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FROM ENVIRONMENTAL RIGHT TO DISPLACEMENT REMEDY: ARTICLE 9A AND A RIGHTS-BASED FRAMEWORK FOR CLIMATE-INDUCED INTERNAL DISPLACEMENT IN PAKISTAN

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Abstract

Climate displacement exposes a structural weakness in environmental and disaster law: a State may recognise environmental harm, regulate disaster response and guarantee an environmental right without clearly defining what is owed to a person whose home, land or livelihood has become unsafe. Pakistan presents an important post-2024 case. Its courts had already derived environmental protection from the constitutional rights to life and dignity before the Twenty-Sixth Constitutional Amendment inserted Article 9A, expressly entitling every person to a clean, healthy and sustainable environment. The Supreme Court has since treated that guarantee as an operative fundamental right. Yet the consequences of Article 9A for internally displaced persons remain uncertain. This article argues that climate-induced internal displacement should be understood not only as a humanitarian or disaster-management problem but as a continuity-of-rights problem. Internal movement changes a person's location without suspending constitutional citizenship. Reading Article 9A with Articles 9, 14, 15, 23, 24 and 25 provides a constitutional basis for protecting displaced persons across the displacement cycle. The article proposes a five-stage framework - Prevention, Evacuation, Protection, Relocation and Durable Solution - and identifies the different constitutional interests and procedural safeguards that intensify at each stage. The framework does not make the State an insurer against every climate loss. Instead, it seeks to connect Pakistan's environmental constitutionalism, disaster institutions and climate governance around the displaced rights-holder.

Keywords: *Climate Displacement; Article 9A; Internal Displacement; Climate Justice; Environmental Rights; Disaster Law; Fundamental Rights; Pakistan.*

I. FROM ENVIRONMENTAL HARM TO DISPLACEMENT: THE CONSTITUTIONAL PROBLEM

Imagine a family living in a flood-prone district of Pakistan. Repeated flooding eventually makes its home unsafe. The family leaves, not for another country but for another district. Its members remain Pakistani citizens. They have crossed no international border and acquired no new nationality. Constitutionally, they remain holders of the same fundamental rights they possessed before leaving home. Materially, almost everything has changed. The house may have disappeared. Agricultural land may remain submerged or degraded. Documents proving identity or ownership may have been lost. Children may no longer attend school. Employment may have vanished with the local economy. Temporary shelter may depend on administrative relief.

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Returning may be dangerous, while permanent relocation may require land the family does not possess.

What precisely does Pakistani law owe this family? The question exposes a distinction between responding to a disaster and protecting a displaced person. Pakistan possesses disaster-management institutions, climate legislation and a substantial body of environmental constitutional jurisprudence. Article 9A now expressly guarantees every person a clean, healthy and sustainable environment. Yet none of those propositions alone answers the displaced family's most immediate legal questions: what safeguards govern evacuation; what minimum protection applies during prolonged displacement; what happens to property and livelihood; when may return be prevented; and what legal conditions should govern permanent relocation?

The scale of the issue is not abstract. Pakistan's official 2022 Post-Disaster Needs Assessment reported that the floods affected about 33 million people and displaced nearly eight million, while damaging housing, livelihoods and infrastructure on a massive scale. Those figures illustrate why displacement cannot be treated as a brief interval between rescue and return. This article calls the unresolved legal space the displacement-remedy gap: the distance between recognising environmental and disaster risks and organising enforceable protection around the individual after those risks produce displacement. Pakistan's environmental Constitution developed before Article 9A. In Shehla Zia v WAPDA, the Supreme Court interpreted constitutional "life" broadly rather than confining it to biological existence, and used precautionary environmental reasoning in the face of scientific uncertainty. In Asghar Leghari v Federation of Pakistan, the Lahore High Court connected governmental delay in climate-policy implementation with Articles 9 and 14 and treated adaptation as a constitutional concern. Article 9A then supplied an express textual environmental entitlement.

