners prioritize the climate factor in their development approaches to address the triple planetary crises of Climate Change, Air Pollution and Loss of Biodiversity.”

ii. Imrana Tiwana vs. Province of Punjab (P L D 2015 Lahore 522)

Petitioners challenged the Lahore Development Authority (LDA) Master Plan 2021, contending that the Master Plan, which involved extensive urban development projects, was made without proper public participation and did not comply with legal and environmental standards. They argued that the plan would have adverse impacts on the environment, heritage sites, and the socio-economic conditions of the residents. The Lahore High Court ruled in favour of the

petitioners, declaring the LDA Master Plan 2021 to be null and void due to the lack of public participation, failure to consider environmental impacts adequately, and non-compliance with legal procedures. The court directed the LDA to ensure that any future plans adhere strictly to the principles of public involvement, environmental sustainability, and legal compliance. It noted:

“Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available.”

7. PRESERVATION OF FORESTS, BIODIVERSITY, WILDLIFE PROTECTION:

i. “Shah Zaman Khan and others Vs. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others” (PLD 2023 Supreme Court 340):

The Court noted: “To ignore the reality of climate change is to be unjust and it disregards future generations [...] Climate change is not just a future threat but a present reality [...] The trees of the forest are sentient beings and, like human beings, part of the biotic community. In regaining their trusteeship humans also salvage their humanity, and save themselves and their progeny ”

ii. “Sheikh Asim Farooq V. Federation of Pakistan and others” (PLD 2019 Lahore 664):

The Court noted that “Climate change is likely to have multi-faceted adverse effects on the ecosystem as a whole, particularly on the already vulnerable forestry sector in Pakistan.” It directed the government to adopt the following measures: (a) encourage empirical research on flora and fauna in the context of their responses to current and historical climatic changes; (b) set National Biodiversity Indicators and provide the requisite financial resources for implementation of the Biodiversity Action Plan (BAP); (c) establish gene banks, seed banks, zoos and botanical gardens to conserve the biological diversity of valuable species; (d) Integrate conservation and protection of biological diversity into various disciplines such as forestry and marine and pastures; (e) encourage involvement of local communities in conservation and sustainable use of biodiversity; (f) take necessary measures to establish nature reserves in areas that are rich in biodiversity to preserve their existence; (g) establish protected areas in all vulnerable ecosystems, particularly in coastal and marine areas; (h) ensure that "ecosystem based adaptation" is part of an overall climate change

adaptation strategy at all levels (national to local); and (i) assist genetically impoverished species or those that have important ecosystem functions by providing natural migration corridors as well as assisted migration.”

iii. “Islamabad Wildlife Management Board through Chairman V. Metropolitan Corporation, Islamabad through Mayor and 4 others” (PLD 2021 Islamabad 6):

The Court noted that: “Protection and preservation of wildlife species is a precondition for meeting the challenges that stem from damage to the ecosystems and degradation of the environment.”

8. MINING:

Public Interest Law Association of Pakistan (PILAP) registered under the Societies Act, 1860 through authorized person Chaudhry Awais Ahmed Vs. Province of Punjab through Chief Secretary, Civil Secretariat, Lower Mall, Lahore and others (2023 SCMR 969):

PILAP filed a petition against the Province of Punjab challenging small-scale mining licenses for minerals like sand, gravel, and sandstone without obtaining environmental approvals as required under the Punjab Environmental Protection Act, 1997. The Court ruled: “While mining is an essential part of the economy, it must be conducted in a responsible and sustainable manner to minimize its impact on the environment. By implementing best practices and adhering to strict guidelines and developing a climate proof mining policy, it can be ensured that mining continues to provide for the economy while also protecting the health of our planet and its inhabitants. Economic growth is important but it must be achieved in a way that is sustainable and respectful of the natural systems that support it.”

