

Justice for all-

Fighting for environmental Justice and Good Governance since 2004



Annual Report 2015/16

Centre for Environmental Justice



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Every Tree is a Bo tree - Every being is a Bodhisathva



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Dharmayathra for Forest Conservation

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Dharmayathra for Forest Conservation



CEJ advocates for a better world for the future generation. We campaign on today's most urgent environmental issues. We sharpen the debate on environmental good governance, promotes ecologically sustainable development and safeguards nature and people from environmentally and socially irresponsible activities and human rights violations. We also promote community participation in decision making on natural resources, and promotes environmental justice and equity through legal and other means.

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CEJ is a member of the Friends of the Earth International. CEJ is also a member of the Environmental Law Alliance Worldwide, IPEN, PCB Elimination Network (PEN), NGO Forum on ADB, Global Anti Incineration Alliance (GAIA), Pesticide Action network (PAN), Jubilee South Asia pacific Movement on Debt and Development (JS-APMDD) OILWATCH International and Global Alliance to Eliminate lead in Paint (GAELP).

CHAIRPERSON'S MESSAGE

During the year under review we, as an organization committed to achieve environmental justice and good governance have been promoted in number of activities to minimize the environmental threats faced by the people and the ecosystems across Sri Lanka.

We engaged in several activities to mitigate the global warming and to promote activities relating to clean energy promotions. We had to intervene in to number of national level issues such as Port City project, Uma Oya Project, Willpattu issue , Mini gydro development and and issues relating to the conservation of elephants etc..

We as an legal organization had to seek the intervention of our court system in order to resolve many national environmental issues and some of these attempts were successful during the year under review.

Conservation of environment and community interventions were other key areas of our agenda and remarkable steps were also taken in-order to achieve the goals.

I am thankful to our Executive Director Mr. Hemantha Withanage, Managing Director Mr. Dilena Pathragoda and members of the Board of Directors and our staff members for the contribution extended in the process of achieving the success during the year under review.

Ravindranath Dabare
(HNDE. MECH. Eng) (Attorney-at-law)
Unofficial Magistrate, Justice of Peace
Chairperson - CEJ

October, 2016

EXECUTIVE DIRECTOR,S MESSAGE

Centre for Environmental Justice is the leading organisation in Sri Lanka to support these local environmental struggles established in 2004. CEJ has gained this through its work in the past thirteen years by working closely with the affected communities.

In the past year we have supported number of litigations and held trainings and workshops on EIA process, chemicals including lead in paint, forest destruction etc. CEJ also initiated a Forest governance project with Shalin a Finish organisation to promote forest governance in Sri Lanka. We also worked with the Ruk Rakaganno in the forest governance in Weli Oya area.

Water and sanitation was one of the target area in the last year. We had done extensive work in related to the sanitation of the marginalised groups.

The Colombo port city, Forest destruction in Wilpattu area, Uma Oya are some infamous issues that CEJ supported the local communities to bring the legal solution. CEJ has been proved that the combination of science and law is the important approach to fight for environmental conservation.

CEJ continue to engaged in chemical awareness and monitoring. We have engaged in the Asia Lead Paint Elimination project as a partner of the IPEN. CEJ gained recognition as a science based environmental organization in the past year with our engagements in lead in paint, Mercury in products, Asbestos and in related to SAICM.

Elimination lead paint is a successful campaign of the CEJ in the past few years.

It is clear that Sri Lankan citizens need to be involved in the environmental movement to save the nation's rich natural resources and protecting the natural and constitutional rights. It is important for us to fight for the rights of other species and the nature.

I reiterate that fighting for environmental justice is the only way to save our children future. In this line, CEJ continue to in partnership with Friends of the Earth International, IPEN, Environmental Law Alliance, NGO Forum on ADB, APMDD, Fresh water Action Network in the past year. I take this opportunity to thank all our supporters and well wishers for being with us in this walk.

Centre for Environmental Justice activities were possible in the past year with the support of the National Endowment for Democracy, German Embassy, Shalin, IUCN, International POPs Elimination Network, New Venture Fund, WaterAid, Friends of the Earth International, Simenppu Foundation, NGO Forum on ADB, Freshwater Action Network (FANSA) Global Green Grants.

