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The Dr. Parvez Hassan Environmental Law Centre: A Story of Gratitude

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بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Mr. Chancellor, Mr. Vice Chancellor, your Excellency, Mr. Shafqat Kakakhel, my distinguished mentors, Sardar Iqbal Sahib, Syed Babar Ali and Wolfgang Burhenne, Allama Ahmad Ali Kasuri Sahib, your Lordships, your Excellencies, Vice Chancellors, Principal, Punjab University Law College, Distinguished Professors and Faculty of Punjab University, Distinguished Deans and Principals and Faculty of Law Colleges from all over Pakistan, my family members and distinguished guests:

The idea of an Environmental Law Centre for the Punjab University grew from a visit of Dr. Dil Mohammad Malik, Principal, Punjab University Law College to my office on 1 February 2001 to invite me to teach at the Law College. I must first thank him for initiating an opportunity for me to serve my alma mater that has led to today.

There some times comes a moment in a person's life when he looks back and is filled with gratitude for all the blessings that Allah has showered on him. In early 2001, over three decades into my law practice in Pakistan and approaching the sixth decade of my life, I found that I had fully met my obligations to my family including the best education for my children and it

appeared that I had more than what I may need for whatever may have been left of my life. Following the legacy of my parents, Begum Razia and Shaikh Ahmad Hassan, I wanted to give back to society for all the respect and affection that I had received over the years from it. My attention turned logically to the National Society for Emotionally and Mentally Handicapped Children, the Lahore University of Management Sciences (LUMS) and the Shaukat Khanum Cancer Hospital, each of the three institutions with the founding and development of which I was associated but each lacked the nexus to and reason for my blessings. It is the law profession that has given me the identity, respect and resources. The Punjab University gave me the basic and requisite legal education. Yale and Harvard well built on that foundation but both are generously funded by mostly its American alumni. They would both understand my Third World partiality to Punjab University. My work in the environment has enabled me to contribute to the promotion of environmental law, both at home and abroad. My choice was thus easy. I had to combine law, environmental law and Punjab University toward a capacity building initiative that I have been urging for the last ten (10) years. In accepting the Elizabeth Haub Gold Medal in Brussels in November 2000, I had urged:

[QUOTE] Another critical reason that has prevented the enforcement of environmental protection regimes is the lack of professional and scientific capacity in developing countries. Starting in the 1970's, many developing countries enacted comprehensive environmental protection legislation with detailed provisions on Environmental Impact Assessment, air, water, marine and noise pollution, on resource management including forestry, wildlife and fisheries. These laws, in many cases, established high-level policy-making Councils supported by high-ranking national environmental protection agencies. The developing countries also signed many Multilateral Environmental Agreements such as the Convention on Biological Diversity.

But it requires more than writing laws and signing treaties to promote sustainable development. A provision in the laws about Environmental Impact Assessment is of no use if the country does not have the professional and technical ability to conduct and evaluate such assessments. Setting environmental quality standards for industrial emissions and effluents can make a difference only if the EPAs have the laboratories and equipment and technical administrators to police such standards. A strong cadre of environmental lawyers is needed to draft national laws for implementing international conventions and to otherwise enforce environmental protection laws.

An aspect that worries me is the inadequate development of an environmental mind-set in the developing countries. There is no serious effort in these countries to encourage environmental education and to develop institutions and infrastructure to meet the challenges ahead. The result is that by default, the developing countries are abdicating the interpretation of international environmental treaties to the self-serving interests of the developed societies. This imbalance must be immediately rectified. Otherwise, although the developing countries will have participated in the adoption of international environmental norms and conventions, the content of such norms will be determined by the developed countries. This would, I fear, be a condition as serious as the challenge in the 1960's to international law by the newly independent Afro-Asian countries on the ground that it (international law) had developed mostly on the basis of the European experiences and was not, therefore, universal.

I will give the example of my country, Pakistan, which, as the head of the Group of 77, led the debate on behalf of the developing countries at the Rio Summit in 1992. With a population of about 140 million, it did not until a few years back, have a single law school that included any courses in environmental law. This was and remains today typical of the state of legal environmental education in most developing countries.

As Chair of the IUCN Commission on Environmental Law, I gave the highest priority to develop capacity in the developing world. With the support of Ambassador Tommy Koh and the Asian Development Bank, we set up the Asian Pacific Centre of Environmental Law (APCEL) at Singapore with the primary objective of leap-frogging capacity building through a “training the trainers” program. Over the years, APCEL has trained law teachers from the Asian and Pacific region and many of them have returned to their countries, equipped with teaching materials for the region laboriously evolved by APCEL, to start environmental law courses. It is only last month that my law college, the Punjab University Law College at Lahore, announced the commencement of environmental law teaching, an accomplishment spearheaded in no small measure by the Pakistani alumni of APCEL.

