Committee for Enhancing Environmental Justice (CEEJ)

Conference on

Water and Environmental Justice

21st June, 2014

at the
Punjab Judicial Academy
Lahore
Websites:
CEEJ: ceej.pk
IUCN: www.iucn.org
Punjab Judicial Academy: www.pja.gov.pk

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Introduction

In the first South Asia Conference on Environmental Justice which was held in Bhurban on 24-25 March, 2012, it was realized that the judiciaries in the region should play their role in sustainable development and for the protection of the environment. The objectives were set as under:

1. To recognize common environmental concerns and to share information among South Asian Judiciaries on South Asia’s common environmental challenges.
2. To highlight the critical role of South Asian Senior Judiciaries as leaders in National Legal Communities and champions of the rule of law and environmental justice, with the ability to develop environmental jurisprudence and
3. To develop a process for continuing the cooperation and engagement of SAARC Senior Judiciaries on environmental issues.

In furtherance of the above objectives, the Bhurban Conference 2012 was organized and resultantly the Bhurban Declaration was made with certain objectives to be followed thereafter. Among other objectives, it was also resolved, inter alia, that the information on environmental challenges and legal issues will be disseminated among the judges to highlight the best practices in environmental adjudication and that the environmental law training will be imparted to judges through Judicial Academies.

In continuation of the efforts of the Bhurban Conference, the Committee for Enhancing Environmental Justice (CEEJ) was constituted comprising Hon’ble Mr. Justice Anwar Zaheer Jamali, Judge Supreme Court of Pakistan as Chairperson and Hon’ble Mr. Justice Qazi Faez Isa, Chief Justice of the Balochistan High Court, Hon’ble Mr. Justice Syed Mansoor Ali Shah, Judge of the Lahore High Court, Hon’ble Mr. Justice Munib Akhtar, Judge of the Sindh High Court, Hon’ble Mr. Justice Yahya Afridi, Judge of the Peshawar High Court, Hon’ble Mr. Justice Riaz Ahmed Khan, Judge of the Islamabad High Court (retired, 14 May 2014), as its members. CEEJ is a decision making forum for implementation of an important initiative of “Building Capacity for Environmental Prosecution, Adjudication, Dispute Resolution, Compliance and Enforcement in South Asia”. Thus, CEEJ has now taken up the present initiative of organizing the conference on “Water and Environmental Justice” to sensitize the judges, judicial officers, lawyers, state functionaries on water issues.

The role of the Superior Judiciary of Pakistan in recognizing and protecting the Fundamental Right to a clean and healthy environment is beyond dispute. Even though the term “environment” is not found in the text of the Constitution of the Islamic Republic of Pakistan, 1973, the Superior Judiciary has, through a chain of decisions, recognized, protected and upheld environmental rights throughout Pakistan.

Pakistan is a developing country facing numerous development challenges. Quite often, in a rush to promote development, environmental rights are ignored and sometimes violated. The human effects of pollution caused by industrial development in Pakistan are shocking. Impure drinking water alone is responsible for a burden of disease equivalent to 4 percent of GDP. Nearly half of all patients admitted in Pakistani hospitals report water-related ailments. Access to clean drinking water – a Fundamental right recognized by the Supreme Court of Pakistan – is now a major issue throughout Pakistan.

Realizing the need to debate, plan and take necessary steps to enhance environmental justice in Pakistan, in 2012 the Honorable Chief Justice of Pakistan constituted the Committee for Enhancing Environmental Justice (“CEEJ”) to be chaired by an Honorable Judge of the Supreme Court of Pakistan and comprising Honorable Judges of the High Courts. CEEJ is the decision-making forum for the implementation of the “Building Capacity for Environmental Prosecution, Adjudication, Dispute Resolution, Compliance and Enforcement in South Asia” project undertaken by the IUCN.
Increasing incidents of water pollution and water-related disease indicate widespread violation of the Fundamental Right to clean drinking water. Today’s Conference on Water and Environmental Justice is a CEEJ initiative to highlight major themes and issues surrounding water pollution in Pakistan and Punjab in specific. CEEJ, with the generous coordination of IUCN and hosting by the Punjab Judicial Academy, has arranged a panel of experts to speak on various issues of access, quality and equity related to water, pollution and environment justice. The specific topics are:

1. Adequate and Safe Water for All
2. Water for Agriculture
3. Water for Industry
4. Water for People
5. Water, Health and Economics
6. Water Governance Laws
7. Administration of Green Justice

The outcome of the above conference will definitely be a way forward for further steps to be taken up by the all concerned state organs at their own level. The most important among the stake holders for the present conference are the Judges and the Judicial Officers who by attending this conference will be sensitized over the above issues so that while administering green justice in their courts, they can make informed decisions.

The Conference is being organized by the CEEJ in technical and financial collaboration with IUCN and the Punjab Judicial Academy.

