

LEGHARI V. FEDERATION OF PAKISTAN

Lahore High Court, Decided: September 4, 2015

THE PAKISTANI GOVERNMENT IS ORDERED TO PROPERLY IMPLEMENT ITS CLIMATE CHANGE LAW

Parties

Applicant: Ashgar Leghari, a Pakistani farmer and law student

Defendant: Government of Pakistan

Key Facts

This case focused on adaptation measures rather than mitigation measures, as Pakistan is not a major contributor to climate change but is particularly vulnerable to climate change impacts. A farmer brought the case against the government for its failure to enact adaptation measures to address vulnerabilities associated with climate change. Ashgar Leghari, a Pakistani farmer, sued the national government for its failure to properly implement the National Climate Change Policy of 2012 and the Framework for Implementation of Climate Change Policy (2014-2030).

The Court's Decision and Reasoning

Decision:

The court found that government's delay in implementing the Framework violated the fundamental rights of Pakistan's citizens. The court directed several government ministries to name a climate change point-person within their ministry to ensure implementation of the Framework and to present a list of action points by the end of the calendar year (2015). In its judgement, the court also created a Climate Change Commission composed of representatives from relevant ministries, civil society, and scientific experts to monitor the government's progress.

Reasoning:

The court relied on the rights guaranteed in Article 9, right to life (which includes a right to a healthy environment), and Article 14, right to human dignity, of Pakistan's Constitution. The court also looked to international environmental principles, including the doctrine of public trust, sustainable development, the precautionary principle, and intergenerational equity.

What now?

In January 2018, the court noted the submission of a report from the court-formed Climate Change Committee, which found that during the period from September 2015 to January 2017, 66% of the priority actions from the Framework for Implementation of Climate Change Policy had been implemented.



International Impact

While there has been a sharp and continuous rise in climate litigation over the last decade, many of the initial prominent climate cases took place in the global north. The Leghari case changed this and brought significant attention to the potential for effective climate litigation in the global south. This was also one of the first cases that placed a heavy emphasis on citizens' rights to climate adaptation, which is especially crucial in Pakistan—where climate-induced floods and droughts are already occurring—and throughout the global south—where the most severe impacts of climate change are expected to occur.

Key Issues

Climate change, climate adaptation, climate mitigation, public trust, intergenerational equity, precautionary principle

Laws and Agreements Cited

International and comparative legal principles:

Public trust doctrine, intergenerational equity, precautionary principle, sustainable development

Domestic laws:

National Climate Change Policy of 2012

Framework for Implementation of Climate Change Policy (2014-2030)

References & Further Reading

Judgments

[Court Order \(English\)](#)

[Supplemental Court Order \(English\)](#)

[Court Judgement \(English\)](#)

Further Reading

[OpenGlobalRights - Courts in Pakistan are facilitating climate dialogue between state and citizens](#)

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Contact Natural Justice at
info@naturaljustice.org
Or find us @ www.naturaljustice.org

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