The post-amendment jurisprudence matters. In Mehar Badshah v Government of Khyber Pakhtunkhwa, decided days after the Twenty-Sixth Amendment, the Supreme Court noted Article 9A's elevation of environmental protection to fundamental-right status and reiterated that a life worth living requires a sustainable environment. The doctrinal trajectory is therefore no longer merely inferential: environmental quality has become express constitutional text. The central argument of this article is nevertheless narrower than the proposition that climate change implicates fundamental rights. It asks what happens after environmental vulnerability disrupts habitation itself.

The answer proposed here is a principle of continuity of rights. Internal displacement changes physical location, not constitutional status. A flood-displaced citizen does not cease to possess the right to life because she enters a temporary settlement. A child does not lose constitutional protection because his school was destroyed. A farmer's property interests do not become legally irrelevant merely because a river has altered its course. Dignity does not disappear when the home becomes uninhabitable. The constitutional problem of climate displacement is therefore not principally the need to invent a new class of persons possessing entirely new rights. It is the danger that existing rights become practically inaccessible when environmental disruption separates people from home, property, livelihood, community and public services.

This perspective also explains why disaster management is not identical to rights protection. Disaster law asks which institutions should prepare for, mitigate and respond to emergencies. A rights-based displacement framework asks what is owed to the person moving through those institutions and through time. The two inquiries overlap but are not interchangeable. The article develops that proposition through five stages: Prevention, Evacuation, Protection, Relocation and

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Durable Solution. Before presenting the model, however, the law must first identify the kind of movement to which it applies.

II. FROM SHEHLA ZIA TO ARTICLE 9A: RECONSTRUCTING THE CONSTITUTIONAL ARCHITECTURE

Pakistan's displacement problem cannot be resolved by searching the Constitution for a single clause expressly mentioning climate-displaced persons. The stronger doctrinal argument is cumulative. Article 9A supplies an express environmental right. Article 9 protects life and liberty; Article 14 protects dignity and the privacy of home; Article 15 protects movement and residence subject to lawful restrictions; Articles 23 and 24 protect property interests; and Article 25 guarantees equality before law and equal protection. Climate displacement may engage several of these rights simultaneously. Article 9A changes the starting point. Before 2024, environmental protection was substantially derived from Articles 9 and 14. That jurisprudence remains important, but environmental quality now has independent textual status within the chapter on fundamental rights. The amendment should not be understated: courts no longer need to derive the existence of an environmental entitlement entirely from "life." Nor should it be overstated. Article 9A does not specify compensation rules, create an IDP status, establish relocation procedures or make the State strictly liable whenever climate harm occurs. It is best understood as a constitutional anchor rather than a complete displacement code.

Article 9 remains central. Climate displacement threatens life before, during and after movement. Before displacement, foreseeable flooding, extreme heat or other hazards may create serious risks. During evacuation, delayed warnings or unsafe routes may threaten life directly. Afterwards, unsafe shelter, water, sanitation and healthcare may create new threats even when the original hazard has passed. A continuity-of-rights approach therefore refuses to reduce Article 9 to rescue alone. Article 14 adds a different dimension. Displacement physically disrupts the home, but dignity does not disappear with the building. Emergency administration can inadvertently reduce people to units of relief distribution. A dignity-based approach instead treats them as rights-bearing individuals whose privacy, family relationships, autonomy and community ties remain legally significant. A roof may provide emergency shelter while prolonged overcrowding, insecurity and lack of sanitation create serious dignity concerns.

Article 15 operates in both directions. Citizens may need freedom to move and settle elsewhere, while authorities may need temporarily to restrict access to dangerous areas. The constitutional issue is therefore duration, legality and purpose. An emergency prohibition on returning during active flooding is materially different from an indefinite prohibition on returning to ancestral land. The longer and more permanent the intervention, the stronger the justification for transparent authority, reasons and participation. Property presents a particularly difficult issue. Climate-caused destruction should not automatically be equated with State acquisition. A flood may destroy a house without the State depriving its owner of property. It would therefore be doctrinally unsound to convert Article 9A into a general constitutional insurance scheme. But governmental responses may subsequently affect property directly: land may be acquired, reconstruction prohibited, access permanently restricted or communities relocated. Articles 23 and 24 then become directly relevant. The framework must distinguish climate-caused loss from State-imposed deprivation or acquisition following displacement.