Hemantha Withanage
Executive Director

October, 2016

Board of Directors:

From left

*Mr. Chandana S. Jayakody,
Mr. Ravindranath Dabare (Chairperson),
Dr. (Mrs.) E. S Edirisinghe,
Mrs. Kamini Meedeniya Vitarana,
Mrs. Iranganie Serasinghe,
Mr. Hemantha Withanage,
Mr. Dilena Pathragoda and
Mr. Kumara.....(Company Secretary)*

Staff Members:

*Mr. Hemantha Withanage (B. Sc Bio Science) Executive Director
Mr. Dilena Pathragoda (B Sc Management) Director (Project)*

Legal Division:

*Mrs. Nilmal Wikramasinghe (Attorney-at-LaW), Legal Officer
Mr. Sugath Athapaththu (Attorney -at- LaW), Legal Officer*

Science Division:

*Mrs. Chalani Rubasinghe (B. Sc, M.Sc) Environmental Officer
Mr. Eranda Rathnamalala (B.Sc) Environmental Officer
Mr. Shaman Jayantha (B A(sp)) Communication Officer
Mr. Janaka Withanage, Project officer*

Administration and Account Division

*Mrs. Shanika Lokuruge-(ICASL part Qualified) Accountant
Mrs. K.G. Kanthi- Office Aids*



PROJECTS AND PROGRAMMES

Forest Governance, Climate Change, Water and sanitation, Environmental problems related to development projects are major areas Center for Environmental Justice has been involved in 2015/16 reporting period. Centre for Environmental Justice conducted several project in during this financial year.

Forest Governance

CEJ conducted 3 project under this subject area. Among them the major work done on Nilgala and Weli Oya- Bohaga Pelassa forest areas with the financial support of the Finland based organisation Shalin. The project was focusing on the improved community participation in the conservation of forest.

The forest cover in Sri Lanka is gradually decreasing during last few decades. In order to protect the remaining forests, the Forest Department is preparing forest management plans for the forests in the country. Under the project, CEJ and FD have come to an agreement mainly in preparing forest management plan for Nilgala and Bogahapelessa forest. In preparing this plan we have focused on protecting the forest as well as uplifting the rural economy of people living in the adjoining villages to the forest, promoting non-timber products in a sustainable way and solving other issues related to the community.

Centre for Environmental Justice (CEJ) conducted a survey research around Nilgala and Bogahapallassa area with the researchers arrived from a Finish University. The research aimed to collect background information related to villages, families, and their

relation with the forest how they use the forest, what are the non-timber benefits, what sort of projects should be introduced in order to enhance their lives while minimizing forest issues, issues related to the forest were among the things we studied.

The major fact of forest degradation in this Nilgala and Bogahapalassa area seemed to be the forest fires, Chena cultivation illegal land grabbing. According to the study findings, some people intentionally fire the forest to make conditions favorable for Kudumberiya(leaves of this plant use for making local cigarattes), destroying many other trees and bushes at the same time. At some places the elephant conflict seemed to be a major issue.

As the second step, program to address their issues and awareness programs were organized with the participation of the villagers from the nearby villages. Information gathered from these programs like boundaries of the village, issues of the villagers are very helpful in preparing the management plan. This second step is still ongoing

Establishment of CSO Forest Network

Development projects, resettlement projects, and other personal needs lead to massive destructions of forest lands in the country. Although people notice most of the forest issues, they are reluctant to inform anyone as they are afraid of revealing their true identity and get into trouble. If there is a real-time forest monitoring mechanism which can also protect the identity of the complainer, there is a possibility of

reducing the intensity of a massive forest destruction. As we identify these issues, we, Centre for Environmental Justice (CEJ), realize the necessity of introducing an island wide forest network in order to minimize the ongoing and future forest issues. In fact, as a Community Based REDD+ (CBR+) project, CEJ started to introduce a mechanism to report forest issues which may serve as a real-time forest monitoring mechanism in the long run. Secondly, it also aims to form a Forest Network and conduct awareness programs.

