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Environmental Impact Assessment (EIA) in Pakistan Law, Practice, and Gaps

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Abstract

Environmental Impact Assessment (EIA) has been one of the most important tools towards environmental governance across the world with the potential positive benefit being an active legal tool in determining the potential environmental impact of intended development projects prior to their actual start-off. In Pakistan, the EIA system is captured in the main through the Pakistan Environmental Protection Act (PEPA) 1997 which is complemented with the Review of Initial Environmental Examination (IEE) and EIA Regulations 2000. These legislations require the advocates of some industrial, infrastructural and commercial developments to seek environmental consent of concerned Environmental Protection Agency (EPA) prior to commencing any physical exercise. Although the presence of this framework is an important step forward in the defense of the environment, its practical use offers us numerous gaps.

The present paper airs a critical analysis of the EIA regime in Pakistan by delving in its legal backgrounds, administrative implementation, and overall performance in ensuring the abatement of environmental degradation. It proposes that despite the fact that the EIA process

is mandatory by law, in most cases it has been turned to a mere bureaucratic needle which has not served its purpose of environmental sustainability. But as we now take an even closer look at the high-stake infrastructure programs and primary one, the Lahore Orange Line Metro Train and energy set-ups within the China-Pakistan Economic Corridor (CPEC) reveal that EIAs are hurried through, poorly scrutinized or given a license to go ahead despite having potent tangible ecological hazards. This compromises the confidence of the populace and poses a fundamental question about regulatory winds and politicization of the environmental decision-making process. The other significant barrier has been the lack of technical skills as well as independence of the EPAs at the federal and provincial levels. These departments are frequently understaffed, underfunded, have a political albatross around their necks, and so cannot be severe evaluators of EIA reports or demanding in insuring follow-through enforcement after authorization. Although community involvement constitutes one of the key pillars in proper environmental governance, in Pakistan, it remains purely representational because in most cases, the communities and individuals who are affected have no real part to play in consultative mechanisms. Moreover, transparency and accountability are limited by a lack of centralized data, publicly available, of accepted or denied EIA applications.

The advantages of more participatory, transparent, and independent EIA systems are visible through comparative views across such jurisdictions as India, South Africa, and Canada. As an example, the EIA Notification 2006 of India has clearer project classification and better proceduralizing of public hearings, whereas the Impact Assessment Act of 2019 in Canada institutionalizes and secures federal regulators, and considers climatic aspects in the assessment. Such overseas experiences can be used as useful examples of how to change the EIA process in Pakistan.

The conclusion of this research is that the EIA system in Pakistan was established legally but has some inherent weaknesses which are adverse to its forceful performance. It is complex and involves: reform of the law so it is up to date and easy to follow, strengthening of EPAs as an institution, enforced and meaningful public participation, and incorporation of more modern environmental issues, including loss of biodiversity and resiliency to climate change. It is only in the face of these wholesome reforms that the EIA system will effectively be utilized as the means of achieving an environmentally sustainable development in Pakistan.

Keywords: Environmental Legislation, Impact Assessment, Policy Implementation, Legal Framework, Sustainable Development

Introduction

Pakistan is faced with a severe ecological dilemma amid rising industrialization, urban growths and climate related vulnerabilities. The issue of environmental degradation has ceased to be an issue of a marginal character in the country: it profoundly poses a risk to the health of the population, the financial sustainability of the economy, and long-term objectives concerning building development. Amid such a scenario, Environmental Impact Assessment (EIA) has manifested itself as an important legal tool in making sure that developmental processes are not at the expense of an irreversible loss of the environment. EIA is a mitigatory measure as it happens through detection, assessment, and elimination of the negative impact of prospecting project prior to its commencement. The need to include a legal framework on EIA in Pakistan was achieved with the enactment of Pakistan Environmental Protection Act (PEPA) 1997 which provides that certain development projects should undergo an Initial Environmental Examination IEE, or full EIA, depending on the magnitude and environmental effect of the undertaking.¹ In addition to this legal regime, the Review of IEE and EIA Regulations, 2000 further elaborated how such a legal regime should apply in the context of submission and review of environmental reports.² Although they create a structured legal base of the environmental review, reality shows that there have been poor instantiation on the level of the implementation of the EIA in Pakistan, which is constantly sabotaged on the levels of rural bureaucracy, political pressure, and the shortage of institutional power.³