Article 25 addresses the unequal distribution of displacement burdens. Neutral administrative requirements can operate unequally when documents have been destroyed, tenure is informal or groups already face barriers to ownership and public services. Equality does not eliminate verification requirements, but it does require attention to whether administrative design

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arbitrarily excludes those whose vulnerability is itself a consequence of displacement. The statutory framework adds institutions but does not eliminate the organisational gap. The National Disaster Management Act 2010 establishes national, provincial and district disaster-management structures and provides a framework for prevention, mitigation, preparedness, response and recovery. The Pakistan Climate Change Act 2017 establishes institutions and mechanisms for adaptation, mitigation and implementation of climate obligations. These statutes are indispensable, but they are principally organised around governmental functions and institutions.

The significance of Mehar Badshah should nevertheless be kept within its proper limits. The case did not concern climate displacement, resettlement or compensation. It therefore cannot be cited as authority for a constitutional right to relocation assistance or a particular remedy. Its importance for this article is more foundational. First, it confirms that Article 9A is not merely aspirational language located among the Principles of Policy; it sits within the chapter on Fundamental Rights and was immediately treated by the Supreme Court as constitutionally consequential. Second, the Court connected the new text with the pre-existing expansive interpretation of Article 9 rather than treating Article 9A as a doctrinal rupture. That continuity supports reading environmental protection alongside, rather than in place of, life, dignity, property and equality. This distinction affects remedies. A constitutional environmental right can influence the legality of governmental decisions without dictating a single remedy in every case. A court reviewing failure to implement a statutory evacuation plan, for example, confronts a different remedial question from a court reviewing permanent acquisition of land for relocation. Similarly, a challenge to unsafe conditions in a displacement site differs from a claim seeking compensation for a house destroyed directly by floodwater. The constitutional provisions engaged may overlap, but the legal cause of the injury and the appropriate relief differ.

A stage-specific approach therefore helps discipline Article 9A. It avoids two opposite errors: making the provision so abstract that it adds nothing to displacement protection, or making it so expansive that every climate-related hardship becomes an automatically compensable constitutional wrong. Article 9A should instead affect the standard against which governmental conduct is assessed where the State possesses legal authority, makes decisions affecting displaced populations, or implements adaptation and recovery programmes. The framework is also consistent with constitutional separation of functions. Recognition of a right does not mean that courts possess superior expertise in hydrology, urban planning or disaster logistics. Judicial enforceability can focus on legality, rationality, non-discrimination, statutory implementation and minimum constitutional protection while leaving technically contestable policy choices primarily to the responsible institutions. Leghari itself is instructive in this respect: its significance lies not in the court designing climate policy from first principles, but in judicial insistence that existing governmental climate commitments could not remain indefinitely unimplemented.

The resulting structure has three layers: constitutional rights, disaster administration and climate governance. Climate displacement lies at their intersection. The problem is not that displaced persons possess no rights or that Pakistan has no relevant law. It is fragmentation without a displacement-specific organising principle. Recent scholarship confirms the need to state the contribution carefully. Pakistan-focused studies have already identified human-rights gaps, institutional fragmentation, documentation problems, resettlement needs and the absence of comprehensive recognition for climate-displaced populations. Empirical research on Karachi and Lahore also reports forms of legal and administrative invisibility among flood-displaced households. The contribution of this article is therefore not the generic claim that Pakistan needs

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better climate-displacement protection. It is the post-Article-9A attempt to organise existing constitutional commitments through continuity of rights and a stage-specific legal test.

