



CITIZENS FOR A BETTER ENVIRONMENT

Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it's the only thing that ever has.

Margaret Mead

SHEHRI

30th April 1994

- SHEHRI'S AGM
- EARTH DAY
- PILES STUDY
- AERC STUDY
- PROFILE: P.S.E.O.M. J.D.HAIR
- IUCN 19TH C.A.
- ON SLAPP SUITS
- ENVIRONMENT CO-ORDINATOR
- POLLUTION UPDATE
- N.G.O. FORUM

PRESS CONFERENCE

UNAUTHORIZED BUILDING CONSTRUCTION AND ILLEGAL CONVERSION OF LAND USE IN THE CITY OF KARACHI.

SHEHRI-CBE held a press conference on 6 of April '94 at Hotel Metropole to draw attention to the extremely grave situation facing the city due to the ad hoc changes of land use and illegal construction.

The press conference was addressed by Mr. Kaiser Bengali, A qualified and experienced urban economist (attached to the Applied Economics Research Centre of the University of Karachi) Mr. Kaiser Bengali is one of the founder members of Shehri.

Addressing the press persons Mr. Bengali pointed out that the state of affairs in the city is such that the city appears to be held ransom by builders and developers



Mr. Kaiser Bengali addressing the press conference.

citizens seek redressal through the Courts of law, Court orders are flouted with contempt with the government agencies acting as silent spectators or willing collaborators.

Kaiser pointed out that in the last five years alone there have been over 200 cases of illegal construction in the city

main culprit in this drama apart from the builder and the developers, is the KBCA with a supportive role being played by the KWSB and KESC, as KBCA is well aware of the zoning laws and the violations being committed against them

which are either under way or are already complete, all of them on illegally converted residential plots. This type of conversion of land has serious negative effects on public utilities like water, sewerage and electricity etc, and is adversely affecting the health of residents of those areas. The density of traffic, noise and air pollution is extremely hazardous.

Emphasis was drawn to the fact that the main culprit in this drama apart from the builder and the developers, is the KBCA with a supportive role being played by the KWSB and KESC, as KBCA is well aware of the zoning laws and the violations being committed against them (he showed documentary evidence to support this contention). He drew the attention of the press to one particular case where the construction is going in full swing even after a stay order from the court and a written acknowledgement of knowledge of the case by the KBCA. To support this Mr. Kaiser gave a sample list of plot numbers, maps and photographs showing where illegal construction is taking place or has taken place. He also presented a written acknowledgement by the KESC admitting to giving temporary connections to enable the builders to complete the construction.

Mr. Kaiser alleged that whenever there have been attempts by the residents of that particular locality to organize themselves and to protect their locality they have been silenced by the terror tactics of the builders. A case in point was the attack on the Shehri office and its workers last October '93.

Giving an example of official apathy, he said that clause 7 of the lease agreement in PECH Society states that the plot and building should be used for residential purpose only and any change without the

EDITORIAL

ENVIRONMENTAL HAZARDS OF INDUSTRIAL ORIGIN.

Insidious and continual contamination, pollution and poisoning of our life support systems is the "price" we must pay for living in the cities and towns of Pakistan.

Whether it is the air we breathe polluted by vehicular emission, or the water we are forced to drink contaminated by chemicals and microbes or even the food we eat which contains steroids and other chemicals that have entered the food chain, we cannot escape the toxins.

To escape the despair of this reality we all try to look away or not take cognizance of this slow poisoning process of ourselves and our children.

We try to shut these awful realities from our minds, as we are well aware of our own helplessness in the face of the forces that perpetuate the poisons.

Every once in a while however, something happens, of larger proportions. Not insidious, not slow, but rapid and obvious, making us sit up and take notice in spite of ourselves.

During February March and April '94 at least four such incidents of grave magnitude have taken place. These have been mentioned or reported in the mass media with varying degrees

workers. However seven firemen, sustained injuries, of which three were reported to be in a serious condition.

According to one report, at the time of the fire there were 85 tons of liquid compounds, namely Monopropothos, Trisulpher and Metaloxyl, in the old ware house, which was to be shifted to the newly built stores the next day.

According to another report the chemicals had been dumped in the open space the day before the fire broke out as the warehouse was to be toured by city journalists, and the multinational wanted to present itself as an "environment friendly" industry. Apparently the chemicals were left in the open, even though it was fully well known that the chemicals were highly inflammable.

According to Ciba Plant Manager, Tariq Alauddin, the material that was kept there - Novaron and Polytrin-C are inflammable "as it evaporates easily" A fact that needs to be emphasised here is that Ciba Agro factory contains highly toxic chemicals, and is situated in an area which is surrounded by four flour mills, and the Pak Oxygen Plant (which prepares clinical oxygen for patients)

Ciba officials have admitted that they do not have any instruments or methods to check the density of pollution such an incident can cause. The factory has been operational since 1974, and since toxic and highly explosive petroleum based chemicals are processed here the factory should be registered under the Explosives Act, but apparently the factory has applied for registration under this Act only recently and the application is still under process.

The toxic fumes from the fire have resulted in cases of vomiting, itching and in some severe cases, unconsciousness.

According to the chief fire officer, the quantity of water used by the fire fighters was 350,000 liters, out of which 175,000 liters of highly contaminated and toxic waste water was finally drained out in the sea coast of Hawkesbay through the local sewerage system. According to one environmentalist Dr. Parvez Naem of the IUCN, the highly contaminated water will disturb a lot of small organisms like worms, beach fleas, sea-shells, snails, small crabs which live just below the upper layer of the beach sand. It would also disturb the mangrove forest along the coastal line, and the migratory wildlife of the area like the flamingos and other water fowl.

In short it may have already played havoc with the ecosystem of the coastal belt along Hawkesbay and Sandspit and done irreparable damage.



Will this be the future of our coastal creatures?

of detail and accuracy.

All the incidents involve multinational establishments, with excellent public relations and resources. These have been efficiently mobilized to dilute and mitigate whatever investigative journalists or reporters may have had to say or report on the environmental impact of these "incidents".

Needless to say that the poor mostly illiterate, hapless citizens who are the real affectees don't really figure in the contentious dialogue and debate that becomes sellable news.

Shaheena Arslan of Shehri has compiled the following reports, from the daily newspapers and information disseminated by NGOs.

The CIBA-GIEGY Scandal.

A huge fire broke out in the old ware house section of Ciba-Giegy in the afternoon of 11 April '94. No one was reported injured from the staff or the

In the last five years alone there have been over 200 cases of illegal construction in the city

mafia, He said that it seemed as if the authority of the state and the executive authority has been rendered irrelevant by the builders mafia. He said that even though there is a whole range of zoning and building laws and bye-laws these are being violated with impunity. When

whenever there have been attempts by the residents of that particular locality to organize themselves and to protect their locality they have been silenced by the terror tactics of the builders.

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 - III) Media and Outreach subcommittee
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 - V) Parks and Recreation (Development) subcommittee
 - VI) Fund Raiser subcommittee
- Subcommittee membership is open to all members of SHEHRI/CBE.

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The articles/news items published in the SHEHRI newsletter do not necessarily express the views of the Editor/Editorial Board.

Contributions are welcome. Invited contributors should contact the SHEHRI office for writing guidelines.

