



POLICY BRIEF:

Pakistan's Compliance with Conventions on Environmental Protection and Climate Change

Pakistan's Compliance with Conventions on Environmental Protection

Executive Summary

Pakistan's obligations under the European Union's Generalised Scheme of Preferences+ ("Scheme") offer the country an immense opportunity to build up its domestic capacity to further its environmental and climate change credentials in line with both international commitments as well as its domestic development goals. Doing so will enable the country to not only benefit from its direct participation and inclusion in the Scheme but will also help the country in the accomplishment of broader goals of sustainable development promoted by the EU as well as in line with the global Sustainable Development Goals (SDG) Agenda. In terms of the total value of preferential imports to the EU under the GSP+ Scheme, Pakistan is by far the largest beneficiary country availing nearly three-fourths of the Scheme by value. Importantly, under the Scheme the EU expects ownership and political commitment at all levels of government with the importance of environmental commitments increasingly more relevant given the impacts of climate change and the need to advance the global sustainable development agenda as part of the UN SDGs framework.

Importantly, to help situate the Scheme further, the passage of the European Green Deal has centred sustainability and the green economy as one of the major policy priority areas for the EU. Further, the EU is moving in the direction of linking trade policy to address global challenges like climate change and sustainable development such that the implementation of the environmental conventions required as part of the GSP+ Scheme are set to grow in importance. Fortunately, as the brief shows, Pakistan's own vulnerability to climate change and the country's policies to address and mitigate its impacts bring it in line with the benchmarks given in the Scheme.

Introduction

As part of Pakistan's inclusion in the Scheme starting from January 1, 2014, the country receives a special incentive (the EU cuts import duties to zero on more than two-thirds of its tariff lines on Pakistan's exports), to pursue sustainable development and good governance. While the current Scheme is set to expire at the end of 2023, it is expected that it will continue on broadly similar terms for what is likely to be a period of ten years to provide certainty to all actors for which consultations within the bloc as well as with partner countries and other non-governmental stakeholders are ongoing. Given this overall framework for the purposes of continuing its eligibility in the Scheme, Pakistan is especially expected to continue its compliance with required international conventions on the environment as well as in other domains including labour and human rights and, more broadly, good governance. While there is broad compliance on Pakistan's part with required conventions, the country faces implementation challenges in specific areas which this brief highlights below. It is hoped that through its continued participation in the Scheme, in time, Pakistan will more fully implement its required environmental and climate change commitments to help it cope with increasing vulnerability as well as to leverage its participation for access to greater international funding and support to enhance climate resiliency.

Environmental Conventions and Related Instruments

In relation to maintaining its participation in the Scheme, this section focuses on Pakistan's international environmental obligations that require it to take actions in-country and at the country's borders. What is especially important to note is that these, in some cases longstanding international environmental legal obligations, have acquired greater urgency, given the rapidly changing climate. There is a growing understanding that the individual frameworks and conventions while important in their own right have to now be understood as being part of a larger whole — i.e., they must contribute to an overall improved environment and governance framework both within the country as well as being part of the more integrated global and environmental climate change governance frameworks.

The Scheme requires that Pakistan keep ratification and effectively implement key core international conventions in this domain as detailed below:

- **Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973) (CITES)**

Pakistan joined the *Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)* on 20 April 1976 and the convention entered into force in the country on 19 July 1976. Parties to the convention are required to comply with their obligations by ensuring that there are appropriate policies, legislation and procedures in place along with designated authorities and to report actions as required by the convention. Given the country's longstanding and prior participation in the convention — much before Pakistan's entry into the Scheme, and despite making significant progress on required legislation,¹ its national legislation is still categorised as Category 2. This means that it is believed generally not to meet all of the requirements for the implementation of CITES. The long duration and this continuing designation should be of concern to the authorities, especially given the growing focus on the importance of protecting biodiversity and preventing its loss through increasing urbanisation. The world's more recent experience of a global pandemic has brought a recognition of the link between preventing biodiversity loss and preventing future global pandemics.

At the regional level Pakistan is a member of the South Asia Wildlife Enforcement Network (SAWEN) and regularly attends and participates in its trainings and meetings while at the national level the CITES Management Authority has representation of all relevant stakeholders for policy making and coordination to be able to implement the convention within the country. Pakistan also attends all CITES COP meetings, including the last COP19 meeting held in Panama in November 2022. Several broad gap areas may be useful for the country to make progress on in the lead-up to its next annual reporting obligations. These include, but are not limited to, making progress on Goal 2 of the convention in relation to securing the necessary financial resources and means for its implementation, such as but not limited to developing performance targets for all authorities enabled under the convention for its implementation as well as developing performance standards for scientific authorities.

