

# Pakistan Environmental Movement Revisited

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## Abstract

Pakistan is a beautiful country having varieties of land-forms, seasons and diversity of life. With these entire valuable gifts from the Allah, there are many other problems concerning the Environment. At the time of inception the Pakistani nation was not familiar with environmental concerns, but since the 1970s after the first international conference on human environment the government formulated its environmental law for the first time in the history of Pakistan. Pakistan Environmental Protection Act was enacted as Law in 1997, which comprised thirty four sections dealing with different matters. Under these sections council, tribunals and agencies for environment were established. As the result of government initiative, the National conservation strategy was formed which addressed fourteen main core areas of environment in order to show its commitment to environmental concerns. Till now Pakistan has signed many multilateral agreements and conventions just to promote a healthy environment not only in Pakistan but also acting globally to protect the environment.

**Key words:** Environmental history, Pakistan, Policy, Act 1997, Ministry of Environment.

## Introduction

Pakistan is located in the south of Asian countries covering 796096 km<sup>2</sup>. Currently Pakistan has 187 million population. Pakistan is a beautiful country having four seasons, landscapes, lakes, rivers, world highest peaks and largest system of canals. Approximately 5.2 percent area of land is cover with farm fields and forest. Around 11.6% of land is allocated as a protected area in concern of conservation practices. Besides a campaign for tree plantation is being carried out for enhancing forest cover in the country. In Pakistan four regular monitoring stations are installed for air pollution. Approximately 37 % of the population is in an urban area. And still urban areas are growing.

The entire Pakistani nation is suffering from different environmental problems like increasing population growth, urbanization, deforestation, habitat destruction, and misguided management of government utilities like sewage problem, flood and surface drainage, scarcity of fresh water, soil contamination and erosion, and weak governmental policies.

Being an agricultural country Pakistan is facing climate change and excessive use of pesticides. Usually it is attributed to insecurity of food and economic loss due to crop failure because of climate variation. An example is the recent flooding in Pakistan by monsoon which are thought to be a result of climate change [1].

Environment legislation was introduced in Pakistan for the first time as the result of the Pakistan constitution of 1973. The National Conservation Strategy (NCS) was formulated which gave a base for the development of sustainable development institute for policy making, as the result of which international donor agencies granted financial assistance to all four provinces for environmental related projects [2].

In Pakistan eight agencies and four provinces (Punjab, Sindh, Balochistan and NWFP) are working for environmental protection. Moreover the Pakistani Government has signed and ratified MEAs and conventions like the Basel Convention, Prior Informed Consent for dangerous pesticide and chemicals, earth summit on organic pollutants, Montreal protocol, Agenda 21, Convention on biological diversity, and convention on endangered species trading in order to dedicate its commitment, being a UN member state, to achieve development goals [3].

Research study was carried out on assessment of the environment in the public sector in 2010, in which the researcher deliberated about the need of environmental concerns. The research was based on how environmental concerns got incorporated in the policy and decision making at the provisional level of Pakistan and what efforts so far have been made in this area regarding environmental movements [4].

One report written by the World Bank on Environmental Assessment of Pakistan has mentioned that Pakistan has an admirable record about conservation and sustainability since 1992 to 2005, but the weak area is its implementation and its challenge for the country [5].

One study was carried out by Rafique on development institution and cleaner production in Pakistan. The study reflected that Pakistan took a sequence of environmental actions after the 1992 conference on environmental development like development of PEPA 1997, NCS, MDF, NEQs and establishment of Environmental Protection Agencies and Environmental Tribunal. After the promotion of environmental activities in Pakistan people became more aware of environmental friendly services and products. That's why cleaner production technologies have been introduced in Pakistan's 250 industries [6].

Runalls revealed in the report of NCS that the environmental movement has been disseminated. The NCS played a vital role in combining and carrying together all dispersed environmental and sustainable development problems and issues under one umbrella and played an effective role in starting the environmental movement in Pakistan [7].

Khan and Khan conducted research on the "Drivers of Change Pakistan" in 2004. This research was based on the environmental movement focusing on regional issues. According to the researcher environmental issues have been politicized by the government, like Dam construction. Few NGOs and little expertise is involved in raising environmental awareness across the country. So Pakistan needs to build links with international environmental institutions so that local awareness and information can be enhanced [8].