The role of EIA in Pakistan has increasingly become important over the past years, especially following billions of infrastructural and energy initiatives under the China Pakistan economic Corridor (CPEC). Such once in a lifetime ventures have posed pertinent questions as regards to whether issues of environmental concern are being addressed properly in the process of planning and approving these ventures.⁴ Further, the susceptibility of Pakistan to climate change has added pressure to the requirement of well-established environmental governance, but its currently embodied EIA regime does not seem to be designed to deal with the emerging issues. The legal requirements are streamlined onto a checklist and not real environmental protection details.⁵

This paper examines the available EIA framework in Pakistan in a profound legal and institutional context. It has the following objectives:

- Examine Pakistani EIA laws with regards to their substantive and Processual elements;
- Investigate flaws and weaknesses in the implementation practices;
- Indicate how EIA system in Pakistan compares with those present internationally;
- Put forward feasible legal and institutionalistic changes to improve the efficiency of EIA in the attainment of sustainability.

By doing so, this paper is placing EIA not only as a technical requirement, but as a democratic and developmental imperative, a requirement, which considers scientific evaluation, legal

Forward | Qlantic Journal of Social Sciences," accessed July 5, 2025, https://qjss.com.pk/index.php/qjss/article/view/337.

¹ "Pakistan Environmental Protection Act, 1997," accessed July 5, 2025,

² "PAKISTAN ENVIRONMENTAL PROTECTION AGENCY (REVIEW OF IEE AND EIA) REGULATIONS, 2000," 2000.

³ "Environmental Governance and Policy Implementation in Pakistan: Assessing Institutional Capacities and Challenges | Journal of Development and Social Sciences," accessed July 5, 2025, https://www.ojs.jdss.org.pk/journal/article/view/1069.

 ⁴ "Socio Economics Impacts of CPEC on Pakistan; the Dark Side of the Project | The Critical Review of Social Sciences Studies," accessed July 5, 2025, http://thecrsss.com/index.php/Journal/article/view/35.
⁵ "Mainstreaming Climate Change into Development Planning in Pakistan: Key Barriers and Way

provision, and civic engagement. The article relies on new scholarly sources, empirical research, and moderate legal examination to give a mature criticism of the Pakistani environmental decision-making process.

Legal Framework of EIA in Pakistan

Environmental Impact Assessment (EIA) in Pakistan is legally grounded in the Pakistan Environmental Protection Act (PEPA) 1997, which serves as the principal environmental statute in the country. Section 12 of PEPA makes it mandatory for proponents of certain industrial, commercial, or infrastructural projects to seek approval from the relevant Environmental Protection Agency (EPA) before initiating any work, by submitting either an Initial Environmental Examination (IEE) or a full Environmental Impact Assessment (EIA) report, depending on the nature and magnitude of the proposed activity.⁶

To operationalize this legislative provision, the federal government notified the Review of IEE and EIA Regulations, 2000, which detail the procedural requirements for the preparation, submission, review, and approval of these environmental reports.⁷ These regulations categorize projects into two schedules: Schedule I lists projects requiring an IEE, and Schedule II outlines projects requiring a full EIA. The EPA is obligated to review the reports within stipulated timeframes, 45 days for IEEs and 90 days for EIAs, and issue an approval, rejection, or request for further information.⁸

Following the 18th Constitutional Amendment, environmental regulation became a provincial subject, leading to the establishment of provincial Environmental Protection Agencies (EPAs) and the enactment of provincial environmental protection laws and rules, such as the Punjab Environmental Protection (Amendment) Act 2012 and similar statutes in Sindh, Khyber Pakhtunkhwa, and Baluchistan⁹. These laws generally follow the federal model but allow for some degree of provincial customization in EIA procedures and implementation.

The EIA process also draws normative support from Pakistan's Constitution. The right to life under Article 9, as interpreted by the Supreme Court in various public interest litigation cases, has been extended to include the right to a clean and healthy environment. This judicial interpretation provides a constitutional foundation for environmental protection, reinforcing the legal necessity of conducting EIAs prior to project approval.