As a part of the project, we have introduced a hotline number, website and a facebook page which people can use to report any sort of a forest issue. Through this, CEJ tries to protect the identity of the complainer and influence more people to report forest crimes without hesitation. After receiving a forest complaint, we will contact relevant agencies and try to halt the ongoing destruction. So far, we were able to minimize the intensity of few forest destructions with the help of government officers. And, after verification, most of the issues will be mapped on a website. Apart from the forest crime reporting mechanism, CEJ is also conducting awareness programs around the country. Most of the meetings will be held near the forest areas, targeting forest communities. These meetings mainly focus on improving their knowledge related to UNREDD, climate change, benefits of forests, and CEJ forest crime reporting mechanism. In addition to the awareness programs, we also form forest protection groups within these forest communities. Later, these forest protection communities from different districts will be connected through the forest network.

Overall idea of the project is to protect the forest areas with the help of communities live in the forest neighbourhood. These forest committees would basically act as forest watch groups and we highly believe that the people – who have a special

relationship with the forest and who often see the forest – may notice the ongoing forest issues a lot more than we do. So, encouraging them to inform any of the forest issues that they see in their environment would be truly helpful to protect the forest lands in the country.

Forest Governance in Weli Oya

This project was a joint activity with Ruk Rakaganno with the financial support of the UNDP. The goal is to Stop forest clearance and so ensure water security, protect the biodiversity of the land and prevent the exacerbation of the human elephant conflict in the area known as Soragune Weli Oya.

The objectives include

1. Minimize forest destruction and protect the water catchment area
2. Conduct a biodiversity study of the area to protect the fauna and flora
3. Prevent the human-elephant conflict from aggravation and get Bogahapattiya declared a Sanctuary
4. Increase the income generation of selected community groups

Number of activities have been conducted under this project in collaboration with Ruk Rakaganno and the local community groups.

Water and Sanitation

CEJ has been working on water and sanitation issue for long time. During the reporting period we had implemented a project on promoting sanitation for marginalised communities and supporting the engagement in South Asian Conference on Sanitation

with the support of Fresh Water Action network South Asia(FANSA) with the financial support of BMGF through NVF.

We also implemented project to study the Sanitation problems for the marginalised communities with the support of WSSCC which resulted the LEAVE NO ONE BEHIND report published during the SACOSAN IV held in January 2016 in Dhaka, Bangladesh.

Climate Change

Centre for Environmental Justice produced a Civil Society Climate Action Plan with the support of the German Embassy. CEJ had a In Consultation with the Members of the Civil Society Organisations, Institutions and Experts Joined the Climate Symposium held from 18-19 August 2015 at The Sri Lanka Foundation Institute and Diverse Local Communities met in various locations across Sri Lanka. The report is now available in hard and soft format.

We also supported the Friends of the Earth Japan to make a study and video based on the public opinion on climate change.

Chemical Governance

Centre for Environmental Justice is engage in the Chemical governance issues and chemicals in products from the beginning of the organisation.

CEJ achieved its lead safe paint target in 2015. CEJ tested lead level in paint in 2009 and filed legal action in 2011. As a result Consumer Affairs Authority produced mandatory lead limit in 2013. CEJ assisted the companies to reformulate lead safe paint. The

result of the lead paint study conducted under the EU and IPEN supported Lead paint Elimination project in 2015 found that almost 95% of the paint available in the market are lead safe.

CEJ also involve in the Ministry of Environment and the Central Environmental Authority on the committees related to phasing out Asbestos, Polythene and Plastics, Basel, Rotterdam and Stockholm Conventions . We further involve in mercury and POPs related advocacy. CEJ works with IPEN, GAIA and PAN related to chemical governance .

Environmental Justice and Public Interest Litigation

Centre for Environmental Justice (CEJ) is in the forefront of environmental protection of Sri Lanka for public interest litigation. We represent various affected communities and marginalized people and file legal matters on behalf of them. Legal Officers and environmental officers of CEJ visit such affected areas and make efforts to resolve environmental issues through environmental mediation and discussions with concerned parties. In previous year for considerable no. of cases we were able to obtain sound decisions and effective remedies for parties aggrieved.

We are also handling Supreme Court Fundamental Rights cases, Court of Appeal- Writ applications, High Court Writ matters & public nuisance cases in Magistrate courts.