I had initiated similar capacity building projects in the Arab World, Africa, and South America and I am delighted that my successor, Nick Robinson, has pursued this mission with total dedication and to greater success. It was heartening to join him in September 2000 for the inauguration of the Arab Centre of Environmental Law (ARCEL) established in Kuwait.

Similar initiatives in the training of scientists and administrators will considerably enhance the ability of developing countries to adopt and implement environmental protection regimes. [UNQUOTE]

The Environmental Law Centre at the Punjab University was a natural outcome of this vision. At the request of Punjab University, agreed to by my children, Yasmeen and Omar, and their spouses, Kwaku and Fatima, the Centre was named the Dr. Parvez Hassan Environmental Law Centre as per the Memorandum of Understanding signed by the Punjab University and me on 12 June 2002.

Pakistan has long faced a critical degradation of its environment. Its rivers, canals and public waters are under severe stress resulting from untreated industrial and domestic wastes; the air in its urban centers is polluted from industrial emissions and vehicular traffic; its forest cover at a claimed 4% is one of the lowest for any country in the world; its wetlands suffer from neglect, its national parks and wildlife receive little priority in our life, noise levels in the urban centre are unacceptably high, marine pollution in the territorial seas threatens aquatic life and the mangrove ecosystem so vital for marine life; soil erosion, desertification and land degradation haunt our future; environmental laws and National Environmental Quality Standards prescribed for effluents and emissions are not implemented; a plethora of international treaties on sustainable development such as on climate change and biological diversity have not progressed beyond signature and ratification by Pakistan.

There is, in effect, low priority for the environment in our national planning. The result is not a gradual but an accelerated deterioration in the quality of our life; our water is not drinkable, air not breathable and the food chain, touched by pollution and contamination, unsafe. No amount of per capita or GNP or GDP growth is worth a nation if in the process it has lost its soul to disease, squalor and a threatened natural ecosystem. This Centre is a commitment to meet these challenges.

My pull to the legal profession and later my commitment to environmental protection and sustainable development was inspired by several persons. The first mentor was Justice (R) Sardar Muhammad Iqbal, an outstanding lawyer, who took me as his junior in 1961 when I had just

done my LL.B from the Punjab University Law College; in fact, I was his last junior because Sardar Sahib was elevated as a judge of the Lahore High Court in the fall of 1962 when I left his chambers to go for a post-graduate legal education at Yale Law School. Myres S. McDougal, the charismatic Professor at Yale, nurtured my interest in the law and influenced my life more than any other person after my parents. I acknowledged this at McDougal's 80th birthday for which I specially flew from Pakistan to Yale in 1986:

[QUOTE] Professor McDougal, President Karl Carsten from the Federal Republic of Germany, Dean and Mrs. Guido Calabresi, Mr. Katzenbach, Mr. and Mrs. Thomas Mensah, Distinguished Guests and Colleagues:

I came last night to New Haven from a country that is over ten thousand miles away. That country will soon have about a hundred million people. Most Americans know this country today as a front-line state that is fighting Soviet expansion in Afghanistan with generous U.S. support.

But to most Pakistanis, our country is the land of the pure, the faithful. Tonight, I would submit to all of you that for some of us, it is also the land of the grateful. What binds Justice A.S. Salam, Justice K.M.A. Samdani, Dr. M. Nawaz, Mr. Abdul Basit and myself together, beyond our Pakistan nationality, is the common bond of gratitude to this great institution and its larger than life Professor, Myres S. McDougal. Each one of us came to this School in the last few decades and each of us, we believe, went back a richer person with a legacy of excellence, integrity and commitment, inspired in no small measure by the McDougal phenomenon. Justice Salam today adorns the Lahore High Court as a senior Judge and should soon,

hopefully, become its Chief Justice. Justice Samdani left the Judiciary and Government service because Yale had strengthened his belief in standing up for right even when that incurred the displeasure of the Chief Martial Law Administrator and President of the country. Dr. Nawaz ably heads the Legal Department of the International Fund for Agricultural Development in Rome. Mr. Basit flourishes as an important member of the Pakistan Bar. Largely, I believe, because I made the perhaps unforgivable mistake of going on to Harvard Law School to do my doctorate in law after an LL.M. at Yale with Professor McDougal, I am still struggling. I console myself, however, with the thought that army rule in Pakistan may have combined with my Harvard education to prevent me from becoming an important leader in my country.