9. CLIMATE JUSTICE AS A PRIMARY DUTY

“Haroon Farooq Vs. Government of Punjab through Chief Secretary and 9 others” (2023 CLC 1):

Petitioners claimed that inadequate steps were taken by the government to mitigate and adapt to climate change, particularly concerning water conservation. The Court held:

“Our Constitution is a social compact between the State and the people. It contains rights which the State is under obligation to enforce and a failure to do so spawns rights-based environmental litigation. We may refer to various provisions in the Constitution which give rise to such rights to inhere in the people of Pakistan and for which the State is obligated to take real and immediate measures so that climate crisis can be averted in all its manifestations.”

Legislative Framework of Environment Laws in Pakistan

9. Legislative Framework of Environment Laws in Pakistan

Part:1 Federal Acts, Rules & Regulations	
1. The Islamabad Nature Conservation and Wildlife Management Act, 2024 (Act No. XVI of 2024)	
2. The Pakistan Environmental Protection Act 1997 (XXXIV of 1997)	
Rules [see section 31]	
1.	The Environmental Tribunal Rules, 1999
2.	The Environmental Samples Rules, 2001
3.	The National Environmental Quality Standards (Self-Monitoring and Reporting by Industry) Rule, 2001.
4.	The Provincial Sustainable Development Fund (Procedure) Rules, 2001
5.	The Pollution Charge for Industry (Calculation and Collection) Rules, 2001
6.	The Provincial Sustainable Development Fund (Utilization) Rules, 2003
7.	The Hospital Waste Management Rules, 2005
8.	The Pakistan Biosafety Rules, 2005
Regulations [see Section33]	
1.	The Pakistan Environmental Protection Agency Review of Initial Environmental Examination and Environmental Impact Assessment Regulation, 2000
2.	The National Environmental Quality Standards (Certification of Environmental Laboratories) Regulation, 2000
3.	The Prohibition of Non-degradable Plastic Products (Manufacturing, Sale and Usage) Regulations 2013
4.	The Single-use Plastics (Prohibition) Regulations, 2023
3. The Pakistan Trade Control of Wild Fauna and flora Act, 2012 (XIV of 2012)	
Rules [see section 28]	
1.	The Pakistan Trade Control of Wild Fauna and Flora Rules, 2018
4. The Global Climate-Change Impact Studies Centre Act, 2013 (XVIII of 2013)	
5. The Pakistan Climate Change Act, 2017 (X of 2017)	

Part: 2
Provincial Acts, Rules and Regulations

A. Punjab

1. **The West Pakistan Wildlife Protection Ordinance, 1959 (LVI of 1959)**

2. **The Punjab Wildlife (Protection, Preservation, Conservation and Management) Act, 1974 (II of 1974)**

3. **The Punjab Environmental Protection Act, 1997 (XXXIV of 1997)**

Rules
[see section 31]

1. The Pollution Charge for Industry (Calculation and Collection) Rules, 2001

2. The Environmental Samples Rules, 2001

3. The Punjab Environmental Tribunal Rules, 2012

4. The Punjab Environmental Protection (Motor Vehicles) Rules, 2013

5. The Punjab Bio-safety Rules, 2014

6. The Punjab Hospital Waste Management Rules, 2014

7. The Punjab Environmental Protection Council (Procedure) Rules, 2016

8. The Punjab Environmental Protection (Delegation of Powers for Environmental Approvals) Rules, 2017

9. The Punjab Environmental Protection (Smog Prevention and Control) Rules, 2023

Regulation
[see section 33]

1. The National Environmental Quality Standards (Certification of Environmental Laboratories) Regulation, 2000

2. The Punjab Environmental Protection (Registration of Environmental Consultants) Regulation, 2017

3. The Punjab Environmental Protection (Production and Consumption of Single-Use Plastic Product) Regulations, 2023

4. **The Punjab Prohibition on Manufacture, Sale, Use and Import of Polythene Bags (Black or any other Polythene Bag below fifteen micron thickness) Ordinance, 2002 (IX of 2002)**

Rules
[see section 6]