SHEHRI NEWSLETTER TARIFF RATES

Language:	English
Frequency:	Quarterly
Place of publication:	Karachi
Distribution:	Nationwide and International
	12,000 Copies
Paper:	Medium weight
	Obitoid
Size:	16.5x22.5 inches
Pages:	8

TARIFF

ALL ADVERTISEMENTS ARE 9X5 CM IN SIZE

Colour	
Front Page:	Rs. 1,500
Back Page:	Rs. 1,200
Black and White	
Inside pages:	Rs. 500

SHEHRI/CBE appeals to all Corporations/Multinationals/Banks and others to support the printing and publication of our newsletter by providing us with advertisements.

The article entitled Environment and Health - Chemicals, lifestyles and the Environment printed in the March 1993 issue was written by Dr. Bashir Hashim, M.D., M.P.H., Member SHEHRI/CBE. His name was inadvertently left out and the error is registered.

Member of
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PRESS CONFERENCE

Continued from Page 1

people in the city. Replying to the same question he said that the destruction of an illegal structure near the Mazari-Quaid is a source of great encouragement.

Barrister Naeem-ur-Rehman, a senior lawyer said according to the law no amenity plot can be converted for any other purpose but the KDA and KBCA are not following the law. The KBCA officials have even admitted in court that they have to obey the orders of their superiors whether they are legal or illegal.

The question of whether the vast discretionary powers given to the head of civic agencies is responsible for the conversion of land use was answered by Barrister Naeem-ur-Rehman in the negative.

He categorically denied that any such powers are given to the heads of KDA or KMC and thus the conversion that are allowed are absolutely and totally illegal.



EDITORIAL

Continued from Page 1

Province, the Punjab Plant Protection Department which owns nearly 70% of the 35 year old expired toxic and non-degradable agro-chemicals, is all set to dump the toxic chemicals in the Cholistan desert. At present they are lying at the Sindh Agriculture Department at Malir Extension. In January 1994, a private firm Agro

the warehouse was to be toured by city journalists, and the multinational wanted to present itself as an "environment friendly" industry.

Chemical was assigned the task of packing 46,657.75 liters of liquid pesticides and 366,166.85 kilogram of solid toxic material for disposal.

Besides these toxic pesticides, Chemical like Chloro Nitrate, Hydrocarbons, DDT, Phosphorous, Zinc compounds, Mercury, Copper, Cyper Methane, Pre Methane etc, have been packed in bags which are generally used for packing of common fertilizers.

The President of SCOPE Mr. Tanvir Arif has voiced his anxiety regarding the environmental disaster this may result in if these pesticides are dumped in the Cholistan desert without taking adequate precautionary measures. He said that ordinary burial of these is not advisable. Standard methods of land lining are required to protect the ground water for such dumping of toxic materials.

SCOPE was of the opinion that controlled and complete incineration of these chemicals was the safest and cheapest method of disposal.

The representative of Punjab Plant Protection Department Mr. Karanant Ali admitted that the green signal for moving and dumping of these pesticides was given in January last by the Punjab administration, but the specific area where the chemicals are to be buried is yet to be identified.

He said that for the transportation of these chemicals a private truck owner has been contacted, but he acknowledged that this exercise was carried out without the knowledge of the Sindh government, and nor does the Punjab Plant Protection Department take any help from the Sindh Government for the transportation of these chemicals. He said that after they receive the green signal for the transportation they will inform the Sindh Government. The shifting of the chemicals would take

two to three weeks.

The dumping site was identified in 1956, when USAID started to send pesticides for the use of farmers, but only a part of these were used and the bulk kept piling up till the early 70s. The site was meant to be used as a distribution point.

SCOPE said that the samples for analysis taken by the HEJ Research Institute of Chemistry of the ground water of the area where the pesticides are presently stored revealed substantial quantities of highly toxic material. The report stated that the Kalthane-MF, had deteriorated into 18-residual compounds: Solvirex-T, which is one of the most dangerous pesticides was still stable.

SCOPE said that these pesticides were lying in the open atmosphere in very badly corroded storage conditions since the last 25 years, which has led to the transformation of these chemicals into highly explosive material, and there were fears that an accidental fire, while it is being shifted may result in the Union Carbide (Bhopal) kind of a tragedy.

The ICI Scandal.

A commendable step taken by the Federal Communication Ministry is the cancellation of permission granted earlier to ICI to dump its waste in the open sea. This step was taken after it was learnt that glycol waste from the ICI's Sheikhupura Road Polyester manufacturing plant contained heavy concentration of some deadly metals, the dumping of which could play havoc with marine life. The permission had been granted to ICI for dumping of waste by the Karachi based Port and Shipping Wing of the ministry on the recommendations of the National Institute of Oceanography (NIO).

According to press reports the company intended to dump 4,000 drums (of over 200 liters/kilograms each) of the deadly glycol waste containing extremely high concentration of antimony, calcium and highly active aldehydic group of chemicals (besides many other less hazardous impurities) in the sea some 200 miles off the coast. According to press reports, the multinational has dumped similar hazardous waste, with the government's permission in the sea at least twice in the past.

The report of NIO (in the basis of which the ICI was given permission to dump highly toxic waste glycol waste), says that, "Antimony is substantially toxic to planktonic life and significant increase in Antimony level in sea water may cause danger to early stages of marine organisms which are planktonic and ultimately the living marine resources may be affected." It goes on to say,

"Antimony is less toxic to fishes than humans but bioaccumulation of Antimony may take place that may cause hazard to aquatic life and ultimately through the food chain to human health."

A senior scientist of ICI who wanted to remain anonymous said that NIO's report was based on the analysis of ICI's waste done by the Pakistan Council for scientific and Industrial Research (PCSIR) which did not

Ciba Agro factory contains highly toxic chemicals, and is situated in an area which is surrounded by four flour mills. The Pakistan Oxygen Factory (which prepares clinical Oxygen for patients)

show high concentration of Antimony. But a recent analysis of the same waste samples taken by the EPA Sindh, and carried out by



This park died before it was born due to contaminated ground water from nearby tanneries

the PCSIR shows that antimony was present in much higher concentration. According to that same scientist the danger is more grave as the quantity of waste is very high (800,000 kilograms), and after this is absorbed by the fish, the antimony could enter the food chain and affect human beings. Apparently it is not only carcinogenic but also affects bones and the nervous system.

The ICI has tried to make its stance more acceptable by issuing a statement to the effect that the earlier permission which they had received allowed deep (2756 feet below sea level) sea disposal under the strict supervision and scrutiny of Maritime Agencies beyond the Exclusive Economic Zone of Pakistan, and validated by the Internationally renowned Brixham Environmental Laboratory, in the U.K. And that the toxicity of the glycol waste has been tested by the HEJ Research Institute of Chemistry. The experiment was carried on shrimp larvae and was declared to be harmless to marine life. At the same time the Chemical Examiner of Sindh also found the samples non-toxic.

The Fuel Research Center of PCSIR however found widely varying concentration of Antimony and Calcium in the samples given by the ICI for analysis. The matter is still under review at the EPA Sindh, and the multinational hopes for a positive response.

The DANISH CHLORINE PLANT Scandal.

This was brought to our notice by SDPI who in turn had been alerted on this issue by the GreenPeace (an International environment agency with offices almost all over Europe).

In 1991, the only Danish chlorine plant left in the country was shut down due to its negative environmental impact. According to Danish newspaper reports the plant was sold to Pakistan. The owner of the plant is not willing to give the name or the place of the buyers in Pakistan.