III. DEFINING THE PROTECTION GAP: CLASSIFICATION, RELIEF AND CONTINUING DISPLACEMENT

The expression "climate refugee" is rhetorically powerful but legally awkward for the problem examined here.Conventional refugee law is organised around cross-border protection and a definition structured by persecution.Most Pakistanis displaced by floods, drought, erosion or other climate-related hazards remain within Pakistan. Their principal legal relationship continues to be with their own State. The UN Guiding Principles on Internal Displacement provide a better conceptual starting point. They describe internally displaced persons as persons or groups forced or obliged to flee or leave their homes or habitual residence, including because of natural or human-made disasters, without crossing an internationally recognised State border. The definition is useful because it does not confine internal displacement to conflict and does not require a new international legal personality.

Climate-related movement nevertheless complicates classification. Sudden-onset displacement is comparatively visible: a flood, cyclone or landslide creates an immediate threat and people leave. Slow-onset processes are harder. Repeated drought may destroy agricultural viability; erosion may gradually consume land; water scarcity may make continued residence increasingly untenable. A household may first sell livestock, incur debt, send one member elsewhere for work and only later abandon the place of habitual residence. A workable framework should therefore avoid demanding an artificially pure causal relationship.Human mobility ordinarily results from interacting environmental, economic and social factors. The relevant inquiry is whether a climate-related environmental hazard materially contributed to necessity-driven movement and created displacement-specific protection needs. A family should not have to prove the precise percentage by which anthropogenic climate change caused a particular flood before displacement protections become relevant.

Not every environmentally influenced movement is displacement. Some migration is voluntary, anticipatory and adaptive.The legal focus should therefore be on constraint, serious risk and protection need rather than on the mere presence of an environmental factor. Over-expanding the category would make it administratively unworkable. State-directed movement requires another distinction. Emergency evacuation may be necessary to protect life, and Article 15 itself permits reasonable restrictions on movement imposed by law in the public interest.But temporary evacuation and permanent relocation are not the same legal act. Removing a population from imminent danger may require rapid decisions. Determining that a community will never return implicates home, property, livelihood, culture and participation on a much more permanent basis.

Planned relocation should consequently be treated as a distinct legal moment. A technically safer destination can still create poverty, insecure tenure, loss of livelihood and social exclusion. Climate adaptation must protect people not only from governmental inaction but also from maladaptive governmental action. For this article, a climate-displaced person is therefore understood functionally as a person or group compelled or substantially constrained to leave a home or habitual residence, while remaining within Pakistan, where a sudden- or slow-onset environmental hazard associated with climate vulnerability materially contributes to the movement and creates displacement-specific protection needs. The definition is not proposed as a new refugee status. Its purpose is to identify when the stage-specific framework becomes

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relevant. Climate displacement is a condition generating particular protection needs, not a permanent constitutional identity.

A. When Relief Ends but Displacement Does Not

The practical gap becomes clearest when time is introduced into the analysis. Disaster governance is strongest at the moment of emergency. A flood occurs; authorities rescue people, establish shelters, distribute food and provide medical assistance. Those actions are indispensable. But displacement may continue long after the emergency designation loses salience. A family whose house is destroyed initially needs food, water and shelter. Months later it may need replacement documents, schooling, employment, land access and a decision about reconstruction. Years later the legal questions may concern secure tenure, permanent settlement and whether return is environmentally sustainable. The disaster may end before the displacement does. This temporal mismatch explains why relief, although essential, is not a durable solution. A tent can be appropriate emergency shelter without being adequate housing indefinitely. Food distribution may protect life during an emergency but cannot substitute permanently for livelihood. The objective of displacement law should be restoration of ordinary rights-bearing citizenship, not permanent humanitarian dependency.