1. The Punjab Prohibition on Manufacture, Sale, Use and Import of Polythene Bags (Black or Any Other Polythene Bag Below Fifteen Micron Thickness) Rules, 2004

B. Sindh**1. The Sindh Environmental Protection Act, 2014 (VIII of 2014)****Rules**
[see section 36]

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| 1. | The Hazardous Substance Rules, 2014 |
| 2. | The Sindh Hospital Waste Management Rules, 2014 |
| 3. | The Sindh's Environmental Protection Tribunal Rules, 2014 |
| 4. | The Sindh Prohibition of Non-degradable Plastic Products (Manufacturing, Sale and Usage) Rules, 2014 |
| 5. | The Environmental Sample Rules, 2014 |

Regulations
[see section 37]

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| 1. | The Sindh Environmental Protection Agency (Review of Initial Environmental Examination and Environmental Impact Assessment) Regulations, 2014 |
| 2. | The Sindh Environmental Protection Agency (Environmental Assessment) Regulations, 2021 |

C. Khyber Pakhtunkhwa**1. The Khyber Pakhtunkhwa Environmental Protection Act, 2014 (XXXVIII of 2014)****Rules**
[See Section 31]

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| 1. | The Khyber Pakhtunkhwa Prohibition of Non-biodegradable Plastic Products and Regulation Oxo-biodegradable Plastic Products Rules, 2017 |
| 2. | The Khyber Pakhtunkhwa Environmental Protection (Administrative Penalty) Rules, 2017 |
| 3. | The Khyber Pakhtunkhwa Environmental Assessment Rules, 2021 |

D. Balochistan**1. The Balochistan Environmental Protection Act, 2012 (VIII of 2012)**

International Conventions, Treaties & Protocols

10. International Conventions, Treaties and Protocols

S.No.	Title	Year	
1.	International Plant Protection Convention, Rome	1951	
2.	Plant Protection Agreement for the South-East Asia and Pacific Region	1955	
3.	Agreement for the Establishment of a Commission for Controlling the Desert Locust in the Eastern Region of its Distribution Area in South-West Asia (as amended), Rome	1963	
4.	Convention on Wetlands of International Importance Especially as Waterfowl Habitat, Ramsar, 1971 as amended by the Paris Protocol 1982 and the Regina Amendments 1987.	1971	
5.	Declaration of the United Nations Conference on the Human Environment	1972	
6.	Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Washington	1973	

S.No.	Title	Year	
7.	Convention on the Conservation of Migratory Species of Wild Animals, Bonn	1979	
8.	United Nations Convention on the Law of the Sea, Montego Bay	1982	
9.	Vienna Convention for the Protection of the Ozone Layer, Vienna	1985	
10.	Montreal Protocol on Substances that Deplete the Ozone Layer, Montreal	1987	
11.	Agreement on the Network of Aqua culture Centers in Asia and the Pacific, Bangkok	1988	
12.	Convention on the Control of Trans boundary Movements of Hazardous Waste and their Disposal, Basel	1989	

S.No.	Title	Year	
13.	<u>Rio Declaration on Environment and Development</u>	1992	
14.	Kyoto Protocol to the United Nations Framework Convention on Climate Change	1997	
15.	The Paris Agreement	2015	

