



RESEARCH ARTICLE

Climate Change and the Evolving Obligations of States under International Law

A Comparative Study of the United Kingdom, Australia, India and Pakistan

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ABSTRACT

Climate change is now a clear issue of international law, not only a matter of treaties and diplomatic negotiations. This paper looks at how treaty rules, customary international law, human-rights law and the law of the sea shape the duties of States, and how those duties appear in domestic law in the United Kingdom, Australia, India and Pakistan. The study uses the UNFCCC, the Paris Agreement, UNCLOS, the law of State responsibility, and the 2024 ITLOS and 2025 ICJ advisory opinions. It then compares important legislation and cases from the four countries. The main finding is that international law now gives States clearer standards of conduct, especially in relation to due diligence, prevention of serious environmental harm, cooperation, mitigation planning and adaptation. At the same time, many practical questions are still left to national institutions, including causation, standing, implementation and remedies. The four countries do not follow the same model. The United Kingdom mainly works through statutory carbon budgets and judicial review. Australia has statutory climate targets, but its federal courts have rejected a new federal climate duty of care in Sharma, while the Pabai appeal was still pending in September 2026. India has recognised constitutional protection against the harmful effects of climate change, and Pakistan combines constitutional environmental rights with continuing judicial supervision. The main comparative point of this paper is therefore how international climate standards are received through different domestic legal routes. The paper argues that after the ICJ advisory opinion, the important question is less whether climate change is legally relevant and more how States are expected to meet the standards of diligence that international law now recognises.

1. INTRODUCTION

Climate change presents an unusual problem for international law because emissions are cumulative, the atmosphere is shared, and the effects are spread across time and borders. The important legal question is therefore not only what States have promised in climate treaties, but also what standards of conduct follow from those promises and from other rules of international law. The 2025 ICJ advisory opinion is important because it treated the Paris Agreement and customary international law as related but distinct sources of obligations. It also explained the role of due diligence and confirmed that the general law of State responsibility can apply where climate obligations are breached.

The practical difficulty is one of translation. International norms do not operate identically in domestic legal orders. A statutory carbon-budget duty can support judicial review in one jurisdiction; constitutional rights can support continuing supervision in another; and a common-law negligence claim can fail even where the same underlying climate risk is judicially recognised. This article therefore compares four jurisdictions that share common-law characteristics but differ significantly in constitutional structure, climate legislation, emissions profiles and approaches to judicial review.

The four jurisdictions provide useful contrasts. The United Kingdom has a mature statutory framework centred on the Climate Change Act 2008 and legally binding carbon budgets. Australia has a federal Climate Change Act 2022 and the Safeguard Mechanism, but its federal courts have rejected a novel duty of care in *Sharma* and the Federal Court rejected such duties in *Pabai* at first instance; the *Pabai* appeal was heard in July 2026 and judgment remained reserved at the time of writing. India has expressly recognised a constitutional right to be free from the adverse effects of climate change under Articles 14 and 21 in *M.K. Ranjitsinh*, while its 2031–2035 NDC was approved in 2026. Pakistan combines constitutional environmental case law, the Pakistan Climate Change Act 2017, and the continuing-supervision technique exemplified by *Leghari*; its NDC 3.0 was submitted in September 2025 and contains a 2035 target of a 50% reduction from projected emissions, comprising 17% unconditional and 33% conditional reductions.

The timing matters. ITLOS delivered its unanimous climate advisory opinion on 21 May 2024. It held that anthropogenic greenhouse-gas emissions may amount to pollution of the marine environment and interpreted UNCLOS duties through a due-diligence framework. The ICJ delivered its climate advisory opinion on 23 July 2025. The Court held that climate treaties do not generally exclude other primary rules of international law, identified a customary duty to prevent significant environmental harm and a customary duty to cooperate, and explained how due diligence operates in the climate context. These are advisory opinions, not contentious judgments producing *res judicata* between particular States. Their significance lies in their articulation of international law and their potential persuasive effect on other institutions.

The remainder of the article proceeds in five stages. It first identifies the international legal framework and its interaction with customary environmental law and human rights. It then examines State responsibility, attribution, causation and reparation. The four jurisdictions are analysed separately before a structured comparison of legal architecture, litigation vehicles and institutional constraints. The final section identifies the comparative implications and limits of the analysis.

Human-rights law adds another part to the picture because it can identify who may be protected and, in some legal systems, who can bring a case. The ICJ recognised that climate change can affect existing rights, including rights connected with life, health, home, family and adequate living conditions. In *KlimaSeniorinnen*, the European Court of Human Rights found that Switzerland had failed to maintain an adequate framework for reducing emissions and also recognised the

standing of the association in that case. India and Pakistan have used constitutional rights to life and dignity in environmental cases. Australia is different because it does not have a federal bill of rights, so climate claimants have often looked to negligence and other legal routes. These routes should not be treated as interchangeable: a rights case may ask whether the State has provided an adequate legal framework, while a tort case requires a duty to the claimant, breach, causation and legally recognised loss.