### History of Environmental movement

In the beginning people were not much aware of environment, and were not even familiar with the word "Environment". But the Environmental movements have made some significant achievements. The history of environmental law in Pakistan can be divided into three phases:

**Pre-colonial phase:** which was before 1857 when the system of common property rights was prevailing.

**Colonial phase:** which prevailed from 1857 to 1947 when the British government took charge of common right and applied a revenue collection system. In that phase the British Government redistributed land and irrigation among peoples and developed infrastructure like cantonment areas for bureaucrats and colonial officers to create attraction for urban areas. Pakistan introduced a forest policy which the British-Indian Government enacted in 1894. The British India Government also established a policy for exporting raw material like cotton to foreign countries and import of finished products which lead to injudicious use of resources which showed little concern for the environment.

**Post-independence phase starting from 1947:** Environmental laws in Pakistan were not formulated until the 1950s. But the legal system applied in Pakistan until the 1970s was the same as during the British rule. The Government of Pakistan used a policy of British India until 1955. Above and beyond this fact, one important institute was formed at the time of independence named the "Pakistan Forest Institute 1947" which at present works as part of the Ministry of Environment. Since its inception this institute has worked for management of natural renewable resources. Then after one year the government of Pakistan established the zoological survey department which worked on collecting and assembling of information about fauna, its management, conservation, habitat and creating awareness about animals among people through wildlife education. This department also performed advisory duties in order to advise the Government about import and export of wildlife. In 1955 the Pakistani Government formulated its own policy and rules. The best example is National Forest Policy, 1955. However development of environmental law in post-the independence phase in Pakistan can be divided into four periods:

**1962-1965:** In this period the following specific environmental laws were promulgated.

Capital Development Authority Ordinance in 1960

Agricultural Development Bank Ordinance in 1961

Oil and Gas Development Corporation Ordinance in 1961

Islamabad Ordinance (Preservation of Landscape) in 1966

**1970-1976:** In 1972 Land Reform Act, Cutting of Trees (Prohibition) Act, Pakistan Fish Inspection and Quality Control Act were approved by Court. Council for wildlife at the national level was established in 1974 which worked successfully in formulating policies in order to protect and conserve wildlife. NCCW also made a list for the following national parks after consultative process in order to manage them at global standards:

Chiltan Hazarganji National Park (situated in Balochistan)

Chitral Gol National Park (situated in NWFP)

Margalla Hill National Park (situated in ICT)

Kirthar National Park (situated in Sindh)

Khunjerab National Park (situated in Northern Areas)

Lal Sohanra National Park (situated in Punjab)

The Environmental Ministry named "Environment and Urban Division using, workers and urban affairs" was established in 1975 as a follow up of the United Nation Conference on Human Environment, 1972. The Fishery Zone Act was passed in 1975 by the Pakistan Government and in 1976 the first draft of Pakistan Environmental Protection Ordinance, Maritime Zones Act and Territorial Waters act was enacted. Pakistan also signed and ratified agreement of endangered species trading (Convention on International Trade in Endangered Species of Wild Fauna and Flora) and wetland convention on 1976. In 1979 Islamabad Wildlife Ordinance came into being for Protection, Preservation, Conservation and Management.

**1980-1997:** This is a very effective period of environmental law. Policy for Forestry and Wildlife was formed at national level, as part of Agricultural policy. In this period the first PEPO (1983) was promulgated and as follow up of PEPO, PEPC (Pakistan Environmental Protection Council) formed in 1984. Forest Department of NWFP started a program for the conservation of chiltan Markhor hunting in 1983. ENERCON (Energy conservation) was established in 1986 in Islamabad, in order to conserve energy, and for the formulation of policy in concern with environmental parameters. Pakistan signed the Convention on Migratory Species (CMS) in 1987. In 1988-89 EPAs were established at federal and provisional level. In 1992 Pakistan participated in the earth summit (UNCED) in Rio de Janeiro. In that earth summit the Pakistani Prime minister showed the National Conservation strategy (NCS-1980) as Pakistan's commitment to environment after the Stockholm conference and became party to various international environmental conventions and protocols after signing them, such as:

**Convention on Biodiversity 1992:** After signing CBD, Pakistan prepared Biodiversity Action Plan (BAP)

**Agenda 21:** Pakistan signed and adopted Agenda 21 which is based on the 40 chapters related to different environmental issues. One special concern which was addressed by Agenda 21 was environmental education.

