

The Business

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SDGs schemes

Finance Minister Ishaq Dar has virtually approved release of 17 billion-rupee technical supplementary grant to finance schemes for deprived areas under the Sustainable Development Goals (SDGs), 3.2 billion rupees for Ministry of National Food Security and Research (MFS&R) for procurement of wheat seed to flood-affected farmers and additional funds of 3.4 billion rupees to MFS&R. For this purpose 50 percent funds would be provided by the federal government and 50 percent by the provincial governments. First and foremost, none of these decisions is of an emergent nature especially in light of the recent World Bank report titled "Macro Poverty Outlook for Pakistan", revealing, among other things, that the national poverty rate in Pakistan may well increase from between 2.5 and four percentage points as a direct consequence of the floods. Further, disturbingly though not surprisingly, the report adds that high inflation too will adversely impact on the poor and in this context it is relevant to note that during the finance minister's attendance at the IMF/World Bank annual meeting (October 10 to 16) where one would assume he interacted with the mission leader of the ongoing Extended Fund Facility programme, petroleum levy was raised to 47.26 rupees per litre effective 16 to 31 October from 32.42 rupee per litre effective from October 1 to 15.

It is unclear that the ECC decision to split the disbursements for MFS&R with provincial governments has been agreed with all the provinces, particularly Punjab and Khyber Pakhtunkhwa not administered by the 11-party coalition government. While one would fully support the federating units to support and strengthen the federal government's efforts to jointly deal with myriad issues facing the country yet given the extent of political polarization in the country today, it appears unlikely that provinces under the control of the Pakistan Tehrik-e-Insaf would be supportive. Additionally, it is relevant to note that Ishaq Dar during his previous tenure as the finance minister (2013-2017) was unable to forge a consensus on the National Finance Commission (NFC) award that was due for an update after 2015 – a period when political polarization had not reached the levels it has today.

In other words, there is an urgent need to try to forge a consensus with all provinces before approving a package that is contingent on support of all provinces. Finally, while one cannot but fully support any disbursement for the achievement of laudatory SDGs yet given the scale and extent of the damage wrought by the recent floods one would have hoped that the government had begun a more meaningful exercise whereby current expenditure was slashed to contain the deficit (which would reduce inflation) and some of it diverted for flood relief activities because it is not likely that the required assistance would be disbursed, as has been the case in the past.

The exploiter and the exploited

KAMILA HYAT

We have turned into a society where exploitation is a game too many people play. We see it in the cases hanging before the courts, where pensioners from banks and other institutions, many of them now sick and some who have already passed away, fail to get verdicts delivered in their favour even after years and years of trying.

How these families survive is an open question. Indeed, we do not think too hard to see how much exploitation of the helpless, of the powerless, of people who have no choice but seek only to better their lives just a little bit exists everywhere. One example, of course, is the many housing societies that have cropped up everywhere in the country, under government policies, and where people carry around files but do not receive the plots or the apartments they have booked. The money goes into the pockets of the wealthy and is taken away from the middle class and lower middle class across the country.

There are multiple other examples. Hospitals exploit people openly and often quite blatantly, refusing to carry out even critical surgeries at private centers unless money is delivered in advance and often in cash. The same is true of schools, which charge exorbitant fees in the case of the top private schools, but deliver a quality of education which many experts say is only mediocre compared to the rest of the world. There are studies which suggest that some Pakistani professors with PhD degrees would have difficulties getting a place at the IIT colleges in India, which have taken the country by storm and raised levels of education dramatically. In other words, our education system is so badly set up that people who struggle to send their kids

to middle or low-income schools have no chance at all for achieving the kind of success that education should give every child everywhere, no matter what background he or she comes from and no matter what his or her parents do. In many cases, the schools have been set up only to earn profit and for no other reason. The state's decision to back away almost totally from education, given the state of our public sector schools, of course, opens up the way for this. Madrassahs too play a role by exploiting the very poor and offering them a place in their institute for a son in exchange for food and a bed. Obviously poor families are tempted by this and in many cases, those children are placed in an environment where at best they are taught never to question what is imparted to them, and at worst may be driven towards extremism in one form or the other. This trend has to change but, despite government promises, there is no sign that this is happening.

Labourers are exploited in their factories and peasants in the fields. There is no protective safety net for them or for their families. Indeed, even Wapda linesmen have no protective equipment to use when they clamber up poles stretching high voltage cables. The organization claims that the staff do not use the equipment given out to them, which may in some cases be factual, but then of course it is the duty of the persons running the organization to ensure that rules are followed and safety guidelines not ignored in any circumstance. After all, it is only tough policing in other countries which ensures people stop at red lights, follow the law in other matters, and play a useful role in society rather than an exploitative one. In a society such as the one we have created, there can be no hope of parity, and no hope of people reaching their full potential. In many areas of the

country we have a medieval culture where bonded labour still exists and influential people are free to commit murder and get away without any punishment at all. Political parties are partly responsible for promoting or at least failing to quench this culture and not cracking down on their members who engage in such acts of cruelty.