1.1 Research Question

The main question is: How do international climate obligations influence the legal duties of States, and through which domestic legal ways are those duties received in the United Kingdom, Australia, India and Pakistan? The subsidiary questions are: (1) what is the content of mitigation, adaptation, cooperation and due-diligence obligations after the ITLOS and ICJ advisory opinions; (2) when can a climate-related shortfall engage State responsibility; (3) which domestic doctrines provide a legal route for reviewing climate action; and (4) where do the four jurisdictions converge and diverge in institutional design, standing, causation and remedies?

1.2 Objectives

The study has four connected objectives: to reconstruct the international climate obligations relevant to State conduct; to explain the interaction between primary climate obligations and the secondary rules of State responsibility; to compare the domestic reception of those obligations in four common-law jurisdictions; and to identify the institutional conditions under which international standards are most likely to influence domestic adjudication.

1.3 Research Methodology

The study uses a doctrinal and comparative approach. It examines the main international instruments, the 2024 ITLOS advisory opinion, the 2025 ICJ advisory opinion, the ILC Articles on State Responsibility, and selected international and domestic cases. The same four questions are used for each country: what is the statutory or constitutional framework, what are the main mitigation and adaptation measures, what are the important cases, and what role does international law play in domestic courts? This is not an empirical or statistical study. The two figures are kept only as illustrative devices and are not treated as measurements of national climate performance.

Two limitations are particularly important. First, advisory opinions are important statements of international law but are not judgments between particular parties. Second, climate law is changing quickly. India adopted a new NDC for 2031–2035 in 2026, Pakistan submitted NDC 3.0 in 2025, and the Pabai appeal in Australia had been heard with judgment still reserved at the time of writing. The comparison should therefore be read as a snapshot of the legal position in September 2026.

2. CLIMATE CHANGE AS AN INTERNATIONAL LEGAL PROBLEM

Climate change exposes a gap between older legal rules and a problem caused by cumulative emissions. Greenhouse gases spread globally, scientific attribution can be difficult, and many States contribute to the same overall harm. These difficulties make causation and reparation harder, but they do not mean that States have no duties of prevention or due diligence. The ICJ has made clear that the diffuse nature of climate change does not by itself prevent the customary duty to prevent significant environmental harm from applying.

International environmental law supplies several relevant concepts: prevention of significant transboundary harm, due diligence, environmental impact assessment, cooperation, precaution

and intergenerational equity. The ICJ's 2025 opinion places these concepts alongside the climate treaties rather than treating the treaties as a closed field. The Court stated that climate treaties and customary international law remain separate sources, but that each may inform the interpretation and application of the other.

The important analytical point is that the international framework contains different kinds of obligations. Some require States to achieve or maintain a specified legal result; others require conduct assessed by due diligence and best efforts. The ICJ expressly stated that the distinction between obligations of conduct and obligations of result is not necessarily impermeable. Under Paris Agreement Article 4(2), for example, States must pursue domestic mitigation measures and exercise due diligence, but they do not guarantee achievement of the NDC as a result.

This distinction has domestic consequences. A court reviewing a statutory climate plan may ask whether the statutory requirements have been met without deciding the entire national carbon pathway. A constitutional court may ask whether governmental inaction is inconsistent with protected rights. A negligence court must confront duty, breach, causation, remoteness and loss in a much more individualised way. The comparison below treats these as distinct legal vehicles rather than as interchangeable forms of “climate litigation”.

The Climate Change Act 2008 is still the most complete statutory translation of international climate goals in the four jurisdictions. Section 1 imposes a duty on the Secretary of State to ensure that the net United Kingdom carbon account for 2050 is at least 100% lower than the 1990 baseline. Five-year carbon budgets, set on advice from the independent Climate Change Committee, convert the long-term duty into near-term legal numbers. Sections 13 and 14 require the Secretary of State to prepare such proposals and policies as the Secretary of State considers will enable the budgets to be met, and to report them to Parliament. Adaptation is organised through a national risk assessment and a National Adaptation Programme. The Act does not enact the Paris Agreement as such. It does something more useful for litigants. It creates domestic duties that can be enforced without proving a point of customary international law.

3. INTERNATIONAL OBLIGATIONS UNDER THE UNFCCC AND THE PARIS AGREEMENT

3.1 The Framework Convention

The UNFCCC, adopted in 1992 and in force from 1994, is still a central framework instrument. Article 2 states its objective of stabilising greenhouse-gas concentrations at a level that would prevent dangerous anthropogenic interference with the climate system. Article 3 includes equity and common but differentiated responsibilities and respective capabilities, while Article 4 contains differentiated mitigation, adaptation, reporting and cooperation commitments. The ICJ's 2025 opinion treated the UNFCCC, Kyoto Protocol and Paris Agreement as a connected treaty framework rather than as isolated instruments.