Despite this relatively well-structured legal framework, the procedural mechanisms often fall short in practice due to weak enforcement, lack of transparency, and political interference. Furthermore, the absence of a centralized public repository of EIA reports, inconsistent

Sciences Review," accessed July 5, 2025, https://ojs.pssr.org.pk/journal/article/view/663.

⁹ "DECENTRALIZATION IN PAKISTAN: THE IMPACT OF THE 18TH AMENDMENT ON PROVINCIAL AUTONOMY | Journal for Current Sign," accessed July 5, 2025,

http://www.currentsignjournal.com/index.php/JCS/article/view/154.

⁶ "Pakistan Environmental Protection Act, 1997."

 ⁷ "PAKISTAN ENVIRONMENTAL PROTECTION AGENCY (REVIEW OF IEE AND EIA) REGULATIONS, 2000."
⁸ "Environmental Governance: An Overview on Governing Environment in Pakistan | Pakistan Social

monitoring protocols, and limited technical capacity within EPAs continue to undermine the intended regulatory function of EIA law. 10

EIA in Practice: Challenges and Limitations

Although Pakistan's Environmental Impact Assessment (EIA) regime appears robust on paper, its real-world application is fraught with significant challenges. The procedural, institutional, and political shortcomings in the implementation of EIA dilute its effectiveness as an environmental safeguard.

One of the foremost issues is the lack of technical and human resource capacity within federal and provincial Environmental Protection Agencies (EPAs). These agencies often lack adequately trained staff, reliable scientific data, and analytical tools to critically evaluate the quality and accuracy of submitted EIA reports.¹¹ As a result, assessments are frequently approved without rigorous scrutiny, undermining the core purpose of environmental review.

Another persistent problem is bureaucratic inefficiency and administrative delay. While the law prescribes specific timeframes for the review of IEEs and EIAs, these are often exceeded without justification. In many instances, approvals are either delayed due to inter-agency coordination failures or granted hastily without thorough evaluation.¹²

Public participation, a cornerstone of effective EIA systems globally, is mostly symbolic in Pakistan. Although the legal framework requires that public hearings be held for projects requiring full EIA, these hearings are often poorly advertised, inadequately attended, and conducted in ways that discourage critical feedback.¹³ Marginalized communities, particularly in rural or resource-extractive areas, are often excluded entirely from the consultation process.

A further concern is the political economy of development in Pakistan. Large infrastructure and energy projects, especially under the China-Pakistan Economic Corridor (CPEC), have been fast-tracked, often sidelining environmental protocols. In such cases, the EIA process is viewed as a regulatory hurdle rather than an environmental necessity, leading to rubber-stamping of approvals under political or commercial pressure.¹⁴

https://www.tandfonline.com/doi/abs/10.1080/14615517.2024.2320590.

¹⁰ "Evaluation of Environmental Impact Assessment Legislation in Pakistan: Impact Assessment and Project Appraisal: Vol 42, No 2," accessed July 5, 2025,

https://www.tandfonline.com/doi/abs/10.1080/14615517.2024.2320590.

¹¹ "A Comparative Analysis of Policy Responses to Development Gaps in ASEAN: Examining the Effectiveness of Macroeconomic and Regional Integration Strategies | Lecture Notes in Education Psychology and Public Media," accessed July 5, 2025,

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¹² "Evaluation of Environmental Impact Assessment Legislation in Pakistan: Impact Assessment and Project Appraisal: Vol 42, No 2," accessed July 5, 2025,

https://www.tandfonline.com/doi/abs/10.1080/14615517.2024.2320590.

¹³ Abdul Waheed et al., "Environmental Governance in Pakistan: Perspectives and Implications for the China-Pakistan Economic Corridor Plan," *Environmental and Sustainability Indicators* 23 (September 1, 2024): 100443, https://doi.org/10.1016/j.indic.2024.100443.

¹⁴ "Evaluation of Environmental Impact Assessment Legislation in Pakistan: Impact Assessment and Project Appraisal: Vol 42, No 2," accessed July 5, 2025,

Moreover, there is no centralized or publicly accessible database for EIA reports, approval conditions, or post-approval monitoring results. This lack of transparency restricts public oversight, academic research, and policy evaluation. It also allows project proponents to avoid accountability for environmental non-compliance or manipulation of assessment results.¹⁵

Lastly, after approval enforcement and monitoring has remained weak. EPAs are not well set up to make compliance checks on conditions needed to approve EIAs. Check-up visits are haphazard and repeated offenses are not always penalized even in cases where major environmental degradation has taken place. This has failed to enforce a culture of impunity in environmental regulation.