Documentation illustrates the problem. Disasters may destroy identity papers, land records and educational documents. The person most affected can become least able to prove entitlement because the evidence required by the administrative system was destroyed by the same event. Verification remains legitimate, but ordinary procedures may require adaptation after mass displacement. Accessible replacement systems and alternative forms of proof should therefore form part of preparedness. Property and compensation present another gap. Compensation can assist recovery, but it cannot answer every property problem. Ownership may be informal; replacing a structure may not restore agricultural livelihood; rebuilding in the same location may reproduce risk; and relocation may require secure tenure at the destination. The legal questions are therefore broader than "how much compensation": what interest was lost, who held it, whether reconstruction is safe, and what property security accompanies relocation.

Relocation presents the sharpest risk of protective action becoming dispossession. Moving people away from a hazard may appear self-evidently beneficial, yet a new site can be physically safer while destroying access to land, markets, employment or community networks. Reducing exposure is not by itself enough to establish rights-compliant relocation.Necessity, alternatives, consultation, destination conditions, tenure and livelihood matter. Participation should intensify with permanence. Authorities facing an imminent flood cannot conduct months of consultation before evacuation. Permanent relocation is different. A useful procedural principle follows: the greater the immediacy of danger, the greater the permissible scope for rapid unilateral action; the more permanent the intervention, the stronger the requirements of participation, reasons and review.

Return creates a related problem. Physical return does not necessarily end displacement. Rebuilding in a repeatedly devastated area without reasonable adaptation may restart the cycle of destruction, relief and return. Conversely, a government should not prevent return indefinitely merely because a disaster once occurred. The appropriate inquiry is whether return is voluntary, reasonably safe and sustainable. Where return is no longer feasible, temporary legal arrangements cannot persist forever. Permanent settlement requires residence security, livelihood, services and integration. The IASC Framework on Durable Solutions captures the underlying idea: displacement-specific protection needs end when displaced persons can enjoy

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human rights without discrimination arising from displacement, whether through sustainable return, local integration or settlement elsewhere.

Article 9A matters across this temporal spectrum. It may inform prevention before movement, environmental conditions in displacement sites, reconstruction decisions and the sustainability of relocation destinations. Its role is not to guarantee immunity from climate harm but to ensure that environmental constitutionalism does not stop at the moment a person is forced to leave home.

IV. INTERNATIONAL PRINCIPLES WITHOUT LEGAL TRANSPLANTATION

The UN Guiding Principles provide a useful architecture because they organise protection around the displaced person rather than a particular agency. They address protection against displacement, protection during displacement and return, resettlement and reintegration. They also place primary responsibility for protection and assistance on national authorities. For Pakistan, their value is interpretive and structural rather than a substitute for domestic constitutional law. International principles can identify recurring protection problems; Pakistani constitutional law explains why they matter domestically; legislation and institutional design determine who must implement them.

The Guiding Principles' concern with arbitrary displacement is especially useful. Climate movement is often described as purely "natural," but governmental decisions affect whether and how people move. Failure to implement reasonable risk-reduction measures may worsen avoidable displacement, while evacuation and relocation programmes may themselves compel movement. The relevant questions are therefore why movement was necessary, under what authority it occurred, whether less disruptive alternatives were reasonably considered, and what safeguards accompanied it.

International durable-solutions practice also helps resist an automatic preference for return. The IASC framework recognises sustainable return, local integration and settlement elsewhere as possible pathways.This is particularly important for climate displacement because the original location may remain dangerously exposed even after the immediate emergency. International climate justice and domestic displacement justice must nevertheless remain analytically distinct. Pakistan may legitimately seek greater international climate finance and equitable burden-sharing while simultaneously bearing constitutional responsibility for the way its own institutions evacuate, assist, relocate and resettle persons within its jurisdiction. Global responsibility does not erase domestic legality.

The comparative lesson is therefore structural: organise law around the displacement cycle. The next section translates that lesson into a Pakistan-specific constitutional framework.