**United Nations Framework Convention on Climate Change [UNFCCC]:** When Pakistan signed the UNFCCC in 1992 and ratified it in 1994 then a series of activities were commenced regarding climate issues in Pakistan. The result of these activities include first mega national project on climate change named Asia Least Cost Greenhouse as Abatement Strategy (ALGAS) completed in 1998.

**United Nations Convention to Combat Desertification:** In order to fulfill obligation of this convention Pakistan prepared the National Action Program (NAP) to combat desertification in the country.

In pursuance of earth summit, further NCS (National Conservation Strategy) was developed and approved by the Government of Pakistan on March 1, 1992. NCS determined an environmental improvement agenda for the country. Then the UN awarded a grant to Pakistan through IUCN for the implementation of Sustainable Development Network Program (SDNP). Pakistan also signed the Vienna Convention for the Protection of the Ozone Layer and Montreal Protocol (1987) on Substances that Deplete the Ozone Layer in 1992. Besides this Pakistan Environmental Quality Standards (NEQs) were notified in 1993. PEPA was drafted as well in 1993. In 1993 the government initiated the Tarbela watershed Management Project in order to create cognizance in the local population about management and conservation of environmental resources. This period marks the beginning of judicial activism for the environmental issues by the Pakistani judge. This started with the momentous decision of the supreme court in the Shela Zia case (1994) in which legal rights were established for the people who live close to the polluted sources. Afterwards many other decisions followed this and lead to deferral of polluting operations. In 1994 the court took action in the case of Environmental Pollution in Balochistan after an article was published in a newspaper that the Coastal area of Balochistan was used for dumping nuclear waste. Pakistan is a signatory country of the Basel Convention since 1994. In 1995 Rachna Doab Afforestation Project was proposed and started between river Ravi and Jhelum. The Ministry of Environment, Urban Affairs, forestry and wildlife was established in 1994 then in 1995 the name changed to the Ministry of Environment local Government and Rural Development. Afterwards the Environmental Standards Committee (ESC), NEQs expert advisory committee, National Assembly Standing Committee on Environment, Senate Standing Committee on Environment, Drafts of provincial Environmental protection acts (NWFP and Punjab), Environmental Technology program for industry (ETPI) and Technology Transfer for Sustainable Industrial Development (TTSID) were established. In 1995, Rural Road Construction Project commenced with the help of a Japanese Donor Agency. Fuel Efficiency in Road Transport Sector (FERTS) was anticipated by Government in 1996 to reduce emission of CO<sub>2</sub> and GHGs by improving fuel efficiency.

**1997-update:** With the help of the European Commission, the Pakistani government started a program of Environmental Rehabilitation in NWFP and Punjab in 1997. The objective of this program was to stop the process of environmental degradation in three upland areas: Muree, Kahuta, Kotli Satian, Galiat-Abbottabad and Dir Kohistan.

Pakistan Environmental Protection Act (Dec 1997) was enacted as a replacement of PEPO1983. Act No XXXIV of 1997 was passed by the National Assembly in 1997. This Act had 34 sections that is why it is called Act XXXIV.

In section 1 a short title was given to Act XXXIV of "PEPA 1997". Section 2 defines environment and its related concerns according to Pakistan standards. Pakistan Council (PEPC) was established under section 3 of PEPA1997 and Function and powers of the council were assigned under section 4. Federal EPA, its function and powers were assigned under section 5, 6 and 7 respectively. Similarly, Provincial EPAs were established, powered and functioned under section 8. Provincial Sustainable Fund was established and managed under section 9 and 10 respectively. Section 11 discussed prohibition of certain discharges or emissions. For commencing construction section 12 notified Initial Environmental Examination (IEE) and Environmental Impact Assessment (EIA). Section 13 and 14 describe prohibition of importing and handling of Hazardous waste. Regulation of motor vehicles comes under section 15. An Environmental protection order could be released against any defaulter by the federal agency and penalties to defaulters written under section 16 and 17. Offence by Government Agencies is described by section 18 and 19. Environmental Tribunals its Jurisdiction and Power were established under section 20 and 21. Section 22 and 23 explained how aggrieved persons can make an appeal to the Environmental Tribunal and from an order of the Environmental tribunal. Sections 24, 25, 26 and 27 described the jurisdiction of Environmental Magistrate, appeal from the order of Environmental Magistrate, Power to delegate and Power to give direction. The remaining Section 28, 29, 30, 31, 32, 33 and 34 are written in Act XXXIV for Indemnity, Due recoverable as arrears of Land revenue, Act to override other Laws, power to make rules, Power to amend schedule, Power to make regulation, and Repeal, saving and succession. Then after the establishment of a new Environmental protection council which took the decision to declare the following national symbols: Chakor as national bird, Markhor as animal, Jasmine as flower, Deodar as Tree.

