

Comparative Analysis Of Environmental Laws Of Pakistan And The USA; In Terms Of Legal Framework & Efficacy In Transformation Of Eco-Logical Growth.



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Abstract: *The study in hand is a comparison of environmental laws and regulations in Pakistan and the United States. It appraises the aspects in terms of historical evolution, structure, and scope of legal instruments with reference to environmental glitches. Although there are variances in development stages and governance systems, both countries have put in place legislation for environmental protection with variations regarding their scope and inclusiveness. The study reveals that USA has a more extensive legal framework as a result of its long history of environmental governance through numerous acts dealing with pollution control, biodiversity conservation, and management of natural resources among other things. On the other hand, Pakistan is in its evolutionary stage to cope with environmental transformations and reforms.*

Both the USA and Pakistan comprehend the value of Environmental Impact Assessment and the need for public input in decision-making, but they differ in how they involve the public. Despite these differences, both countries aim to evaluate environmental impacts, manage hazardous waste, and protect endangered species. This comparative study underscores the strengths and weaknesses of both countries' regulatory structure, providing perspectives on potential enhancements and the flexibility of environmental statutes to address environmental challenges. Research in hand provides a detailed understanding of how different legal frameworks work within their respective environmental pattern.

Keywords: Pakistan, United States of America, legal frame work, Environmental impact assessment & manage hazard and ecological threats.

Introduction

The world is enriched with amazing natural wonderkinds & resources but the same have been threatened with every tick of the clock to meet the criteria of technology, industrialization and human needs. Uplift in living standards and progressions resulted into adverse effects on environment and bio logical existence of life on planet. Protecting the environment is a global

concern; keeping in view its vitality legal framework requires protecting eco system and ecological wellbeing. The Pakistan since its inception making efforts to address the issues of multi-dimensional nature to put the country on developmental stage in terms of eco logical growth. Although Pakistan has comprehensive environmental regulations yet issue seems in its weak implementation to achieve desired targets.

The United States of America being a developed state with strong federation and implementing institutions as compared to Pakistan has long history in legislating environmental laws. Pakistan and the USA, despite their differences in development stages and governance, have owned laws that aim the safe guarding the environment in common. Analysis looks into the structure and effectiveness of environmental regulations in both countries, offering insights into how these frameworks and legal patterns can tackle the environmental challenges. The basic objective of this research is to comparatively conduct a thorough exploration of the environmental laws in Pakistan and the United States focusing chiefly on recognizing their strengths and weaknesses and also to identify areas that need any further improvement.

Research Aims

- What are the key similarities and differences between the environmental legal frameworks of Pakistan and the USA in terms of history, structure, transparency, and regulations
- How do these legal frameworks address contemporary environmental challenges and what improvements can be recommended to enhance their effectiveness.

Literature Review

To protect natural resource, eco logical growth and intact human rights countries of the world have set up environmental legal frameworks, designed according to their climatology pattern, demographical location, social economic growth and political status. The discourse surrounding environmental legislation has been profoundly influenced by historical trajectories and ideological principles. Crosby (1995) critically examined how civilizations have interacted with their natural environments. It affords crucial insights into the ideological roots and evolution of environmental policies by most of the countries. In the context of the United States of America, Merchant(2007) proposals a comprehensive introduction to the USA's environmental laws by offering an inclusive

exploration of the interplay between human activities and environmental changes in North America, from pre-Columbian times to the current base line regulations. Landscapes like forests, plains and deserts have been modified in such manner that collapsed the rich natural setup and phenomena. Generally artificial arrangements of Native American in terms of subsistence and the processes of colonized settling in particular North American landscapes, horticulture, hunting and gathering were carried out and resulted into wide range of destruction to natural resources. In the context of Pakistan, Ahsan & Khawaja(2013) meticulously documented the evolution of environmental legislation, policies, and judicial activism by apex courts provide a critical overview of the legal and institutional frameworks that have emerged to address environmental challenges in the country.

