

THE OPEN UNIVERSITY OF SRI LANKA  
M.SC IN ENVIRONMENTAL SCIENCE – LEVEL 9  
FINAL EXAMINATION 2018/2019  
**ENVIRONMENTAL LAW – LLP9501 /NEP1207**



DURATION – 3 HOURS

Date: 29<sup>th</sup> February 2020

Time: 9.30 am – 12.30 pm

Please make sure that your handwriting is legible.

It is an examination offence to have mobile phones and other electronic devices or unauthorized documents in your possession in the examination hall.

**ANSWER FOUR QUESTIONS ONLY (All questions carry equal marks)**

1. *The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.*

(Principle 3 of the Rio Declaration of 1992.)

Discuss this statement in the light of the doctrines of the public trust and inter-generational equity. Cite examples from domestic and international case law to support your answer.

2. Bird Watchers Incorporated is a student society in the University of Pakshagama formed by students interested in wildlife and environmental issues. The students frequently go bird watching in the Pakshagama marsh situated close to the campus. This marsh was declared a sanctuary in 1999 under the Fauna and Flora Protection Ordinance of 1937 as amended by Act No. 49 of 1993.

The students are concerned that the Municipal Council of Pakshagama is dumping garbage into the marsh. They have complained to the Mayor about this problem and were told that the Council had no alternative as this was the only place in which to dump the garbage collected. The Mayor also observed that if the Council were prevented from dumping garbage in the marsh it would have to stop collecting garbage from the residents in Pakshagama.

The students wish to take legal action to stop the Council from dumping garbage in the marsh and seek your advice. Advise them as to

- (a) What type of action they can take; and

- (b) The domestic laws and international obligations that Sri Lanka has incurred which may be relevant in this regard.
- 3. Explain the objectives of the United Nations Framework Convention on Climate Change and the Vienna Convention on the Protection of the Ozone Layer and explain how successful these Conventions have been in achieving these objectives.

You must discuss the latest developments regarding the ongoing negotiations on these Conventions where applicable.

- 4. *“Environmental management ... is the administration of human activities as they affect and relate to the entire range of living and non-living factors that influence life on the earth and their interactions.”*

(UNEP Environmental Law Training Manual at page 5)

Analyse the National Environmental Act as amended and ONE other law and discuss whether they effectively achieve this purpose. How can they be further improved in order to do so?

- 5. *The Environmental Impact Assessment procedure in Sri Lanka has been successful in ensuring that development projects are implemented with the minimal environmental damage.*

Do you agree with this statement? Discuss the strengths and weaknesses of the EIA process in Sri Lanka and what recommendations you would make to further strengthen its effectiveness.

- 6. What do you understand by the principle of sustainable development?

With reference to judgements of the courts and development projects that you are aware of, discuss whether this principle can be said to be an important aspect of environmental law and policy in Sri Lanka.

- 7. *“The pollution control provisions in the National Environmental Act are limited and ineffective. Those affected by polluting industries would obtain a more effective remedy under public nuisance laws.”*

Do you agree with this statement? Discuss, with a critical analysis of the statutory provisions and citing relevant case law.

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