Differentiation matters to the content of due diligence, but it does not mean that developing States have no climate obligations. The ICJ linked the intensity of due diligence to historical contribution, development level and national circumstances. The discussion should therefore avoid formulations suggesting that all States are subject to identical mitigation routes.

3.2 The Paris Agreement

The Paris Agreement establishes a collective temperature purpose and a nationally determined contribution system. Article 4(2) requires each Party to prepare, communicate and maintain successive NDCs and to pursue domestic mitigation measures aimed at achieving their objectives; Article 4(3) requires progression and highest possible ambition in light of different national

circumstances. The UNFCCC's official NDC materials confirm these procedural and progression requirements.

The ICJ has given these Paris Agreement provisions a more detailed interpretation. It explained that NDCs are not completely discretionary and that, taken together, they must be capable of helping achieve the objectives of the Agreement. The duty to pursue domestic mitigation measures is an obligation of conduct and is assessed through due diligence, best efforts and measures that can reasonably be taken. This does not mean that the Court has fixed one carbon budget or one emissions pathway for each country. The domestic choices remain important, but they are not completely outside legal review.

The 1.5°C objective is legally important, but it should be described carefully. The ICJ called 1.5°C the parties' agreed primary temperature goal and used it in assessing the collective capacity of NDCs and the diligence required of States. It is therefore safer to speak of 1.5°C as a benchmark embedded in the treaty framework and interpreted by the Court, rather than as a free-standing universal emissions quota for each State.

3.3 Custom, Precaution and the No-Harm Rule

The ICJ confirmed that the customary duty to prevent significant environmental harm applies to the climate system. The duty is triggered by a risk of significant harm, assessed by reference to probability or foreseeability and severity or magnitude. Due diligence is the required standard of conduct, and the Court identified scientific and technological information, relevant international rules and standards, State capabilities, precaution, environmental impact assessment, notification and consultation as relevant elements.

This is stronger than the article's earlier formulation that the duty simply “applies to the climate system” and therefore regulates every fossil-fuel decision. The ICJ did not declare every fossil-fuel licence unlawful. It requires an in-concreto assessment of the applicable primary obligation and the measures reasonably within the State's power. The legal significance of fossil-fuel production must therefore be analysed through the relevant treaty and customary obligations, the risk and scale of harm, the State's capabilities, and the circumstances of the particular measure.

3.4 The Law of the Sea and the ITLOS Opinion

UNCLOS provides a distinct marine layer. Articles 192 and 194 impose obligations concerning protection and pollution of the marine environment. ITLOS's unanimous 2024 advisory opinion treated anthropogenic greenhouse-gas emissions as a form of marine pollution within UNCLOS and elaborated due-diligence obligations concerning prevention, reduction and control. The ICJ subsequently considered the ITLOS opinion relevant and accorded substantial interpretive weight to ITLOS's UNCLOS jurisprudence.

The relevance of UNCLOS is not identical across domestic systems. It supplies international obligations for States parties, but domestic courts must still determine how those obligations can be invoked under their constitutional and statutory rules. The comparison should therefore distinguish international legal relevance from whether domestic courts can deal with the issue.

3.5 Human Rights

Pabai v. Commonwealth of Australia (No 2) [2025] FCA 796 tested whether a different claimant class and a different harm could succeed where *Sharma* failed. Uncle Pabai Pabai and Uncle Guy Kabai, elders of the Guda Maluyligal nation, sued on behalf of Torres Strait Islanders. They argued that the Commonwealth owed a duty to protect them, their islands and Ailan Kastom from climate harm, and that the emissions targets communicated to the UNFCCC in 2015, 2020 and 2021 were set without genuine regard to the best available science. Justice Wigney delivered judgment on 15

July 2025, eight days before the ICJ advisory opinion. He made striking factual findings. When the Commonwealth set those earlier targets it paid scant regard to what the science required of Australia as a fair contributor to the Paris goal. The 2022 target, set by a new government, was treated more favourably on that score. None of that produced a duty of care. Climate targets and adaptation programmes were again placed in the realm of core policy. Loss of fulfilment of Ailan Kastom was held not to be a compensable species of damage in negligence. The common law, the judge said in substance, is not a suitable legal route for this harm. An appeal has been filed and was expected to be heard in 2026.

International human-rights law adds a rights-based dimension. The ICJ concluded that climate change may impair the effective enjoyment of rights including life, health, adequate living standards, privacy, family and home, and the rights of vulnerable groups. It also discussed the right to a clean, healthy and sustainable environment and treated it as closely connected with the enjoyment of established human rights. The formulation should not be reduced to a claim that every domestic court is bound by a freestanding universal environmental right; the domestic legal source and treaty framework still matter.