**Bhurban Conference 2012**

A fortnight into the successful completion of South Asia Conference on Environmental Justice, it is already being considered a new chapter in the environmental history of Pakistan. With its Bhurban Declaration, unanimously adopted and agreed upon by the Chief Justices from the region and beyond, the conference is a pivotal step in the wake of environmental degradation that plagues the region.

Some of the most groundbreaking decisions include; establishment of green benches at the Supreme Courts of Pakistan and Azad Jammu & Kashmir and all High Courts of Pakistan and the proposed constitutional amendment to declare “Clean Environment” as a fundamental human right in the Constitution of Pakistan. Organised by the International Union for Conservation of Nature (IUCN), the two-day conference took place on 24-25 March 2012 under the auspices of the Supreme Court of Pakistan with support from the Asian Development Bank (ADB) and United Nations Environment Programme (UNEP).

South Asia is a developing region comprising 3% of the world’s land mass and inhabited by 23.6% of the world’s population. Due to its geographical expanse, it’s full of natural and cultural wonders. However, rapid population growth and various development initiatives have caused immense degradation to its ecological diversity. The challenge of sustainable development and scarcity of natural resources are common to the whole region, giving rise to similar environmental concerns.

**Bhurban Declaration 2012**

1. TO COLLABORATE among themselves and, as appropriate, engage others in the environmental enforcement processes, to significantly improve the development, implementation, and enforcement of, and compliance with, environmental law and collaborate to make an Action Plan to achieve the same;
2. TO SHARE information on South Asian countries’ common environmental challenges and, as appropriate, among the legal professionals, law schools, and the general public;
3. TO DISSEminate information on environmental challenges and legal issues, and best practices in environmental adjudication among themselves, whilst acknowledging the differences among their respective legal systems, on the website of Asian Judges Network on Environment;
4. TO STRENGTHEN specialised environmental tribunals and provide environmental training for the judiciary and other members of the legal fraternity;
5. TO INVITE members of the South Asian Justices to share their respective experiences and participate in training programs for judges from the South Asia region;
6. TO IMPLEMENT existing rules of procedure for environmental cases and develop the same where they do not exist, which may include a flexible approach to legal standing, special rules of evidence for environmental cases, expeditious disposal of cases, special remedies, injunctive relief, and other innovative environmental processes;
7. TO ENSURE that judicial decisions on environmental cases are shared within the Asian Judges’ Network on Environment and made available to the public;
8. TO ENCOURAGE law schools to include environmental law in their curriculum;
9. TO PROVIDE environmental law training to judges through judicial academies, including making such training available for members of lawyers’ professional associations;
10. TO HOLD a South Asia Justices’ Conference on Environment annually on rotational basis to foster cooperation on environment, as a sub-regional group of the Asian Judges Network on Environment;
11. TO DEVELOP a system to recognize whenever exceptional contribution is made by judges and environmentalists for the cause of environment;
12. TO DRAFT a memorandum of understanding to foster cooperation amongst the South Asia judiciary and send the same for signature and adoption by the South Asian region judiciary, which may lead to a South Asia Convention on Environmental Justice;
13. TO ESTABLISH green benches in courts for dispensation of environmental justice; and
14. TO RECOMMEND that the right to clean and healthy environment be incorporated as a Fundamental Right in the Constitution.
Bhurban Conference managed to provide the common platform, much needed by the stakeholders to bring urgent attention to these serious and complex issues.

The Chief Justices and their designees from the highest courts of Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka; Brazil, Malaysia, and Indonesia; along with other eminent experts and dignitaries gathered in Bhurban to take up the cause of the environment and ensure expedient environmental justice.

The Conference progressed sequentially from inauguration to issue framing through presentations and discussion on (1) Environmental law and policy, (2) Environmental adjudication and (3) Environmental education and capacity building in three concurrent thematic sessions; and presentation of recommendations and the way forward in the closing session.

The participants agreed to play their role more aggressively, meaningfully and holistically to develop an Action Plan for Environmental Justice, Governance, the Rule of Law and Sustainable Development in SAARC countries in line with the Vision Statement adopted by the South East Asian Judiciaries.

The participants observed that the role of the judiciary is central in resolving environmental issues, but it is equally important that all stakeholders play their assigned role in protecting the environment as well as ensuring that the institutions must be effective, particularly from the point of view of enforcement of orders and directions. Further, the participants agreed to share the vision of this Conference with other judicial members in their respective countries.
CEEJ

Realising the need to debate, plan and take necessary steps to enhance environmental justice in Pakistan, the Hon’ble Chief Justice of Pakistan constituted the Committee for Enhancing Environmental Justice (CEEJ) to be chaired by an Hon’ble Judge of the Supreme Court of Pakistan and comprising upon Hon’ble Judges of the High Courts, to be designated by the Hon’ble Chief Justices of the High Courts. The Committee is the decision-making forum for implementation of a small but very important initiative in environmental justice, namely "Building Capacity for Environmental Prosecution, Adjudication, Dispute Resolution, Compliance and Enforcement in South Asia", funded by the Asian Development Bank and implemented by IUCN in Pakistan.

