



# Ecocide in Sri Lanka

*Forest destruction in Pollebedda*

The destruction of the natural environment by deliberate or negligent human action is defined as Ecocide. It is happening in this Island filled with many natural resources that are rarely found in the region.

The official forest cover in Sri Lanka is 29.6%. However close canopy forest is only 17%. As we have observed, forest cover has drastically decreased during the last few years in the name of development. The government that came to power in 2005 promised to increase the forest cover to 35%. Since then successive governments downgraded that promise to 32% and 30%. Soon after the President's visit to Kukulkatuva, in Thanamalvila, some organized groups started encroaching the Dahaiyagala Elephant corridor which is the only access for the wild

animals to move from Udawalawa to Bohagapelassa forest reserve. Prior to this, Nilgala Forest, Vandama-Demaliya forest, Sengamuwa forest in Pothuvil, some forests in Wanathavillu area and number of other forest areas have been encroached by the politically motivated people in respective areas.

Public outcry gained much attention since the Mahaweli Authority released that forest areas belongs to the Forest Department in Pollebedda which comes under Rambakan Oya irrigation project for Maize cultivation. Each land receiver was suppose to get 500 acre plots in the area. Altogether they were planning to cultivate Maize in 40,000 Ha according to information.

This destruction started with the

news to cancel 5/2001 forest circular which gave protection to other state forests. However, new circular 1/2020 was issues with some safeguards to protect critical habitats. Yet, it was grossly failed. Centre for Environmental Justice and few others filed court petitions to quash the same.

During the first 85 days of year 2021, 80 elephants have been killed in various parts of Sari Lanka. According to the experts more than 70% of elephants live in outside the national parks. Many other wild animals also find refuge and habitats in those forests. Therefore every forest is a important wild habitat. Destroying such habitats will lead to an ecocide in Sri Lanka. END)

#### Editorial Team

Hemantha Withanage  
Chandana Sesath Jayakody  
Ranjan Karunanayake  
Melisha Fernando

**Website:** [www.ejustice.lk](http://www.ejustice.lk)

Centre for Environmental Justice is a public interest environmental organisation established in 2004. CEJ promotes good governance, environmental justice and environmental democracy. CEJ engage environmental litigation and environmental advocacy through law and science. CEJ also works on chemical governance, Forests governance, climate change, international environmental negotiations, single use plastics, genetically modified foods and supports community environmental struggles. CEJ is a registered organisation under the Companies act of 2007.

**Vision:** "Justice for all"

**Mission:** Protect equal environmental rights and empower communities to enhance environmental sustainability, mediate environmental conflict and advocate for environmental law enforcement and policy measures.

#### Centre for Environmental Justice

20A, Kuruppu Road  
Colombo 08, Sri Lanka  
Tel: +94112683282  
email: [info@ejustice.lk](mailto:info@ejustice.lk)  
website: [www.ejustice.lk](http://www.ejustice.lk)

## Editorial Weakening Conservation Agencies

Conservation agencies such as Department of Wildlife Conservation, Forest Department, has been established more than a century ago to protect the common resources. Central Environmental Authority (CEA) has been established in 1989 to protect the environment in general. They are supposed to be the public entities that do not honor the political interests. They are scientific institutions. Their job is to use the science to bring necessary conservation and protection to diminishing environmental components, ecosystems, water catchments, biodiversity etc.

CEA lost its initial purpose, when the respective governments started appointing practicing politicians into the top positions. They use the CEA as a vehicle to approve projects with their interest. The EPL processes become somewhat corrupt due to the political pressure. EIA process was the most affected after the first decade of the CEA. Its top positions started doing open politics while having the office in this public conservation institution.

Although the Wildlife and Forest departments are not that politicized, their role become weaker and weaker due to the political pressure through the executives, the ministers and rest of the politicians. In the recent times the field staff of the respective departments were publicly asked not to implement the law. They were pressurized through the political henchmen and even threatened and transferred to other areas. Certain officers were publicly insulted by certain ministers and other politicians.