The equipment involved is mercury cells for chlorine and caustic soda production, considered to be the oldest and dirtiest of the three major technologies for chlor-alkali production. As the use of mercury cells resulted in terrible mercury contamination, it was decided to phase out chlor-alkali production in Europe by 2010.

Thus many European based plants were dismantled and exported to the 3rd World. One such plant had been set up in Elpesa Nicaragua in 1968. The government held 48 percent share in the plant, while the rest of the shares were held by two families. The plant produced chlorine and caustic soda from salt using the mercury cell process, a technology licensed by the Stamford, Connecticut based Olin Corporation, which opened a similar plant in Niagara Falls. Almost immediately after it was set up, in 1969, a study traced mercury pollution in Lake Managua to the plant. Another study which was conducted in 1980 showed that the plant had discharged 40 tons of mercury into the lake over a period of 13- years making it one of the most polluted lakes in the world. In addition the nearby Lagoon, was also

poisoned as were the workers of that plant. In 1980, 37 percent of the workers showed evidence of mercury poisoning, including central nervous system damage.

The plant in Nicaragua was ordered to be shut, but the company tried its best to keep it open under the pretext of modernization. After a long struggle the plant finally closed down in January 1992.

A spokesperson of the Nicaraguan Environmental Movement said that out of the 150 workers in Elpesa 80 workers have been poisoned by mercury or chlorine.

Mercury was not the only pollution problem as periodic release of chlorine gas was common. One such release resulted in the evacuation of 200 families and more than fifteen were hospitalized in Ciudad Sandino. During the same period the Olin Corporation factory at Niagara Falls in U.S. was using mercury in its chlor-alkali plant with at least 25 toxic chemicals, including six carcinogens. In 1984 Olin entered into an agreement with Du Pont to finish the cleanup of the Gill Creek a Niagara River tributary. This cleanup left a 4-foot deep mass of toxic waste at the creek's entrance. The sediments contained mercury, solvents, organic chemicals and PCBs parts per million.

The end product of the plant, chlorine, is the building block of substances such as dioxin, PCBs, DDT, and Ozone eating chlorofluorocarbon. There is a long list of the poisonous effects this gas has on human beings. Olin had to stop using mercury cells for chlorine production in 1990 in Niagara Falls.

Apparently Pakistan already has three mercury cell plants, as well as a diaphragm plant (which uses asbestos) and three or four membrane plants. So it is possible that these cells will be sold to an already existing plant to replace old cells. The workers, buyers, and government need to be aware of the fact that these cells are already 20 years old and are considered hazardous by the Danish government.

Conclusion:
The above incidents amplify the need for more vociferous and effective EPA's in the country.

Ordinary citizens, those affected and those concerned, should not have to rely on newspapers for accurate assessment. They should not have to run from pillar to post for redress or to register their protest and concern.

Multinational companies have played havoc with the environment of many 3rd world countries. Stringent controls and an educated public in their countries of origin make it less profitable for these companies to operate in the west.

The protection of our citizens and our environment is the responsibility of our government and our institutions, and unless they rise to the occasion, the onus for this cannot be thrust onto the industrial sector.

FOURTH ANNUAL GENERAL MEETING OF SHEHRI-CBE

The fourth AGM of Shehri-CBE was held on Thursday February 10th, 1994 at the Hotel Metropole. The meeting was chaired by Navaid Husain, Chairperson Shehri. The meeting began with the confirmation of the minutes of the last AGM held in April 1993. After that the Annual Report and the Audited Statement of Accounts for the year January 1, 1993-December 31, 1993 were read and adopted. As this is not the election year so the managing committee will remain same comprising:

than a number of cases have been filed.

Daewoo Case

This case was filed by the residents and members of Shehri living on Sir Syed Road against the illegal conversion of a residential plot for a car showroom. The premises are sealed at the moment and the case is pending.

Gulfway Towers.

This petition was filed on behalf of Shehri against the unauthorized encroachment of this project near the Teen Talwar Roundabout in Clifton. The court gave the decision in favour of

from U.K. and Bangladesh.

S.PARKS AND RECREATION SUB COMMITTEE.

To promote tree planting activities and to mark the occasion of World Environment Day (held on June 5 every year) Shehri and FPAP (Family Planning Association of Pakistan) conducted a tree plantation campaign in Karachi. These areas viz Rehman Colony, Old Golimar and Haldia were chosen for tree plantation. Representatives of Shehri and FPAP planted approximately 100 saplings in area.

Development of parks in Shah Bhattai Colony

Bhattai colony comes under the jurisdiction of Korangi Creek Cantonment Board, and is a low income colony devoid of recreational facilities. Shehri was approached by the Cantonment Board for assistance in developing a park there Shehri developed layout plans in collaboration with students of architecture of Dawood College Assistance in this matter would be appreciated.

KDA parks

KDA wants to make model parks in low income areas in collaboration with Shehri For this purpose a meeting was arranged between Shehri Officials and the Deputy Director Parks and Recreation of KDA. Shehri has taken the responsibility of designing the landscaping of these parks. Shehri is considering interested multinational for this project.

Gutter Baghicha.

This area consisting of approximately 1016 acres. The value of this property goes upto 18 billion. KMC tried to auction this land. And part of it was given for the construction of KMC officers Housing Society almost free of cost. Shehri and residents of this area realized the need for an intervention by the court, a stay has been granted and the matter is still pending.

Jheel park project

Shehri in collaboration with ZMC East and Residents Association of PECHS has worked for the renovation and upliftment of Jheel Park. Shehri wants to set up an ecopond at the lake Jheel Park. Financial assistance in project would be appreciated.

Earth Day Mela, was organized by Leo Club in which Shehri also participated on 22 April 1993, at Hill Park. An Earth Walk and a Poster Exhibition were also held, after this event about thirty children wanted to become members of Shehri. Shehri now has one hundred and seven members.

OTHER ACTIVITIES OF SHEHRI NGO FORUM

The need for establishing a broad based platform comprising of not just NGO's but also women, minorities, labour unions was felt by many NGO's. For this purpose Shehri organized a meeting at Hotel Metropole on 18 December 1993, to discuss the issues and difficulties being faced by them. The intention was to explore the possibilities of institutionalizing the " NGO FORUM "

Representatives from PMA Dr. Khalid Butt, Maulana Abdul Sartar Edhi from Edhi Trust, Human Rights Lawyer Mr. Zia Awan, President of Basu Mr. S M Huda, Mian Mumtaz

Rafi from Concerned Citizens Association, Mr. Tanvir Arif from SCOPE etc participated in the discussion.

Formation of Citizens Society, P.E.C.H.S.

Shehri has been trying to set up small mohalla committees of concerned citizens in order to solve both civic and environmental problems. For this purpose a meeting was arranged at Shehri office on 30 December. The response was not very encouraging, but Shehri would like to give it another try.

MASS TRANSIT PROGRAM

Karachi Mass Transit Program is a plan for an eighty seven kilometer mass transit system to serve the population of Karachi. The plan is to build a transit ways along existing rail and highway corridors incorporating a rationalized bus route network. A steering committee was established to carry out the Environmental Impact Assessment of this program. Shehri is a member of this steering committee. Shehri has been attending their meetings and workshops.

The annual report was proposed by Mr. Kaiser Bengali and seconded by Mr. Danish Azar Zubay after which it

was adopted.