In a nutshell, the delivery of EIA in Pakistan is hands-down dysfunctional. The exercise is not actually a prevention unless there is an institutional capacity, transparency, and political will without a real involvement of the population.

Comparative Perspective: Learning from Global Best Practices

While Pakistan's EIA framework suffers from numerous implementation challenges, other jurisdictions, particularly in the Global South, offer instructive examples of how Environmental Impact Assessment systems can be structured and enforced to ensure better environmental protection and public accountability.

In India, the EIA regime is governed by the EIA Notification 2006 issued under the Environment (Protection) Act, 1986. This framework classifies projects based on their environmental impact and mandates a structured process including screening, scoping, public consultation, and appraisal.¹⁶ Public hearings in India are legally required for most major projects and are conducted at the district level with stakeholder access to EIA reports beforehand. Although not without criticism, India's EIA regime has been more participatory and formalized compared to Pakistan's, especially in the pre-approval stages.¹⁷

South Africa presents another strong model. The country's EIA process is embedded in the National Environmental Management Act (NEMA) of 1998, which emphasizes sustainability, integration of environmental principles, and participatory governance. A key strength of South Africa's model is its use of independent environmental assessment practitioners, which helps reduce conflicts of interest and strengthens the objectivity of environmental assessments.¹⁸

¹⁵ "Evaluation of Environmental Impact Assessment Legislation in Pakistan: Impact Assessment and Project Appraisal: Vol 42, No 2," accessed July 5, 2025,

https://www.tandfonline.com/doi/abs/10.1080/14615517.2024.2320590.

¹⁶ Ramesh Prasad Bhatt, "Environmental Impact Assessment System and Process in Developing Countries," *Open Journal of Ecology* 13, no. 12 (December 5, 2023): 977–1009, https://doi.org/10.4236/oje.2023.1312059.

 ¹⁷ "Review of the 2020 Draft Environment Impact Assessment Notification Governing Public Hearing Process under Environmental Impact Assessment in India | International Journal of Public Policy," accessed July 5, 2025, https://www.inderscienceonline.com/doi/abs/10.1504/IJPP.2024.144087.
¹⁸ "(PDF) Environmental Impact Assessment and Sustainable Development in Africa: A Critical Review," accessed July 5, 2025,

https://www.researchgate.net/publication/235859306_Environmental_impact_assessment_and_sustai nable_development_in_Africa_A_critical_review.

Additionally, South Africa has established a more transparent post-approval monitoring mechanism, ensuring that EIA conditions are implemented throughout the project lifecycle.

In Canada, the EIA system was restructured under the Impact Assessment Act 2019, which replaced the earlier Canadian Environmental Assessment Act. The new regime introduces a broader scope by incorporating climate change considerations, gender analysis, and Indigenous rights into project assessments.¹⁹ The Impact Assessment Agency of Canada (IAAC) operates as an independent federal body, enhancing both credibility and enforcement capacity. Importantly, Canadian law mandates the public release of all assessment reports and decisions, ensuring a high level of transparency and civic oversight.²⁰

These international practices reveal several elements that are either missing or underdeveloped in Pakistan's EIA regime:

- Use of independent evaluators and technical experts;
- Effective and inclusive public participation;
- Integration of broader sustainability concerns (e.g., climate risks, biodiversity, human rights); and
- Mandatory publication of assessment documents and compliance reports.

Adapting these best practices to Pakistan's socio-political and institutional context could help overcome many of the procedural and enforcement challenges facing its EIA system.

Key Gaps in Pakistan's EIA Regime

Despite the presence of a formal legal framework, the Environmental Impact Assessment (EIA) regime in Pakistan suffers from several critical structural and operational gaps that undermine its effectiveness. These deficiencies are not merely technical but systemic, reflecting weaknesses in legal design, institutional enforcement, transparency, and public accountability.