But my lack of accomplishment should in no way detract from the success of McDougal's other students in Pakistan. Each of them has sent his profound regrets and respect for this great man that Yale University is honoring tonight. But perhaps, as the only failure amongst them, I alone could find the time to be here today. This to me is the greatest privilege and joy of my failure. More seriously, however, each one of McDougal's students in Pakistan has authorized me to represent him here by proxy and wished me to felicitate him on his 80th birthday.

At a personal level, I have said this for the last two decades and I state it here proudly and unequivocally that more than any person other than my parents, Professor McDougal influenced my life. And, all for the better. He is to me what Charlie Beecham is to Lee Iaccoca, I believe a recent U.S. legend. And, I adapt the Iaccoca diction in his autobiography to say to Professor McDougal: "There never will be another Myres McDougal. You have a special niche in my heart—and sometimes I

think you carved it by hand. You are not only my mentor, but more than that. You were my tormentor with your initially incomprehensible jargon that was to later become music to our ears. I love you.”

Professor McDougal broadened my vision and made me an international citizen. At the age of 21 when I joined the LL.M. Program at Yale, many persons warned me against taking courses with McDougal. It would not be good for my sanity, they contended. I am glad that I ignored them. I was then destined for small time law practice on my return to Pakistan. But McDougal changed all this. He gave me the education, the vision, the commitment to hard work and the imagination to seek to transcend national boundaries in the quest for a just public order of the world community. Today, happily for example, the environmental concerns of the Asian and Pacific Regions—whether it be Pakistan, Bangladesh, Papua New Guinea, Nepal or China—or of the International Union for Conservation of Nature and Natural Resources, (I.U.C.N.) in Switzerland, are as commonplace in my life as representing Pakistani and foreign corporate interests in Pakistan.

Professor McDougal: Although I have been in touch with you and visited you in New Haven a few times, I have today come all the way from Pakistan after almost a quarter century to personally thank you again for what you have done for me in life. My father and mother who both recently celebrated their 50th wedding anniversary wished me to also say how grateful they are to you for having shown me compassion and excellence.

Because of my bachelor past at Yale, my wife has never warmed up to New Haven. But she joins in the family tribute to this grand man. A man who has meant so much and been such a source of inspiration to legion generations particularly of foreign students at Yale Law School. May Allah continue to bless the McDougal legacy. My family and I salute this teacher, friend and benefactor. [UNQUOTE]

Syed Babar Ali was one of my earlier clients in Lahore when I returned to law practice in Pakistan in 1969 following seven years in the U.S. which included an LL.M from Yale in 1963 and an S.J.D. from Harvard Law School in 1969 and professional associations with three law firms in New York City and Washington, D.C. Syed Babar Ali invited me to join the Board of Directors of World Wide Fund for Nature Pakistan in 1979 and this gave me my first introduction to the challenges of national park and wildlife management in Pakistan. This closely followed my very first exposure to environmental protection at the Asian and Pacific regional level. Dr. Kazi F. Jalal, a colleague from East Pakistan, during my Harvard days had gone on to become an important official in the Environment Unit of UN ESCAP at Bangkok. He was by now from Bangladesh and he turned to me in 1977 to help ESCAP in an important environmental protection legislation project for the Asia and Pacific Region.

It was during one of my earlier visits to Bangkok in 1978 and 1979 that I met my next mentor, Wolfgang E. Burhenne, Chairman, IUCN Commission on Environmental Law, who was then visiting Thailand from Germany. Several years later, Syed Babar Ali and Wolfgang Burhenne would join to have me elected as a Regional Councilor from West Asia at the IUCN General Assembly in Costa Rica in 1984. Later, when Nagendra Singh, President of the International Court of Justice died in 1988, Wolfgang Burhenne invited me to succeed Nagendra Singh as the

Deputy Chair of the IUCN Commission on Environmental Law as Mr. Nagendra Singh was the Deputy Chairman of the IUCN Commission on Environmental Law at the same time that he was the President of the International Court of Justice.