NOISE-POLLUTION

During the discussion and question answer session one member suggested that regarding the noise pollution a letter should be sent to the Chief Justice of Sind along with signatures of the residents and newspaper cutting from the letter to the editor in this regard. Shehri has already been granted a judgement from the Supreme Court in this regard.

MULTI STOREY CAR PARK

A suggestion regarding the construction of multistorey car park in busy commercial area was also put forward by one of the members. Shehri has put this up in writing to the Supreme Court.

CIVIC BODIES

The need for Shehri to be included in more local bodies and civic agencies, was emphasised.

AROUSE AWARENESS

It was suggested that Shehri should involve concerned citizens in its projects. Members are requested to write and visit Shehri's office.



1. Navaid Husain Chairperson
2. Qazi Faez Isa V. Chairperson
3. Humaira Rehman Gen. Sec
4. Khatib Ahmed Treasurer
5. Danish Azar Zubay Member
6. Hasan Jaffery Member
7. Farhan Anwar Member
8. Amber Ali bhai Member
9. Kaiser Bengali Member
10. Dr. M Ajmal Khan Member

A brief account of the activities undertaken by Shehri in the year 1993 were presented

1. CONSERVATION AND ARCHITECTURAL HERITAGE SUB COMMITTEE.

Seminar on Archaeology.

As a result of the rapid commercialization the cultural heritage of Karachi is being demolished, in order to save this heritage. Public consciousness and mobilization is essential. In this connection, from February 9-14, 1993 Shehri in collaboration with Archaeology Quarterly, ZMC Central, Shah Abdul Latif University and Department of Archaeology and museums organized a six day seminar on "Preservation of Cultural Heritage". Shehri was represented by Mr. Ahsan Haleem -Fellow Sindh Historical Society and Mian Zafar Iqbal, a student member. Participants visited the National Museum and Madinatul Hikmat, a university founded by Hamdard Foundation.

2. MEDIA AND OUTREACH SUB COMMITTEE.

In Pakistan the language used for communicating ideas pertaining to conservation of nature and natural resources is English which the majority of our citizens are conversant with. Therefore Shehri has compiled a glossary in urdu with the assistance of scholars and the Urdu Muqadma Board. The glossary is being printed in collaboration with IUCN.

3. LEGAL SUB COMMITTEE

The Shehri Legal Sub Committee started functioning in June 1993, since

Shehri that the illegal five stories must come down. The builders have appealed to the Supreme Court. The matter is still pending.

Gutter Baghicha.

Shehri has stopped the illegal sale of Gutter Baghicha. We filed a petition in the Supreme Court. The matter is still pending. Shehri has filed its suggestions as how to save this open space of approximately 1016 acres valuing 18 billion rupees in the area of Trans-Lyan.

Motiwala Construction

Shehri along with the residents of PECHS BLOCK II have filed a petition to stop the illegal construction and conversion of residential areas. Matter is still pending.

KBCA and PECHS

The petition has been filed against both institutions to prevail upon them to stop the illegal construction of showroom cum flats on main Khalid Bin Waleed Road. The stay has been granted in favour of Shehri. Matter is pending.

Costa Livina

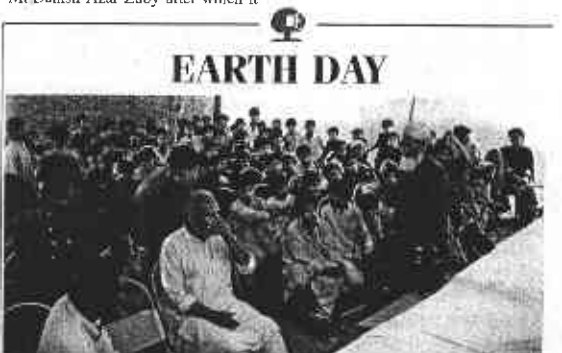
Residents of Clifton area filed a petition in which Shehri is a petitioner as well. Stay has been granted in favour of the residents and Shehri.

4. ANTI- POLLUTION SUB COMMITTEE

International Seminar On Environmental Pollution

On April 29, 1993 SHEHRI, organized an international seminar in collaboration with PASSP (Pakistan Association of Scientists and Scientific Profession), IEP (Institute of Environmental Engineering and Research), and NED University on environmental pollution.

The seminar comprised of four sessions, was addressed by experts from Pakistan such as Dr. Mirza Arshad Ali Baig (SEED) Engr. Rehman Ahmed (NESPAC), Mr. Kamal Sheikh Advocate, Dr. M.R. Sabayo (MUEI) and Engr. Mohd. Mohsin Qureshi (DCET) and Navaid Husain (Chairman Shehri) and also by eminent scholars and guest speakers



Shehri-CBE, organised a program to celebrate The EARTH DAY, on 22 April '94, with approximately 200 children belonging to the age group of 5 to 12. All these children work for a living in different factories, workshops etc. and during the afternoon they study at the centres opened by NGO PILER. This program was held at one of the centres of PILER, which is situated in Manshehra colony in Landhi. At the beginning of the program Mr. Mohammad Husain, Headmaster of the Manshehra Colony centre gave a brief introduction of Shehri and the

work it was doing. Later on Mr. Khatib Ahmed, Treasurer Shehri and Mr. Navaid Husain, Chairman Shehri gave talks on the special significance of the need for education and on the importance of a clean and healthy environment.

Competitions around developmental and environmental issues for the children were held and prizes were given out to winners and losers alike since Shehri recognises all working children as deserving.

At the conclusion of the program gift packets and lunch boxes were distributed among the children.

Shehri-CBE's new members are:

- 184) Syed Sultan Ahmed
- 185) Saeed A. Kushiwala - Alcop M.D.
- 185) Syed Muttamad Saleem - Dow Chemicals
- 186) Syed Ali Raza Zaidi - Squibb
- 187) Farzana Ahmed
- 188) Nuzhat Aijaz
- 189) Maartje Fiaz-ud-din, Homeopath
- 190) Major Mirza Ahmed Husain
- 191) Ms. Tazeen Mirza - student
- 192) Malik Ayaz A. Khan - Advocate
- 193) Mr. Suhail Ahmed - Businessman
- 194) Mr. S.M. Umar Oub - Student
- 195) Mr. Yawar Mehdi - Deputy Controller Radio Pakistan
- 196) Mr. Anjum Raza Faruki - Financial and Business Advisor
- 197) Mr. Mohar H. Alavi
- 198) Ms. Kamila Suhail - Student
- 199) Mr. Abdul Basit Saleem - Draftsman
- 200) Mr. Amir Inqad - Student
- 201) Mr. Hafiz Mohd Javed - Deputy Director KDA
- 202) Mr. Yawar Abbas Jilani - Principle Architect
- 203) Mr. Mohammad Akbar Haqqani - Sr. Engineer Manufacturing
- 204) Mr. Mohammad Abdul Malik
- 205) Syed Ghazwan Ali - Student
- 206) Mr. Abid Ahmed Khan - Administrative officer
- 207) Mr. Sabir Shah - Managing committee member WAR
- 208) Mr. Wasim A. Khan
- 209) Mr. Arshad Raza Khan
- 210) Ms. Fatima Mohammad
- 211) Ms. Ayla Feroz Khan
- 212) Mr. Azhar Khan
- 213) Mr. Shabbuddin Shamsuddin - Administrative Manager
- 214) Mr. Jam Mohammad Lakho - Managing Director Lakho Association
- 215) Mr. Khan Imran Khan
- 216) Mr. Jeevan Das - Project Officer Sindh
- 217) Mr. Anis-ul-Haq Siddiqui - Managing Director Haque Engineer and
- 218) Mr. Ajmal Malik - Coordinator Swiss NGO Programme, Associate.

