

## Pakistan

### EIA profile

**Updated to:** 15 January 2020

#### Overview ESIA procedure

The EIA procedure generally requires: screening, scoping, preparation of Terms of Reference for the EIA, assessment and preparation of an EIA report, public notification and a public hearing, and review. Thereafter, a decision on the EIA approval is taken and follow-up compliance monitoring is required.

Important documents of the process are the following: Scoping report and ToR, EIA report.

#### Screening

##### Screening process

Screening is a required step and conducted by the EPA at federal level and by Provincial EPAs at provincial level.

In Pakistan, two levels of environmental assessment are distinguished: Initial Environmental Examination (IEE) and full EIA. Screening is based on both an preliminary IEE and positive lists (schedules) contained in the EIA Regulations, 2000 or in the relevant schedules in provincial regulation. These schedules prescribe the groups of activities that require either an IEE or an EIA:

- Schedule I lists activities subject to IEE with maximum thresholds. Activities that exceed these thresholds are all listed in Schedule II, and are subject to EIA.
- Schedule II also lists other activities, without minimum thresholds, that require EIA. EPA at Federal or provincial level may, if it deems appropriate, directly request a proponent of certain project to submit an IEE or EIA even if not listed in schedule II or I.

The preparation of the IEE and the screening stage of an EIA are not open for other stakeholders apart from the proponent and the EPA. Additionally, sectoral guidelines contain checklists of environmental parameters that can be used to aid screening decision.

##### *Sensitive areas*

All activities within environmentally sensitive areas, as described in the 'Guidelines for sensitive and critical areas' (1997), require a full EIA. The guidelines advice on the procedure to be followed for projects which (might be) located in these areas. In these cases, the proponent is required to contact the Conservation Authority for advice.

#### Scoping

##### Scoping process

Scoping is a required step.

The proponent formulates the Terms of Reference; these do not have to be approved. The basis for determining the scope of the EIA derives from the sectoral guidelines, which includes a checklist on likely impacts and mitigation measures for several activities. The following steps for scoping are described in the guidelines:

- Prepare an outline of the scope, with headings such as:
  - a) objectives and description of the proposal,
  - b) the context and setting of the proposal,
  - c) constraints,
  - d) alternatives,
  - e) issues,
  - f) public involvement, and
  - g) timetable;
- Develop the outline of the scope through discussion with key stakeholders;
- Make outline and supporting information available to those whose views are to be obtained;
- Identify the issues of concern;
- Evaluate the concerns from both a technical and subjective perspective, seeking to assign a priority to important issues;
- Amend the outline to incorporate the agreed suggestions;
- Develop a strategy for key issues;
- Provide feedback on the way the comments have been incorporated.

source

Guidelines for the preparation and review of Environmental Reports, p.9

### **Contents of the scoping document**

The scoping document should contain:

- objectives and description of the activity;
- the context and setting of the activity;
- constraints;
- alternatives;
- public involvement;
- timetable.

### **Assessment**

## Assessment process

Methods for assessment are not specified in the EIA regulations of 2000. The guidelines for preparation and review of environmental reports however, give a general procedure that include impact identification, baseline data collection, prediction, social, health as well as economic and fiscal impacts. Under the impact identification, the guidelines give some advantages and disadvantages of some methods of impact identification including: checklists, matrices, networks, overlays and GIS etc. In case of an EIA, EPA is required under the EIA regulations to ensure public participation.

The Guidelines for the Preparation and Review of Environmental Report indicate that environmental, social, health and economic impacts shall be considered in the EIA report.

## Contents of the EIA report

It is advised that an Environmental Report should contain:

- Executive or non-technical summary;
- Description of the objectives of the proposal;
- description of the proposal and its alternatives;
- discussion of the proposal and current land use and policies;
- description of existing and expected conditions;
- evaluation of the impacts for each alternative;
- comparative evaluation of alternatives and identification of the preferred option;
- environmental management plan, monitoring plan and proposed training;
- appendices. For each impact the following aspects should be considered: nature; magnitude; timing; duration; reversibility and likelihood (risk).

A detailed EMP is usually not part of the Environmental Report, but rather a comprehensive outline of the structure of it with a summary of the management principles to be followed. For issues of high risk and uncertainty, details of management should be included in this outline.

## Accreditation of consultants

Consultancy is not regularized and licensed.

