

A

Bill

to address the effects of climate change and meet Pakistan's obligations under international conventions relating to climate change

Whereas it is expedient to provide for adoption of comprehensive adaptation and mitigation policies, plans, programmes, projects and other measures required to address the effects of climate change and meet Pakistan's obligations under international conventions relating to climate change and for matters connected therewith and ancillary thereto:

It is hereby enacted as follows:

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.- (1) This Act may be called the Pakistan Climate Change Act, 2016.

(2) It extends to the whole of Pakistan.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context,-

- (a) "adaptation" means adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects which moderates harm or exploits beneficial opportunities;
- (b) "Authority" means the Pakistan Climate Change Authority established under section 5;
- (c) "Council" means the Pakistan Climate Change Council appointed under section 3;
- (d) "climate change" means a change in the climate system which is caused by significant changes in the concentration of greenhouse gases as a direct or indirect consequence of human activities and which is in addition to natural climate change that has been observed during a considerable period;
- (e) "emissions", in relation to a greenhouse gas, means emissions of that gas into the atmosphere caused by human activity;
- (f) "Fund" means the Pakistan Climate Change Fund established under section 2;
- (g) "Government" means the Government of Pakistan;
- (h) "greenhouse gas" means any gas that contributes to the greenhouse

effect by absorbing infrared radiation produced by solar warming of the Earth's surface and includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride, Nitrogen trifluoride, and any other direct or indirect greenhouse gas as recognized by UNFCCC and IPCC from time to time.

(i) "mitigation" means efforts that seek to prevent or slow down the increase of atmospheric greenhouse gas concentrations by reducing current or future emissions and enhancing potential sinks for greenhouse gases;

(j) "Regulations" means regulations made under this Act;

(k) "Rules" means rules made under this Act; and

(l) "Tribunal" means the Environmental Tribunal set up under the Pakistan Environmental Protection Act, 1997 (Act No. XXXIV OF 1997) or the provincial environmental protection laws.

(2) Other expressions and words used but not defined in this Act shall have the same meaning as in the Pakistan Environmental Protection Act, 1997 (Act No. XXXIV OF 1997).

CHAPTER II PAKISTAN CLIMATE CHANGE COUNCIL

3. Establishment of the Pakistan Climate Change Council.- (1) The Federal Government shall, by notification in the official Gazette, establish a Council to be known as the Pakistan Climate Change Council consisting of a Chairperson who shall be the Prime Minister or such other person as the Prime Minister may nominate in this behalf, and the following Members—

(i) Federal Ministers for Climate Change, Finance, Food Security and Research, Planning and Development, Petroleum and Natural Resources, Science and Technology and Water and Power;

(ii) Chief Ministers of the Provinces;

(iii) Ministers incharge of the subject of Environment in the Provinces;

(iv) Chief Secretaries of Azad Jammu & Kashmir and Gilgit Baltistan;

(v) Such other persons not exceeding thirty as the Federal Government may appoint, of which at least twenty shall be non-officials, including representatives of the Chambers of Commerce and Industry, non-governmental organizations concerned with climate change, the environment and development, and scientists, researchers, technical experts and educationists;

(vi) Chairman, NDMA;

(vii) Chairman, Pakistan Climate Change Authority;

(viii) Secretary, Ministry of Climate Change, who shall also be the Secretary of the Council.

(2) The MOCC shall act as the Secretariat of the Council.

(3) Members of the Council, other than ex-officio members, shall be appointed in accordance with the prescribed procedure and shall hold office for a term of three years.

(4) The Council shall hold meetings as and when necessary, but not less than two meetings shall be held in a year.

(5) The Council may constitute committees of its members and entrust them with such functions as it may deem fit and the recommendations of the committees shall be submitted to the Council for approval.

(6) The Council, or any of its committees, may invite any technical expert or representative of any Government Agency or non-governmental organization or other person possessing specialized knowledge of any subject for assistance in performance of its functions.