4. STATE RESPONSIBILITY AND CLIMATE HARM

The 2025 ICJ opinion confirms that the ordinary rules of State responsibility can apply when the relevant climate obligations are breached, unless a specific special rule displaces them. The Court treated the ILC Articles as reflecting customary international law and explained that a failure to exercise due diligence in preventing significant climate harm can amount to an internationally wrongful act.

4.1 Wrongfulness and Attribution

The analysis must keep primary and secondary rules distinct. Wrongfulness depends first on breach of the applicable primary obligation. Attribution then follows the general rules of State responsibility. A State is not internationally responsible merely because a private emitter causes emissions within its territory; however, the State's own regulatory acts or omissions are attributable to it, and the failure to regulate may breach an applicable primary obligation. The ICJ expressly recognised the relevance of private actors to due diligence and the difficulty of attribution in cumulative climate harm.

4.2 Causation and Shared Responsibility

Causation remains a major difficulty. The ICJ did not eliminate the requirement of a sufficiently direct and certain causal nexus. Instead, it held that existing standards of causation can in principle address climate change and that causal connection must be assessed in concreto. Where multiple States contribute to harm, the rules on State responsibility may still operate, but the existence and scope of responsibility must be established in relation to each breach and each claimed injury.

The discussion should therefore avoid stating that quantification is merely a remedial problem or that contribution automatically establishes responsibility. Climate attribution science may support causation, but legal causation, injury, standing and the availability of a remedy remain separate questions.

4.3 Reparation, Cessation and Loss and Damage

The ICJ identified performance, cessation and guarantees of non-repetition, and reparation through restitution, compensation or satisfaction as possible consequences of wrongful conduct, depending on the specific breach and harm. Article 8 of the Paris Agreement remains relevant to

the institutional treatment of loss and damage, but the article should distinguish the Paris mechanism from the separate question of remedies under general State responsibility. The existence of an international responsibility does not by itself determine jurisdiction, standing, quantification or payment in a domestic proceeding.

The erga omnes dimension also requires precision. The ICJ held that obligations concerning protection of the climate system and other parts of the environment from anthropogenic greenhouse-gas emissions have an erga omnes character. That does not create a general “world climate tort”. Invocation of responsibility, admissibility and available remedies remain governed by the applicable rules.

7.4 Differentiation and Development

5. THE UNITED KINGDOM

5.1 The Statutory Architecture

The Climate Change Act 2008 provides the main statutory basis for the United Kingdom's net-zero framework. Section 1, as amended in 2019, requires the Secretary of State to ensure that the net UK carbon account for 2050 is at least 100% lower than the 1990 baseline. The Act also creates five-year carbon budgets and duties concerning the policies and proposals needed to meet them. The 2022 High Court decision confirmed the continuing importance of the section 13 duty.

The important domestic point is institutional rather than merely numerical. The international temperature goal does not operate in England as a free-standing treaty cause of action. It is filtered through legislation, administrative-law standards, statutory duties and the evidential material produced by government and the Committee on Climate Change.

5.2 Mitigation Litigation

R (Friends of the Earth Ltd and others) v Secretary of State for Business, Energy and Industrial Strategy [2022] EWHC 1841 (Admin) held the government's Net Zero Strategy unlawful because the statutory decision-maker had not shown, on the information required by the Climate Change Act, how the carbon budgets would be met. The judgment is properly understood as a statutory and administrative-law decision, not as a judicial determination that the UK's Paris target itself was unlawful.

R (Friends of the Earth Ltd and others) v Secretary of State for Energy Security and Net Zero [2024] EWHC 995 (Admin) likewise concerned compliance with section 13. The case illustrates how quantified confidence in policies and proposals can become legally material. The comparative lesson is that statutory specificity can make climate planning judicially reviewable without requiring the court to create a general common-law climate duty.

Project-level litigation should be treated separately. The study's references to Finch and fossil-fuel project cases should identify the exact statutory or planning-law basis of each decision. Those cases show the importance of downstream greenhouse-gas assessment in the relevant domestic statutory context; they do not directly apply the ICJ advisory opinion.

5.3 Adaptation and Human Rights

The third National Adaptation Programme and later human-rights litigation should be described as pending proceedings unless and until a merits judgment is available. The discussion should not predict how Strasbourg will decide the application. KlimaSeniorinnen provides a significant human-rights reference point, but the precise scope of Article 8 positive obligations depends on the European Convention framework and the Court's developing case law.