The transition from Deputy Chair to Chair of the IUCN Commission on Environmental Law came with the full support of Wolfgang Burhenne with my election at the IUCN General Assembly in Perth, Australia, in 1990 and re-election at the IUCN General Assembly in Buenos Aires, Argentina, in 1993. With the dedicated support of my Deputy Chair, Nick Robinson, and my eight (8) Vice Chairs from the different regions of the globe, we moved to universalize international environmental law, developed a draft global treaty on environment and development and initiated capacity building initiatives in the Third World. Having completed my two full terms, I stepped down as Chair at the 1996 IUCN World Conservation Congress (as the IUCN General Assemblies were now redesignated) in Montreal to be succeeded by my able Deputy, Nick Robinson, who was preferred over the competing candidacy of former Chief Justice of India, Mr. P.N. Bhagwati.

But IUCN had by then paid me the ultimate compliment. Its Council had unanimously recommended me as the President of IUCN, an honour that was given my good friend, Yolanda Kakabadse, at the Montreal Congress in an election with over 750 votes in my favour. But the silver lining was that with Wolfgang Burhenne and his dynamic wife, Françoise, and with Nick Robinson, I have continued to work to strengthen environmental law at the regional and international levels. The Asia Pacific Centre of Environmental Law (APCEL) that I founded in Singapore has spawned several other regional centers of excellence including the Arab Regional Centre of Environmental Law (ARCEL) in Kuwait. This Centre at the Punjab University is a part of the same dream.

Recognition followed at the international level. In 1991, at Stockholm, the King and Queen of Sweden awarded me the Global 500 Roll of Honor by the United Nations Environment Program. In 2000, in Amman, Jordan, I was conferred the Honorary Membership of IUCN – The World Conservation Union. The same year, I also received the coveted Elizabeth Haub Gold Medal in Brussels, Belgium. From 1995 to 2001, I was privileged to serve on the governing body of LEAD International and chair LEAD Pakistan. I was associated with the drafting and finalization of the Earth Charter and with Mikhail Gorbachev, Maurice Strong and Steve Rockefeller, I was pleased to keynote at the official launch of the Earth Charter in the distinguished presence of Her Majesty Queen Beatrix of the Netherlands at the Peace Palace at The Hague in June 2000.

At the national level, I assisted in the drafting of the Pakistan Environmental Protection Ordinance, 1983, the Pakistan Environmental Protection Act, 1997, and heading several national committees and organizations dealing with the environment. The landmark Shehla Zia case argued by me before the Supreme Court of Pakistan broadened, through the judicial activism particularly of its Justice Saleem Akhtar, the new frontiers of public interest litigation to cover the right to a clean and healthy environment as a fundamental right. As President of the Pakistan Environmental Lawyers Association, I look forward to building on this important success. The press and the TV media in Pakistan proved another valuable ally. Although at least in the initial years, environment was not a popular subject, friends like Mazhar Ali Khan, Arif Nizami, Shakeel-ur-Rehman, Jugnu and Najam Sethi, Mushahid Hussain, Khalid Ahmed, and I.A. Rahman proved that they had the vision to anticipate the impending environmental degradation and allowed me generous use of their newspapers and journals toward dissemination and awareness.

This event today was down-scaled around the uncertainties of the U.S. threatened war on Iraq. The entire Steering Committee of the IUCN CEL drawing the global leadership on environmental law led by its Chair, Nick Robinson, and Director Environmental Law Centre, John Scanlon, was to join us today along with the President of IUCN, Yolanda Kakabadse, Director General of IUCN, Achim Steiner, and my several colleagues and friends from all over the world including particularly Dr. Kazi Jalal, Ding Tollentino, Tony Oposa, Anthony Benjamin and Chief Justice (R) Bhagwati had all planned on being here. They all now look forward to attending an environmental law symposium that they hope the Centre will organize within this year.

I acknowledge, gratefully, the vision that each of the above mentors held out for me that immeasurably enriched my life. I thank each of them. Myres S. McDougal died in 1998 ending one of the most valuable friendships that I have even been privileged to have. Dr. Kazi Jalal moved from UN ESCAP to head the office of Environment at the Asian Development Bank in Manila to retire to teaching at the Harvard University. Unfortunately, his schedule did not allow him to be in Lahore for the inauguration of the Centre. I am privileged to have Sardar Sahib, Syed Babar Ali and Wolfgang Burhenne at the inauguration.