Supreme Court matters

Uma Oya case - SC FR 273/15

This case was filed in the Supreme Court against

violation of fundamental rights by the Uma oya multi-purpose project conducted in collaboration with government of Iran. The main objectives of the project are supply electricity to the national Grid and provide water supply for South Eastern dry zone area. Thousands of houses are already damaged & people in Banadarawela & Badulla area are suffering due to adverse of this project. Especially, wells, founts and water source are dried up & burst of walls, floors of houses and earth, destruction of entire paddy & farm area due to absence of water resources.

Presently, thousands of people have been displaced by reason of existing critical damages. At the previous court hearing we have requested the relevant Government authorities to produce a detailed report on the next date as to what measures have been taken to remedy this damage.

Court of Appeal Matters

Port City Case – 112/15

CEJ filed an application in the Court of Appeal seeking for a Writ of Mandamus against actions of the Director-Coast Conservation Department, Chairman-Sri Lanka Ports Authority, Central Environmental Authority and few others regarding the proposed port city project which was to construct by reclaiming an extent of 575 acres pertaining to the sea. Court quashed the existed EIA and ordered to prepare a new supplementary EIA by the new Project Approval Agency. This is a pending matter.

Wilpattu Matter – 291/15

CEJ filed an application in May 2015, in Court of Appeal

seeking an order of Writ of Certiorari and Mandamus against of Conservator of Forest, Director of Wild Life Department, Commissioner General of Land and few others and Attorney General for allowing illegal resettlements in the forest reserve area. In this matter, a special focus was on the absence of provisions for respondents to release the land within a national park & reserved for forest areas. This is also a pending matter.

Soragune Matter – 516/15

Centre for Environmental Justice and 3 other Petitioners filed a Writ Application in the Court of Appeal on 18th of December 2015 against several illegal activities namely, illegal occupation of the part of the forest reserved area and a part of the property owned by the Soragune Dewalaya, engagement in the illegal clearance of forest reserved area and also engagement in illegal sand mining from Weli oya creating series of environmental hazards, engagement in number of illegal activities in the forest reserved area declared by the Gazette Extraordinary bearing No. 1824/20 dated 22nd August 2013. Approximately 50 acres of Soragune forest have been leased out to (Help Foundation) Mr. Meegasdeniya Kankanamge Sirisena of No.31, Mihindu Mawatha, Tangalle and an illegal clearance of the said forest has been commenced with the intention of construction a sand mining.

The Conservator General, Department of Forest, Commissioner General, Department of Buddhist Affairs, Wild Life Conservator General, Director general of Irrigation, Central Environmental Authority, Commissioner General of Land, Commissioner General of Agrarian Services, illegal occupier Mr. M.K Sirisena and Attorney General have been made Respondents in this matter.

Rathupaswala case – 385/13

A legal action was filed in 2013 in Court of Appeal in the manner of Writ of Mandamus against and Central Environmental Authority, Board of Investment, venigros Company and Attorney General and to compel them to take necessary steps exercising the statutory powers vested on them against the factory of venigros. The factory disposed their chemicals and other wastage to the adjoining environment. Therefore underground water and soil have been destroyed and importantly the said factory is situated in a highly residential area. General public in the vicinity have encountered many serious economic, social, environmental and health hazards. After considering the evidence led by both parties the Court of Appeal delivered an order directing the factory to move the industrial zone located in Biyagama. The Project Proponent has already complied with the Court order. After the said compliance CEJ took steps to withdraw the action.

Ampara Matter - APN 01/15

CEJ entered this Case as an Intervient Petitioner. This is a Revision matter filed in the Court of Appeal based on a conflict between Tamil & Muslim People for the occupation of a forest reserved in Ampara area (Wattamadu Reservation). Tamil People are farmers in this area and Muslims are farmers (Paddy & Chena Cultivation) Muslims tried to destroy Tamil people's cultivation lands for the purpose of improving their paddy lands. The matter was firstly referred to Kalmune Magistrate Court and then appealed before High Court of Pothuvil and final Appeal was filed in Court of Appeal. The Stay order granted by High Court of Pothuvil against activities of Muslims was affirmed and extended by Court of Appeal.

Magistrate Court Cases:

1976/14, 2295/14, 2296/14, 2297/14 Public Nuisance Cases in Magistrate Court – Kaluthara

CEJ filed public nuisance actions to seek justice for communities who are suffering from environmental problems within the jurisdiction of Magistrate Court-Kaluthara. These matters have been filed against few mettle quarries. The Respondents had breached the conditions of the Environmental Protection License, causing public nuisance to the people in the vicinity kaluthara Galpatha area. We were able to obtain a conditional order from court against the owner of the quarries.

