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THE PAKISTAN CLIMATE CHANGE ACT, 2017

ACT NO. X OF 2017

[29th March, 2017]

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

WHEREAS it is expedient to meet Pakistan's obligations under international conventions relating to climate change and to provide for adoption of comprehensive adaptation and mitigation policies, plans, programmes, projects and other measure required to address the effects of 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, 2017.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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 established 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 12;

(g) "Government" means the Federal Government;

(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;

(Gj) "prescribed" means prescribed by rules or regulations made under this Act; .

(k) "regulations" means regulations made under this Act;

(1) "rules" means rules made under this Act;

(m) "Schedule" means a schedule to this Act; and

(n) "Tribunal" means the Environmental Tribunal set up under the Pakistan

Environmental Protection Act, 1997 (Act No. X)(XIV of 1997) or the provincial environmental protection laws.

(2) The 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 Prime Minister 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, namely: —

a)

b)

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d)

Federal Ministers of the Divisions allocated with the subjects of climate change, finance, agriculture, food security and research, planning, development and reform, petroleum and natural resources, science ' and technology, water and power and foreign affair;

Chief Ministers of the Provinces;

Ministers-in-charge of the department allocated with subject of environment in the Provinces;

such other person not exceeding thirty as the Prime Minister 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;

e) Chairman, National Disaster Management Authority established under the National Disaster Management Act, 2010 (XXIV of 2010);

f) | Chairman, Pakistan Climate Change Authority; and

g) Secretary of the Division allocated with the subject of climate change, who shall also be the Secretary of the Council.

(2) The Council may invite the Prime Minister, Azad Jammu and Kashmir and Chief Minister, Gilgit-Baltistan to participate in the meetings of the Council as and when required.

(3) The Division allocated with the subject of climate change shall act as Secretariat of the Council.

(4) 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.

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

(6) 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.

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

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

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

(b) monitor implementation of international agreements relating to climate change specified in the Schedule;

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

(d) 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);

(e) 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 on Climate Change (UNFCCC);

(f) 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; and

(g) consider the National Climate Change Report and give appropriate directions thereon.

(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 Minister-in-charge of 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 Ministers-in-charge.

(2) The members including Chairperson of the Authority shall be appointed by the Prime Minister on such terms and conditions as he 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 year's 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, for assistance in performance of its functions, invite a representative of any Government Agency or non-governmental organization or technical expert or other person possessing specialized knowledge of any subject.

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 Federal or Provincial 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

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Development Mechanism, Global Environmental Facility, Green Climate Fund and Adaptation Fund;

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 on Climate Change and monitor implementation thereof;

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;

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

prepare the National Climate Change Report for consideration of the Council;

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

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;

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;

advise the Government regarding implementation of international conventions, treaties and agreements on climate change and the environment to which Pakistan

is a party and fulfill reporting requirements thereunder;

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

coordinate and monitor implementation of goals and objectives and fulfill reporting and verification obligations under international conventions, treaties and agreements;

prepare policy papers and concept notes and provide technical input for

formulating national policy positions for international conferences or negotiations;

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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;

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;

work 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;

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

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

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

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 Minister-in-Charge of 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-government organizations.

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

(a)

(b)

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; and

policy advice of the Division allocated with the subject 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 by the Minister-in-Charge of the Government before the Majlis-e-Shoora (Parliament).

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 sub-section (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 governments and 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 function 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) A fund to be known as the Pakistan Climate Change Fund, hereinafter referred to as the Fund, shall be established.

(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 law, be payable to the Fund.

(3) The 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 Council 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 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 Fund for the purposes specified in sub-section (3) of section.12.

(3) The Authority may constitute committees of its members to undertake regular monitoring of projects financed from the 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 and Provincial Governments, the Council, the Authority, the Chairperson, members, officers, employees, experts, advisers, committees and consultants. of the Federal Government 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 Minister-in-Charge of 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.

18. Power to amend the Schedule. The Minister-in-Charge of 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 Minister-in-Charge of the Federal Government, make regulations not inconsistent with the provisions of this Act and 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 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 sections 2, 4, 17 and 18)

. United Nations Framework Convention on Climate Change (UNFCCC), Rio De Janeiro, 1992;

Kyoto Protocol to the UNFCCC, 1997;
The Paris Agreement, 2015; and

. Any other agreement relating to climate change to which Pakistan is a signatory.