Due to this pressure some active officials went into hibernation phase and few others entered the survival mode.

We are not here to say that all conservation staff are genuine. We were told in different occasions about how some officers engage in corrupt practices in all these departments. Corruption in Sri Lanka can be found across the country which puts all of us in jeopardy and the common resources in danger.

However, the political weakening of the conservation agencies and corruption has a very high cost to the nation and its natural resources. The most recent visit to Kotiyagala in Ethimale proved how the corrupt officials are responsible for losing thousands of hectares. Also, Dahaiyagala, Pollebadda, Nilgala, Flood Plain Reserve etc. shows how the political pressure and the pressure by other agencies, ministries and even other bureaucrats have contributed to the destruction of commons which were supposed to be protected by the respective conservation agencies. The pressure by such forces have weakened the officers' enthusiasm as well as the law enforcement of the ground.

The whole world is facing a biodiversity crisis, ecosystem crisis which leads to air, water and soil pollution and climate crisis. World has lost about 70 percent of wildlife during the last 50 years according to the experts. The remaining forests, wetlands and rivers are such important landscapes for human survival. It is impossible to think about the protection of such natural systems without maintaining strong independent conservation agencies such as CEA, Forest Department and Department of Wildlife Conservation. Politicizing such agencies and weakening them is a crime against the nature leading to an ecocide which we all will have to be responsible one day. (END)

# Strong Intercession to Preserve the Green Lung of Colombo

NIMMI SANJEEVANI (AAL / LL. B (Hons) Colombo)

**M**uthurajawela, the largest saline coastal peat bog in Sri Lanka situated at 10 km North of Colombo in the Gampaha District functions as the 'green lung' for the metropolitan area in Colombo. Aside from the fact that it has a cradle of biodiversity housing several endemic and nationally threatened species, it also provides an important area for migratory birds and offers a number of ecological and hydrological services within an area of about 6000 ha. A study conducted by the International Union for the Conservation of Nature (IUCN) reveals that it consists of 209 species of fauna and 194 distinct species of flora. The vertebrate fauna includes 40 species of fish (4 endemic and nationally threatened), 31 species of reptiles, 102 species of birds (including one endemic and 19 winter migrants) and 22 species of mammals. Furthermore, 18 out of 22 mangrove species could also be found at the Muthurajawela wetland.

With the intention of protecting this significant wetland complex a Master Plan was approved in 1991 and then few Gazettes were issued. In 1996, Gazette No.947/13 dated 31.10.1996 issued under the Fauna and Flora Protection Ordinance No. 02 of 1937 (FFPO) as amended, to declare a "Wetland Sanctuary" around an area of 1,777 ha of the northern part of the marsh. Moreover, a Buffer Zone consisting of about 285.4 ha was declared as an "Environmental Protection Area" (EPA) by Gazette No.1466/26 dated 13.10.2006 under the sections of 24C and 24D of National Environmental Act No. 47 of 1980 (NEA) as amended. Then, in 2018 the extent of the EPA was amended to be 162.10

ha by Gazette No.2090/11 dated 2018.09.25.

Nevertheless, this invaluable wetland complex has become vulnerable to most human activities such as illegal reclamation and land filling, clearing of mangrove vegetation, deliberate fires and dumping of waste over the past few years. Muthurajawela consists of paddy fields which is governed by the Agrarian Services Department. Although there is a restriction to fill paddy lands by any means without obtaining a proper approval in terms of the section 33(1) of the Agrarian Development Act No. 46 of 2000, it is a severe problem that such lands are being filled to construct factories and settlements at a large-scale racket with the blessings of the politicians and the government officials.

Furthermore, in the recent past, several incidents of man-made fire had been reported in the Muthurajawela wetland causing damages to the mangroves and the biodiversity. The Forest Department is responsible to protect, preserve and conserve the mangrove within the Muthurajawela Sanctuary and thus it is a violation of the section 07 of the FFPO which says; "no person shall, except in accordance with regulations made there under, carry out in any sanctuary any act which disturbs or is likely to disturb any wild animals or carry out any act which interferes or is likely to interfere with the breeding place of any such animal, or dispose or cause the disposal of any garbage in any State land within the Sanctuary." Under this law, Director General of Wildlife has full powers and responsibility to prevent these illegal acts.