The Committee:

Hon’ble Mr. Justice Anwar Zaheer Jamali,
Judge of the Supreme Court of Pakistan (Chair)

Hon’ble Mr. Justice Qazi Faez Isa,
Chief Justice
Balochistan High Court

Hon’ble Mr. Justice Syed Mansoor Ali Shah,
Judge Lahore High Court

Hon’ble Mr. Justice Munib Akhtar,
Judge Sindh High Court

Hon’ble Mr. Justice Yahya Afridi,
Judge Peshawar High Court

Hon’ble Mr. Justice Riaz Ahmed Khan, Judge Islamabad High Court (retired, 14 May 2014)
Opening Address

Hon’ble Mr. Justice Anwar Zaheer Jamali

Hon’ble Mr. Justice Anwar Zaheer Jamali, hails from noble religious family of Hazrat Qutub Jamal-ud-Din Ahmed Hansvi (583-659 A.H.), the disciple and Khalifa of Baba Farid-ud-Din Shaker Gunj of Pakpattan, belonging to the Chistia Order of Mystics, parents migrated in the year 1947 from Jaipur, India. Born at Hyderabad (Sindh) on 31.12.1951; completed the Bachelor’s Degree in Commerce and the Bachelor’s Degree in Law from University of Sindh in the years 1971 and 1973 respectively; enrolled at Sindh Bar Council as an Advocate of Lower Court on 10.01.1975, admitted and enrolled as an Advocate of High Court on 13.11.1977; admitted and enrolled as an Advocate of Supreme Court on 14.05.1987; practiced at Hyderabad (Sindh) mainly on civil and constitutional side;

His lordship was elected as President District Bar Association Hyderabad in the years 1983-84,1995-96,1996-97 and 1997-98; elected as Member, Sindh Bar Council from Hyderabad Division for two terms of five years each in the years 1989 and 1994; elected as Chairman Benevolent Fund Committee of Sindh Bar Council in the year1991; elected as Chairman Executive Committee of Sindh Bar Council in the year 1995 and held this position till his elevation to the Bench; also remained member of several other sub-committees formed by the Sindh Bar Council; remained office bearer of several other social, educational and human rights organizations at Hyderabad and attended their legal work on honorary basis.

His lordship’s love & affection with legal knowledge persuaded him to join Hyderabad (Sindh) Law College as Lecturer in the year 1984, where he served in that capacity for about two years; worked as counsel for UBL for about ten years and Legal Advisor of Catholic Board of Education and Saint Bonaventure’s High School, Hyderabad for over ten years.

Mr. Justice Anwar Zaheer Jamali was elevated as Judge of High Court of Sindh in May, 1998, also nominated as Administrative Judge, High Court of Sindh with effect from 07.06.2006 and continued as such till 03.11.2007 when he refused to take fresh oath under the Provisional Constitution Order No: 1 of 2007. Reappointed as Judge and Chief Justice High Court of Sindh on 27.08.2008 and elevated as Judge of Supreme Court on 03.08.2009.

His lordship was also nominated by the Governor of Sindh as Member Board of Governors for the Government Law College in Sindh (excluding Karachi) in the year 1995; nominated by the Chief Justice, Sindh High Court, as Member Syndicate NED University of Engineering and Technology, Karachi in November 1999; nominated by the Chief Justice, Sindh High Court as Chairman Enrollment Committee, Sindh Bar Council in March 2000; nominated by the Governor of Sindh as Chairman Provincial Zakat Council Sindh for a term of three years in December 2003.

IUCN and Water

Mr. Mahmood Akhtar Cheema

As Country Representative, IUCN Pakistan, Mr. Mahmood Akhtar Cheema leads IUCN’s diverse portfolio across Pakistan. He has been associated with the organisation for the past 16 years. He excels in management, robust consultative environmental conservation, advocacy, and donor and government relations. His previous years speak volumes about the concrete and lasting relationships he has built and maintained with the government, non-profits, civil society and the international community in Pakistan.

His long association with IUCN has had humble beginnings. He joined the European Union (EU) funded Environmental Rehabilitation in NWFP and Punjab project (ERNP), coordinating training of IUCN’s ERNP Resource Unit in 1997. Since then, he has worked as Director in ERNP and as Manager in the GEF-funded Mountain Areas Conservancy Project, where he guided the preparation and implementation of Village Development
Plans and small infrastructure projects i.e., micro hydro projects, link roads, bridges, community centres, while providing support to high-level Advisory Group on Upland Development, administered by the Ministry of Environment. Later, for six years, he spearheaded IUCN’s Islamabad Programme, overseeing donor relationships and working in close tandem with the Government of Pakistan.