V. THE CONTINUITY-OF-RIGHTS FRAMEWORK: PREVENTION → EVACUATION → PROTECTION → RELOCATION → DURABLE SOLUTION

This article proposes five linked stages: Prevention, Evacuation, Protection, Relocation and Durable Solution. The model is normative; it is not presented as a description of obligations already codified in this form. Its purpose is to connect existing rights and institutions to the changing legal needs of the displaced person.

A. Prevention

The first stage begins before movement. Article 9A, read with Article 9 and the preventive reasoning of Shehla Zia and Leghari, supports governmental attention to serious and foreseeable displacement risks. The obligation should be one of reasonable risk reduction, not guaranteed prevention. Depending on statutory responsibility and context, relevant measures may include risk mapping, warning systems, resilient infrastructure, drainage and protective works, accessible

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risk information, land-use regulation and implementation of adaptation plans.The trigger should be reasonably foreseeable serious risk, not certainty that a disaster will occur on a particular date. Judicial review should remain supervisory. Courts can examine whether legally assigned duties were ignored or implementation became irrationally delayed without themselves selecting engineering technologies or designing flood barriers.

B. Evacuation

Where prevention cannot remove imminent danger, evacuation may become necessary. Article 9 supports rapid measures to protect life; Article 15 ensures that interference with movement and residence remains legally significant. A rights-compatible evacuation should therefore rest on lawful authority, a genuine protective purpose, necessity and proportionality, and reasonable protection during movement.Urgency affects procedure: imminent danger may justify limited prior consultation, but information concerning risk, routes and destinations should be provided where practicable. Particular attention should be paid to persons unable to evacuate independently and to family unity. Most importantly, emergency evacuation should not silently become permanent relocation. Once immediate danger subsides, continued exclusion requires a distinct justification.

C. Protection During Displacement

Displacement does not suspend citizenship. Minimum protection should aim at conditions compatible with life and dignity, including safe shelter, potable water, sanitation, essential healthcare, security, documentation and reasonable continuity of education. Article 9A adds an environmental dimension. Moving a population away from floodwater only to place it for prolonged periods in a settlement with unsafe water or serious sanitation hazards can replace one environmental danger with another. Article 25 should guide distribution and registration. Neutral criteria should be reviewed where displacement-specific circumstances make them arbitrarily exclusionary. Documentation replacement should be accelerated, with reasonable alternative verification where records have been destroyed. The principle is straightforward: displacement may justify temporary administrative arrangements, but it should not create administrative invisibility.

D. Relocation

Relocation deserves its own stage because its consequences are more permanent than evacuation. Where authorities conclude that sustainable return is not reasonably possible, stronger procedural safeguards should apply. A rights-compatible process should address necessity, reasonable alternatives, meaningful consultation, destination safety, security of tenure, access to services, property consequences, livelihood restoration and preservation of community relationships where reasonably possible. Consultation need not amount to an absolute veto. Serious environmental risk may make continued habitation untenable. But affected persons should have a meaningful opportunity to understand the basis of the decision, present alternatives and influence choices that restructure their lives.

Property treatment should be legally explicit. Climate-caused destruction, humanitarian assistance, State acquisition and compensation for governmental deprivation are different legal categories. Keeping them distinct prevents Article 9A from becoming an unlimited compensation clause while preserving Articles 23 and 24 where governmental action directly affects protected property interests. Livelihood is equally important. A farming community moved to physically safer land without productive opportunities may be less exposed but more economically insecure. Relocation is not durable merely because houses have been constructed.

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E. Durable Solution

The final stage asks when displacement has actually ended. Leaving a camp is insufficient. Termination of relief is insufficient. Even reconstruction may be insufficient if people remain exposed to severe displacement-specific disadvantages. The test should be functional: displaced persons should be able sustainably to exercise ordinary rights without substantial disadvantage linked to their displacement.Depending on circumstances, that may occur through safe return, local integration or settlement elsewhere. Article 9A should inform the sustainability inquiry where governmental reconstruction or relocation determines the environmental conditions in which people will live. The State should not knowingly reproduce severe and reasonably avoidable vulnerability. The aim is not merely to build back, but to build back safer.

