

THE OPEN UNIVERSITY OF SRI LANKA

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

FINAL EXAMINATION 2014

ENVIRONMENTAL LAW – NEP 1201

DURATION – 3 HOURS



Date: 15th March 2014

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 FOUR QUESTIONS ONLY (All questions carry equal marks)

You must answer Question 1 and 3 questions from Part II.

Part 1 – You must answer question 1 from Part 1.

1. The Sri Lanka Science Institute received a large grant to fund a project to develop a new variety of rice which is drought resistant. It has been instructed that in view of the impacts of climate change and the intense drought prevailing in Sri Lanka at the moment this project is of national importance. The Institute obtained 25 acres of State land, half a kilometre from the boundaries of the Pahatha Walawe National Park and close to a village of around 75 families. A part of this area is a wetland which will be filled up for the project. The wetland is home to several species of birds. The Park is world famous for its huge herds of elephants. There have been numerous conflicts between the elephants and the surrounding villages, since the elephants frequently stray out of the Park boundaries. The Minister of Agriculture informed the Institute that in view of the importance of the project the Institute need not do an environmental impact assessment. The Director of Wildlife Conservation has not officially given permission for the project. The Institute built a laboratory on the land and began preparing the land for cultivation.

Save the Elephants, a non-governmental organisation, received news of this project and wishes to file action in a court of law to stop the project. They have decided to seek your advice as to the basis on which legal action can be taken to stop the implementation of the project.

You are requested to prepare a brief in this regard and forward it to the Secretary of Save the Elephants to be tabled at the next meeting of the executive committee.

Part 2 – answer THREE questions only from this Part

2. Answer the following questions in relation to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES):

- (a) What is the objective of CITES?
- (b) What mechanisms does CITES use to protect endangered species through the question of trade?
- (c) What is the difference between Appendix 1 and Appendix 2 species listed in CITES?
- (d) What benefits does Sri Lanka gain in having a species listed in Appendix 3?
- (e) How does CITES succeed in monitoring international trade in endangered species?
- (f) What are the functions of the management authority?
- (g) What are the functions of the scientific authority?
- (h) What are the benefits to Sri Lanka of being a party to CITES?

3. “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.

4. “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.”

Discuss this statement with a critical analysis of the statutory provisions and citing relevant case law.

5. “The EIA process in Sri Lanka is ‘project based’ and does not permit assessment of policies and programmes. This limits its effectiveness in assessing the impact of development on society and the environment.”

Do you agree with this statement? Discuss this statement indicating what other forms of executive action should be subject to environmental and social impact assessment and the advantages to be gained from doing so.

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