Mr. Cheema has also been looking after IUCN’s Membership and Commissions in Pakistan since 2009, overseeing IUCN Pakistan’s National Committee comprising 37 members from government agencies, NGOs and CSO. IUCN Members are a body of committed organizations, who work on environmental policies and practices from a common platform.

Before joining IUCN he worked for more than 6 years in Extension Service Management Academy and as short term consultant with FAO, UNDP, NRSP, and AKRSP.

In addition to these responsibilities, Mr. Cheema serves on a number of advisory boards which include: Energy Conservation Fund Pakistan; Environment Donor Coordination Group; Advisory Group on Climate Change, Climate Change Division; Expert Panel on Environment, Ministry of Science and Technology; Board of Governor, Global Change Impact Study Centre; Wildlife Management Board, Khyber Pakhtunkhwa; Mountain Areas Conservancy Fund; Board of Directors Punjab Sustainable Development Fund.

Mr. Cheema holds a BSc degree in Agricultural Engineering from the University of Agriculture, Faisalabad, and a Masters degree in Agriculture Extension from the University of Reading UK. He has written and contributed to numerous publications and has led delegations at numerous national and international forums.

**Abstract of Paper**

1. **An introduction to IUCN and its work across the globe on water issues**
   - Founded in 1948 - First global environmental organization
   - Today the largest professional global conservation network
   - More than 1,200 member organizations including 200+ government and 900+ non-government organizations
   - Delivers conservation and sustainability at both the global and local level
   - Influences international environmental conventions, policies and laws

2. **IUCN’s Global Water Projects**
   - **Mekong Water Dialogues** - Supported by the Ministry for Foreign Affairs of Finland. Created to improve water governance, livelihood security & human & ecosystem health in Cambodia, Thailand, Laos & Vietnam
   - **Water Programme** - Formed in 1985, implemented across the world, with main focus on Middle East, Africa, Central and South America, and Asia. Focuses on:
     - integrated water resource management
     - environmental flows
     - water economics
     - watershed ecosystems
     - river bank rehabilitation
     - effects of climate change on global water supply and distribution
     - Contributes towards the conservation of water biodiversity and protects ecosystems
   - **WANI – Water & Nature Initiative**
     - Works in more than 12 river basins in over 30 countries
     - Sustains ecosystems and livelihoods; supports water policies and laws that enable transparent definition of rights, roles and responsibilities
     - Works towards managing and protecting our water reserves and heritage for the future benefit of all

3. **Water Resources in Pakistan**
   - On the verge of becoming a water scarce country
   - Trans-boundary & inter-provincial water disputes on the rise due to shortage (disputes with India and Afghanistan both)
   - Increased pressure on ground water due to scarcity and droughts caused by climate change
4. IUCN’s Work on Water Issues
   - Pakistan Water Programme
   - Karez Rehabilitation in Balochistan
   - Pakistan Water gateway
   - Trans-boundary water issues

Address by the Chief Guest

Hon’ble Mr. Justice Jawwad S. Khawaja, Judge, Supreme Court of Pakistan

Hon’ble Mr. Justice Jawwad S. Khawaja was born on 10th September, 1950, at Wazirabad, District Gujranwala. He did his graduation in Arts in the year 1971 from FC College, Lahore and LL.B from the Punjab University Law College, Lahore in 1973. He then obtained a Masters (LL.M) degree from the University of California, Berkeley in 1975. Thereafter he was enrolled as Advocate of the High Court in 1975 and as Advocate of the Supreme Court in 1985. He remained in legal practice until his appointment as a Judge of the Lahore High Court on 21st April, 1999. He resigned his constitutional tenure on 19th March 2007. He then remained Professor of Law at the Lahore University of Management Sciences (LUMS) and headed the Department of Law and Policy at LUMS until his appointment as Judge of the Supreme Court of Pakistan on 5th June 2009.

Key Note Address: Adequate and Safe Water for All

Dr. Shahid Ahmad

Dr. Shahid Ahmad is presently working as Water Resources Management Expert with number of institutions including IUCN-Pakistan (part-time), Consultant with National and International Agencies and Donors. He developed Pakistan Water Programme with the assistance of IUCN and Oxfam-Novib. He was part of the Task Force in formulating the Pakistan Water Strategy 2012 with the assistance of FODP. He also chaired the Panel of Expert in formulating the Pakistan Technology Foresight 2014. He contributed in number of Missions for the development of Water Strategy and Development Plans for various provinces and regions. He also worked with the Asian Development Bank as Team Leader for Supporting Implementation of Water Policy in Balochistan for over 3 years during 2005-08. He led the Team who prepared the Balochistan Water Policy in 2004-05, which is the only approved Water Policy in Pakistan.