Conference Programme

11. Conference Programme – Saturday, June 08, 2024.

0900-1000	Registration
1000-1005	Arrival of the Chief Guest, Hon'ble Chief Justice of Pakistan
1005-1010	National Anthem
1010-1015	Recitation from the Holy Quran
1015-1045	<p>Inaugural Ceremony:</p> <ul style="list-style-type: none"> i. Secretary, Law and Justice Commission of Pakistan ii. Hon'ble Mr. Justice Syed Mansoor Ali Shah, Senior Puisne Judge, Supreme Court of Pakistan/Member LJCP iii. Keynote Speech (recorded) - Dr. Adil Najam, Dean & Professor, International Relations, Earth & Environment, Boston University, USA
Panel One: Climate Change Challenges for Pakistan	
Speakers:	
1045-1145	<p>Mountain Ecosystems and Livelihood Challenges Dr. Ghulam Rasul, Ex - Director General, Meteorological Department, Pakistan</p>
	<p>Urban Planning, Heatwaves and Livable Cities Dr. Nausheen H. Anwar, Director, Karachi Urban Lab & Professor, City and Regional Planning, Institute of Business Administration, Karachi</p>
	<p>Climate Smart Agriculture and Food Security Dr. Iqrar Ahmad Khan, Vice Chancellor, University of Agriculture, Faisalabad</p>
	<p>Water Governance, Justice and Rights Ms. Simi Kamal, Chairperson, Hisaar Foundation, Karachi</p>
	<p>Climate Change Attribution Science Dr. Fahad Saeed, Scientific Model and Data Manager / Regional Climate Scientist</p>
	<p>Air Pollution and Urban Transportation-impacts on human health Dr. Sajid Rashid Ahmad, Dean Geo Sciences, University of Punjab</p>
	<p>Summing up: Connecting the Dots: integrating issues, policies, and laws Chair: Mr. Ali Tauqeer Sheikh, Advisor on Climate Change, Planning Commission of Pakistan</p>
Panel Two: Climate Governance	
Speakers:	
1145-1245	<p>Pakistan's Role at International Fora; International Climate Finance Eazaz A. Dar, Secretary, Ministry of Climate Change and Environmental Coordination</p>
	<p>Navigating the Green Climate Fund Hammad Naqi Khan, Director General/CEO, World Wide Fund for Nature, Pakistan</p>
	<p>Coordination Across Scales (National, Provincial and Local) Lieutenant General Inam Haider Malik, H.I. Military, Chairman, National Disaster Management Authority</p>

	<p>The Climate Change Authority, and Questions of Jurisdictional Overlap Mansoor Usman Awan, Attorney General for Pakistan</p>
	<p>Policy Silos Abid Suleri, Executive Director, Sustainable Development Policy Institute (SDPI)</p>
	<p>International Water Governance Ahmad Irfan Aslam, Former Federal Minister for Law and Justice, Climate Change and Water Resources, Climate Change & ICJ</p>
	<p>Chair: Maira Hayat, Assistant Professor, University of Notre Dame, USA</p>
1245-1345	Lunch
Panel Three: Court-ing Climate Change	
	Speakers:
	<p>Trends in Climate Change Litigation & Challenges Advocate Ahmed Rafay Alam, Environment Lawyer & Climate Activist</p>
	<p>Environmental Jurisprudence and District Judiciary Muhammad Amir Munir, Director Research & Publications, FJA, Islamabad</p>
1345-1500	<p>Climate Finance and Commerce Hon’ble Mr. Justice Jawad Hassan, Judge, Lahore High Court, Lahore</p>
	<p>Judicial Tools and Crafting Relief Hon’ble Mrs. Justice Ayesha A. Malik, Judge, Supreme Court of Pakistan</p>
	<p>Climate Justice and the Road Ahead Hon’ble Mr. Justice Syed Mansoor Ali Shah, Senior Puisne Judge, Supreme Court of Pakistan/Member LJCP</p>
	<p>Chair: Waqqas Ahmad Mir, Advocate Supreme Court</p>
Concluding Ceremony	
	<p>Remarks by: Ms. Romina Khurshid Alam, Coordinator to the Prime Minister on Climate Change & Environmental Coordination</p>
1500-1530	<p>Remarks by: H.E Mr. Khazar Farhadov, Ambassador of the Republic of Azerbaijan to Pakistan</p>
	<p>Address by: Hon’ble Mr. Justice Qazi Faez Isa, Chief Justice of Pakistan / Chairman, LJCP</p>
	<p>Vote of thanks by: Riffat Inam Butt, Secretary, Law and Justice Commission of Pakistan</p>
Refreshments	