

THE OPEN UNIVERSITY OF SRI LANKA

M.SC IN ENVIRONMENTAL SCIENCE – LEVEL 7

FINAL EXAMINATION 2017

ENVIRONMENTAL LAW – NEP 1207 / LLP1207

DURATION – 3 HOURS



Date: 24th November 2018

Time: 9.30 am – 12.30 pm

Please make sure that your handwriting is legible.

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

ANSWER FOUR QUESTIONS ONLY (All questions carry equal marks)

1. Mendis applied to the Ihalagama Pradeshiya Sabha (PS) for permission to start a sawmill. The PS referred the matter to the Central Environmental Authority which approved an Environmental Protection License (EPL) for Mendis subject to certain conditions. The PS granted Mendis all the other necessary clearances and Mendis began to construct the sawmill.

Two months after he began operations, the people living nearby complained to the PS that the sawmill was causing a public nuisance and a danger to their health. The PS immediately suspended Mendis' licence and withdrew the (EPL) on the grounds that it was an environmental hazard.

Mendis has now filed action in the Supreme Court claiming that his right to equality under Article 12 of the Constitution has been violated by the action of the PS. He states that:

- (a) he had complied with all the conditions in the licence when operating the saw mill;
- (b) he was willing to take further steps to prevent pollution from the sawmill;
- (c) he was not given notice that his licence would be withdrawn or a chance to defend himself.

Do you think the PS acted correctly in withdrawing the license? Discuss this issue giving reasons for your answer.

2. *The provisions for public participation in EIA process do not contribute to sustainable development and only enable those opposed to development to delay the process.*

Do you agree with this statement? Discuss giving examples and reasons for your answer.

3. *National authorities should endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution*

Principle 16 of the Rio Declaration.

Discuss the principle of environmental law expressed in this statement and explain how courts in Sri Lanka and other countries have implemented it. Cite case law in your answer as examples.

4. Write short notes on the following:

- (a) The principle of inter-generational equity
- (b) The precautionary principle
- (c) The principle of common but differentiated responsibilities.

5. The common law action for public nuisance is no longer necessary after the Environmental Protection License scheme in the National Environmental Act was introduced.

Do you agree with this statement? Discuss.

6. *The Basel, Rotterdam and Stockholm Conventions are multilateral environmental agreements, which share the common objective of protecting human health and the environment from hazardous chemicals and wastes.*

Discuss the extent to which these three conventions protect Sri Lanka from the impacts of hazardous chemicals and wastes.

7. What do you mean by tangible and intangible heritage? Explain with examples. How does the World Heritage Convention work to protect the world's cultural and natural heritage?

Discuss the Antiquities Ordinance of Sri Lanka as amended by the Antiquities (Amendment) Act and explain how it safeguards Sri Lanka's cultural and natural heritage. Do you think this law is effective?

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