In addition, Pakistan has not tapped international development funding assistance to improve the capacities of regulatory and enforcement agencies as well as for the training and skills development of personnel who staff scientific and monitoring authorities. Given the increasing importance of preserving biodiversity and mainstreaming it across government and society in line with the Aichi Biodiversity Targets it would be timely to tap into such potential development assistance for skills upgradation. It would also reinforce the country's commitment to the convention and the importance of biodiversity protection in an era of climate change to consider prioritising the development of an electronic database for managing species and trade information as well as to make non-detriment findings including the issuing of e-permits. Building in transparency and

¹The country has enforced Pakistan Trade Control of Wild Fauna and Flora Act 2012 since 31 December 2018 and provincial governments are required to implement CITES in their territorial remits.

searchability through accessible database will enhance the country's standing and help it secure increased global assistance for its climate goals. An integrated system with enhanced capacity may also aid in the prevention of such negative outcomes as the highly visible and condemnable encounter with a leopard held in private captivity in a residential area in Islamabad in February 2023. It is time for Pakistan to move to close the gaps in its international obligations under CITES through improved in-country implementation of the convention.

Overall, given the increasing importance and relevance of climate change impacts, attracting and securing the necessary financial resources — especially from overseas sources — and strengthening the means for the operation and implementation of the Convention as per its Goal 2 would be highly beneficial for Pakistan to undertake during this next phase.

- **Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, Stockholm Convention on Persistent Organic Pollutants (POPs) and Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade**

In covering these related and connected conventions together, Pakistan can develop a more holistic approach towards the interconnections and globally coordinated attempts that aim to tackle the lifecycle of global chemicals as well as the safe handling, storage and defined use of industrial waste, including its cross-border trade and transportation. Further, Pakistan must begin to approach the implementation of the related conventions within the broader sustainable development framework to protect human health and preserve ecosystems.

Pakistan's ratification without reservations of the Basel Convention was, for instance, followed up by specific regulatory actions like the passage of the Pakistan Environment Protection Act (PEPA) 1997 as well as the adoption of the Basel Convention Import Policy Order 2016 (now repealed) and replaced with the updated Basel Convention Import Policy Order 2020 in relation to the import of hazardous waste. Despite such a regulatory framework being in place, gaps remain. For example, PEPA 1997 has no provision to prevent illegal traffic of hazardous and other wastes. Further, the overall efficacy of monitoring and implementation in relation to the specific capacities of relevant stakeholders such as the Ministry of Climate Change as well as enforcement capacities of provinces remain questionable.

It's the same with implementation of safe handling practices in regard to e-waste, plastics and scraps imports and handling at locations across Pakistan such as Karachi, Lahore and Peshawar. These must be compliant with the Basel Convention's safe-handling practices to ensure that no adverse impacts to human and ecosystem health occur. Doing so would require a significant upgrade to the monitoring capacities of authorities including implementing a reliable sampling and lab-testing setup such as indicated in the 2020 Order housed within the Federal or Provincial Environmental Protection Agencies (EPAs) as well as the Pakistan Council of Scientific & Industrial Research (PCSIR) under the federal Ministry of Science and Technology. An important step forward has been the recent adoption of the National Hazardous Waste Management Policy, 2022 by the Federal Ministry of Climate Change which needs to be followed up by making rules and regulations under the policy. This would require the Ministry to upgrade its capacity to comprehensively evaluate the status of implementation of the conventions, develop a specific list of wastes containing hazardous materials and produce an inventory of chemicals in the country especially as these requirements fall under the Stockholm Convention on Persistent Organic Pollutants (POPs). The Convention is particularly important for Pakistan given its large agricultural production, use of pesticides and the ability of POPs to travel and persist over long distances.

With the impetus provided by the May 2023 joint meetings for the conventions coupled with the current institutional and climate change impacts facing the country, as well as through the incentive provided by the

GSP+ scheme it may be beneficial for Pakistan to move towards adopting coordinated implementation of the related conventions for the protection of human health and ecosystems.

- **Convention on Biological Diversity (1992) and the Cartagena Protocol on Biosafety (2003)**

The overall importance of the Convention on Biological Diversity for the European Union is expected to grow since the bloc is working to establish stronger targets and review mechanisms to evaluate the beneficiary countries' progress for the post-2020 global framework on biodiversity. This means that Pakistan's enhanced implementation of the convention going forward will be both vital and timely. Pakistan has finalised the National Biodiversity Strategy and Action Plan for achieving Aichi Biodiversity Targets and SDGs for the period 2017-2030. The Strategy comprehensively targets factors contributing to biodiversity loss. These include degradation of marine and coastal ecosystems; unplanned land use changes such as the growth of urban areas; an overall lack/under-capacity of legal, policy and institutional mechanisms to regulate the interconnected impacts of declining soil fertility and deforestation along with rising groundwater tables which result in the twin menace of waterlogging and salinity.

