

THE OPEN UNIVERSITY OF SRI LANKA  
 M.SC IN ENVIRONMENTAL SCIENCE - LEVEL 7  
 FINAL EXAMINATION 2017  
 ENVIRONMENTAL LAW - NEP 1207  
 DURATION - 3 HOURS



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 Date: 11<sup>th</sup> November 2017                      Time: 9.30 am - 12.30 pm  
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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. Discuss how the following international conventions operate to protect wild fauna and flora and analyse Sri Lanka's international obligations under them.
  - (a) Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) 1973
  - (b) Convention on the Conservation of Migratory Species of Wild Animals (the Bonn Convention) 1979
  - (c) Convention on Wetlands (Ramsar Convention) 1975
  
2. Compare and contrast the National Environmental Act No. 48 of 1980 (as amended) with the framework environmental statutes of other countries of the South Asian region. Critically discuss the positive and negative aspects of the National Environmental Act and ways in which it can be improved in the light of this comparison.
  
3. *'Sustainable development is achieved when development allows for the needs of the present generation to be met while not compromising the ability of future generations to also meet their needs.'*  
 In the light of this statement critically discuss how courts in Sri Lanka and other countries have implemented the principle of sustainable development.
  
4. Nagapura is a large town of about 100,000 people. About half the town is made up of low income housing and more than half the population live in this area. They do not have access to basic amenities such as sanitation, access to clean drinking water or drainage. Most of the people of this area

work in a chemical factory which gives them low paying employment and they depend on the factory for their livelihood.

The smoke emanating from the factory has begun to cause respiratory illnesses among the children of the area. The stream which goes through this area is also contaminated with the factory waste and the people are finding that they are unable to use it for drinking and bathing.

A group of concerned residents has decided to file action against the factory on the ground that it is causing a public nuisance and a health hazard to the surrounding people. The factory argues that it has obtained all the necessary permits from the Municipal Council and the environmental authorities and it is strictly adhering to all the conditions. It also claims that it has put in place all the available technology to minimise the pollution from its operations.

In response to the complaints of the residents, the Municipal Council of Nagapura says that the factory pays a large amount in taxes which enables the Municipal Council to provide necessary services to the town. The Council argues that without these taxes it will have to stop these services. The Council has not taken any action against the factory.

The citizens have come to you for advice on suing the factory and the Municipal Council. What would you tell them?

5. The *precautionary principle* is an important concept in the field of environmental law and means that uncertainty should not be used as a reason for postponing measures to protect the environment if there are risks of serious or irreversible damage.

Discuss the extent to which this principle has been implemented in Sri Lanka and in other countries and also in international law. You should discuss statutes, international conventions and decisions of the courts.

6. Discuss with examples the following features of an environmental impact assessment report:
- (a) significant impacts
  - (b) alternatives
  - (c) mitigation measures
  - (d) cost benefit analysis
7. Explain the following principles of environmental law:
- (a) Inter - generational equity
  - (b) Polluter pays
  - (c) Common but differentiated responsibilities
  - (d) The public trust doctrine