In addition to that, Muthurajawela wetland is now being used as a permanent dumping ground in contrasting with the existing laws either by the municipalities from Colombo, Kelaniya and Gampaha areas or private parties who have several factories operating in and around Muthurajawela. Although some factories have been granted Environmental Protection Licenses (EPLs), there is no proper monitoring system in place to ascertain whether the conditions under which such EPLs are granted are being complied with. Also, Environment Impact Assessment (EIA) is required under the provisions of the NEA, prior to the construction of a solid waste disposal facility wholly or partly outside the Coastal zone and/or within an area of 100m from the boundary of, or within, any area declared as a Sanctuary under the FFPO, according to the Gazette No.772/22 dated 24.06.1993. Both these laws were clearly violated by dumping garbage into the Muthurajawela wetland either by the government or the private parties.

Finally, it can be said that even if the responsible authorities have enough powers vested upon them by the existing laws therein, they are silent and enough actions were not taken to prevent such illegal activities and to preserve this invaluable wetland. Therefore, it is crystal clear that at present Muthurajawela wetland complex is an extremely vulnerable ecosystem and needs rapid, strong interventions for the conservation by implementing the existing laws such as NEA, FFPO, Agrarian Development Act, National Policy on Wetlands, etc. (END)



*Silica sand mining in Suduwella, Madampe*

# Sand mining threatens people in Madampe

**THUSHINI JAYASEKARA (L.L.B Attorney-at Law)**

**E**xcessive sand mining activities in Madampe, Chilaw has become a massive environmental issue over the past 5 years. Residents in such areas complain often about the impacts on water, forests and crops etc.

A proper mining license obtained from the Geological survey and Mines Bureau (GSMB) is mandatory. Mining licenses are issued with a set of conditions imposed in Section 35 and Section 44 of the Mines and Minerals Act no. 15 of 1958 and the license holder must adhere to such conditions all the time. Under Section 63 of the Act “any person who explores, for, or mines, processes, stores, transports, trades in or exports, any mineral without a license issued by GSMB shall be guilty of an offense”. Problems are

created when the permit holder violates the terms and conditions issued to him under the license.

The most recent example was reported in the Madampe area. Grama Niladhari Divisions of Suduwella, Mugunuwatawana, Mallawagara, Pothuwila, Henepola, Uraliyagara, Sembukattiya, Erunwila and Galmaruwa within the Divisional Secretariat Division of Madampe in the Puttalam District has been under the threat of heavy exploitation of the sand. Even though the responsible parties have obtained licenses from GSMB, they have violated the terms and conditions issued to them. Residents in the area led by a Buddhist monk in the area, organized a Satyagraha Campaign to force the authorities to take actions.

Consequently, a Writ Petition was filed by the Centre for Environmental Justice and four residents of the Madampe area in the Court of Appeal seeking an order to cancel all the mining license issued by GSMB to explore and mine minerals and sand in Madampe area in Puttalam District. Petitioners claimed that ‘the fertility of the soil for coconut plantation has been affected due to erosion caused by sand mining and extractions in these areas which has caused serious environmental damage as well as drastic reduction in coconut yields, thereby affecting the livelihood of the local community. Moreover, due to extensive mining activities, the local community faces the critical issue of contamination of water in the area. (END)

# CEJ filed Five new environmental cases

Environmental controversies became abundant during the last few months due to the haphazard intervention by the politicians and due to the refraining of law enforcement by the conservation agencies. The local communities and conservationists become very vocal against such destruction and politicians involvement in such cases.

Centre for Environmental Justice as a public interest, conservation oriented civil society organisation supported those communities by taking legal actions and engaging in legal advocacy. During the first 3 months of year 2021, CEJ filed five new cases to prevent such environmental destruction.