He retired as Chief Scientist and Member Natural Resources from Pakistan Agricultural Research Council in March 2013.

He holds a Ph.D. degree in Agricultural Engineering with specialization in the area of Water Management from Colorado, State University, USA in 1987 and ME in Soil and Water Engineering from the Asian Institute of Technology, Bangkok, Thailand in 1980. He has over 350 publications in journals, proceedings, books and handbooks of repute.
Abstract of Paper

The keynote paper refers to the title of the workshop and the purpose is to set the stage for discussion in the Workshop so that appropriate and implementable recommendations can be formulated along with course of future action leading to development of a strategy for action. The paper describes the resource availability in Pakistan, its allocation to various provinces and use by various sub-sectors of water use – water for people, water for industry, water for agriculture, and water for nature. All sources of water available in the country are covered – surface water, groundwater, wastewater, etc. Water governance mechanisms are also discussed as improvements in managing water are not possible without good governance. The enabling framework includes the aspects of policy, strategy, accord, rules and regulations in addition to the management and development alternatives. How adequate and safe water can be made available to all the users is a real challenge considering the current situation of the country – poor governance, non-payment of utility bills and Abiana, lack of water valuation and low water pricing in all sub-sectors, disposal of effluent in to freshwater ways, wastage of water in all sub-sectors of water use, etc. How different sectors are going to compete in the future in meeting and managing their water demand is the biggest challenge we all are going to face. Still there are many opportunities to manage this vital and limiting resource for the healthy society and environment and for the economic development of the country.

Water for Agriculture (Food Security)

Mr. Arif Nadeem

Associated with Agriculture sector in Punjab since last one decade having remained Secretary to the Government of Punjab in the Department of Agriculture and Irrigation (2003-2012).

Steered the Rupees 66 Billion National Programme for improvement of water course and was responsible for its implementation at the Provincial level.

Currently advising the government of Punjab, from he World Bank side on Rupees 32 Billion programme on water productivity which is in its second year of execution.

Worked on the value chain development of Agriculture products especially high value crops creating forward linkage to the international market. Was instrumental in exporting mangoes by sea to the markets of European Union.

Abstract of Paper

The presentation would cover the themes of water productivity in global, regional, national and provincial contexts. The unique features of the Indus Water Basin viewed in perspective of food security and the challenges which emerge in the water scarce scenario would also be highlighted. The talk and the ensuring discussion would attempt to explain the challenges faced in the historic context by the upper and lower riparian of the river system both at national and the sub-national level. Finally the presentation would elaborate the un-tapped potential which this fertile alluvial plain and its accompanying river system hold in the emerging global scene.
Water for Industry

Mr. Azher Uddin Khan

Azher Uddin Khan by qualification is human settlement development professional. At present working as Chief Executive Officer of Cleaner Production Institute and visiting faculty in Kinnaird University Lahore. He has 30 years of experience in the field of environment and development. He contributed as team member in ‘National Human Settle Policy for Pakistan’, National Reference Manual for Infrastructure Standards’, ‘Environmental Management Framework for Community Projects’, ‘National Conservation Strategy of Pakistan’, and many development plans for intermediate cities. He served as team leader for many industrial sustainable development and environmental impact assessment projects, including dams, industry, and infrastructure projects. He is the author of more than 20 national and international research papers in the fields of environment, development, and cleaner production.

Abstract of Paper

This Study had been carried out under Program for Industrial Sustainable Development (PISD-II), which was a joint project of Cleaner Production Institute (CPI) and the Embassy of the Kingdom of the Netherlands (EKN). The study covers water pollution, air pollution, and hazardous waste management. This summary only covers only the water pollution issues.

It is generally agreed by most of the analysts and stakeholders that the enforcement and implementation of the existing environmental legislation in Pakistan, has remained nominal and minimal, in virtually all its spheres, during the past fifteen years. The proposition of the Study is that certain key aspects of the existing environmental policy and legislation, particularly the concept of broadly applicable emission standards for the common pollutants, are primarily responsible for this state of affairs. This concept, not only, disregards the economic, technological, human and institutional resources and constraints of the public as well as private sectors of the country, but is also divorced from the considerations of ambient environmental quality, whether existing or the desirable one, and its assimilative capacities and is basically impracticable and unrealistic. Therefore, a far more basic change in the philosophy and approach towards the environmental pollution control is required, for any significant and meaningful improvement in the environmental conditions of a developing country like Pakistan. This Study examines these key aspects and endeavors to provide an alternate policy framework in this regard.

The basis of the recommendations, laid down in this Study, is that the policy, strategy and legislation, for the environmental pollution control, for a developing country like Pakistan, shall be such that the approach and targets set are realistic, achievable and practicable, within the economic, technological, human and institutional resources and constraints of the country and are, by and large, in tandem with the level of progress and advancement in other development sectors of the country.