And in addition to the human species, we are also exploiting nature by using it for profit by cutting down trees for timber across the country, ignoring the fact that this contributes to flash floods and other environmental problems as we have seen in the recent floods. Yes, much of the havoc was caused by global climate change for which Pakistan is not responsible, but we ourselves have done little to preserve nature and our ecosystems. It is true mangrove forests are now growing back, but we have cut down so many of them that the growth now being planned offers only a little and will take a long time to bring any results.

Talking of mangrove swamps and their significance to the country, fisherfolk too face large-scale exploitation, with trawlers allowed into the waters of Karachi and Gwadar. This results in a dramatic drop in the catch of smaller fishermen who must go out on their hazardous boats in hope to bring in a living. In making profits by handing over stretches of water to large companies, we do not think of these people or their futures and their families.

Until we learn to recognize exploitation and understand that it cannot continue indefinitely, our situation will not change. The exploitation is visible in households and offices everywhere, with domestic servants facing abuse, working for extremely low wages, because we have failed to set up a system to defend their rights and in the worst cases being subjected

to abuse – notably in the case of women and children who are most vulnerable of all. According to organizations that have studied the matter, up to 90 per cent of female domestic workers have faced harassment in one form or the other, often going without complaining for fear that they will lose their jobs.

The culture of exploitation begins at the top and then moves down to tiers below. There has been no political party which has truly made an attempt to stop the exploitation of people and make an effort to give them a life that is of quality and has some meaning within it. Left leaning parties, or the few which remain in the country and still follow this ideology, talk about change and the need to help people. But they are not getting very far. Perhaps a coalition of all leftist parties in the country could help. But in the meanwhile, we continue to have cases of students facing issues at their education institutions because places or exam marks are available only for money and there is a huge disparity in the kind of education people can afford. The rich are still able to provide their children a decent education, equitable with the learning offered in many other countries in the world. Those from low-income groups cannot do so. This in itself is a disaster. We need to develop a more equal, caring society where exploitation of all kinds can be stopped and the brutalization of people put to an end one way or the other. This would involve change being triggered by political leaders and their parties so that people have a way of expressing their desires and moving forward in life with some degree of upward mobility added to a society where it has remained largely stagnant for years, and as a consequence held back growth in many dif-



Climate justice at home

ALI TAUQEER SHEIKH

Climate justice must begin at home. Increasing human and economic losses from climate-induced disasters has spurred a national debate in the country. Globally, too, many activists and policymakers urge compensation or reparation for countries that are low carbon emitters. It will take years to evolve international mechanisms, agreed principles, and functioning institutions for global climate justice. But Pakistan has begun to develop a rich foundation for climate justice in its domestic legal system that is forward-looking. It awaits enforcement and compliance. Fuller ownership by the government can put Pakistan in the driving seat of delivering climate justice.

The recent rains may have been climate-induced but the losses were not. Most human and material losses occur because of vulnerability. It is made worse by inequitable resource allocation and weak governance reflected in poor planning for human settlements, absence of resilient infrastructure and an absence of or disregard for zoning laws, construction guidelines, standards and material. By simplistically attributing losses to climate change, we divert attention from the core issues of climate justice at the local community level. Global cli-

mate justice will remain elusive for Pakistan unless anchored internally in our policies.

The principles of environmental and climate justice were initiated only 50 years ago with the Stockholm Declaration. These principles were refined and globally adopted at the Earth Summit in Rio de Janeiro 30 years ago. Together with efforts to operationalise the United Nations Framework Convention on Climate Change, they have shaped the jurisprudence of climate justice mainly in i) constitutional law and human rights, ii) planning, licensing and permitting, iii) company laws, and iv) private law that determines relationship between individuals. The Stockholm Declaration led to Pakistan's first environmental legislation and establishment of the environment ministry and environment protection agencies. All multilateral environmental agreements and environmental conventions since 1972 have also been inspired by the Declaration. Pakistan has signed almost all of them, but their implementation has remained weak, mostly because the early legislation of the 1990s languished.

Pakistan was, however, quick on its uptake of the principles adopted in Rio in the realm of constitutional law and human rights, starting with the famous Shehla Zia case in 1994. Justice Saleem Akhtar adopted the precautionary principle that has in-

formed numerous subsequent judgements. Later, the superior courts also adopted some other international principles, particularly in dubio natura ('when in doubt, support nature'), environmental justice and climate rights, principles of public trust, and the mandamus doctrine of instructing officials to correct an abuse of discretion. Since words like 'environment' or 'climate change' are not used in the Constitution, several judgements have enriched Article 9, which deals with the right to life and associated rights in other articles, including right to property, privacy, dignity and self-respect – aspects threatened by the recent floods. By enlarging the definition of the right to life, the concept of human rights has been enlarged to include issues pertaining to quality of life, well-being and a healthy and safe physical environment. Environmental and climate rights go hand in hand and are inseparable. Redefining these rights has empowered citizens to hold governments accountable on their climate rights.

