

Environmental Law and Institutions in Pakistan

INTRODUCTION:

The country of Pakistan is but one of the many world nations that has been confronted with growing environmental concerns. The diverse range of issues that affects Pakistan has meant that this nation must adapt its legislative, institutional and judicial frameworks to accommodate the increasingly problematic, and sometimes dire, environmental scenario. The South Asia region is comprised of Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka. Given that these countries share similar economic, social and cultural contexts, the environmental maladies that confront each are also of a similar nature. In particular one can identify the systemic issues confronting each of these areas within the South Asian region. High population growth has consequentially increased urbanisation, as those seeking to alleviate their poverty migrate to urban areas for employment and other opportunities. This concentration of population within urban centres exacerbates the strain on the environment and natural resources, which in turn causes additional environmental problems to arise. Furthermore South Asia is also home to a significant but decreasing array of terrestrial and marine biodiversity, which demonstrates the growing number of environmental challenges that must be addressed in this region.

ENVIRONMENTAL ISSUES AFFECTING PAKISTAN

Despite this general situation of environmental concern that confronts the South Asian region as a whole; Pakistan suffers from environmental problems that have more prevalence in this country than in others. It is necessary to explore these issues to gauge the effectiveness of any legislative, institutional and judicial responses and if more is warranted to address the issue of concern. Of particular

importance in Pakistan is the extraordinary growth of gaseous emissions in the nation. Although this problem is largely confined to urban centers and industrial areas due to large amounts of vehicular, domestic and industrial emissions, air quality has been severely degraded and atmospheric pollution in the nation is so high that Pakistan has one of the world's worst levels of pollution. Of even greater concern is that the trend of atmospheric degradation is increasing and air quality standards are deteriorating rapidly. In an effort to curb this problem the Government of Pakistan and its subsidiary agencies and institutions have collaborated to control the discharge and emission of pollution. In particular, Pakistan has been developing National Environmental Quality Standards,

2 Executive Summary Environmental Law and Institutions in Pakistan which are relevant to the levels of acceptable emissions from industrial, domestic and vehicular source in the nation. In addition, a number of ordinances have also been implemented, which fortifies the governmental control over air pollution and provides a basic regime for governing bodies and agencies to enforce these provisions cooperatively and effectively. Another issue of great concern is the absence of any satisfactory waste disposal and management facilities in Pakistan, which is compounded in those areas with a higher density of human population. The systemic issues of poverty and urbanization has only served to exacerbate the problems in the country, especially as the current institutional systems are not equipped to cope with the complex challenges of the urban sprawl. In Pakistan the present system of waste management is far from uniform and varies from purely manual street sweeping and scavenger systems to more mechanised and efficient apparatuses. The lack of funding and great disorganisation between local, municipal, regional, provincial and federal levels of government has meant that practically half of the amount of solid waste disposed of is not removed. Thus, a cycle of poor sanitation, increased insect numbers and the spread of disease to

humans is created, which has the negative effects on other areas, such as increased pressure on the health system and polluted water ways. In the absence of sufficient awareness campaigns and alternative measures of domestic and industrial waste disposal such environmental and systemic problems will not abate. It is now feared that Pakistan has the world's second highest rate of deforestation. This has led to the elimination of trees, flora, and fauna and has serious implications for the survival of many animal habitats and the conservation of Pakistan's otherwise rich biodiversity. As almost 70% of the population resides in rural areas a great many people directly and indirectly depend on natural resources for survival. Destruction of biodiversity means basic resources such as water, air and viable agriculture will be degraded and the consequences of this can be devastating. Furthermore, on an economic level the conservation of biodiversity is central to endeavours such as eco-tourism, where natural wildlife, habitats, eco-systems and resources are crucial to a successful tourism industry.

JUDICIAL, CONSTITUTIONAL AND INSTITUTIONAL RESPONSES TO ENVIRONMENTAL CONCERNS

In light of the fundamental need for conservation of biodiversity in Pakistan, there has been a move to implement provisions and strategies to facilitate the protection of this basic resource. The fact that Pakistan is a Party to the Convention on Biological Diversity demonstrates its commitment to achieving sustainable development and protection of natural resources in the region. In an effort to implement the aims of the Convention measures of protection, such as the creation of protected areas, sanctuaries and the imposition of penalties for breach of the legislative provisions, have provided a basic framework for conservation of biodiversity. Furthermore, Pakistan's commitment to biodiversity is manifest in the network of international protocols, conventions and treaties

Executive Summary Environmental Law and Institutions in Pakistan that it has signed and ratified into domestic legislation. There are two pieces of legislation enacted by the Pakistani government that are intended to provide an overriding legislative framework for environmental issues: the Pakistan Environmental Protection Ordinance 1983 and the Pakistan Environmental Protection Act 1997. These Acts are complimented by the implementation of various other Rules and Ordinances that provide a framework for dealing with the many complex environmental issues that confront Pakistan as a nation. To administer these laws, the Government of Pakistan has established an institutional framework. For example, Pakistan Environmental Protection Agencies (PEPAs) have been established in all four of the nation's provinces to promote the overriding objectives of conservation, sustainable development and improve the decision making process. This role is particularly important in the context of increased development and industrial activity, as there is a need for firm consideration of the appropriateness of any proposed activity. At the federal level the Ministry of Environment is the main institution that deals with issues relevant to the environment. It has divisions dedicated to the environment, urban development and wildlife and is responsible for the coordination of its derivative institutions, such as the Pakistan Environmental Protection Council (PEPC) and the Environmental Protection Agency (EPA). The PEPC formulates environmental legislation and the EPA is the agency charged with planning and implementation duties. In the realm of judicial administration and interpretation of environmental legislation there have also been some vital developments. There are emerging procedures for the avoidance or prevention of environmental disputes, which contrast with traditional and historically inadequate processes for dealing with issues of environment. Environmental Tribunals have been instrumental in this process, as they provide better access to redress and have the capacity to enforce the law and impose

appropriate penalties on those who violate the legislative provisions. The superior judiciary, in particular the Supreme Court of Pakistan, has played a positive and constructive role in the development and enforcement of environmental laws and initiatives. Essentially, the right to enjoy a clean environment has been interpreted as inherent within the Constitution, which fortifies not only the fundamental need to protect the environment but expands the right of persons to seek legal redress for environmental wrongs.

CONCLUSION

In this respect it is clear that Pakistan has become more aware of the imperative nature of the environment for the people, the economy and the world. It has entrenched its commitments to this issue through legislation, institutions and its judiciary. Its role as a signatory to important environmental conventions is further testimony to that fact that issues of the environment are of growing concern in Pakistan. While these initial steps are welcome, more is needed to effectively implement the objectives contained within these conventions and domestic laws.