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HEALTH AND SAFETY HAZARDS IN CHEMICALS AND ALLIED INDUSTRIES

By Dorba Zabi (PILER)

The use of different chemicals in the manufacturing of chemical products and in processing operations is a major hazard to workers. A PILER study identifies the hazard posed to worker's health and safety by the use of chemicals in industries. A total of 47 industrial units in the following sectors were surveyed.

1. Bleaching and Dyeing.
 2. Leather Tanning.
 3. Chemical, Gases Manufacturing, Soap, Detergent, Paints, Varnishes, Polishers, Waxes, Batteries, Cement and Ceramics.
- The study sought to highlight how the following factors affected the existence or otherwise of health and safety measures in the surveyed industrial units:

- Level of education of workers
- Salary of workers
- Age of workers
- Job status
- Size of industrial unit
- Type of ownership
- Presence of trade union

The following are the highlights of the study:

(a) 57 of the 173 workers interviewed (33% of total number) were illiterate, 83 (48%) had primary or middle level education and 33 (19%) were matriculates or just above. In industrial units where

There are laws in force in Pakistan which prescribe mandatory measures which managements of industrial units are required to take in respect of health and safety of workers as well as medical facilities to be provided in the working environment. These are:

- Factory Act 1934,
- Hazardous Occupations (Lead) Rules 1937
- Hazardous Occupation (Sand Blast) Rules 1937.
- Hazardous Occupation (Miscellaneous) Rules 1937.
- Hazardous Occupation 1963 and Industrial Relations Ordinance 1969.

AERC STUDY ON ECONOMIC REFORMS AND THE ENVIRONMENT

A number of developing countries including Pakistan, are heavy borrowers from the World Bank/IMF and are under pressure to bring about structural adjustments in the working of their economies. Concurrently, there is considerable concern of the effect these reforms might have on the sustainability or long-term growth prospects of the economies under these programs.

The Applied Economics Research Center of the University of Karachi is conducting a study on the environmental impact of structural adjustment programs. The study is supported by the World Wide Fund for Nature (WWF) and executed through Harvard University. Some of the key questions the study seeks to answer

are: Will these reforms lead to a faster depletion of renewable as well as non-renewable resources? Is it likely to increase migration towards cities and compound the already existing problems of slums, pollution, sanitation and sewerage? Will the pressure to expand exports at any cost lead to severe industrial pollution? In turn how will the impact (positive or negative) on environmental condition feed back on the long-run performance of the economy? The National Conservation Strategy (NCS) formulated by the Government of Pakistan identifies the links between economic activity and environmental degradation. The purpose of the AERC is to carry the NCS forward and quantify the impact

wherever there had been serious hazards/accidents, victims were either temporary or contract workers. Packing department of cement factory is a typical example. Here all the workers are temporary, get minimal wages and are denied all facilities including precautionary measures against health and safety hazards.

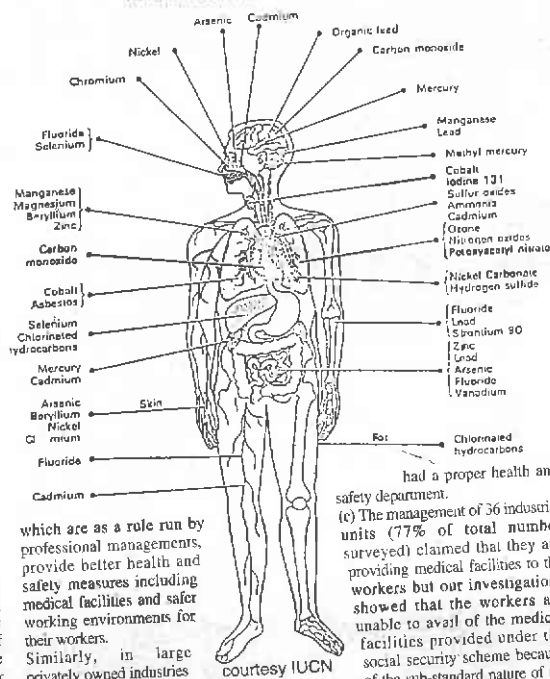
(f) The larger industrial units, particularly in the private sector, have comparatively better health and safety arrangements (protective clothing and devices masks, gloves, helmets etc are provided) as well as better medical facilities and safer working environments for workers. Smaller units had almost none of these.

(g) Industries in the multinational sector,

Common ailments reported by workers interviewed were: eye sore and ulcer, chest congestion, breathing trouble and coughing/fever, constant headache and giddiness, blisters and other skin diseases, chronic bad cold and stomach disorder. These are caused by inhaling chemical particles/gases, dust and other floating wastes, by coming in physical contact with chemicals, working without protective helmets, masks, and gloves or walking without protective shoes on the workplace floor.

(h) 37 industrial units (79% of total number surveyed) had virtually no department nor even an official attending to health and safety. Only 2 units (4%)

WHERE TOXINS TEND TO DEPOSIT



which are as a rule run by professional managements, provide better health and safety measures including medical facilities and safer working environments for their workers.

Similarly, in large privately owned industries which are run by professional managements rather than by non-professional owners, health and safety is given due attention.

(g) In industries where there are trade unions, greater attention is paid to health and safety measures, provisions of medical facilities and safer working environment. The reason is obviously that in these industrial units, the unions fight for implementation of the laws in respect of health and safety. The survey showed that 36% of units covered had trade unions and 64% had no unions.

The following interesting facts emerged from the survey:

(h) In all the industrial units surveyed, Whether manufacturing chemicals or using chemicals in production process, chemicals directly or indirectly affected the health of workers.

of reforms on the environment. According to Dr. Sajjad Akhter, the Project Leader of the research project, the study will evaluate the impact of some of the critical SAP reforms on the key macroeconomic indicators of the economy, e.g. agriculture, manufacturing, energy, income distribution, fiscal deficit, balance of payments and exchange rate. It will also develop two or three detailed "environmentally oriented" sectoral models which assess the impact of (macro and sectoral) reforms on the environmental conditions in these sectors. Within agriculture, NCS identifies water and land as one of the main natural resource constraints in the sustainable development of agriculture. Waterlogging and salinity, a serious form of land degradation, is said to be the outcome of inefficient use of water resources at the system and farm level. The study proposes to model this aspect in its agriculture

In the light of the above results we can say that there is an immediate need for establishing a Health and Safety Council comprising Labour Department officials, management representatives and labours leaders to oversee Health and Safety conditions and implementation of laws in factories.

surveyed) had no medical facilities whatsoever.

(d) Apart from the fact that the majority of the workers interviewed reported of non-provision of protective clothing and devices by the managements, many reported that sub-standard, totally unusable or fake devices are supplied, simply to fulfil a formality and circumvent the relevant laws.

(e) Apart from the hazards posed by the use of chemicals in the surveyed industries, there are also problems related to maintenance of tolerable temperature, humidity, ventilation and air passage, light, and control of machine noise, smoke emission, floating dust and other particles. In most of the industries surveyed, these health hazards are conveniently ignored. Majority of workers interviewed complained of a host of ailments affecting eye sight, breathing, hearing etc. caused by the managements indifference to these issues.