One of the most glaring gaps is the limited scope of mandatory EIAs. Many environmentally sensitive or high-risk activities are either misclassified under Initial Environmental Examination (IEE) or excluded altogether from assessment requirements. The existing project classification schedules are outdated and fail to reflect new forms of environmental risk such as climate vulnerability, biodiversity degradation, or cumulative regional impacts.²¹

Another persistent issue is the absence of post-approval enforcement. While EIAs are legally required before project commencement, there is no consistent mechanism to ensure that approved environmental management plans (EMPs) are actually implemented. Environmental

https://www.canada.ca/en/impact-assessment-agency.html.

¹⁹ "Access to Environmental Justice in Canadian Environmental Impact Assessment," accessed July 5, 2025, https://www.facetsjournal.com/doi/full/10.1139/facets-2023-0118.

²⁰ "Impact Assessment Agency of Canada - Canada.Ca," accessed July 5, 2025,

²¹ Mehreen Khan and M. N. Chaudhry, "Evaluation of Environmental Impact Assessment Legislation in Pakistan," *Impact Assessment and Project Appraisal* 42, no. 2 (March 3, 2024): 123–40, https://doi.org/10.1080/14615517.2024.2320590.

Protection Agencies (EPAs) rarely conduct site inspections or compliance audits after project approvals, which means that violations of EIA conditions often go undetected or unpunished.²²

Moreover, the EIA regime in Pakistan lacks transparency and public accountability. Most EIA reports are not published or made accessible to the public, and there is no centralized online platform to track EIA approvals, conditions, or monitoring outcomes. This secrecy hinders public scrutiny, prevents civil society engagement, and encourages regulatory opacity.²³

The absence of interdisciplinary assessment standards is also notable. EIA reports in Pakistan are often prepared without integrating climate science, ecological risk modelling, or socio-economic analysis. This weakens the quality of environmental evaluation and leads to superficial assessments that prioritize rapid approval over scientific rigor.²⁴

Institutionally, the EPAs remain weak, underfunded, and politically vulnerable. Their lack of financial and administrative autonomy compromises their ability to act independently of executive or corporate pressure. In many cases, EIA approvals are granted despite environmental objections, reflecting a culture of compliance for convenience rather than regulation for sustainability.²⁵

In sum, the EIA regime in Pakistan suffers from outdated legal provisions, inconsistent enforcement, insufficient data transparency, and lack of scientific rigor. Without addressing these foundational weaknesses, EIA will continue to function as a symbolic rather than substantive safeguard.

Recommendations for Reform

To transform Environmental Impact Assessment (EIA) from a procedural requirement into a functional tool of sustainable development, Pakistan must adopt comprehensive legal, institutional, and procedural reforms. The following recommendations aim to address the structural gaps identified in the preceding sections and align Pakistan's EIA framework with international best practices.

First, there is an urgent need to revise and update the project classification schedules under the EIA Regulations. These revisions should incorporate new categories of environmental risks, including climate vulnerability, cumulative environmental impacts, and biodiversity sensitivity,

²² "Just a Moment...," accessed July 5, 2025, https://www.researchgate.net/profile/Toni-Kumayza/publication/389518846_Systematic_Literature_Review_of_Environmental_Impact_Assessme nts/links/67c66c0df5cb8f70d5c689df/Systematic-Literature-Review-of-Environmental-Impact-Assessments.pdf.

²³ "Frontiers | Assessing the Existing Guidelines of Environmental Impact Assessment and Mitigation Measures for Future Hydropower Projects in Pakistan," accessed July 5, 2025,

https://www.frontiersin.org/journals/environmental-science/articles/10.3389/fenvs.2023.1342953/full. ²⁴ "Frontiers | Assessing the Existing Guidelines of Environmental Impact Assessment and Mitigation Measures for Future Hydropower Projects in Pakistan."

 ²⁵ "Reality of Local Government Reforms: | International 'Journal of Academic Research for
Humanities,'" accessed July 5, 2025, https://jar.bwo-researches.com/index.php/jarh/article/view/509.

especially in ecologically fragile zones.²⁶ Projects involving deforestation, wetland conversion, or fossil fuel development must be subject to full EIAs, regardless of investment size.