## CASE ON MUTHURAJAWELA

A writ petition has been filed in the Court of Appeal by the Centre for Environmental Justice on 26<sup>th</sup> January 2021 challenging the illegal landfills and dumping of garbage in the Muthurajawela wetlands located close to the City of Colombo. Several factories operating in and around Muthurajawela also dispose their toxic waste and effluents into the protected zones. Although some factories have been granted Environmental Protection Licenses (EPLs), there is no proper monitoring system in place.

A developer started grabbing lands in Muthurajawela in the last decade and is planning to build a golf course and number of other facilities inside the wetland. This became a major concern to many Sri Lankans.

In this case CEJ requested court to direct the authorities to develop a Master plan, gazette the area under the Fauna and Flora Protection ordinance and take action against all

illegal activities in the wetland. CEJ case covers the full wetland including the Negombo lagoon.

## CASE ON SAND MINING

Another case was filed on 01<sup>st</sup> February 2021 against uncontrolled sand mining in the DS Division of Madampe in Puttalam District.

Geological Survey and Mines Bureau, Central Environmental Authority, Minister of Environment, Inspector General of Police and others are named as respondents in this case.

A vast number of mining sites are in operation in the said areas and the entire area had been extensively destroyed due to the mining activities conducted by various parties. Although the mine deposit is Silica, an industrial sand, those license holders also mine construction sand impacting the water table and the life of local communities.

Although the Mines and Minerals Act No. 33 of 1992 requires all mines to obtain a license to function there are many instances where mining is carried out without valid licenses or violating the conditions of the permits already issued.

## THALANGAMA ELEVATED HIGHWAY CASE

This case was filed on 22<sup>nd</sup> February 2021 against the Respondents of Road Development Authority, Central Environmental Authority, Urban Development Authority, etc. The petitioners includes local residents who will be affected by the construction of an elevated highway along the Thalangama protected area.

Thalangama tank and its environs

were declared as an Environmental Protected area (EPA) under the National Environmental Act No.47 of 1980 (NEA), as amended by Gazette Extraordinary No.1487/10 dated 05.03.2007. Road Development Authority (RDA), together with the Urban Development Authority (UDA), proposes the construction of a four-lane elevated highway, which is 17.3 km in length, stretching from New Kelani Bridge (Orugodawatte) to Athurugiriya to improve the road network for the influx of vehicles into Colombo city limits.

Petitioners state RDA should look for alternatives without destroying the only protected area in the site.

## POLLEBEDDA CASE

Uruwarige Vanniyalaaththo and the Centre for Environmental Justice filed this writ application on 05<sup>th</sup> March 2021 in the Court of Appeal against the mass deforestation that is taking place in the Pollebedda - Mahaoya - Galwalayaya area.

Central Environmental Authority, Mahaweli Development Authority, Conservator General of Forests, Director General of Wild Life Department, Minister of Wildlife and Forest Conservation, RAN Plantations (Pvt.) Ltd and the Hon. Attorney General were cited as parties to the case.

This area is located in the vicinity of the Rambakan Oya and its catchment got damaged due to maize cultivation initiated by the Mahaweli Authority. It is also the traditional homeland of the indigenous forest people, the "vedda" community. This has led to the decline of their distribution and even the risk of losing their ancestral

**Continued in page 8...**

# Change in gun policy - is not the only way to deal with human wildlife conflict

Indika Rajapaksha (B.Sc.)

Ministry of Agriculture recently approved granting firearm licenses for traditional farmers with 1 acre of farmland. Earlier it was restricted to 5 acres. This is an insight into the wildlife management in farmlands.

Unlike others, rural farmers constantly battle with the wildlife to protect their properties and the cultivation. Framing issues as human-wildlife conflicts rather than human-human conflicts may reduce the potential to effectively address problems by moving the attention away from the socio-political factors that cause them.