There are laws in force in Pakistan which prescribe mandatory measures which managements of industrial units are required to take in respect of health and safety of workers as well as medical facilities to be provided in the working environment. These are: Factory Act 1934, Hazardous Occupations (Lead) Rules 1937 Hazardous Occupation (Sand Blast) Rules 1937, Hazardous Occupation (Miscellaneous) Rules 1937, Hazardous Occupation 1963 and Industrial Relations Ordinance 1969. These laws separately and jointly enjoin upon the owner of industrial establishments to ensure that in the prescribed industries proper protective

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PAKISTAN SOCIETY OF ENVIRONMENTAL AND OCCUPATIONAL MEDICINE

There is little public awareness in Pakistan regarding occupational health hazards.

Many industries operating in Pakistan employ obsolete technology and do not make safety features a mandatory part of their operating procedures.

Workers are thus exposed to chemicals, fumes, particles, temperature and noise levels that are extremely injurious to health, and also very difficult to cure.

Occupational health problems are difficult to detect for the ordinary physician as this is a specialised field requiring extensive training and exposure. For example if a person is suffering from some respiratory problem the doctor at his/her neighbourhood clinic may treat him with usual antibiotic or cough mixture and send him/her away. However, the Occupational medicine specialist will go into the details of the problem and will not only suggest a more suitable cure but will come up with preventive solutions to avoid the recurrence of the problem.

In more civilised societies where the rights of citizens are better protected by legislation, the state makes it mandatory for factories and industrial units to employ occupational medicine specialists.

The presence of these specialists also acts as a check on the management in ensuring that unsafe

operational procedures are not adopted and workers are not forced to work under unsafe conditions.

The practitioners of occupational medicine are guardians of the factory environment. As such they are keen environmentalists.

It is indeed good to know that since 1992 the Pakistan Society of Environmental and Occupational Medicine has come into existence, founded and chaired by Dr. Yusuf Siddiqui. A pediatrician by qualification, Dr. Siddiqui is Senior Medical Advisor to Lever Brothers since the last eleven years.

What made Dr. Siddiqui set up the Pakistan Society of Environmental and Occupational Health?

Pakistan Society of Environmental and Occupational Medicine was formed in 1992 to introduce doctors to the concept of Occupational Health. The Society wants to build an infrastructure for the practise of Occupational Health in Pakistan.

Occupational Health means:

- 1) to care for and protect workers from the product and the environment in which the product is made.
 - 2) to keep the product from being contaminated by workers.
 - 3) to keep the industries and their products environmentally safe.
- Dr Yusuf Siddiqui attended an international conference in France regarding Occupational Health. After this experience he realised the need for a similar kind of society which

would deal with occupational health problems in Pakistan. This set into motion a series of consultations with foreign doctors and experts in Occupational Health. Later, on the request of Dr Yusuf and his colleagues the Dean of Occupational Health Royal College of Physicians of London Dr. David Right, Vice Dean Dr Robin Cox, Professor Nichola Cherry from Manchester, and Dr Nicola Orunde the Occupational Advisor from Australia came to Pakistan (on their own expense) to give lectures in a seminar cum certificate course on Environmental and Occupational Health arranged and organized by the society.

The participants were requested to talk about the techniques and measure which would be particularly applicable in developing countries. Dr Yusuf was of the opinion that there is always the need to evaluate old and new techniques of treatment under indigenous conditions.

The seminar was held at College of Physicians and Surgeons on 20th January 1994. This seven days course was restricted for only 30 doctors with a registration fee of Rs 2000= . It was a source of enormous encouragement that not only did 82 doctors apply for the course, but the event was well covered by the media and advertising agencies as well.

At the concluding session of the seminar representatives of environmental organisations were

invited to share their views.

Humaira Rehman, representing Shehri spoke on the need for industrial workers (whose health had been affected by the industrial environment) to come forward and seek redressal through Public Interest Litigation. She spoke about Shehri's active legal resource centre and requested the members of the medical community to refer cases for litigation to Shehri.

Most patients suffering from occupational diseases are attended by part time doctors or other specialists, do not go into enough detail and treat them with strong wide spectrum antibiotics. The initial X-Ray's don't show anything but ultimately patients suffer from carcinoma and serious lung diseases.

It is a pity that our system does not encourage the appointment of Occupational Health doctors in the industries. Dr. Yusuf said that in Pakistan most of the industries do not even have doctors for their staff although some local industries have part time doctors. Only multinational companies have full time doctors, realising that this makes investment sense.

Dr. Yusuf is of the opinion that industrialist do not want interference. Occupational Health measures are an extra expense, in their opinion. They do not bother about the health of workers as there are many applicants for a single job and a worker can be easily replaced. They think that by employing a doctor the number of sick-leaves will increase not being aware that in the long run

permanently based full time doctors would reduce the sick leaves which would ultimately enhance production. The Pakistan Society Of Environmental And Occupational Medicine aims at involving industrialists in their programmes.

Dr Yusuf said that doctors attached with industries, have less experience than practising doctors due to restricted number of patients, and do not receive the respect they deserve.

Talking about future plans for the society he said that an academy for Occupational Health is on the agenda. For this purpose Mr Hakim Saeed the ex governor of Sind has generously given them 2 acres of land in Madinarul Hikmat. They also want to start a diploma course on Occupational Health of the same standard as in U.K and Australia. In this connection some foreign experts have assured the society of their assistance.

According to him the society is progressing gradually. Their basic aim is to organize the doctors associated with industry in the country to render better service to the cause of Environmental and Occupational Health. They plan to hold clinical meetings in factories instead of hotels. The Society will publish and assist in the publication of literature on Environmental and Occupational Health, especially prevention and awareness. They will organize seminars for the general public on welfare and Rehabilitation of patients. It was of the opinion that instead of blaming the government we should try to help ourselves by devising methods and techniques of our own.

NEW LEADERS OF IUCN :

DR. JAY D. HAIR, PRESIDENT IUCN

By Navaid Husain



encourage sustainable development practices.

He often testifies before congressional committees to urge passage of stronger environmental legislation. Journalists from the nation's major television networks and newspapers frequently seek Hair's opinion on the environmental news of the day. Hair also delivers NWF's environmental messages in addresses to diverse groups including university gatherings, professional associations, NWF affiliates and business organizations. He has written extensively on environmental issues, with his comments appearing in numerous publications, including The New York Times. He writes a weekly newspaper syndicated column made available to readers through 600 newspapers across the nation.

Hair serves on a number of boards of directors, including Clean Sites, Inc., The Windstar Foundation, and Kids for saving Earth. He is Chairperson of the Board and President of the IUCN-US (The World Conservation Union and IUCN North American Regional Council). Hair was a member of the National Wetlands Policy Forum (1987-1988), the U.S. Environmental Protection Agency Biotechnology Science Advisory Committee (1987-1989), and the Board of Directors of Earth Day 1990. In June, 1993, Hair was selected by President Bill Clinton to serve on the President's Council on Sustainable Development.

The first thing we discussed was the cut off of US Aid to Pakistan as a result of the Pressler amendment. It was pointed out to Dr. Hair that in spite of the end of the cold war, aid was still linked to political issues as a result of which developmental projects in countries such as Pakistan would be affected. A case in point is the shut down of a US aided family planning projects. Dr. Hair has Pakistan and South Africa on the top of his list of countries to visit as

AIRING OUR VIEWS AT BUENOS AIRES

by Navaid Husain

The 19th General Assembly of the International Union for Conservation of Nature (IUCN) was held in Buenos Aires from 17-26 January 1994.