Several judgements have defined the parameters of climate justice in our domestic jurisdiction. Starting with the Asghar Leghari case (2015) that articulated citizens' climate rights and governmental obligations, Justice Mansoor Ali Shah has, in several decisions, addressed the need for the integrity of ecosystems, groundwater

and forest resources. Justice Athar Minalah's groundbreaking ruling has underlined the need for climate adaptation, resiliency and sustainability to keep in step with our constitutional values of social and economic justice. In another case, he warned city administrators against modifications in master planning documents as any changes in land use would lead to adverse environmental consequences. In yet another, he determined that the neglect of animal well-being has implications for the right of life of humans as guaranteed under Article 9. Likewise, Justice Jawad Hasan has made important judgements on urban forests, food waste and biodiversity in Murree to protect mountain ecosystems, based on internationally recognised groundnorms. In a remarkable innovation, the superior courts set up several commissions led by Dr Parvez Hassan, the country's most eminent environmental jurist to lead the process of bringing key stakeholders together and build consensus, capacities, and communities of knowledge. Showing eagerness for climate action, the judiciary has begun to constitute standing committees for implementation. In the Asghar Leghari case, the Climate Change Commission was asked to act as a link between the federal and provincial governments and the Council of Common Interests to ensure that the climate

policy was implemented. In another case involving CDA, a standing committee was constituted and encouraged to approach the court for an appropriate order for the enforcement of the fundamental rights of the people in the context of climate change, whenever required. Regrettably, the development has been uneven. These decisions have not always seeped into lower courts. Environmental tribunals have not always functioned effectively, as the governmental commitment to climate justice has remained suboptimal.

Finally, an important dimension of climate change is inter-generational justice and the need for climate democracy. As Justice Shah articulated in one of his judgements: "...Democracies have to be re-designed and restructured to become more climate resilient and the fundamental principle of rule of law has to recognise the urgent need to combat climate change... The preambular constitutional value of democracy under our Constitution is in effect climate democracy..." Pakistani courts have defined the anchors of climate justice for Pakistani citizens. These can inform government policies, plans and financial allocations to strengthen climate justice. Taking up the global cause is important, but not sufficient, unless we begin delivering climate justice at home.

GEORGE OCHENSKI

Those still clinging to hope that Donald J Trump will return to the presidency might want to do a reality check after this week's developments. While his political influence continues to erode due in large part to his endless whining about falsely losing the last election, his legal and business problems continue to grow almost exponentially. Like a Greek tragedy, his seminal faults, from hubris to his utter inability to tell the truth, are bringing on his inescapable downfall.

The revelations of the House committee investigating Trump's attempted January 6 coup was the lead story in last week's ever-growing tale of his self-inflicted woes. But it was far from the only significant contribution to the sad tale of his continuing fall from the once-lofty position at the top of our nation's political ladder. His bully pulpit has become a soapbox – and the crowd willing to listen to his con-man hucksterism continues to thin perceptibly. It would be the rare individual who watched the J6 committee's proceedings and still found reason to doubt what happened during the failed coup attempt – and who was responsible. The committee tied together the testimony of so many

Trump 2024?

witnesses from across the political spectrum and far too much irrefutable documentation for anyone to doubt that the events of January 6th were anything but a pre-meditated attempt to disrupt Congress, do physical harm to targeted individuals, and violently prevent the peaceful transfer of power upon which our nation has relied for 246 years. The result of the avalanche of damning evidence culminated in a unanimous vote by the committee to subpoena Trump himself. Not that they expect any truth from him, but to hold him personally accountable before all Americans so they can know the truth – that he swore to abide by the laws of the nation and uphold its Constitution and did neither.

Nor, as it turns out, has he been any more truthful about his real estate and financial dealings. In fact, last week New York's Attorney General filed a motion for a preliminary injunction to freeze Trump's assets in the state's \$250 million civil fraud lawsuit against him, his company, and his children, saying: "There is every reason to believe that the Defendants will continue to

engage in similar fraudulent conduct right up to trial unless checked by order of this Court." The US Supreme Court also appears to have enough of his fraudulent claims and stalling tactics and refused to allow his emergency appeal to intervene in the on-going Department of Justice and National Archives actions to recover top-secret documents he illegally took and stored insecurely at his Mar-a-Lago resort. In fact, there is now suspicion he may have illegally moved more documents to his golf course in New Jersey. Bolstering those concerns was the testimony from one of his employees that he had directed "boxes to be moved" at Mar-a-Lago after the FBI's subpoena for the materials had been filed. Even Republican stalwarts such as former Speaker of the House Paul Ryan are now stating what seems undeniably obvious regarding Trump's political future – or rather, lack thereof. Ryan just posted a video saying: "I think Trump's unelectability will be palpable by then. We all know he will lose. We all know he is so much more likely to lose the White House than anybody else running for president on our side of the aisle, so why would we want to go with that?" Ryan's right – as are many other Republicans and the majority of American voters. Trump's time, horrendous as it has been, is done. And Trump 2024? It ain't gonna happen. —Courtesy: Counter-