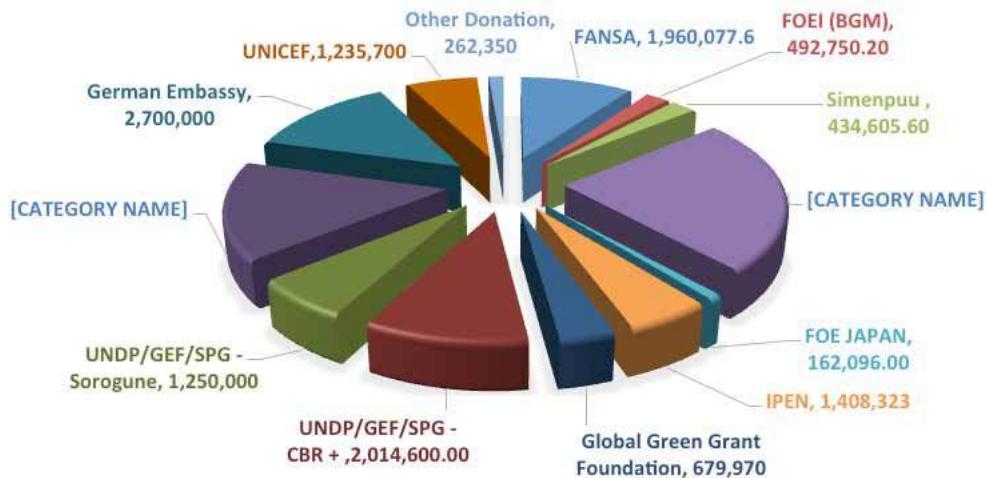
Environmental Impact Assessment Training

EIA/ IEE are the tool to balance environment and development. It also provides information to the citizens and expects public comments on it. Unfortunately majority of people in Sri Lanka do not have a clear understanding of these procedures. Also government officers from various authorities and departments do not have a good understanding on the same.

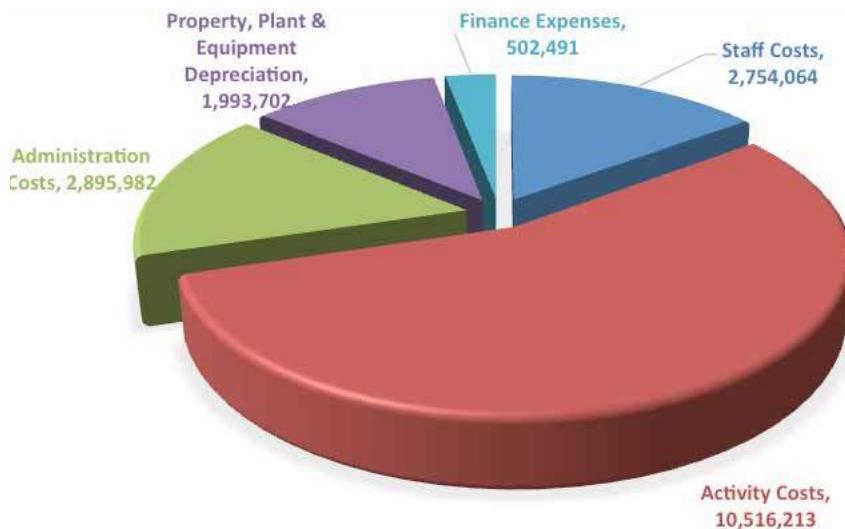
CEJ took a key role in organizing the 17th intensive Training Programme held in November 2014 at Tree of life in Kandy. It was conducted in partnership with the Central Environmental Authority, IUCN & UNDP.

CEJ in support of the "National Endowment for Democracy" conducted several workshops to make local people aware of these laws in the previous year. Five training programs were conducted by CEJ in the areas of land grabbing, Deforestation and illegal land clearing during year of 2015.

Financial Report



Funds received during 2015/16 period



Expenses during 2015/16 period

Centre for Environmental Justice/ Friends of the Earth Sri Lanka

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