Different standing committees on environment of various chambers of commerce were established after the enforcement of PEPA 1997. In 1997 the federal government banned plastic bags usage but implementation failed. So recently the court ordered to implement this ban again in 2008. In 1998 various rules and regulations of PEPA were drafted and Environmental Magistrate notified for NWFP. Furthermore NEQs revised and guidelines for Self-Monitoring And Reporting Program (SMARP) were suggested for industry. Besides this environmental tribunals were established in Karachi and Lahore. In 1999 Government Department and NGOs launched tree plantation campaigns. Since its inception every year trees are planted in spring and monsoon season at a national level. Pakistan has forest cover of 4.22 million ha. In 2000 the first rules under PEPA notified:

- Initiation of Pilot Phase of Self-Monitoring And Reporting Program [SMARP] for industry by giving Self-Monitoring And Reporting Tool (SMART)

- NEQs implementation Committee headed by Dr. Pervaz Hassan and comprising representatives of trade and industry, NGOs and other stakeholders.

In 2001 Pakistan signed and adopted Cartagena protocol on biosafety and biodiversity as well as protocol on strategic environmental assessment. Also in 2001 the following rules were formed

- NEQS rules
- Industrial pollution charges rules
- Environmental samples rules
- Provincial Sustainable Development Fund rules

In 2001 a draft for new National forest Policy and Provincial Forest Policy was prepared and National Environmental Action Program (NEAP) was approved by PEPC and was implemented in 2002. Pakistan participated in the South Asian preparatory meeting for world summit on sustainable development in Colombo, 2001. In 2002 Pakistan attended the earth summit in Johannesburg, South Africa on sustainable development (WSSD) and presented the country assessment report; 101 ways to sustainable development; Children's poster completion addressed Agenda 21 and Pakistani media mobilization.

In 2005, Mountain Area Conservancy Project (MACP) was implemented in Northern Area and NWFP. The focus of this project is to empower local communities to manage biodiversity in their area.

National Environmental Policy 2005-2015 was prepared in order to achieve goals of sustainable development through protection, conservation and restoration of Pakistan's environment. NEP 2005-2015 and Mid Term Development Framework 2005-2010 (MTDF) are two other milestones in environmental movements of Pakistan. Pakistan signed the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade on 1999 and was ratified in the country in 2005. Pakistan signed the agreement on Persistent Organic Pollutants 2001 and it was ratified in 2008. Protected Areas Management Project to conserve important species and habitat of three national park i.e Chitral Gol National park, Hingol National Park and Machiara national park was started in 2001 and completed in 2009.

## Result

The result of all these achievements since two decades are major incorporation of the environment into the country's economic, social and political decisions, rules and policies of Government and other organizations. Community participation and management gets involved in the forestry and conservation practices. Environmental Council, Environmental Protection Agency, Environmental Tribunals, Environmental Magistrate established and Commencement of EIA in the development and fuel efficiency in transport are all as the result of Pakistan's commitment to Environmental concerns. But it is a fact that environmental concerns are not effectively integrated into the country's economic growth and development plan. Promulgation of PEPA 1997 acts as a building stone in capacity building of the nation. Due to the capacity building people are much more realistic about their responsibilities.

## Conclusions

Pakistan has had a strong environmental movement in the last two decades. Pakistan is also signatory and ratified country of almost all environmental conferences, conventions and protocols, but still there is great need of strong implementation of all these rules and policies which have been made in the country.

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