

# Closing Speech

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by Justice Iftikhar Muhammad Chaudhry<sup>1</sup>

My brother judges of the Supreme Court of Pakistan

Learned Chief Justices and Judges from South Asian region, Brazil, Indonesia as well as Pakistan

Distinguished Guests

Ladies and Gentlemen

Assalam-o-Alaikum!

I would like to thank you again for your participation in this conference. This is one of the rare occasions where the issues pertaining to the environment have been elaborately discussed at such a high forum. I congratulate my brother Judge Mr. Justice Anwar Zaheer Jamali and his team who along with the assistance of Asian Development Bank and the International Union for Conservation of Nature (IUCN) made this Conference a success. This gathering of international importance has reminded me the slogan "Think globally- act locally." This effort would definitely make a valuable contribution in the on-going process of protection of environment which is our collective responsibility. Environmental concerns are the issues of every society and generations without any bounds of time and place. As the adage goes:

*We do not inherit the earth from our ancestors; we borrow it from our children*

The environmental hazards in the sub-continent by the rapid industrialization, urbanization and agricultural development have led to common problems like pollution of rivers, industrial and vehicle emissions, handling, storage and transportation of dangerous goods, contamination of water, land and coastal resources, air pollution, water logging, increase in the use of agro chemicals and deforestation etc. All these threats to the environment call for an integrated approach. It is observed that there is little co-operation in terms of legislative and operative mechanism between the countries of the sub-continent.

The protection of environment is very much dependent on the national as well as international law. The laws protecting the environment have not suddenly appeared from the legal vacuum. The growing awareness of the environmental issues is continuously contributing to the further codification of laws. Measures are being taken to address the said issues.

Man being the noblest of creatures, and made as the vicegerent of Allah on the earth, has an inherent obligation of protecting environment and making it safe for the survival not only of his fellow human beings, but also for all the other creatures on this planet. In our country,

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it is not only the law of the land behind our efforts rather it is our religion. It is our duty to protect the necessary and fundamental physical elements of flora and fauna required for the survival of mankind on this planet. The impairment and destruction of these fundamental physical elements is, in fact, the impairment and destruction of mankind itself. Allah Almighty has said in the Holy Quran:-

*“And the earth He has established for living creatures.” (Quran 55:10)*

Our Holy Prophet (PBUH) also conveyed the message of conserving the environment. The importance of greenery and plantation which the modern science has emphasized now was stressed by the messenger of Allah centuries ago when He said:

*“If any Muslim plants a tree or sows a field, and a human, bird or animal eats from it; it shall be reckoned as charity from him.” (Saheeh Al-Bukhari & Saheeh Muslim)*

Ladies and Gentlemen

It gives me immense pleasure to note that the thematic group discussions generated extensive response from the panellists and the audience. The thematic discussions continued late into the evening which reflected the commitment and the resolve of all concerned for making a real effort to meaningfully contribute in our endeavour to check and reverse the destruction of our natural habitat. The three thematic groups discussed their respective issues in a threadbare manner and some genuinely interesting and implementable recommendations have been formulated. The thematic session on environmental law and policy clearly recommended for insertion of “Clean Environment” as a fundamental right in the Constitution of Pakistan. This session has also proposed many implementable regional initiatives at the SAARC level for developing a holistic approach for checking environmental degradation.

In the thematic session on environmental education and capacity building, many thought provoking ideas have been floated regarding conservation of our natural environment by following many regional, social and cultural traditions. These traditions are rooted in religious and local ethos. No doubt all the divine religions along with Hinduism, Buddhism and Taoism have fully developed concepts about conservation of Mother Nature. The people of South Asian region are firm believers of their respective faiths. By following the religious doctrines on preservation of nature, we can set our own house in order and set examples for others to follow.

During the thematic session on environmental adjudication many interesting ideas were discussed. This session focused on the need to review and redefine the role of Judges in adjudication of environmental cases. The discussion emphasized the need for Judges to act as facilitators and balancers between the needs of environmental conservation and pressures of economic development. The session generated broad consensus on training various practitioners of environmental law both at the domestic and the regional level. The comparison of various legal and administrative institutions operating in the South Asian region sharply focused their strength and weaknesses and suggested solid measures for improvement.

I hope the intensive discussions carried out during the two days of the Conference resulting into solid recommendations will translate into something more cogent and practical not

only for the individual countries but for the entire South Asian region and beyond. And this South Asian conference should set an example for similar initiatives for this region as well as others promoting understanding of environmental issues and providing a useful platform to share our common response to tackle such and other issues of mutual concern.

In the end I would like to share my deep appreciation with you for the commitment shown by all of you in not only arranging this international conference but also coming up with solid recommendations which form the basis for our future course of action. I once again wish you all the best and assure you that the Supreme Court of Pakistan will continue with our efforts to improve our mutual habitat. I wish all of you a very happy and safe journey back to your destinations.

Thank you very much.