5.4 International Law in the English Courts

The orthodox domestic-law position is that an unincorporated treaty does not itself create directly enforceable rights in English courts. International law may nevertheless influence statutory interpretation and the assessment of relevant context where the domestic legal framework permits it. The strongest comparative point is therefore not that the ICJ opinion will become a cause of action, but that it may inform the interpretation of statutory duties and the factual assessment of governmental climate planning.

All four systems now accept that climate change is a legal subject. None treats the Paris Agreement as a mere press release. Beyond that shared movement the routes diverge. The United Kingdom relies on a purpose-built statute and on judicial review of plans. Australia relies on a thinner statute and has tested, and so far rejected, a common-law duty of care. India and Pakistan rely on constitutional rights and on courts that are willing to run implementation. Figure 2 offers a simple picture of that divergence among leading cases. It is an organising sketch, not a census of every filing.

6. AUSTRALIA

6.1 Statute without UK-style Carbon Budgets

The Climate Change Act 2022 (Cth) establishes statutory national greenhouse-gas targets: a 43% reduction below 2005 levels by 2030 and net zero by 2050. Section 10 also treats the 2030 target as a point target and emissions budget. The Safeguard Mechanism regulates baselines for covered facilities under the National Greenhouse and Energy Reporting framework.

The comparison with the UK should be narrowed. Australia does have a statutory target and an emissions budget, but it does not reproduce the UK's five-year carbon-budget architecture or the same statutory role for an independent adviser. The difference is institutional design, not the absence of federal climate law.

6.2 Sharma and the Federal Duty of Care

Feature	United Kingdom	Australia	India	Pakistan
Principal statute	Climate Change Act 2008 (as amended)	Climate Change Act 2022; EPBC Act 1999	No dedicated climate Act; EPA 1986; Energy Conservation Act	Pakistan Climate Change Act 2017
Long-term target	Net zero by 2050 (s. 1 CCA)	Net zero by 2050	Net zero by 2070 (political pledge)	Conditional 2030 NDC; policy net-zero discussion
Carbon budgets	Five-year statutory budgets; CCC advice	Annual statements; no UK-style binding budgets	No statutory carbon-budget cycle	No statutory carbon-budget cycle
Rights basis	ECHR via HRA 1998; KlimaSeniorinnen influence	No federal Bill of Rights; limited implied rights	Arts. 14 & 21; public-trust doctrine	Arts. 9 & 14; dignity and life
Leading case type	Judicial review of plans under CCA	Tort / duty of care (unsuccessful)	Constitutional PIL	Constitutional PIL + continuing mandamus
Landmark cases	FoE / ClientEarth NZS & CBDP (2022, 2024)	Sharma (2022); Pabai (2025)	M.K. Ranjitsinh (2024); Ridhima Pandey (pending)	Leghari (2015); LHC environmental PIL (2026)
Human-rights climate case	FoE adaptation claim to ECtHR (2025)	Limited federal rights pathway	Right against adverse climate effects recognised	Climate inaction treated as rights violation
Fossil-fuel project review	Planning + Finch GHG scope; mine challenges	EPBC approvals; Safeguard Mechanism	NGT and SC balancing RE vs ecology	Provincial regulation; SC environmental review

Minister for the Environment v Sharma is the leading federal Australian case on the proposed climate duty of care, but the citation in the earlier reference list was incorrect. The Full Court decision is [2022] FCAFC 35, not [2022] FCAFC 65. The Full Court overturned the first-instance finding of a novel duty of care. Its reasoning included questions of policy, the existing statutory framework and causation. The Full Court decision should therefore be distinguished from the original first-instance judgment.

6.3 Pabai and the Current Appellate Position

Pabai v Commonwealth of Australia (No 2) [2025] FCA 796 concerned alleged duties of care to Torres Strait Islanders. The Federal Court rejected the proposed negligence duties. The matter was appealed: the Federal Court's online file records appeal submissions and oral submissions in July 2026, and the latest public materials indicate that judgment remained reserved as of September 2026. The article must therefore not describe Pabai as a final appellate authority.

6.4 Other Pathways

Australia's climate litigation cannot be reduced to negligence. Statutory environmental approval, corporate disclosure, consumer law and state-level environmental and human-rights mechanisms provide other routes. The central comparative point is that the rejection of a federal common-law duty of care does not mean that Australian law contains no climate-related legal obligations.

International climate law does not enter all four legal systems in the same way. In the United Kingdom, it mainly works alongside a detailed climate statute. In Australia, international climate norms have been used in arguments about the duties of government, but the courts have so far been cautious about creating a new federal duty of care. In India, international climate concerns can support constitutional interpretation. In Pakistan, they fit with a model of environmental rights and judicial supervision that was already developing before the recent international opinions. This suggests that the role of the courts is at least as important as the textbook distinction between monism and dualism.