The catastrophic floods of 2022 have identified a host of complex challenges. Of particular concern are the relatively low financial allocations to the environment sector, including climate change, biodiversity, forestry, and wildlife. Alarmingly, despite its iconic nature, the flare-horned Markhor which is native to the high mountain landscapes of the country has suffered a decline in its population because of illegal hunting. Monitoring is difficult because of lack of adequate funding for watchers employed by national parks. It is important to note that identified shortcomings and lack of progress on the Action Plan's targets can be leveraged by Pakistan going forward to tap much-needed international funds for biodiversity preservation, particularly in line with the landmark ambitious agreement reached at COP-15 in Montreal in December 2022. Going forward to the global 2030 Agenda, the agreement aims to mobilise significant funding from public and private-sector sources.

Pakistan has yet to make significant progress on implementing the Cartagena Protocol on Biosafety and has a small number of staff within the Ministry of Climate Change who are dedicated to its implementation. In addition, more comprehensive implementation would require the updating of Pakistan's regulatory mechanisms such as the Pakistan Biosafety Rules 2005 in relation to the transboundary movement, handling or use of living modified organisms (LMOs) which are pharmaceuticals to humans and currently not covered by existing regulatory mechanisms even though these are in use in Pakistan. The country could make headway in this regard in the period to the next GSP+ evaluation. In addition, Pakistan does not conduct risk assessment or management of LMOs in coordination with international partners. This means that it may be missing out on the opportunity to learn from the experience of others and from latest tracking efforts elsewhere. Going forward, this may also be a useful strategy for the country to explore.

- **UN Framework Convention on Climate Change (1994) and the Kyoto Protocol (2005)**

Pakistan is one of the world's most vulnerable countries to climate change with the twin challenge of a growing population leading to growing pressures for economic development at a time of increasing climate stress and the concurrent need for sustainable and green growth. Given its geography and the impact of rising temperatures on glacial flows and monsoon cycles, Pakistan's climate vulnerability is compounded and experienced particularly through the changing water cycle, the most recent example of this being the devastating 2022 floods. Frustratingly, while Pakistan is increasingly vulnerable to the vagaries of climate change, its contribution to global carbon emissions remains at a minimal level at less than 1%. The sheer scale of the floods placed a special responsibility on Pakistan going into COP-27 in Sharm El-Sheikh where through its commendable leadership of the Group of 77, it helped achieve global agreement for the long-sought Loss and Damage Fund under the landmark UN Framework Convention on Climate Change. With the adoption of the Kyoto Protocol, the global community has further advanced the goal of limiting global warming through the

adoption of a mechanism of agreed national emissions reductions under the scheme of Nationally Determined Contributions (NDCs). With its historically low carbon emissions and need for economic growth, Pakistan remains committed to attracting international financing to put it on a path to sustainable and green economic development. It ambitiously plans under the NDC 2021 to set a conditional target of overall 50% reduction of its projected emissions by 2030 through financing from its own resources as well as by attracting significant resources from the international community. It aims to accomplish this through a mix of schemes such as forest and tree carbon sequestration, preserving vital Indus River Basin ecosystems, enabling significant adoption of renewable energy, including with a major provision for the development of hydropower, and preserving biodiversity through the protection of designated areas.

The model for the protection of designated areas is based on the commitment to the growth and uplift of local communities who are often first line defenders of ancestral lands. The stark environmental contrasts from widespread flooding to droughts, heatwaves and wildfires in old-growth forests in the Balochistan province in 2022 made the need for Pakistan to take bold climate action clearer than ever. Further, dramatic climate events have increased civil society awareness of the importance of the country's commitment to achieving climate goals. Pakistan is also a part of the NDC Partnership, a coalition of countries and institutions committed to supporting vulnerable countries in implementing and increasing the ambition of their NDCs under the Paris Agreement. This has helped Pakistan develop a more comprehensive and coordinated plan to advance its mitigation and adaptation actions with support from the NDC Partnership's Climate Action Enhancement Package (CAEP). With its longstanding participation in global fora and its continued commitment to inclusion in the GSP+ Scheme, coupled with the impetus of recent dramatic climate shocks, Pakistan is committed to innovate to achieve ambitious climate commitments.

Conclusion

The growing importance of environmental governance in an era of climate change is being appreciated across all levels of society ever-more keenly. As elucidated above, there are significant reasons for Pakistan to implement the international conventions related to the environment for the health and well-being of its population and for the preservation of ecosystems as well as to ensure its beneficial participation in the GSP+ Scheme such that it helps advance sustainable development and the global SDG Agenda. Given the catastrophic flooding in the country in 2022, and the significant advances made at COP-27 in Sharm El-Sheikh with the greenlighting of the Loss and Damage Fund under Pakistan's robust leadership of the G-77, the country must build on its record to further the goals of environmental protection internally as well as internationally. Doing so will reinforce its commitment to environmental protection both as a policy commitment per se and for continued inclusion in the Scheme.



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