## Review

### Review process

The EPA or the provincial EPA are responsible for the review process. The EPA is required to consult a Committee of Experts, Sectoral Advisory Committee, other government agencies, NGOs and the affected public. Review criteria is on a case-by-case basis.

It is advised that the criteria should consider:

- The ToR; existing reviews of EIA reports;
- studies and experiences of the actual impacts of similar activities;

- the quality of the scoping and screening (including the adequacy of the summary and whether the recommendations are clearly stated in the executive summary);
- the completeness of the outline description;
- the alternatives described;
- the baseline study (concise and useful);
- the description of the impacts (detailed probability and significance);
- mitigation measures;
- when monitoring programs are described, the reasons for and costs of the activities should be elaborated in detail.

Generic steps for review are described in the EIA guidelines for preparation and review of environmental reports.

### **Review expertise**

IEE and EIA are reviewed by government experts and experts from other government agencies. NGOs and affected community members are also permitted to review these reports.

### **Timeline Review**

The IEE is reviewed within 45 days and the EIA within 90 days.

### **Decision making**

#### **Integration of ESIA into decision-making**

EIA approval is separated from the final licence of the commencement of the project. The proponent of any activity listed under schedule I and II of the EPA-IEE and EIA regulations, 2000 needs a formal IEE or EIA approval from the EPA before any project approval.

The EIA approval comes along with conditions for it.

The decision-making procedure depends on whether private sector or public sector projects are being considered. The final decision on the Environmental Approval for private projects is taken by the responsible authority (EPA, provincial or district authorities in co-operation with other Departments and Agencies).

#### **Decision justification**

Decisions are justified in writing. Schedule IV of the EIA regulation, 2000 provides a form that EPA uses as decision note.

The EIA guidelines stipulate that a register of decision is made available to the public. It does not however state whether the decision should be published.

## **Timeline decision-making**

Not specified.

## **Possibilities for appeal**

Pakistan Environmental Protection Act introduced Environmental Tribunals, for serious offences, and Environmental Magistrates, for less serious offences. The Supreme Court and High Courts are also open to any appellant as last resorts.

The final approval/ clearance and the decision for project approval can be appealed against.

Any persons aggrieved by decisions of EPA at Federal or provincial level may appeal with the Environmental Tribunal within 30 days.

## **Follow-up**

### **Compliance monitoring**

The proponent is required to submit a monitoring plan as part of the EIA report. Before commencing operation of the project, the proponent should send a confirmation of compliance, accompanied by an Environmental management Plan. After completion of the construction of the project, the proponent is required to submit an annual report on the operational performance of the project, with reference to the conditions of the approval and maintenance and mitigating measures adopted for the project. EPA is responsible for monitoring of conditions of approval and may require additional information from the proponent and can carry out an inspection for this purpose. EPA may cancel the approval, based on the information in the annual report or its inspections.

There are possibilities for external monitoring. In the case of a major or controversial project, the guidelines state it is desirable to establish a monitoring committee, comprising the proponent's project manager and environmental staff, key Government Departments and Agencies, and representatives of the local community.

### **Non-compliance penalties**

If the proponent violates the conditions of the license EPA can issue an Environmental Protection Order to take corrective measures, or take the actions itself and recover the costs. The Director-General of an EPA may require the proponent to pay EPA an administrative penalty if the proponent makes an offence against the Environmental Protection Act. If the Offence is related to an IEE or EIA, the penalty may be up to RS 1,000,000 with a daily fine of up to 100,000 for every day the contravention continuous. If the penalty is not paid, enforcement through the Environmental Tribunal is possible. A proponent aggrieved by the final order of the Environmental Tribunal may appeal to the High Court.

## **Stakeholder engagement**

### **Public participation requirements for ESIA process stages**

Public consultation should occur in the preparation of the initial IEE, the assessment of impacts, the reviewing stage and decision -making stage and during monitoring. Audits of EIAs for both public as private projects are reviewed by stakeholders and the public after a preliminary review by the responsible authority.

Comments on the EIA report may be written and oral.

All comments received should, in accordance with the EIA Regulations, 2000 be duly considered, before a decision is made on the EIA. It is not however specified that the level of influence of these comments should be provided.

### **Timeline for public comments**

Public hearing should fall within 30 days of newspaper notice.

### **Access to information**

EIA reports are public documents and the review thereof, including the decisions, is made public. A register of EIA decisions is kept at EPA and is available to the public.