4. Functions and powers of the Council.- (1) The Council shall-

(a) co-ordinate and supervise enforcement of the provisions of this Act;

(b) coordinate, supervise and guide mainstreaming of climate change concerns into decision-making by Federal and Provincial Government ministries, departments and agencies so as to create enabling conditions for integrated climate-compatible and climate-resilient development processes in various sectors of the economy.

(c) approve, and monitor implementation of, comprehensive adaptation and mitigation policies, strategies, plans, programmes, projects and other measures formulated by the Authority to meet Pakistan's obligations under international conventions and agreements relating to climate change including in particular the Sustainable Development Goals (SDGs).

(d) monitor implementation of the National Adaptation Plan and its constituent provincial and local adaptation action plans, the National Appropriate Mitigation Action Framework and National Communication submitted to the concerned Secretariat of the United Nations Framework Convention of Climate Change.

(e) approve guidelines for the protection and conservation of renewable and non-renewable resources, species, habitats, and biodiversity in general adversely affected or threatened by climate change.

(f) consider the National Climate Change Report and give appropriate directions thereon; and

(2) The Council may, either itself or on the request of any person or organization, direct the Authority or any Government Agency to prepare, submit, promote or implement projects for adaptation or mitigation of the adverse effects of climate change, to promote climate-compatible, climate-resilient and sustainable development or to undertake research in any aspect of climate change.

**CHAPTER III
PAKISTAN CLIMATE CHANGE AUTHORITY**

5. Establishment of the Pakistan Climate Change Authority.-

(1) The Federal Government shall, by notification in the official Gazette, establish the Pakistan Climate Change Authority, hereinafter referred to as the Authority, to exercise the powers and perform the functions assigned to it under this Act and the rules and regulations made thereunder.

(2) The Authority shall be a body corporate with perpetual succession and a common seal and shall, in the said name, be capable of—

(a) suing and being sued;

(b) acquiring or disposing of moveable and immovable property;

- (c) borrowing money;
- (d) entering into contracts; and
- (e) doing or performing all other things or acts necessary for the proper discharge of its functions under this Act.

(3) The headquarters of the Authority shall be in Islamabad and the Authority may establish offices at other places, as and when required.

6. Composition of the Authority.- (1) The Authority shall comprise the Chairperson, Member (Adaptation), Member (Mitigation), Member (Climate Finance), Member (Coordination) and one Member from each province to be nominated by the respective Provincial Government.

(2) The members are to be appointed by the Federal Government on such terms and conditions as it may deem fit, keeping in view their qualifications and experience.

(3) The Chairperson and Members shall be scientists, academicians, professionals, serving or retired government servants, industrialists, agriculturists or other technocrats with at least fifteen years experience in fields related to climate change and the environment, with a distinguished service record.

(4) If the office of the Chairperson falls vacant for any reason, the senior-most Member shall act as Chairperson till such time as his successor is appointed.

(5) The Authority shall be properly constituted notwithstanding a vacancy in the office of the Chairperson or any Member.

(6) The Authority may invite the representative of any Government Agency or non-governmental organization or technical expert or other person possessing specialized knowledge of any subject for assistance in performance of its functions.

7. Officers and staff of the Authority.- (1) All professional, technical and administrative officers and staff of the Authority shall be appointed by the Authority, or obtained from other Government agencies on deputation basis, and shall be entitled to such salaries allowances and other terms and conditions of service as may be prescribed by Regulations:

(2) The Authority shall ensure that all appointments are made in a transparent manner and adequate and equal treatment is given to women, minorities and disabled persons.

(3) The officers and staff of the Authority shall have such powers and shall perform such functions as may be assigned to them by the Chairperson.

(4) The officers and staff of the Authority shall act in accordance with the mandate assigned and the directives given by the Chairperson.