My debt in respect of the Centre also includes the enormous time given it gratuitously by life-long friends. Nayyar Dada carved the vision as an architect with foundational support from my son, Omar, who traveled to Lahore several times from his architectural practice in Boston. Nayyar went beyond giving tons of his time free: he has donated the water fountain in the courtyard. The support of his assistant, Naeem Parvez, was also invaluable. Farid Ahsanuddin and Ali

Abbas Asghar helped with engineering services, contract bids, award of contract and contract management. Their anchor support was pivotal to the project. E.D. Noon provided horticultural services. LUMS through Mr. Waseem Azhar, Syed Zahoor Hassan and Mr. Azmat Ullah Khan provided all the guidance from the size of the class rooms to the shape and make of the auditoriums chairs and the sound system in this auditorium. United Industries, led by Sadiq Chaudhry and Abu Bakr, provided the chairs in this auditorium and the desks and chairs in the classrooms. A.F. Ferguson, through Sohail Hasan, audited the accounts of the Centre. And, the ever-green Mr. Kamran Lashari helped lay the grassy lawns. Pioneer Cement Limited provided cement and Prime Steel provided steel at discount and the value of each discount was recycled into the project stretching the value of the donation. As the lowest bidder, Professional Builders was awarded the construction contract. This was fortunate as it hit the bull's eye on cost and time schedules. In the end, its Managing Partner, Sadiq Qamar, a new-found friend, got so attached to the Project that he ended up building the canteen as his donation. Prime Commercial Bank Limited acted as bankers to the Project and its Masood Qadir particularly helped whenever such help was needed. Salman Art Press continues to generously support my efforts to serve civil society. If all the free time, free services, and discounts are factored, the Center is worth over Rs. 25 million rather than the Rs. 20 million that was donated and spent on it in cash.

The Chancellor of the University responded generously to suggestions for the future of the Centre as a centre of excellence with financial and academic autonomy. He visited the Centre on 10 December 2002 and encouraged the University to put this in place by the inauguration today. The Vice Chancellor who has been supportive of the Centre right from the beginning promptly set up a Committee headed by Sardar Iqbal Sahib to operationalize the mission and vision of the

Centre for the future. And, Dr. Dil Mohammad Malik was always there whenever I needed to reach the Punjab University for any decision.

My story today is not one, however, of all successes in respect of my efforts for this Centre. There was a few disappointments. Every society that has progressed to include the private sector to partner growth in education, health, culture, arts, and music has enabled it through tax incentives for charitable and philanthropic activity. The tax regime in the U.S., for example, has enabled billions of Dollars in charitable donations. In 2001 alone, the figure was over US\$ 210 billion which represented 2.1% of the GDP of the U.S. The tax laws of Pakistan provide some reliefs but a lot is left to the discretion of the Central Board of Revenue. In announcing my donation for the Centre, I had undertaken that any tax relief that I would receive will be ploughed back into the Centre. I approached my friend, Mr. Shaukat Aziz, the Federal Minister of Finance, to broad-base the existing exemptions to cover all the donation for this Centre. Had that happened, I may have been able to include about 40 computers and the air-conditioning for the Centre. These I hope will now come from other sources.

The University, at times, moved at a glacial pace. The request for an electricity connection for the Centre, pending for several months, drew action only in the urgency of this inauguration ceremony. I hope that it does not always in the future require catalytic events such as this one with the presence of the Chancellor and the Vice Chancellor to get things done at the Centre.

I also regret if there has been any breach of protocol in the matter of seating. All my life, I have treated my invitees and guests equally. This may have been an unwitting protest against the VIP

culture in our country. We deliberately avoided reserved seating for only some guests. We opted instead for greater freedom in giving each guest an equal choice for choosing his or her seat and neighbour. Please forgive me if you did not appreciate that choice.

So that is the story of the Centre; a story of gratitude to many but above all to Punjab University which gave me the education and the values that made today possible. I thank you, Punjab University. Please accept this Centre as a donation from a grateful alumnus.

To all of you who have added to my pleasure by being here, to my family including specially my children and their mother, who have always inspired and motivated me, to my several friends from all over the world who have sent messages, gifts and books for the Centre's library, to my numerous colleagues, comrades-in-arm and foot-soldiers in the quest for environmental protection and sustainable development who have guided me, to all who have supported me in my professional career as a lawyer, to all at Hassan & Hassan (Advocates) including the over 125 associates and interns who have provided, over the last 33 years, the intellect and energy for our work, to all the clients of Hassan & Hassan (Advocates) who have ended up, indirectly, in facilitating the financing of the Centre, to all who have figured in today's story of my gratitude and, specially, to the Chancellor, Vice Chancellor, and my mentors, I want, in the end, to say three things:

Thank you,

Thank you, and

Thank you.

May Allah shower his blessings on the Centre. Ameen