7. INDIA

7.1 Constitutional Environmentalism

Indian environmental constitutionalism rests on Article 21 and is reinforced by Articles 14, 48A and 51A(g), together with the Supreme Court's environmental case law. The 2024 Ranjitsinh judgment expressly articulated a right to be free from the adverse effects of climate change, grounded in Articles 14 and 21.

7.2 M.K. Ranjitsinh and the Climate Right

M.K. Ranjitsinh v Union of India, 2024 INSC 280, arose from litigation concerning the Great Indian Bustard and overhead transmission lines. The Supreme Court recognised a right to be free from the adverse effects of climate change and then balanced that right against the need for renewable-energy infrastructure and species protection. The decision is therefore important both for rights recognition and for its insistence on balancing competing constitutional and environmental interests.

7.3 Ridhima Pandey and Continuing Proceedings

Ridhima Pandey should be presented as ongoing litigation rather than as an established climate-right remedy. The earlier draft's formulation that the case "asks what machinery the right requires" is an analytical characterisation, not a holding. The discussion should distinguish procedural developments, questions framed by the Court, and final holdings.

7.4 Differentiation and India's Current NDC

Case	Forum and year	Legal vehicle	Core holding
ITLOS Climate AO	ITLOS, 21 May 2024	UNCLOS advisory opinion	GHG emissions are marine pollution; due-diligence duty to prevent, reduce and control.
ICJ Climate AO	ICJ, 23 July 2025	UNGA advisory opinion	Binding treaty and customary duties; 1.5°C primary goal; ARSIWA applies; fossil-fuel conduct may be wrongful.
FoE & Ors v BEIS / DESNZ (NZS)	EWHC, 2022	Judicial review, CCA 2008 ss. 13–14	Net Zero Strategy unlawful for inadequate quantification and explanation.
FoE & ClientEarth v DESNZ (CBDP)	EWHC, 2024	Judicial review, CCA s. 13	Carbon Budget Delivery Plan unlawful; “must enable” is not satisfied by a mere likelihood.
Minister for the Environment v Sharma	FCAFC, 2022	Negligence / duty of care	No duty of care when approving a coal mine; core policy and causation barriers.
Pabai v Commonwealth (No 2)	FCA, 15 July 2025	Negligence class action	No duty to Torres Strait Islanders; Ailan Kastom not compensable in negligence.
M.K. Ranjitsinh v Union of India	SCI, 21 March 2024	Constitutional writ	Right to be free from adverse effects of climate change under Arts. 14 and 21.
Asghar Leghari v Federation of Pakistan	LHC, 2015	Constitutional petition	Failure to implement climate policy violates rights to life and dignity; commission created.

The original discussion is outdated because India approved and communicated a new NDC for 2031–2035 in 2026. The new framework includes a 47% reduction in GDP emissions intensity from 2005 levels, 60% cumulative installed electric-power capacity from non-fossil sources by 2035, and a 3.5–4.0 billion tonne CO₂-equivalent carbon sink through forest and tree cover. India continues to identify net zero by 2070 as a long-term goal. The comparative analysis should therefore not treat the 2022 NDC as India's current quantitative position.

There are several areas where the four systems show some common movement. First, all four treat the scientific reality of climate change and the Paris temperature goal as legally relevant. Second, climate planning is increasingly open to some form of judicial review, although the remedy may be limited to reconsidering a plan rather than ordering a complete change in national energy policy. Third, adaptation is becoming more visible in litigation. Fourth, courts often rely on expert bodies and technical evidence rather than trying to act as climate scientists themselves. Fifth, intergenerational equity has become common in legal arguments, even though future generations usually cannot bring cases in their own names. Finally, the recent international opinions make it difficult to treat climate treaties as the only relevant source of climate law.

8. PAKISTAN

8.1 Vulnerability and the Constitutional Baseline

Pakistan's climate vulnerability and relatively small share of historical global emissions are important background facts, but any numerical claim should be linked to a clear emissions dataset or authoritative report. *Shehla Zia v WAPDA*, PLD 1994 SC 693, remains an important environmental-rights case because it connected environmental harm with constitutional

protection. It should, however, be described as a general environmental-rights authority rather than as a case that specifically decided a modern climate-law question.

8.2 Leghari and Managerial Climate Adjudication

Asghar Leghari v Federation of Pakistan (Lahore High Court, 2015) is a major Pakistani climate case concerning implementation of the National Climate Change Policy and Framework. Its importance lies in judicial supervision and the creation of an institutional way for implementation. The discussion should cite the actual judgment rather than relying primarily on secondary commentary.

8.3 Statute and Continuing Environmental Litigation

The Pakistan Climate Change Act 2017 created national climate institutions. The article should avoid treating subsequent environmental proceedings as a single climate-law line of authority unless the judgment expressly addresses climate obligations. The August 2026 Punjab environmental proceedings should be cited to the exact judgment, date and case number before publication; the present reference list does not identify that decision sufficiently for verification.