8. Functions of the Authority.- (1) Functions of the Authority shall be to—

(a) formulate, comprehensive adaptation and mitigation policies, plans, programmes, projects and measures designed to address the effects of climate change and meet Pakistan's obligations under international conventions and agreements relating to climate change and within the framework of a national climate change policy as may be approved by the Federal Government from time

to time;

(b) establish institutional and policy mechanisms for implementation of federal and provincial adaptation and mitigation policies, plans, programmes, projects and measures, including plans for renewable energy and clean technology, measures for energy efficiency and energy conservation; and awareness-raising and capacity-building programmes.

(c) prepare suitable adaptation and mitigation projects for submission to international and local institutions for funding, including the Clean Development Mechanism, Global Environmental Facility, Green Climate Fund and Adaptation Fund;

(d) prepare the National Adaptation Plan and its constituent provincial and local adaptation action plans, the Nationally Appropriate Mitigation Action Framework and the Intended Nationally Determined Contributions, Nationally Determined Contributions, and National Communication to be submitted to the concerned Secretariat of the United Nations Framework Convention of Climate Change and monitor implementation thereof;

(e) carry out Technology Needs Assessment and prepare Climate Change Technology Action Plan in accordance with international best practices for seeking technical and financial support, amongst others, through the Technology Mechanism;

(f) prepare projects for funding under the Reducing Emissions from Deforestation and Forest Degradation (REDD+) Mechanism;

(g) prepare the National Climate Change Report for consideration of the Council;

(h) formulate, and after approval of the Council, coordinate implementation of low carbon and green growth strategies;

(i) formulate guidelines for the protection and conservation of renewable and non-renewable resources, species, habitats, and biodiversity in general which are adversely affected or threatened by climate change;

(j) advise the Government regarding appropriate legislative, policy and implementation measures and actions relating to disaster preparedness, capacity building, institutional strengthening, and awareness raising in relevant sectors affected by climate change;

(k) advise the Government regarding implementation of international conventions, treaties and agreements on climate change and the environment to which Pakistan is a party and fulfil reporting requirements thereunder;

(l) design, establish and maintain a national registry and database on greenhouse gas emissions in accordance with internationally adopted emissions quantification methodologies, standards and protocols;

(m) coordinate and monitor implementation of goals and objectives and fulfil reporting and verification obligations under international conventions, treaties and agreements;

(n) prepare policy papers and concept notes and provide technical input for

formulating national policy positions for international conferences or negotiations;

(o) coordinate conduct of research on current and emerging issues of climate change, particularly assessment of Pakistan's vulnerability to climate change, identification of climate change opportunities and technology transfer, in association with specialized research institutions and disseminate research findings and outputs to stakeholders;

(p) undertake education and awareness campaigns and programs to enhance understanding and awareness of different aspects of climate change and promote their integration in educational curricula;

(q) in collaboration with relevant Government Agencies and non-governmental organizations, and after the conduct of relevant research and studies, set targets and coordinate actions for the reduction of greenhouse gas emissions and development of carbon markets;

(r) design programmes providing for incentives relating to matters of climate change, including incentives for reduced emissions from deforestation and degradation;

(s) mobilize resources for the purposes of achieving the objects and purposes of this Act;

(t) regularly publish, update and disseminate, through electronic and other means, climate change strategies, policies, plans, programmes and other information; and

(u) perform such functions as may be assigned to it by the Council or by the Government for purposes of this Act.

(2) To assist the Authority in the discharge of its functions, the Federal Government may establish Advisory Committees for various sectors and appoint as members thereof eminent representatives of the relevant sector from educational institutions, research institutes and non-governmental organizations.

(3) In the discharge of its functions, the Authority shall be guided by, amongst others:

(a) the latest scientific knowledge and research relating to climate change in general and renewable energy and clean technology in particular; environmental considerations, including likely impacts on ecosystems, bio-diversity and forestry; and socio-economic development objectives, including gender aspects;

(b) policy advice of the Ministry of Climate Change.

9. Annual Report.- (1) At the end of each financial year, the Authority shall prepare an annual report, which shall include-

(a) a description of its activities;

(b) progress of implementation of major climate change actions and difficulties relating thereto;

(c) its plans for the next financial year;

(d) audited accounts of the Authority; and

(e) any other relevant information relating to functions of the Authority.