The time framework for the Study is of the order of a decade. Main areas of the environment, covered in this Study, are water pollution, air pollution and hazardous waste.

The Study presumes that the federation and the provinces, within their respective areas of jurisdiction, have or would be adopting, by and large, the existing laws, with certain minor modifications, consequent to the devolution of the legislative powers and functions to the provinces, for the subject of “Environmental Pollution and Ecology”, resulting from the adoption of 18th Amendment (2010) to the Constitution of Pakistan.
Water for People (Water Supply and Sanitation)

Syed Ayub Qutab

Mr. Qutub is the Chief Executive of PIEDAR, a not-for-profit research institute, with a mission to demonstrate best practices and innovations for sustainable development. With more than four decades of experience in environmental management, and urban and regional planning, he specializes in strategy and program formulation, policy advice and advocacy, and facilitating multi-disciplinary and expert working groups. He was the Principal Author of Pakistan National Conservation Strategy approved by the Federal Cabinet in 1992, and the lead researcher of Pakistan’s first National Response Strategy for Climate Change (1994). He was the author of the penultimate draft of the National Drinking Water Policy approved by the Cabinet in 2009, and chair of the Working Group on Drinking Water and Sanitation for the 10th FYP. His research interests are community irrigation water management and sanitation. His publications are on the issues of environment, irrigation, population, and urbanization, and sanitation. He has participated in research projects on environmental indices, climate change, vulnerability and resilience. He has a Masters in Geography from Cambridge University, UK.

Abstract of Paper

Pakistan committed to achieving the Millennium Development Goals (MDGs) in Year 2000. The country’s progress towards achieving the MDG targets in the water supply, sanitation and hygiene sectors is reviewed. The achievements and the continuing deficits are assessed along with their related human and economic costs. The immediate and underlying reasons are explored. WASH sector priorities are highlighted along with policies and measures for institutional reforms with reference to the under preparation Sustainable Development Goals (SDGs) to 2030. The responsibilities of Government, private sector and civil society are discussed along with possible synergistic collaborations between them.

Water, Health and Economics: Case Study with International Best Practices

Mr. Ahmad Rafay Alam

Ahmad Rafay Alam is an environment lawyer and Partner at Saleem, Alam & Company, a law firm specializing in the energy, water, natural resource and urban development sectors. Mr. Alam has served as the Chairman of LESCO and is presently Member of the Punjab Environment Protection Council and Parks and Horticulture Authority and Director of the Lahore Waste Management Company, the Urban Unit and the Punjab Saaf Paani Company. Mr. Alam has brought several public interest environment petitions for adjudication and is the Secretary of the River Ravi Commission established in 2012 by the Lahore High Court with a mandate to propose a sustainable roadmap to restore the natural ecology of the River Ravi. Mr. Alam has lectured law at the Lahore University of Management Sciences, Environment and Development at the Lahore School of Economics and Urban Development at the University of Punjab. Mr. Alam has written extensively on environment issues, most recently compiling “Pakistan’s Water Discourse: Attitudes on Water Management Practices” (Jinnah Institute, April 2014).
Abstract of Paper

Clean drinking water is essential for health. Yet nearly half the occupancy in Pakistani hospitals is due to water-related ailments. Clean drinking water is a Constitutional right recognized by the Superior Judiciary of Pakistan. Yet, with increasing urbanization and industrialization, increasing demands on drinking water are raising serious water quantity and quality concerns. The health-costs of impure drinking water negatively impact the national exchequer by as much as 4 percent of GDP.

This paper examines the nexus between clean drinking water, health and economic development. It first examines the legal nature of water, arguing that a comprehensive understanding is made difficult by the various characteristics of water. It then explains the finite nature of water as a resource and sets out the concept of virtual water - by which everyday items are understood by the amount of water consumed in producing them. An understanding of virtual water is an important aid in the better understanding of how water and national economies are linked, and this paper explains the water-consumption patterns of developing economies. The paper continues by placing the economic development of the industrializing West in the context of the sanitary revolution, the important precursor to industrialization and economic development.

With industrial, agriculture and domestic effluent pollution now causing adverse environment impacts, this paper reviews attempts made in other jurisdictions to treat and clean waterways and control industrial pollution. Case studies from Punjab will also be discussed. Concepts such as the polluter pays principle are also discussed.