8.4 What International Law Adds

For Pakistan, the ICJ advisory opinion provides a useful international framework for discussing due diligence, cooperation, adaptation and State responsibility. It does not automatically create a new domestic cause of action. Pakistan's NDC 3.0 is now the relevant NDC for this comparison. It sets a 2035 goal of reducing projected emissions by 50%, made up of 17% unconditional reduction and 33% conditional on international finance, technology and capacity support. The paper also needs to keep in view the different expectations that may apply to a climate-vulnerable State and to States with much larger historical emissions.

9. COMPARATIVE ANALYSIS AND DISCUSSION

9.1 A Shared Movement, Four Legal Vehicles

The comparison shows convergence at the level of legal relevance but divergence at the level of institutional enforcement. All four jurisdictions operate within an international environment in which climate obligations are legally cognisable. Yet the domestic routes differ: statutory judicial review in the United Kingdom; statutory, administrative and tort routes in Australia; constitutional public-interest litigation in India; and constitutional and administrative supervision in Pakistan. The figures retained from the original draft should be read only as heuristic visualisations, not as measured indicators of national performance.

9.2 Ambition, Enforceability and the Limits of Indexes

The earlier draft uses Figure 1 as a heuristic composite of mitigation ambition and legal enforceability. Because the underlying scoring methodology, weighting and source dataset are not fully reproducible, the figure cannot support comparative claims that one jurisdiction objectively “scores highest”. It is retained unchanged at the author's instruction, but the revised analysis does not treat its numerical values as empirical findings. For publication, the strongest methodological option would be either to supply a transparent coding protocol and source dataset or to convert the comparison into a qualitative matrix.

Figure 1. Indicative mid-term mitigation ambition (illustrative composite).

9.3 How International Holdings Travel

International climate law reaches domestic courts through what may be called a “domestic hook”. In the United Kingdom, that hook is mainly statutory because the Climate Change Act creates enforceable duties. In Australia, international norms have to work alongside federal statutes and a common law that has so far resisted a new climate duty of care. In India, constitutional rights provide a more direct route. Pakistan combines constitutional rights with continuing judicial supervision. The comparison therefore shows that the same international rule can have different domestic effects because each country gives its courts different powers.

9.4 Human Rights against Tort

The contrast between rights review and tort is particularly important. Rights and administrative-law proceedings often examine whether a State has established and operated an adequate legal framework. Tort requires a duty owed to the claimant, breach, causation and legally recognised loss. Sharma and Pabai show the difficulty of translating global climate risk into a conventional negligence claim. KlimaSeniorinnen, Leghari and Ranjitsinh illustrate different institutional responses through rights and public-law ways.

9.5 Fossil Fuels, Differentiation and Fair Shares

The ICJ opinion makes fossil-fuel activities legally relevant but does not establish a categorical prohibition on fossil-fuel production. The key question is whether particular acts or omissions are inconsistent with applicable treaty or customary obligations when assessed in context. The Court identified due diligence, scientific information, State capability, precaution and environmental assessment as relevant. Domestic courts then apply their own constitutional and statutory frameworks.

9.6 Landmark Holdings at a Glance

9.7 Convergence and Divergence

The comparison allows several careful observations. First, climate mitigation and adaptation are increasingly being treated as matters with legal consequences, although the source and strength of the duties are different. Second, judicial review is generally easier where legislation gives the court a clear statutory standard. Third, constitutional rights can support continuing judicial supervision, although the exact remedy depends on the institution and the case. Fourth, tort claims face additional problems involving duty, causation, policy and loss. Fifth, international advisory opinions can strengthen the legal arguments available to litigants without automatically deciding what remedy a domestic court must provide.

10. CONCLUSION

The research question can be answered in two parts. First, international law now contains a fairly developed set of climate obligations. These come from treaties, customary duties of prevention and cooperation, human-rights law and the law of the sea. The 2024 ITLOS and 2025 ICJ advisory opinions have added important detail about due diligence, the 1.5°C temperature goal and the general law of State responsibility. At the same time, the ICJ did not remove the need to examine causation, attribution and the particular primary obligation in each case.

The four countries also show that international standards do not enter domestic law through one common route. The United Kingdom has a detailed statutory system based on carbon budgets and judicial review. Australia has statutory targets but has so far rejected a new federal climate duty of

care. India has recognised protection against the adverse effects of climate change through constitutional law, while its 2026 NDC updates its quantitative mitigation commitments. Pakistan combines constitutional environmental rights, the Climate Change Act 2017 and judicial supervision, while NDC 3.0 provides its current 2035 mitigation position.