The Pakistan delegation consisted of about 20 persons representing non-governmental and governmental organizations.

Delegates included, Karamat Ali (PILER), Omar Asghar Khan (Sungi), Tanvir Arif (SCOPE), Seema Malick (TRC), Tariq Banuri (SDPI), Khawar Mumtaz (shirkatgah), and Naveed Husain (Shehri) from NGOs, 9 members of IUCN and 3 government representatives.

The assembly was presided over by the outgoing President of IUCN, Sir Shiridath Ramphal & Dr. Martin Holdgate (Dir Gen). The only contender for the President's office was Dr Jay Hair from America & for the Dir Gen's office was from New Zealand Mr. David Keith McDowall who were duly elected.

Some important amendments to resolutions were put up by Pakistan i.e. the inclusion of "labour" to all references to Business and industry. The concern at the proposed construction of the Barotia power project, especially after the problems at Tarbela was included by Sungi with reference to large dams. The Houbara Bustard resolution was under pressure from the Saudi Arabian and UAE delegates. The GOP delegate, Jan Mohammad made an unsubstantiated claim that the Houbara population was increasing.

Two important amendments to resolutions were proposed by Shehri. The first pertained to the issue of regionalisation within the IUCN. Currently, Pakistan has been bracketed within West Asia along with countries of per capita incomes higher than \$ 20,000/. This obviously means a different set of

objectives and priorities for rich countries as opposed to a poor state such as Pakistan. Furthermore some North African and West Asian Arab states wanted to see a restructuring of their region take place. Shehri's point of view was that a rational basis for rationalisation bracketing should serve as a criteria for IUCN in future i.e:

1. Geographical proximities of countries concerned
 2. Linguistic, cultural and historical bonds
 3. Socio economic levels of the countries within proposed regions.
 4. Strengthening existing regional forums eg SAARC and its Environmental committees.
 5. Creating people to people bridges by trying not to get involved in state to state confrontations.
 6. The issues of sharing of seats could be worked out by rotation.
- The issue of regionalisation will come up in the next assembly and the groundwork will have to be laid before that.

The other amendment Shehri made was on the issue of sustainable development. In the absence of the GEF, and with the south caught in the debt trap, Shehri called for a debt forbearance and social action plan swap without which sustainable development would be difficult. Also recipient countries were called upon to put up equal local resources to support such a plan. Furthermore greater resource and technical support to NGOs were required by donors. The original resolution was tabled by Peru. The amendments to this resolution became so controversial that the President decided to put this to vote through a postal ballot as there was no time to thrash it out.

IUCN's new team Dr. Jay D. Hair and the Director General designate, take over from Sir Shiridath Ramphal, (ex-President) and Dr. Martin Holdgate (ex Director General). The incumbent President and Director General face a daunting task. IUCN had the privilege of Sir Shiridath Ramphal's rich experience as Secretary General of the Commonwealth countries for two tenures during its turbulent years when the organization was deeply divided over apartheid in South Africa.

Hair was interviewed at IUCN's temporary secretariat at the Sheraton in Buenos Aires where IUCN's 19th General Assembly was being held. As American Vice President, Al Gore's personal nominee and friend, Hair carries a lot of clout for IUCN, especially since the environment was one of major issues that Clinton and Al Gore were elected for.

Hair holds twenty offices and memberships. He is also the recipient of an equal number of awards and certificates. Dr. Jay D. Hair has led the National Wildlife Federation as president and chief executive officer since May, 1981. Under his leadership the Federation has expanded its activities to embrace a wide spectrum of environmental issues while maintaining its traditional advocacy for natural resources and wildlife conservation.

During his tenure, National Wildlife Federation revenues have risen to nearly \$ 100 million annually. This endorsement from its approximately five million members and supporters makes the NWF the largest private environmental education organization in the world.

Hallmarks of Hair's leadership at NWF include creation of the NWF Corporate Conservation Council to promote communication about environmental issues with the business community, establishment of the NWF International Affairs

Division to promote environmental concerns abroad, and a drive to forge alliances for environmental and social justice among the nation's culturally diverse communities.

Described by senate Majority Leader George Mitchell as "the most respected member of the environmental community," Hair has been a key environmental adviser in several White House meetings which were instrumental in ensuring that environmental concerns were incorporated as a fundamental aspect of the Clinton Administration's economic plan.

Hair's leadership in making NWF a major force in the movement to incorporate environmental concerns in the negotiation of free trade agreements led to his appointment in 1991 as a member of the Investment Policy Committee (INFAC) to the United States Trade Representative. He also led the Federation as a key player in effort to convince the Japanese Government to halt the use of driftnets in ocean fishing, and has been actively involved in dialogue with leading Japanese business official

THE UNSLAPPED

By Cameron Davis

(courtesy Q.J. Danupota, SDN)

A Primer For Protecting You and Your Affiliate Against SLAPP Suits

You've been instrumental in helping the affiliate take a strong stance against a developer's proposal to fill in a small wetland so it can build new apartment buildings. You helped with the research, you organized others to assist in fighting the issue, and you testified at a recent planning commission meeting against the project. Last week you reported the good news to your board of directors that the proposal was defeated: your efforts paid off. What you didn't expect was to be served with papers for a lawsuit by the developer claiming you "defamed" the developer. The complaint alleges that you made inaccurate statements about the developer, thereby causing him to lose thousands of dollars. What might the developer be trying to do? What can you do to avoid future suits? What can you do to eliminate this SLAPP suit? Read on.

recognize this. According to one court's ruling on a 1992 New York SLAPP suit: The ripple effect of such suits in our society are enormous. Person who have been out spoken on issues of public importance targeted in such suits or who have witnessed such suits will often choose in the future to stay silent. Short of a gun to the head, a greater threat to First Amendment expression can scarcely be imagined. The increasingly common use of SLAPPs threaten citizens' willingness to exercise their right of free speech and their right to petition the government for a redress of grievances under the constitution. According to a report by the Library of Congress, the right to petition the government "has been expanded beyond its literal terms to protect any peaceful, lawful attempt to promote or discourage government

nongovernmental individuals or organizations because of their communications to governmental entities, officials, or the general population (electorate) and on a substantive issue of some public interest or concern. Some of the most common issues of public interest or concern are: real estate development and zoning, environmental protection, wetland and wildlife preservation, and neighborhood defense (otherwise known as "NIMBY" or "Not in my backyard"). Some of the most common legal claims are: defamation (slander or libel); business torts (interference with contract, business, economic expectancy, product disparagement, restraint of trade); other torts (nuisance, invasion of privacy); judicial or administrative torts (abuse of process), or conspiracy to commit one of the above torts; constitutional and civil rights violations (i.e., discrimination, "taking" private property rights, etc.)

Some of the most common issues of public interest or concern are: real estate development and zoning, environmental protection, wetland and wildlife preservation, and neighborhood defense (otherwise known as "NIMBY" or "Not in my backyard")

actions at all levels and branches of government, including the electorate." Thus, the right of freedom of speech and to petition the government include the right to challenge or influence government actions, whether by petitioning for government approval or disapproval of projects, providing public comment, testifying, lobbying, litigation, and even demonstrating peacefully or otherwise speaking out against a proposed project.

How Do you Recognize A SLAPP Suit?

SLAPP suits have common characteristics. Therefore, it's not difficult to know that you are being SLAPPED:

The suit is a civil complaint or counterclaim filed against

What Can You Do To Avoid SLAPP Suits?

