

**ROLE OF ENVIRONMENTAL LEGISLATION AND
ADMINISTRATION IN PROTECTING THE ENVIRONMENT:
THE EXPERIENCE OF PAKISTAN**

*Musharaf Ali Talpur **
*Ghulam Ali Jariko **

ABSTRACT

This paper reviews the development of environmental legislation and administration in protecting the environment with special reference to Pakistan and analyses shortcomings of environmental policies in addressing environment-related problems. Environmental legislations in Pakistan are mostly 'umbrella-type' by nature, and, therefore, are applied to protection and conservation of all environmental aspects concerning brown as well as green environmental problems. Besides, environmental administration in Pakistan, lacking kind of control mechanism, seems to be a kind of advisory competence. As a result, it is not in position to vigorously enforce the environmental protection and conservation laws and legislation, which include only vague aims and do not clearly state objectives. Therefore, there is a need to review the current strategy focusing a few legislation with too many environmental administrations both at provincial and the federal levels and to design an optimal policy aiming at establishing efficient environmental administration and introducing updated and specific environmental legislation.

INTRODUCTION

Although Pakistan has made noteworthy attempt to incorporate environmental concerns into its policy and planning framework, in actual practice specific objectives of environmental protection are yet to be

* Lecturers, Sindh Development Studies Centre, University of Sindh, Jamshoro.

accomplished. Environmental legislation (i.e. laws and regulations designed for the protection and conservation of the environment) and the establishment of the Pakistan Environmental Protection Agency (EPA) (i.e. environmental administration authorized to enforce environmental legislation in Pakistan) now date back more than a decade. But, the progress can not be regarded as an adequate basis of environmental management (i.e. EPA) as it lacks the kind of control mechanism that is essential to any general environmental policy (Haen D. H., 1993).

Like many other developing countries, Pakistan also stepped towards the establishment of environmental strategies after the 1972 UN Conference on 'The Human Environment'. This success, however, gained gradual momentum as some developing, that environmental protection was a privilege of the industrial countries, which developing countries can not afford (Pintz P., 1988). But soon after a decade, most of developing countries realized the fact that developing countries, suffer from 'industrialization-induced', mainly brown, environmental pollution, whereas developing countries largely suffer from 'poverty-induced', mainly green, environmental hazards. Similar situation prevails in Pakistan, where agricultural activities, whether intensive or extensive, affect the environment.

Now, one really ponders that why environmental degradation (e.g. waterlogging, salinization, soil erosion, desertification, deforestation, etc.) is still taking place enormously in the presence of environmental legislations (e.g. Environmental Protection Ordinance 1983, and Pakistan Environmental Protection Act 1997) and administration (e.g. EPA) in Pakistan? The answer is visible. There is no point in designing environmental legislation and establishing environmental

administration like EPA if they are not easy to enforce. Setting up such kind of system and making international donors happy, which has been a scenario of our policy-design in the past, is not a solution.

ENVIRONMENTAL LEGISLATION

Environmental legislation is referred to as law and regulatory framework for environmental protection and according to Pintz (1988), it has to be seen as an essential pre-requisite for environmental policy by which objectives, areas of an adopted policy and prevailing values are transformed into codes of conduct. Pakistan, for example, promulgated the Environmental Protection Ordinance only in December 1983. Pragmatically, the status of this legislation is 'umbrella type'. This type of legislation although there are a few obscure and antiquated legislations at provincial level, for example, Sindh Wild Protection Ordinance 1972 in Sindh - is applied to protection and conservation of all environmental aspects. No matter, whether it is a problem of land degradation (e.g. waterlogging and salinization) in Sindh and Punjab or air pollution in Lahore and Karachi, this only legislation, which is in fact a vague and 'umbrella type', is being enforced by environmental administration (i.e. EPA).

The environmental legislation, unlike Pakistan, in most of Asian developing countries has been enhanced and improved considerably in the 1970s and early 80s and can constitute an important basis for environmental protection and conservation policies. In Pakistan, however, there is a need to introduce few more legislations relevant to specific environmental problems all over the country. Legislations on air pollution control,

water pollution control, environmental impact assessment (EIA), solid waste management are some examples.

By introducing a few more legislations, as mentioned above, it would thus not be easy to neglect various aspects of the environment in future as is the case nowadays. The destruction of Manchar lake - the largest fresh water lake in Asia - caused by the release of water of Right Bank Drain (RBOD) Project's tubewells is one of the examples. The lake, as a result, is confronting a great loss of bio-diversity; a large scale displacement of communities; and a massive land degradation of dependent irrigated agriculture (Engr. Ranjhani, 1999).

Importantly, introducing new environmental legislations and laws does not mean that it assures the sustainable natural resources management, because in many cases the gestation period of such laws is too long that they can be used only after serious environmental damages have already occurred and not for the preventive strategies. The lack of regular environmental monitoring in most of developing countries is another problem leading to environmental hazards.

Moreover, there are legislations, which frequently include only vague aims and does not clearly state its objectives as is the case in Pakistan. These legislative shortcomings impede an efficient environmental management. Therefore, with increasing complexity of environmental problems and issues the legislation must also undergo a quick development and improvement in order to lose its ability to tackle environmental problems adequately.