The main contribution of the comparison is the idea of the “domestic hook”. International climate rules become practically reviewable only when they connect with a domestic legal route, such as a statute, a constitutional right, administrative-law review or, less successfully in these examples, tort law. This also helps explain why similar international standards can lead to different remedies. At the international level, the question is increasingly about the content and intensity of due diligence. At the domestic level, the question is which institution has the power to apply that standard and through what type of case.

Some uncertainty remains. The ICJ advisory opinion is not itself a domestic judgment, so it does not remove jurisdictional barriers or decide what remedy a particular national court must give. The legal position is also still changing, especially in Australia, India and Pakistan. The safest conclusion is therefore not that climate law has become uniform. Rather, the international legal baseline has become clearer and more detailed, while domestic implementation continues to depend on the legal and institutional structure of each country.

REFERENCES

- Bodansky, D., Brunnée, J., & Rajamani, L. (2017). *International climate change law*. Oxford University Press.
- Climate Change Act 2008, c. 27 (UK).
- Climate Change Act 2022 (Cth) (Austl.).
- Environment Protection and Biodiversity Conservation Act 1999 (Cth) (Austl.).
- European Court of Human Rights. (2024). *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, App. No. 53600/20 (Grand Chamber, 9 April 2024).
- Friends of the Earth Ltd & Ors v. Secretary of State for Business, Energy and Industrial Strategy [2022] EWHC 1841 (Admin).
- Friends of the Earth Ltd & Ors v. Secretary of State for Energy Security and Net Zero [2024] EWHC 995 (Admin).
- Friends of the Earth. (2025, August 14). UK climate adaptation case goes to European Court of Human Rights. <https://friendsoftheearth.uk/climate/uk-climate-adaptation-case-goes-european-court-human-rights>
- India. (2026). Nationally Determined Contribution (2031–2035). United Nations Framework Convention on Climate Change.
- Intergovernmental Panel on Climate Change. (2023). *Climate change 2023: Synthesis report. Contribution of Working Groups I, II and III to the Sixth Assessment Report*.
- International Court of Justice. (1996). *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, I.C.J. Reports 1996, p. 226.
- International Court of Justice. (2010). *Pulp Mills on the River Uruguay (Argentina v. Uruguay)*, Judgment, I.C.J. Reports 2010, p. 14.
- International Court of Justice. (2025, July 23). *Obligations of States in respect of Climate Change*, Advisory Opinion, I.C.J. Reports 2025, General List No. 187.
- International Law Commission. (2001). *Draft articles on responsibility of States for internationally wrongful acts, with commentaries. Yearbook of the International Law Commission, 2001, Vol. II, Part Two*.
- International Tribunal for the Law of the Sea. (2024, May 21). *Request for an Advisory Opinion submitted by the Commission of Small Island States on Climate Change and International Law*, Advisory Opinion, Case No. 31.
- Leghari v. Federation of Pakistan, W.P. No. 25501/2015, Lahore High Court (2015).
- M.K. Ranjitsinh v. Union of India, 2024 INSC 280 (India).
- Minister for the Environment v. Sharma, [2022] FCAFC 35 (Austl.).
- Pabai Pabai v. Commonwealth of Australia (No. 2), [2025] FCA 796 (Austl.).
- Pakistan Climate Change Act, 2017.
- Pakistan. (2025, September 24). *Pakistan NDC 3.0*. United Nations Framework Convention on Climate Change.
- Paris Agreement, Dec. 12, 2015, 3156 U.N.T.S. 79.
- Peel, J., & Osofsky, H. M. (2015). *Climate change litigation: Regulatory pathways to cleaner energy*. Cambridge University Press.
- R (Friends of the Earth Ltd) v. Secretary of State for Business, Energy and Industrial Strategy [2022] EWHC 1841 (Admin).
- R (Friends of the Earth Ltd) v. Secretary of State for Energy Security and Net Zero [2024] EWHC 995 (Admin).
- Rajamani, L. (2016). The 2015 Paris Agreement: Interplay between hard, soft and non-obligations. *Journal of Environmental Law*, 28(2), 337–358. <https://doi.org/10.1093/jel/eqw015>
- Shehla Zia v. WAPDA, P.L.D. 1994 S.C. 693 (Pak.).
- Trail Smelter Arbitration (United States v. Canada), 3 R.I.A.A. 1905 (1941).
- United Nations Convention on the Law of the Sea, Dec. 10, 1982, 1833 U.N.T.S. 3.
- United Nations Framework Convention on Climate Change, May 9, 1992, 1771 U.N.T.S. 107.
- United Nations General Assembly. (2023). *Resolution 77/276, Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change*.
- Voigt, C. (2016). The Paris Agreement: What is the standard of conduct for parties? *Questions of International Law*, 26, 17–28.
- Wewerinke-Singh, M. (2019). *State responsibility, climate change and human rights under international law*. Hart Publishing.

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