The present study specifically focuses on a comparative analysis of the environmental laws of Pakistan and the United States of America, unlike the broader or more general approaches taken in this behalf. This direct comparison aims to highlight the unique aspects each country faces in its environmental legislation. The USA has a more extensive and detailed environmental legal framework, reflecting its longer history of environmental governance as the origin of environmental law and policy in the United States can be traced to 1899 when the nation implemented its first environmental legislation, primarily focusing on safeguarding rivers and harbors. In the United States, environmental legislation has evolved significantly over time. Starting in 1900, the country laid a foundational stone with the adoption of the Clean Water Act (Orsi), followed by the Migratory Bird Treaty Act in 1918, highlighting early efforts to protect natural resources (Rushefsky, 2002). The introduction of the Clean Water Protection Act in 1948 marked a pivotal moment, targeting chemical pollution in water sources. The commitment to environmental stewardship continued with the implementation of the Resource Conservation and Recovery Act, 1976 focusing on management of menacing and concrete waste (Myllyntaus). Between 1972 and

2003, a series of environmental Acts were enacted, broadening the scope to include consumer protection and underscoring a sustained dedication to environmental conservation.(Orsi) Among these, the National Environmental Policy Act,1969 emerged as a landmark and also known as Manga Carta of environmental regulations, celebrated for its effectiveness in promoting environmental protection on a national scale, setting a precedent for comprehensive environmental policy(Petersen, 2013).On the other hand, Pakistan's journey in developing environmental laws has been relatively recent and continually evolving. In 1975, following the principles set forth in the Stockholm Declaration of 1972, Pakistan established the Ministry of Environment. Initially, Constitutional provisions of 1973 and allied legislating bodies at Provincial level to enact environmental laws till 2010. In response to growing environmental concerns, the Ministry crafted the first comprehensive environmental legislation, known as the Pakistan Environmental Protection Ordinance of 1983 (PEPO). Ahsan & Khawaja, 2013 opine that federal law aimed to establish institutions such as the Pakistan Environmental Protection Council (PEPC), it also led to the formation of the Pakistan Environmental Protection Agency (EPA) at the federal level, along with 4 provincial environmental protection agencies, tasked with enforcing the provisions outlined in PEPO. However, while PEPO provided a framework for institutional enforcement and environmental protection, it lacked comprehensive regulations addressing issues such as land use, pollution control either air, water, and noise, marine pollution, biodiversity conservation, and management of hazardous substances or activities. Subsequently, the Pakistan Environmental Protection Act of 1997(PEPA) superseded the previous law, PEPO aiming to address deficiencies within the legal framework and with effective implementing institutes & bodies.

The environmental legal frameworks of the United States and Pakistan showcase a notable contrast in breadth, scope, and comprehensiveness. United States of America

has a plenty of effective laws at federal level addressing the issue of climatology. The Clean Air Act,1988,the Clean Water Act, 1972 & the Comprehensive Environmental Response, Compensation, and Liability Act,1980(CERCLA or Superfund)are the some of the potential legislations which are meant for preserving the water resources, flora and fauna ,pollution control etc. Other key legislations in USA are the Endangered Species Act, 1973, the National Forest Management Act, 1976, the Coastal Zone Management Act, 1972 and the Energy policy Act, 2005 which mandates particularly tackling the issue of ecological nature.

Contrariwise, Environmental regulation in Pakistan is not that much hopeful and took time in mobilizing the Government to legislate laws on Environment. At federal level proper mechanism is missing to evaluate the assessment impact, issue of water scarcity and quality of air and other major assessment for preservation of biodiversity. Lack of Constitutional provision on the Environmental rights put forward the liability to address the eco logical growth and preservation of eco system under the umbrella of Rulings of apex courts. Forest Act and Islamabad Wildlife Ordinance, 1979, The Pakistan Environmental Protection Ordinance (PEPO) 1983, The Pakistan Environmental Protection Act (PEPA) 1997 are legislation to coup with the survival of human beings in clean and healthy environment. Pakistan although signatory the International Conventions i.e. the Convention on the Conservation of Migratory Species of Wild Animals (1979) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES,1973) & the Convention on Biological Diversity (1992), yet there is not a single federal regulation to take on board the subjects of said conventions. Study revealed that Pakistan after its independence lacking the uniform national agricultural framework throughout the state, this provincial autonomy is proved harmful for Pakistan to preserve and retain its environmental heritage. The same is true for inclusive legislation addressing the tourism sector's impact on natural resources.

This comparison highlights the extensive and detailed environmental legislation in the United States, encompassing a wide range of pollution control, natural resource management, and biodiversity conservation issues. In contrast, Pakistan's environmental law, while evolving, exhibits significant gaps, especially in terms of federal legislation and comprehensive frameworks for addressing various environmental challenges. While both the USA and Pakistan recognize the importance of assessing environmental impacts before proceeding with major projects, there are differences in how their environmental impacts assessments processes are carried, structured and implemented. The National Environmental Policy Act (NEPA), 1969 of the United States not only introduced the establishment of Environmental Impact Assessments (EIA) but also integrated the principle of public involvement into the EIA process (Petts, 2003).