The most important element to the SLAPP equation is to not let the possibility of a lawsuit deter your efforts. That's exactly what most SLAPP plaintiff are counting on. According to the late U.S. Supreme Court Justice Louis Brandeis: "The greatest menace to freedom is an inert people."

Although there is no way to avoid being SLAPPED, you can take certain measures to greatly reduce the likelihood of being SLAPPED in the future. First, make sure your advocacy is factually accurate, on firm legal footing, and not undertaken for some improper purpose (for example, inciting others to protest a proposal so that you can gain financially would be improper). It is not necessary that every word be grounded in fact. If, for example, your criticisms are leveled at proponents of projects that are of public concern, you need only ensure that your statements are not made with the knowledge that they are false. Likewise, you cannot make statements with reckless disregard for whether they are false or not. Remember, the truth is an absolute defense in most cases. In short, don't engage in hyperbole. Stick to the facts. Act responsibly.

Then there are actions you can take to minimize financial and legal risk to

yourself. First, it helps if you are speaking on behalf of an organization after receiving the authorization to do so. Because SLAPP's are intended to primarily intimidate, SLAPP plaintiffs are less likely to sue targets that may be able to sustain a defense over time. Obviously, a legal defense is more difficult to sustain for an individual citizen than for a group of people or a financially-stable organization to sustain. Coordinate closely with your affiliate board, particularly on issues that are likely to be controversial. Second, make sure the organization for which you speak properly identifies those who speak out on its behalf. This may usually be achieved by including an indemnity provision in

yourself. You might also approach the governmental entity to which you testified and convince it to assist in your defense by arguing that SLAPP suits will chill input to the entity in the future (which is ultimately not in the entity's interest) or that by inviting testimony, the entity should come to the aid of those who testify in good faith. Often, those who testify to a governmental entity are privileged to do so. In other words, testimony is often a safe harbor from lawsuits by those against whom you have testified. Nevertheless, these efforts will merely shift the burden of defending the lawsuit, not eliminate the lawsuit.

SLAPP suits have common characteristics. Therefore, it's not difficult to know that you are being SLAPPED: The suit is a civil complaint or counterclaim filed against nongovernmental individuals or organizations because of their communications to governmental entities, officials, or the general population (electorate) and on a substantive issue of some public interest or concern

the organization's constitution or by-laws. To make sure that the constitution's or by-laws indemnification is meaningful, investigate whether the affiliate carries adequate Directors' and Officers' (D & O) insurance.

What Can You Do To Eliminate A SLAPP Suit?

First, prepare to retain an attorney. But, depending on the circumstances, you may not have to retain her yourself. For example, if you were speaking on behalf of your affiliate, you may be "indemnified" that is, the affiliate may undertake a lawsuit to defend you. You are relatively safe if you are a board member, received authorization by the board to speak out against the wetland-fill project, and your affiliate's constitution and by-laws indemnify you while you are acting within the scope of your duties as a board member. You may also be protected if you are a member or volunteer and received authorization to

If your organization can't or won't obtain an attorney to defend you, check with other organizations on the state bar associations to see if there are lawyers who have offered to provide legal service on a "pro bono" (free or reduced fee) basis to public interest groups. Because SLAPP suits pose such a threat to public interest activities and important constitutional rights, it may be fairly easy to find a public interest lawyer willing to take your case on a pro bono basis.

If all else fails and you can't find a lawyer to take your case pro bono, hire one yourself. SLAPP suits should never be taken lightly— you must defend yourself! Don't wait until the last minute to seek legal assistance.

To try to eliminate the suit, you should request that your attorney communicate to the plaintiff's attorney the personal risks of continuing with a SLAPP suit. SLAPP attorneys themselves can be penalized under Rule 11 of the Federal Rules of Civil Procedure for bringing frivolous lawsuits or lose SLAPP back jury verdicts. Rule 11 sanctions, which carry with them the possibility of stiff monetary penalties and the possibility of losing licenses to practice law, may be the appropriate specter to raise to deter plaintiffs' attorneys from continuing in the litigation. Rule 11 will make the attorney personally sit up and take notice. Some states have rules that are the same or similar to the Federal rule 11.

There are tools to make the plaintiffs sit up and take notice too. Because SLAPP suits are rarely successful on the merits of the case and are increasingly recognized for what they are, violations of citizens' constitutional rights, chances are good that your attorney can eliminate the suit before it becomes protracted. SLAPP suits are often eliminated early in the litigation by filing preliminary motions (usually a motion to Dismiss or a Motion for Summary Judgment).

Continued on Page 7

ENVIRONMENTAL COORDINATOR: THINKER OR DOER?

In most companies, concern for the environment started out as the hobby of one concerned individual who worried about the mess in the yard or the empty plastic cups in the canteen. This hobby rapidly turned into a job that is gaining more and more importance. However, the environmental coordinator is still very much a solitary figure in many companies. The environmental department is new and has to deal with much larger, established departments such as production, planning or research and development. The department is fighting a battle on two fronts. It has to convince the manager that deploying money, manpower and equipment for environmental tasks serves a useful purpose, while the staff must be made to realise that measures are needed.

G.V. Van Hoogen, initially environmental coordinator now General Manager of the Amsterdam waste processing company TCA, has enjoyed management backing ever since he joined the company in 1989. The company had a poor reputation; it had already earned a conviction for dumping of waste. An environmental audit - i.e. an x-ray of the company structure showed that company practice needed changing drastically. "I had quite a fight on my hands. I talked and talked, the whole culture of the company had to change." A lot of people left or took other positions. Every staff member was issued with a new job description linked to the new environmental policy procedures. The industrial cleaning division was hived off. The company has been implementing its environmental policy for two years, after much discussion on how it was to be setup. The relationship with the government has improved enormously.

The environmental coordinator rarely gets the opportunity to reorganise the company for environmental reasons. It is far more difficult for a large chemical concern such as the Dutch States Mines to turn itself inside out

than for a small company such as TCA. The enormous waste production in its Vendo plant was the main reason for taking the environment seriously there. "I once worked out that our raw materials yield more waste product," says Harry Van Lier, head of waste Processing and Secondary products. Everyone agreed that too much waste was being produced, but the question was how to cut it down. Once again, it was Words, Words, Words for the environmental coordinator.

"By talking to the research and technology department, I tried, for a start, to prevent waste being produced, and we are already achieving results. Materials that we regard as waste turned out to be raw material for other companies." Slightly polluted sodium hydroxide was always dumped until it turned out to be suitable for neutralising the waste flow in our own biological water purification unit. That saved us the cost of buying technically pure sodium hydroxide.

Everyone's Job

Management may make the investment, as did DSM, it is the shop floor that determines the success of the measure. "No one should be allowed to think that I am the only one in charge of the environment", says Fried Hoenderboom, environmental coordinator of the Perscombinatie Graphic Company, which publishes a number of important dailies. "Departments have to do the job themselves. You must not set up a separate environmental department. Concern for the environment should infiltrate the whole of the company practice. This can only be achieved if people are kept informed of developments." There is broad support within the Graphics Company. People can see that we produce enormous amounts of waste. Yet installing finer recycling equipment, for example, means more work for the department and some people are none too pleased about it. You then try to convince them that we are not only trying to save fiver, but to keep the rinsing water as clean as possible and thus reduce our waste flows."



By [Name]