(2) The report prepared under sub-section (1) shall be laid before Parliament by the Government.

10. Powers of the Authority.- (1) The Authority shall have all the powers necessary to execute its functions under this Act.

(2) Without prejudice to the generality of subsection (1), the Authority shall have power to—

(a) manage, control and administer assets of the Authority in such manner so as to best serve its functions and the purposes of this Act;

(b) enter into contracts or establish partnerships or associate with entities and organizations as it may consider appropriate to support its functions, provided that agreement with foreign organizations shall be entered into only with approval of the Government;

(c) where necessary or on request, provide services or give guidance to public and private entities in relation to climate change matters; and

(d) solicit, gather, obtain and verify any relevant information and data from any Federal or Provincial Ministry, Division or Department, or any public or private entity in connection with the performance of the functions of the Authority.

11. Functions and powers of the Chairperson- (1) The Chairperson shall be the Chief Executive of the Authority and shall, with the assistance of the Members,-

(a) perform the functions and exercise the powers of the Authority; and

(b) discharge such duties and perform such functions as are assigned to him by the Council or by the Government.

(2) Until the Council is duly constituted, the Chairperson shall, subject to such directions as the Government may give from time to time, perform the functions and exercise the powers of the Council.

(3) The Chairperson may, by general or special order, delegate any of his functions or powers to officers or staff appointed under section 7.

CHAPTER IV

PAKISTAN CLIMATE CHANGE FUND

12. Pakistan Climate Change Fund.- (1) There is established a fund to be known as the Pakistan Climate Change Fund, hereinafter referred as the "Fund".

(2) There shall be paid into the Fund—

(a) such monies as may be received by the Fund in the form of donations, endowments, grants and gifts from whatever source and specifically designated for the Fund;

(b) such sums of money as may be raised by the Authority for the execution of the programmes and projects of the Authority; and

(c) such monies as may, by or under any. Act, be payable to the Fund.

(3) The Climate Change Fund shall be utilized, in accordance with such procedure as may be prescribed, for—

(a) expenditure incurred by the Authority in the exercise, discharge and

performance of its functions;

(b) operational and administration expenses of the Fund;

(c) financial assistance to suitable adaptation and mitigation projects and measures designed to combat the adverse effects of climate change, the sustainable development of resources and for research in any aspect of climate change; and

(d) any other purpose which in the opinion of the Board shall help achieve the purposes of this Act.

13. Management of the Fund.—(1) The Fund shall be managed by the Authority;

(2) In accordance with such procedure and such criteria as may be prescribed, the Authority shall have the power to—

(a) sanction financial assistance for eligible projects in accordance with guidelines framed by the Council;

(b) invest moneys held in the Climate Change Fund in such profit - bearing Government bonds, savings schemes and securities as it may deem suitable; and

(c) take such measures and exercise such powers as may be necessary for utilization of the Climate Change Fund for the purposes specified in sub-section (3) of section 2.

(3) The Authority may constitute committees of its members to undertake regular monitoring of projects financed from the Climate Change Fund and submit progress reports to the Authority.

(4) The Authority shall prepare an Annual Report incorporating its annual audited accounts and performance evaluation based on the progress reports mentioned in sub-section (3).

CHAPTER V

MISCELLANEOUS

14. Indemnity.—No suit, prosecution or other legal proceedings shall lie against the Federal or Provincial Governments, the Council, the Authority, the Chairman, members, officers, employees, experts, advisers, committees or consultants of the Federal or the Environmental Tribunal or Environmental Magistrates or any other person for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

15. Dues recoverable as arrears of land revenue.—Any dues recoverable by the Authority under this Act or the rules or regulations shall be recoverable as arrears of land revenue.

16. Act to override other laws.— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

17. Power to make rules.—The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act , including rules for implementing the provisions of the International Agreements relating to climate change, specified in the Schedule to this Act.