Water Governance Laws (Conservation & Pollution Laws & Case Law)

Mr. Jawad Hassan

Jawad Hassan, Advocate Supreme Court is the Senior Partner at Hassan, Qureshi & Mamdot and has over twenty one (21) years of experience in contentious matters including litigation in the Superior Courts of Pakistan as well as regulatory forums in Pakistan. Mr. Hassan was the Partner at Hassan & Hassan (Advocates) and an Associate at Mandviwalla & Zafar. Mr. Hassan has served as an Additional Advocate General of the Punjab at the Supreme Court of Pakistan, Islamabad. In his three years as the additional Advocate General of the Punjab from 2010-2013, Mr. Hassan has successfully handled various constitutional matters before the Supreme Court of Pakistan (including the larger Bench) on behalf of the Government which are reported in SCMR/PLD. Mr. Hassan besides other industrial groups is the lead counsel/advisor of the Hashoo Group of Mr. Sadruddin Hashwani and has been extensively travelling for onshore and offshore matters and cases.

Mr. Hassan has drafted various laws, rules and regulations including the redrafting of the PEPA, 1997 and has been a member of various committees, commissions and advisory boards of the Provincial and Federal Government. Mr. Hassan was the speaker at the various international conferences including the International Judicial Conferences organized at the Supreme Court of Pakistan and the International Judges Conference at Manila, which conceived the Bhurban Conference and CEEJ. He has authored various books on media and environment laws and has numerous international publications and research articles in law journals, both in and outside Pakistan. Mr. Hassan is a visiting lecturer at leading institutions in Pakistan including the Federal Judicial Academy of Pakistan and has been involved in training regulators and Government officers.

Abstract of Paper

The Role of the Judiciary in Protecting the Water Rights

This paper will examine the role of the Judiciary in Pakistan in protecting the water pollution. In particular, how The Committee for Enhancing Environmental Justice (CEEJ) has worked towards achieving this function. It will then
move on to discuss the Articles of the Constitution which cover the right to healthy environment. The policies introduced by the Government in this regard such as National Conservation Strategy (NCS), National Environmental Policy, 2006, National Sanitation Policy and Pakistan Environmental Protection Act 1997-Punjab Act, 2012 will also be expounded upon. Over the time, Judiciary has been seen to play an eminent role in encouraging a healthy environment for its citizen, especially ensuring clean water for everyone. This will be established with the help of various landmark judgments in the history of environmental law in Pakistan. These will consist of various Supreme Court judgments including Supply of Contaminated Water to Rawalpindi from Rawal Dam (2013 SCMR 591, 594) and General Secretary Salt Miners Labour Union (CBA) Khewra, Jhelum v. The Director, Industries and Mineral Development, Punjab, Lahore (1994 SCMR 2061) and also many High Court judgments such as Rana Ishaque v. DG, EPA and others (Writ Petition No. 671 of 1995), Mst. Ameer Bano v. S.E.Highways (1996 PLD Lahore 592), Sindh Institute of Urology and Transplantation and others v. Nestle Milipak Limited and others (2005 CLC Karachi 424) and Shehri v. Province of Sindh (2001 YLR 1139). The paper will then be concluded by illustrating the importance of water as an essential commodity of life and also as a fundamental right of every citizen.

Administering the Green Justice

Mr. Muhammad Sher Abbas

He is a Senior Civil Judge (JSCC) Lahore. He has served as Civil Judge-cum-Judicial Magistrate at different districts of Punjab and has also served in the Ministry of Law Govt. of Punjab.

He has been a green judge while serving as Senior Civil Judge Lahore, wherein he has dealt with a number of green cases.

Abstract of Paper

My topic is “Administering the Green Justice” and I will make a presentation on the scope of Pakistan Environmental Protection Act 1997; the factors responsible for its non-effective enforcement; green jurisdiction of courts and tribunals in Pakistan; green cases handled by myself as Senior Civil Judge, Lahore; procedure of complaints; and subordinate legislation of green laws etc.

Administering the Green Justice

Mr. Abdul Sattar

Mr. Abdul Sattar is District & Sessions Judge, Rawalpindi. He has served as Civil Judge, Senior Civil Judge, Additional District & Sessions and District & Sessions Judge in different Districts of Punjab since 1984. He has also served as Special Judge Anti-Narcotics, Special Judge Anti-Terrorism Court, Additional Registrar and Member Inspection Team of the Lahore High Court.

He is a green judge in his capacity as District & Sessions Judge.

Abstract of Paper

Water and Environmental Justice, a concept introduced in our Legal Justice System seriously after the adoption of Bhurban Declaration in the year 2012. In this regard I do not feel shy to acknowledge before this forum that Global Warming or Environmental Management issues are hot topics and concerns of advanced and rich nations. On the contrary our country rated to be unenlightened nation for just reasons because majority of our people not yet free from primary needs hardly take our today’s topic seriously. Our successive Governments are equally to be blamed
for their phenomenal apathy and indifference to such issues. My part of the presentation concerning Administering Green Justice based on the fair analysis of Institution and Disposal data of entire Province of Punjab will provide answer to my above stated humble approach and view.