F. Triggers, Evidence and Proportionality in Practice

For the framework to be judicially useful, each stage also requires an identifiable trigger. Prevention is engaged by a serious and reasonably foreseeable risk of displacement within the responsibility of a public authority. Evacuation is triggered by an imminent or sufficiently immediate danger requiring protective movement. Protection applies once persons have been displaced and possess needs materially connected with that displacement. Relocation is engaged when governmental decision-making moves beyond temporary safety and contemplates long-term or permanent settlement. Durable-solution analysis becomes necessary when authorities propose to end displacement-specific assistance, facilitate return, support local integration or establish settlement elsewhere.

These triggers matter because they prevent the framework from becoming an undifferentiated list of State obligations. The content of reasonable governmental action changes with urgency, permanence and available information. The same degree of consultation cannot be demanded before an emergency evacuation and before permanent relocation. The same housing standard cannot necessarily be expected on the first night of a disaster and after years of prolonged displacement. Constitutional protection is continuous, but its practical requirements are contextual.

Evidence should likewise be stage-sensitive. Courts reviewing preventive inaction may examine official risk assessments, statutory plans, warning data and implementation records. Challenges to evacuation may focus on legal authority, the factual basis for danger and the treatment of affected persons. Relocation disputes may require evidence concerning environmental risk at the original location, alternatives, consultation, tenure at the destination and livelihood consequences. Durable-solution decisions should consider conditions on the ground rather than relying only on an administrative declaration that a camp or relief programme has closed.

This evidentiary approach also protects public authorities from unrealistic hindsight review. A disastrous outcome does not itself prove that every prior decision was unlawful. Climate events contain uncertainty. The question should be whether the authority acted reasonably on information and legal duties available at the relevant time.

VI. FROM FRAMEWORK TO IMPLEMENTATION: SAFEGUARDS, RESOURCES AND DUTY-BEARERS

One safeguard runs through all five stages: the intensity of reasons, participation and review should increase with the permanence and seriousness of governmental action. Not every emergency operational decision can receive formal adjudicative treatment. But long-term decisions - permanent relocation, denial of return, compulsory acquisition or exclusion from major recovery benefits - should rest on identifiable legal and factual reasons and permit

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meaningful review. The framework could be implemented through dedicated displacement legislation or through amendments to disaster-management and provincial frameworks. This article does not insist on one legislative vehicle. The essential requirements are clearer allocation of responsibilities, minimum safeguards and coordination between climate governance, disaster administration and constitutional rights.

A right without an identifiable duty-bearer can become administratively meaningless. The appropriate judicial role is correspondingly supervisory rather than managerial. Courts should be capable of asking whether authorities acted lawfully, implemented mandatory duties, considered relevant constitutional interests, avoided arbitrary discrimination and gave adequate reasons for permanent decisions. They should ordinarily avoid managing evacuation routes, technical infrastructure or detailed disaster budgets.

A. Resource Constraints and Minimum Constitutional Protection

Pakistan's fiscal and administrative constraints cannot be ignored. A rights-based framework that assumes unlimited resources would be normatively attractive but institutionally fragile. Yet resource constraints cannot mean that constitutional rights disappear whenever protection is expensive. The appropriate distinction is between progressive policy ambition and minimum legal safeguards. Courts need not prescribe an ideal house, income level or climate-adaptation technology. They can still scrutinise arbitrary exclusion from assistance, prolonged failure to implement mandatory duties, relocation without lawful authority, discriminatory distribution, or decisions exposing displaced persons to serious and avoidable threats without adequate reasons.

Resource scarcity should therefore influence how an obligation is implemented, but it should not automatically answer whether an obligation exists.Where several reasonable measures are available, administrators should retain latitude to choose among them. Where the State has adopted a statutory duty or programme and then applies it arbitrarily, the argument from scarce resources is substantially weaker. This approach also supports prioritisation. Article 25 and the dignity component of Article 14 permit attention to persons facing heightened barriers, including children, persons with disabilities, households lacking documentation and others whose displacement-specific circumstances make formally equal procedures practically inaccessible. A rights framework need not promise identical outcomes to require non-arbitrary and needs-sensitive administration.