18. Power to amend the Schedule.—The Federal Government may, by notification in the official Gazette, amend the Schedule so as to add any entry thereto or modify or omit any entry therein.

19. Power to make regulations.—(1) For carrying out the purposes of this Act, the Authority may, by notification in the official Gazette and with the approval of the Federal Government, make regulations not inconsistent with the provisions of this Act or the rules made thereunder.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for—

(a) submission of periodical reports, data or information by any Government agency, local authority or local council in respect of matters relating to climate change;

(b) preparation of emergency contingency plans for coping with extreme climatic events, natural disasters and calamities; and

(c) appointment of officers, advisers, experts, consultants and employees.

SCHEDULE

(See section 17)

1. United Nations Framework Convention on Climate Change (UNFCCC), Rio De Janeiro, 1992 ;
2. Kyoto Protocol to the UNFCCC, 1997;
3. The Paris Agreement, 2015; and
4. Any other agreement relating to climate change to which Pakistan is a signatory.

STATEMENT OF OBJECTS AND REASONS

Pakistan's per capita emissions of greenhouse gases today is one of the lowest in the world. Yet it ranks amongst the top ten countries most affected by climate change during the last twenty years. It now regularly suffers from the vagaries of climate change, including climate-induced phenomena such as recurrent floods, droughts, desertification, glacial melt, and sea-water intrusion.

Extreme climatic events have resulted in tragic loss of lives and colossal damage to the economy. Indeed, they have significantly impeded our efforts to promote sustainable growth and development and to ensure economic prosperity of the people.

The Framework for Implementation of the National Climate Change Policy for the period 2014-2030 serves to integrate climate-friendly policies into our national and economic planning. The Framework spells out appropriate adaptation actions as well as mitigation measures covering all sectors of the economy.

"Vision 2025", our blueprint for a future-oriented and growth-centric roadmap for Pakistan, clearly recognises global warming and climate change as priority areas for effective action by the Government.

Pakistan is a party to the United Nations Framework Convention on Climate Change (UNFCCC), 1992; and Kyoto Protocol to the UNFCCC, 1997. It is also initiated the process for ratifying the Paris Agreement, 2015 which recognizes that climate change represents an urgent and potentially irreversible

threat to human societies and the planet and thus is a global challenge, requiring the widest possible cooperation by all countries.

Implementation of the UNFCCC, Kyoto Protocol and the Paris Agreement involves a large number of comprehensive and extensive adaptation and mitigation actions across all sectors of the economy. This is an enormous task which is of a multi-disciplinary, inter-provincial and inter-ministerial nature, requiring that it be dealt with at the national level. There is also an urgent need to prepare, on priority basis, a portfolio of projects for seeking funding from the potentially huge amounts of global climate change finance likely to be available.

For the aforesaid purposes amongst others, it is considered necessary to establish an independent Pakistan Climate Change Authority which will, under the guidance of a high-powered Pakistan Climate Change Council (chaired by the Prime Minister and with representation from all Provinces, including the Chief Ministers), provide a framework for mitigating and adapting to the effects of the changing climate on various sectors of the economy and developing response strategies to the effects of climate change. The proposed Authority will also identify and supervise the transfer of appropriate technology, including renewable technology, and strengthen capacity-building measures.

The Bill also establishes a Pakistan Climate Change Fund, managed by a Board. Money from the Fund will be utilised to meet expenses of both the Authority and the Fund itself and for financial assistance to suitable adaptation and mitigation projects and measures designed inter-alia to combat the adverse effects of climate change.

The Bill has been developed with the support and participation of various governmental and non-governmental stakeholders in the climate change arena. It is also in accordance with international best practices and standards.

By passing this Bill, Pakistan will join only a handful of countries who have demonstrated their commitment to combating the adverse effects of climate change by enacting legislation specifically for the purpose.

**MINISTER FOR CLIMATE CHANGE
(MINISTER-IN-CHARGE)**