Chapter 7

ACCESS TO ENVIRONMENTAL JUSTICE: KARACHI’S URBAN POOR AND THE LAW

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1. INTRODUCTION: KARACHI AND ITS URBAN POOR

Sectarian clashes between Sunni and Shia extremists, attacks on Western consulates, killings of foreigners like the suicide bomb attack on French engineers which cost 14 lives, an oil spill of significant proportions – these are the prominent issues which have been associated with the Pakistani city of Karachi in recent years. In the 1990s this list would have been supplemented by the mention of political unrest which at times assumed the proportion of a small civil war. Portrayed as the dark heart of Islamic fundamentalism in Levy’s infamous reconstruction of the murder of Wall Street journalist Daniel Pearl in 2002, Karachi is widely perceived as one of the most anarchic, dangerous and

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polluted cities of South Asia. With an estimated twelve million inhabitants it is also one of the most populous cities of the Indian subcontinent. About half of them live in the city’s numerous squatter settlements. They have no, or grossly inadequate, access to services and infrastructure and are exposed to high levels of pollution.

Despite all this negative publicity there is a steady stream of new arrivals from other parts of Pakistan, and indeed even neighbouring countries. Driven into the megacity by poverty, droughts, natural disasters and war, the majority of them manage to survive. This is testified by the continuous growth of Karachi both in terms of both population and sheer physical size. To describe Karachi as a failed city would make no sense to these immigrants: for them Karachi represents a beacon of hope, a chance to escape grinding rural poverty, feudal landlords or civil war. This article is concerned not so much with the question of how Karachi’s poor manage to survive but with the role of the legal system in their survival. Given the extremes of mass poverty and environmental degradation it is debatable whether it is useful to describe this question in terms of access to environmental justice. This was perhaps most succinctly expressed by a Karachi lawyer, who, questioned about access to environmental justice, dryly remarked that in the city there was no environment, no justice and no access to either.

Karachi’s misery did not emerge overnight. The first part of this chapter will examine the events which made Karachi to one of the poorest and most polluted cities on earth. The legal structures surrounding the access to infrastructure, services and environmental resources will be examined next. The last part will then attempt to tackle the central question, namely to what extent, if at all, law constitutes a meaningful gateway to access to environmental justice for Karachi’s poor. Throughout this chapter the focus will be on access to land. Whilst other environmental concerns are also pressing and serious, for the poor it is access to housing which has and continues to be the key to survival in the city.

(a) The setting

Karachi is a city of many histories. However, these histories have left only few visible traces. The starting point of modern Karachi is located in the last significant territorial expansion of the East India Company and Britain in 1830 and 1840s. Sindhh, and with it Karachi, were annexed by Napier in 1843 in pursuit of naked imperial ambitions. The subsequent Anglo-Afghan wars transformed Karachi from a small fishing settlement at the mouths of the rivers Hub and Lyari to a large and efficient port, built according to the latest designs, and for purely military purposes. The attention paid by the central colonial government to its strategically most important port was soon reflected in its architecture and

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