B. Federalism and Identifiable Duty-Bearers

Implementation must finally confront Pakistan's federal structure. Disaster management, land, local administration, housing, social protection and climate adaptation may involve different institutions and levels of government. Institutional plurality is not inherently defective; provincial and local authorities may possess knowledge and implementation capacity unavailable at the centre. The danger is responsibility becoming so fragmented that no institution can be held answerable for a particular stage. Future legislation or amendments should therefore map responsibilities onto the displacement cycle. The relevant question should be identifiable in advance: which authority is responsible for warning and evacuation; which registers displaced households; which restores documentation; which decides whether return is unsafe; which acquires or allocates relocation land; which institution hears objections; and which monitors whether a durable solution has actually been achieved?

This is where the five-stage model becomes more than a taxonomy. It can function as an accountability map. By linking each stage to a trigger, constitutional interests and an identifiable public duty-bearer, the framework converts the general language of climate justice into questions

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capable of legal and administrative determination. The entire model can therefore be reduced to one continuity-of-rights inquiry:

Has the State's response preserved, as reasonably as circumstances permit, the displaced person's practical ability to continue enjoying constitutional rights throughout the displacement process?

Before displacement, continuity may require reasonable prevention. During evacuation, lawful protection of life. During displacement, conditions compatible with life and dignity. During relocation, stronger participation and protection of property, livelihood and equality interests. At the durable-solution stage, restoration of ordinary citizenship without continuing displacement-specific disadvantage. The framework does not promise a climate-proof life. It prevents environmental disaster from becoming a point of constitutional discontinuity.

VII. CONCLUSION: WHEN THE CONSTITUTION MUST MOVE WITH THE CITIZEN

Climate displacement presents an unusual constitutional problem. A person may lose a home without losing citizenship, leave a district without crossing an international border, and depend on emergency assistance while formally retaining the same fundamental rights as every other citizen. That is why the domestic problem is poorly captured by the search for a new category of "climate refugee." The stronger question is whether existing rights remain practically meaningful when environmental disruption separates people from home, property, livelihood and public services.

Pakistan's constitutional development makes that question increasingly difficult to avoid. Shehla Zia established an expansive environmental dimension to constitutional life. Leghari brought climate adaptation and governmental implementation within fundamental-rights analysis. Article 9A now expressly guarantees a clean, healthy and sustainable environment, and Mehar Badshah confirms that the Supreme Court has begun treating the provision as operative constitutional text. Yet Article 9A does not itself supply a displacement code. Disaster and climate statutes provide institutions and powers, while recent scholarship has already documented legal fragmentation and protection gaps. The unresolved task is to organise these elements around the displaced rights-holder.

This article has proposed continuity of rights as that organising principle and a five-stage framework of Prevention, Evacuation, Protection, Relocation and Durable Solution. The model deliberately rejects two extremes. It does not make the State strictly liable for every climate loss, and it does not allow constitutional protection to disappear behind the language of emergency relief. The framework also preserves institutional boundaries. Courts should enforce legality, rights, reasons and statutory duties without becoming disaster-management agencies. Legislatures and executives retain the principal role in designing adaptation, relief and relocation systems.

International climate justice remains essential. Pakistan may simultaneously be a climate-vulnerable State entitled to demand greater international support and a constitutional State responsible for the legality of its treatment of persons displaced within its territory. Neither proposition cancels the other. The deeper test of Article 9A may therefore arise not only when citizens seek cleaner air or safer water, but when environmental conditions make continued habitation impossible. At that moment, the central constitutional question becomes simple: do rights remain attached to the abandoned place, or do they travel with the person forced to leave it? Pakistan's climate-displacement law should be built around the latter proposition.

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