In case of an EIA, the Federal Agency publishes in any English or Urdu national newspaper a public notice that mentions the type of projects, the exact location, the name and address of the proponent and the places where the EIA of the project can be accessed. This notice contains the date, time and place for a public hearing. The public hearing takes place, at least thirty days after publication of the notice. The review and the decision are public documents.

## **ESIA practice**

### **Central ESIA database**

Provincial EPAs maintain separate registers of all IEEs and EIAs. EPA should be informed on the progress of all IEE and EIA processes and adds this information to its own registers.

## **Background information**

### **History of ESIA**

EIA is a mandatory legal requirement in Pakistan, starting with the promulgation of Pakistan Environmental Protection Ordinance (PEPO) of 1983 (repealed in 1997). EIA became mandatory for all new projects in July 1994. Other major events for EIA were the enactment of Pakistan Environmental Protection Act (PEPA), 1997 followed by the IEE/EIA Regulations of 2000. These provided the key legal basis for EIA in Pakistan until 2011.

After 2011, EIA responsibilities were decentralised, and since then provinces and independent regions have developed their own EIA regulation. This has introduced variation in the detail of the requirements for EIA throughout the country.

This profile is based on the national IEE/EIA regulations, that still apply at the federal level, and have served as the basis for the provincial regulations.

## **Legal framework**

### **Enabling law**

Pakistan Environmental Protection Act (PEPA) (1997)

## **National detailed regulation**

IEE/EIA Regulations of 2000

### **Guidelines**

The National Environmental Protection Agency (Pak-EPA) has issued a set of general guidance documents to complement the Act of 1997. These include:

- Policy and Procedures for the Filling, Review and Approval of Environmental Assessments (1997);
- Guidelines for sensitive and critical areas (1997);
- Guidelines for preparation and review of Environmental Report (1997);
- Guidelines for Public Consultation (1997)

The following sectoral guidelines are also available (albeit quite dated):

- Major thermal Power Stations: Sectoral guidelines for Environmental Reports
- Major Chemical & Manufacturing Plants: Sectoral guidelines for Environmental Reports;
- Housing States & New Town Development: Sectoral guidelines for Environmental Reports;
- Industrial States: Sectoral guidelines for Environmental Reports;
- Major Roads Guidelines: Sectoral guidelines for Environmental Reports;
- Sewage Schemes: Sectoral guidelines for Environmental Reports;
- Oil & Gas Exploration and Production: Sectoral guidelines for Environmental Reports;
- Wind Power Projects (Draft): Sectoral Guidelines for Environmental Reports
- Guidelines using Tire Derived Fuel (TDF) in Pakistan Cement Industry
- Guidelines using Refused Derived Fuel (RDF) in Pakistan Cement Industry

source

Pak-EPA, and "Quality of the guidelines for preparation and review of environmental impact assessment reports in Pakistan" by Rizwan Hameed & Obaidullah Nadeem, Impact Assessment and Project Appraisal Volume 37, 2019 - Issue 2.

### **Scope of application**

All projects, public, private, national and international, as listed under the EPA (Review of IEE and EIA, 2000) require an EIA. But note that there are regional differences.

## **Institutional setting**

### **Central ESIA authority**

The National Environmental Protection Agency (the Federal EPA or Pak-EPA) has jurisdiction over all IEEs and EIAs in the federal region. Within the provinces and the independent regions of Pakistan, the provincial level Environmental Protection Agency is responsible. According to the governments guidelines, issued in 1997, Pak-EPA is also responsible for military projects, and projects involving trans-border or trans-province effects.

**Other key (governmental) parties**

Other governmental institutions involved include in of IEE or EIAs will differ per region, but may include:

- Committee of Officers; Assessment Officers and/or a Committee of Experts are consulted for their expert opinion;
- An Environmental Assessment Advisory Commission;
- Environmental Tribunals and Environmental Magistrates, these receive complaint on IEEs and EIAs;
- The Department for Economic and Development Planning, within the Federal Government or at provincial level these often have the responsibility over IEEs for public projects.

**(De)centralisation of mandates**

EIA mandates have been decentralised. The provinces and independent regions have developed their own detailed legislative framework for EIA, and administer the procedures withing their jurisdiction.

**Payment system**

The proponent pays a fee at the time of submission of an IEE or EIA to the relevant EPA. Fees are determined at the provincial level.

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