Way Forward

Hon’ble Mr. Justice Syed Mansoor Ali Shah

Mr. Justice Syed Mansoor Ali Shah is a Member of the Committee for Enhancing Environmental Justice (CEEJ) and heads the green bench at the Lahore High Court, Lahore.
## SCHEDULE

<table>
<thead>
<tr>
<th>Time</th>
<th>Agenda</th>
<th>Speaker</th>
<th>Contacts</th>
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<tbody>
<tr>
<td>8:30-9:00</td>
<td>Registration</td>
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<tr>
<td>9:00-9:10</td>
<td>Guests to be seated/Arrival of Chief Guest</td>
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<td>9:10-9:20</td>
<td>National Anthem/Recitation</td>
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<tr>
<td>9:20-9:30</td>
<td>Opening Address</td>
<td>Hon’ble Mr. Justice Anwar Zaheer Jamali, Judge, Supreme Court of Pakistan</td>
<td>Chairperson CEEJ</td>
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<tr>
<td>9:30 – 9:35</td>
<td>IUCN and Water</td>
<td>Mr. Mahmood Akhtar Cheema</td>
<td>Country Representative, IUCN Pakistan 0345-2004242 0300-8217457 021-3566154 <a href="mailto:mahmoodakhtar.cheema@iucn.org">mahmoodakhtar.cheema@iucn.org</a></td>
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<td>9:35 – 9:45</td>
<td>Address by the Hon’ble Mr. Justice Jawwad S. Khawaja, Judge, Supreme Court of Pakistan</td>
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<tr>
<td>9:45-10:00</td>
<td>Key Note Address: Adequate and Safe Water for All</td>
<td>Dr. Shahid Ahmad</td>
<td>Senior Water Expert, IUCN 0321-9561517 <a href="mailto:Shahid.ahmad@iucn.org">Shahid.ahmad@iucn.org</a></td>
</tr>
<tr>
<td>10:05-10:20</td>
<td>Water for Agriculture (food security)</td>
<td>Mr. Arif Nadeem</td>
<td>Former Secretary Irrigation &amp; Agriculture, Govt. of Punjab. 0304-475683 3344-854061 <a href="mailto:azher.cheema@iucn.org">azher.cheema@iucn.org</a></td>
</tr>
<tr>
<td>10:25-10:40</td>
<td>Water for Industry</td>
<td>Mr. Azher Uddin Khan</td>
<td>Managing Director NEC Pakistan 0300-8454061 <a href="mailto:azher.khan@nec.com.pk">azher.khan@nec.com.pk</a></td>
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<tr>
<td>10:45-11:00</td>
<td>Water for People (Water Supply and Sanitation)</td>
<td>Syed Ayyub Qutub</td>
<td>PIEDAR, Islamabad 0346-3999146 051-2820359-69 <a href="mailto:s.a.qutub@piedar.org">s.a.qutub@piedar.org</a></td>
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<td>11:05-11:35</td>
<td>Tea break</td>
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<tr>
<td>11:40-11:55</td>
<td>Water, Health and Economics: Case study with international best practices</td>
<td>Mr. Ahmad Rafay Alam</td>
<td>Advocate 0321-4442526 <a href="mailto:rafay@saleemalam.com">rafay@saleemalam.com</a></td>
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<tr>
<td>12:00-12:20</td>
<td>Water Governance Laws (Conservation &amp; Pollution laws &amp; case law)</td>
<td>Mr. Jawad Hassan</td>
<td>Advocate Supreme Court 0321-8454486 <a href="mailto:jawadkh1@hotmail.co.uk">jawadkh1@hotmail.co.uk</a></td>
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<tr>
<td>12:20-12:30</td>
<td>Administering the Green Justice</td>
<td>Mr. Muhammad Sher Abbas</td>
<td>Senior Civil Judge (JSCC) Lahore/Green Judge 0344-8666848 042-99210557 <a href="mailto:mohammadhsherabbas@gmail.com">mohammadhsherabbas@gmail.com</a></td>
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<tr>
<td>12:30-12:40</td>
<td>Administering the Green Justice</td>
<td>Mr. Abdul Sattar</td>
<td>District &amp; Sessions Judge, Rawalpindi / Green Judge 0300-6308849 0300-8485117 051-9286061 (office) <a href="mailto:sattar.aziz60@yahoo.com">sattar.aziz60@yahoo.com</a></td>
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<tr>
<td>12:45 - 1:00</td>
<td>Way Forward</td>
<td>Hon’ble Mr. Justice Syed Mansoor Ali Shah</td>
<td>Judge, Lahore High Court / Member CEEJ <a href="mailto:manlive@gmail.com">manlive@gmail.com</a></td>
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<td>1:00-1:25</td>
<td>Award of Souvenirs / Certificates</td>
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<td>1:25-2:30</td>
<td>Lunch</td>
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