In the United States under Section 102(c) of the National Environmental Policy Act (NEPA), the public participation process seems highly transparent, with environmental impact statements (EIS) and agency comments being readily available to the public which ensure the decision-making process is open to scrutiny and that citizens can participate actively by providing comments and attending public hearings. NEPA encourages federal agencies with relevant expertise to be consulted during environmental assessments. This broadens public the scope of public participation indirectly through agency expertise.

In contrast, Pakistan's process under the Pakistan Environmental Protection Act (PEPA) also involves public participation in the review of environmental impact assessments (EIAs), but with certain constraints. Information related to trade secrets, national security, or legal privilege is withheld from public disclosure. This provision for confidentiality somehow limits the extent of public participation, as certain aspects of the EIA might not be fully accessible to the public for review or comment as a major stake holders & beneficiaries. Additionally, public involvement in Pakistan is limited to the review stage in most projects, lacking opportunities for

participation in earlier stages like screening, scoping, and monitoring, thus rendering it ineffective (Nadeem & Hameed, 2008) while the EIA process in Pakistan mandates public involvement, the specific mechanisms and the extent of public influence on the decision-making process are less detailed compared to the United States of America.

Despite the significant differences in the legal systems of the United States of America and Pakistan, there are notable similarities within environmental regulations of both states. Both countries have established similar frameworks for protecting the environment through legislation. In the U.S.A the foundation of environmental law includes the National Environmental Policy Act (NEPA) of 1969, which introduced the need for environmental impact assessments, alongside other laws that address various environmental concerns and encourage actions aimed at preventing or mitigating harm to the environment. The Pakistan Environmental Protection Act (PEPA) aiming at to protect the civil rights of citizens by ensuring healthy environment and further paved way to conservation policies.

Similarity happened in environmental regulations of both states in terms of assessing impact of projects on environment as one of major qualifying criteria. Under provisions of 102 & Section 12 of The National Environmental Policy Act (NEPA) of 1969 and The Pakistan Environmental Protection Act (PEPA) of 1997 respectively provide clauses related to Environmental Impact Assessments. Both countries took steps in terms of formulating laws on protective measures extend to threatened species with their habitats (EPA, 2018). Pakistan like United States of America took step in legislating provincial legislations i.e. are The Punjab Wildlife (Protection, Preservation, Conservation, and Management) Act of 1974 , The Khyber Pakhtunkhwa Wildlife (Protection, Preservation, Conservation, and Management) Act of 2015 , Sindh Wildlife Protection Act of 1972 and Baluchistan Wildlife Protection Act of 2014 on the subject.

One more similarity shared by both

environmental legislations that provisions are provide for addressing the issue of hazardous waste. Comprehensiveness of laws on issue is evident from being its modes of redressal with penal clauses. Waste management as subject under both regulations and policies form a base line for eco logical preservation, ensuring planet earth as a safe habitat and intact biodiversity.

Conclusion & Recommendations

The comprehensive study of environmental laws of both countries showcase the historical development, climate condition and government role in making and implementing laws. It has been explored that fortitude of USA as compared to Pakistan is more vibrant, encouraging, developed and vital in terms of execution for environmental sustainability. The study in hand will make change in terms of befitted expertise, knowledge and experiences of one another legislation. Further both countries can join hands together for introducing more fruitful and eco-friendly policies and design legal frame work where environmental violations are addressed legally. Pakistan being a developing country can take further actions in terms of revising its environmental laws to mitigate and coup with the environmental issues of water scarcity, forest regulations, marine life, clean water, atmospheric conditions and wild life protection. Both countries in collaborations can take initiative to launch eco-friendly societies, invest in research particularly focus on environmental monitoring, climatology, sustainable cites, environmental governance with proper codified laws. Further it is suggested it is high time to inculcate in curricula the courses like Environmental education, environmental justice, environmental humanities, environmental economics etc. Keeping in view the era of technology and industrialization it demands to legislate laws with strict compliance as planet over profit can't be workable for any nation of the world. The decisive position of The United States of America can also play its role in advancing environmental protection to the biosphere and eco logical well-being. In this context strict international standards with proper follow ups would help to design strategies on

Environmental management system, natural resource management, building climate resilient and environmental impact & risk assessments worldwide to make this global village free from ecological threats

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