Second, strengthening the institutional capacity of Environmental Protection Agencies (EPAs) is vital. This includes increasing financial resources, investing in technical training, and creating independent expert panels for reviewing complex EIA reports. The appointment process for EPA officials must also be reformed to ensure merit-based selection and reduce political interference.²⁷

Third, transparency and public participation mechanisms must be legally strengthened. A centralized, publicly accessible digital database of EIA reports, approval letters, compliance conditions, and post-approval monitoring data should be established. This would allow stakeholders—including communities, researchers, and civil society organizations—to review, analyze, and question decisions made by EPAs.²⁸

Fourth, the government must mandate genuine and inclusive public consultations, especially in rural, indigenous, and climate-vulnerable communities. Public hearings should be properly advertised in local languages, conducted by neutral facilitators, and include accessible summaries of EIA documents. The concerns raised in these hearings must be recorded, responded to, and reflected in the final decision.²⁹

Fifth, Pakistan should integrate contemporary environmental standards and scientific methodologies into the EIA process. These include climate impact assessments, social and gender equity evaluations, and ecosystem services analysis. Developing national EIA guidelines in collaboration with academic institutions and environmental experts would raise the standard of assessments submitted.³⁰

Lastly, monitoring and enforcement must be institutionalized. Regular audits of approved projects should be conducted, and non-compliance with Environmental Management Plans (EMPs) must result in penalties, suspension of licenses, or revocation of approval. EPA officials must be legally required to publish annual compliance reports.

²⁶ "Evaluation of Environmental Impact Assessment Legislation in Pakistan: Impact Assessment and Project Appraisal: Vol 42, No 2," accessed July 5, 2025,

https://www.tandfonline.com/doi/abs/10.1080/14615517.2024.2320590.

²⁷ "A Comparative Analysis of Policy Responses to Development Gaps in ASEAN: Examining the Effectiveness of Macroeconomic and Regional Integration Strategies | Lecture Notes in Education Psychology and Public Media," accessed July 5, 2025,

https://www.ewadirect.com/proceedings/Inep/article/view/16011.

²⁸ "Evaluation of Environmental Impact Assessment Legislation in Pakistan: Impact Assessment and Project Appraisal: Vol 42, No 2," accessed July 5, 2025,

https://www.tandfonline.com/doi/abs/10.1080/14615517.2024.2320590.

²⁹ "Evaluation of Environmental Impact Assessment Legislation in Pakistan: Impact Assessment and Project Appraisal: Vol 42, No 2."

³⁰ "Evaluation of Environmental Impact Assessment Legislation in Pakistan: Impact Assessment and Project Appraisal: Vol 42, No 2," accessed July 5, 2025,

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These reforms, if implemented systematically, would help restore credibility to the EIA process, ensure long-term ecological sustainability, and align Pakistan's environmental governance with its international obligations under treaties such as the Convention on Biological Diversity and the Paris Agreement.

Conclusion

Although Environmental Impact Assessment (EIA) has been in existence many years back, it is still one of the most effective mechanisms in the legal and regulatory framework to deter environmental destruction before its happening. The legislative basis of EIA is available in Pakistan but it remains in a very weak state of supporting the effective performance of EIA as envisaged in the Pakistan Environmental Protection Act and complementary regulations. These are incompetent older legal categories whose enforcement does not take place, poor institutional competency, little involvement and participation of the people, and general lack of transparency.

Even comparative analysis of a country, such as India, South Africa, and Canada shows that EIA can be used not only as a formal paperwork but as a serious contributor to sustainable development in case of their ethical application, scientific accuracy, and citizen participation. However, the present system in Pakistan is rather procedural and fragmented and cannot address the expanding requirements of the environmental governance in a state under serious environmental threat which can be witnessed through the emergence of deforestation, climate change, biodiversity loss, and unabated urbanization.

To make Pakistan meaningful, the reforms to EIA should be made both on structure and substance. Increasing the capacity of institutions, integrating into the contemporary standards of environmental governance, enhancing the transparency of data and having a participatory aspect are not discretionary, but mandatory. Such reforms will not only protect the environment, but will also make people trust the legal system more, as well as resulting in more balanced and sustainable development.

In halting its infrastructure and energy plans which match its ambitions, the country of Pakistan needs to adjust its environmental governance systems to focus on environmental sustainability as well economic development. Such a vision is based on a strong, transparent, accountable, EIA regime. Unless such reforms occur, EIA will simply be a token gesture as opposed to a tool to actual environmental management.

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