

THE OPEN UNIVERSITY OF SRI LANKA

M.Sc IN ENVIRONMENTAL SCIENCE / POSTGRADUATE DIPLOMA
IN ENVIRONMENTAL SCIENCE - LEVEL 6



FINAL EXAMINATION 2011/2012

ENVIRONMENTAL LAW - NEP 1201

DURATION - 3 HOURS

Date: 17th March 2012

Time: 9.30 am - 12.30 pm

Please make sure that your handwriting is legible.

It is prohibited to have mobile phones or unauthorized documents in your possession in the examination hall.

ANSWER THREE QUESTIONS ONLY (All questions carry equal marks)

1. *The National Environmental Act No. 48 of 1980 (NEA) as amended is a comprehensive law but could be strengthened to ensure a higher standard of environmental protection.*

Discuss the strengths and weaknesses of the NEA with reference to this statement. In the light of your knowledge of the framework environmental laws in other countries, particularly in South Asia, suggest how the NEA could be improved.

2. *The principle of sustainable development cannot be applicable to a country such as Sri Lanka where economic development is a matter of urgency.*

Do you agree with this statement? Give reasons for your answer with illustrations from current development issues in this country.

3. Consider the following conventions which deal with toxic waste. Explain (a) the historical context of these Conventions and the problems they seek to address; and (b) how successful they have been.
- (a) Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal 1989.
 - (b) Rotterdam Convention on the Prior Informed Procedure for certain Hazardous Chemicals and Pesticides in International Trade 1998.
 - (c) Stockholm Convention on Persistent Organic Pollutants (POPS) (2004).

4. Discuss the following issues on the assumption that all the countries concerned have signed the relevant international conventions.
- (a) State A and State B are neighbouring countries separated by a strip of sea about 18 miles wide. Bird flu has spread in some areas of State A. Since it is believed that bird flu is spread by wild birds, a committee in State B has suggested that State B captures and kills wild species which migrate from State A to State B. It has been argued that this will protect the indigenous bird species of State B. What are the international obligations of State B in this regard?
 - (b) State C has a world famous wetland near its capital. The wetland is the habitat of an endangered species of crocodile and also several endemic freshwater fish. It also serves the purpose of flood control for the capital. An international development bank has proposed that in order to get the maximum financial benefit from the wetland it should be filled up and developed. The bank has agreed to finance the project as a component of its plan to develop the capital city. Would this project conflict with State C's international obligations?
 - (c) The government of Serendib wishes to gift a baby elephant to the government of Eutopia after having established diplomatic relations with Eutopia. An elephant from the elephant orphanage will be used for this purpose. Elephants in Serendib are a heavily endangered species with only around 2500 remaining in the wild. They are also critically endangered in the Asia region. The elephants in the orphanage are used for breeding purposes and are rehabilitated in the jungle. Eutopia has recently ended a civil war which had lasted over 30 years. Its national zoo had been bombed during the war and the animals had been killed or had escaped. Eutopia now wants to rebuild its zoo and has started construction. However, facilities are still not adequate for most large mammals. Elephants are not indigenous to Eutopia. Does international law permit the export of the baby elephant from Serendib to Eutopia?
5. Water scarcity is becoming one of the most critical global problems today. It has also become a serious issue in Sri Lanka. The government of Sri Lanka has decided to formulate a National Water Policy for the country. The Policy is to be based on the principles of equity and sustainability.

If you were on the drafting committee what suggestions would you make to ensure that all citizens of Sri Lanka have access to water in a manner that is equitable and which also ensures the sustainable use of water resources?

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