ENVIRONMENTAL ADMINISTRATION

The management responsible for enforcing environmental legislations (i.e. laws and regulations) to protect and conserve the environment is called environmental administration. Pakistan Environmental Protection Agency (EPA) is one of the administrative authorities in Pakistan. Obviously, for a successful implementation of environmental policy an efficient administration is of utmost importance which, on the basis of sound legislation, is in a position to vigorously enforce the environmental protection and conservation laws and regulation (Pintz, 1988). It has been observed that laws and regulations - no matter how well formulated they are - which are not implemented in the intended way have at best a minimal impact on environmental quality.

Environmental administration, however, varies extensively from country to country. It ranges from policy-making at the one end to a coordination work or more advisory competence at the other. In Pakistan, environmental administration seems to be a kind of advisory competence. Besides, there are few legislations with too many environmental administrations both at provincial and federal levels. Sindh Forest Department, Sindh Wildlife Department, Fisheries Department, Sindh Environmental Protection Agency are some examples of environmental administration in Sindh province.

Environmental administration is also affected by problems, which are common to the general administration of the country, such as the prevalence of 'personal-clientele relationship' instead of public interest orientation, overcentralisation of decision-making process etc. The environmental institutions are

particularly suffering from the general problem of lack of qualified personnel, as the required expertise can not be obtained through traditional education systems (Pintz, 1988).

In Pakistan, a severe administrative inadequacy is the division of environmental responsibilities amongst a multitude of agencies and a lack of coordinating mechanism and of a harmonization of environmental regulatory activities. For example, Sindh Forest Department, Coastal Development Authority, Fisheries Department, and Agricultural Department are not making combine efforts to solve the Indus Delta mangrove ecosystem problems but, due largely to the problems just discussed, the progress is hampered (Sattar, 1999).

No doubt, the exploration and exploitation of natural resources in Pakistan, which is likely to cause adverse environmental impacts, requires Environmental Impact Assessment/Initial Environmental Examination (EIA/IEE) Report to be submitted to EPA to get environmental clearance/approval (Sindh Environment, 1999). Surprisingly, the EIA report, which is to be prepared and submitted by the polluter and natural resources exploiter, may not reflect the true picture of environmental degradation. Besides, environmental administration, for example EPA, also lacks environmental monitoring (i.e. Regular Environmental Assessment), which may give a soft corner to the polluter and natural resource exploiter to hide out the real facts while preparing and submitting EIA to EPA. Thus, the normal result is a lack of a continued comprehensive planning proces that incorporates environmental quality into natural resource productivity

considerations.

Importantly, environmental administrations as more recent phenomena are in a comparatively unfavourable position when contending to financial resources against established administrations of other sectors (Pintz, 1988). The result is that they do not obtain the necessary allocation to perform their duties in a satisfactory manner. The lack of regular environmental monitoring by Pakistan Environmental Protection Agency (EPA), that is resulted from inadequate allocation of resources for the environment sector, is an example. Moreover, what is more important, they also possess inferior power to participate in decision-making process and to enforce their own 3233ôäs and projects as compared with other government authorities.

Even more problematic is the fact that environmental administration is not considered as just another sector in Asian countries, including Pakistan. It has never been regarded as kind of the management approach that needs to pervade every existing sector of the economy and the administration (Pintz, 1988). The objective 'environmental protection' has not yet promulgated into other administrative agencies and ministries. This leads to a complete neglect of environmental factors in administrations, which are not directly concerned with environmental issues. This probably seems to be the major reason behind the limited scope of environmental impact assessment (EIA), a very promising tool aims to ensure that the likely outcomes of any development are addressed at an early stage so that disastrous environmental and socio-economic consequences can be avoided (Gilpin, 1996).

Regarding EIA approaches we can observe a large variety amongst Asian countries. For example, in Indonesia only mining and industry are covered by the EIA, and in India it applies only to projects, where federal funds are involved (Pintz, 1988). Pakistan established the system of 'EIA statements' in 1983 which, however, has not yet come into full operation. More less, it is only confined to industrial activities and is undertaken by Environmental Protection Agency (EPA). As far as its successful implementation is concerned, no matter in atleast limited areas, lack of trained personnel, lack of funds and vague terms of references (TORs) seem to be major hindrances. Moreover, the results worked out by EIA studies and proposals made for modifications of a project are often widely neglected by the concerned authorities and over-weighted by other considerations. Thus, the whole EIA has become, quite often, a futile exercise in Pakistan.

CONCLUDING COMMENTS

It is more than obvious that Pakistan, like many other developing countries, faces serious environmental problems. Undoubtedly, the on-going environmental devastation is an aftermath of unwise and unsustainable planning on the part of the government and international donors. We, unfortunately, never take environmental considerations in our project planning and analysis. For example, we rarely take account of environmental impacts while doing economic and financial analysis for development projects. And, wherever, not quite often, are taken into account, they are at large neglected by the concerned authorities.

Environmental administrations - with vague, limited and outdated environmental legislations - have thus failed to fully monitor and regulate natural resource use and pollution adequately as these administrations are not vested with actual political power to implement a policy properly and not in a position to overcome other ministries and particular interests.

In such a situation, there is a dire need for a fundamental change in our attitude towards environment and development concepts. The concept of 'environment' should be regarded as separate issue and be added to other development priorities. It is rather an approach, which has to be integrated - although requires a strong political will - with other policy areas, such as industrial policy, energy, agricultural, technology, etc. As a result, this would give most urgency to the sustainability of results and no doubt, would take account of social-cost of disastrous side-effects of these areas of development. Hence, environmental protection should not be seen as contradiction to development, as it is unfortunately often done in Pakistan.

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