Wildlife is implied to be conscious antagonists, it makes sense for people, and especially farmers, to perceive them as enemies and direct anger and frustration at them which can also lead to physical retaliation against them, which has implications for conservation.

The terminology reinforces peoples' notion that humanity is separate from nature and that we do not depend on its well-being to survive. A label used to frame problematic situations involving humans and wildlife should address these issues while also paving the way for the possibility to co-exist the ability of crop farms to support wildlife has diminished in the last few decades due to intensification of agricultural management and the reduction of natural and semi-natural land cover, the ability of farms to provide habitat for wildlife dropped dramatically throughout the country and the amount of space taken up by crops went up. Indeed, the future of

wildlife is in the hands of private landowners.

## Wildlife related damages

According to the Agriculture Ministry, it has been confirmed that 40% of the annual crop is destroyed by wild animals. In 2016 in the dry zone in Sri Lanka 10% of the total crops were damaged by wild animals. It has been found that 15% of Mung beans, 8% of maize, 9% of peanuts and 9% of cane sugar crops have been destroyed by animals. A study conducted in 46 Grama Niladhari divisions in Ampara and Monaragala districts in 2017 has found that 22% of maize, 15% of paddy, 23% of peanuts, 41% of sorghum, 39% of cowpea and 41% of mango crops were lost due to wild animals. Even though the data in the wet zone is not available, according to the predictions it can be huge especially due to the damage by monkeys, wild boar, etc. The species that cause the most damage for crops are wild boar, monkeys, peacocks, squirrels, wild elephants and porcupines.

Wildlife becomes 'pests' because modern agriculture consists of, from the perspective of wildlife, which is huge areas of uninterrupted feed. It has been reported that damage to crops from birds is actually highest where the diversity of crops and landscape are at their lowest because birds don't have alternative food sources.

In addition to the crop damages, there is threat to life of the people especially from elephants and sometimes from foxes, monkeys etc.

## Compensation for wildlife-related crop damage

Numerous courts have ruled that despite wildlife being publicly shared, the government is not responsible for paying for damages that they cause (Wagner, Schmidt & Conover 1997). However, wildlife damage compensation programs exist around the world for a variety of species (Bulte & Rondeau 2005). They are considered when government management decisions increase wildlife-related damages or if a species is of great value, among other reasons.

Damage compensation would be effective at creating a reduction in lethal forces against wildlife. Compensation may not be as effective as in theory due to the fact that it does not improve perception on wildlife. With compensation, farmers still have to endure the stress of losing crops, dealing with authorities to prove loss and obtain funds, whereas with preventative measures this is inherently eliminated.

Public acceptance on how problematic wildlife are dealt with is important to note. A greater number of non-farmers prefer nonlethal control methods whereas farmers tend to say they are open to any control method that gets the job done. Hence societal values can be the force that positively influences human wildlife impact management on crop farms given that the general public's attitude has shifted towards animal welfare. Public has a responsibility of what happens on the farm in terms of treatment of wildlife. However, to truly influence



***Elephant killed in Udawalawa. Photo Courtesy- Ada Derana***

farmers' management decisions the public must be assertive and vocal about how wildlife are to be treated.

Attitudes, and by extension cultures of farmers, have not always become more favorable towards conservation. Conservation must become a social norm that can be passed down from generation to generation. The importance of cultural and social capital cannot be understated; it helps shape the very perspectives, attitudes, and by extension actions of farmers, and distinguishes them from the rest of society. As a country where majority are Buddhists, Sri Lanka has this cultural and social capital.

A results-oriented conservation scheme would help address many of the barriers which farmers found highly problematic, such as paying for implementation expenses, lack of knowledge about wildlife needs, lack of technical assistance, and community opposition (if a landscape approach is incorporated as well). Additionally, damages by wildlife often become a problem when population density patterns, habitat and forage selection, the

arrangement and composition of the landscape, and activity ranges of wildlife, as well as the choice of crops that are grown, are completely disregarded.

Essentially compensation distributes the cost of wildlife conservation more evenly across society by paying for all or a portion of farmer's monetary losses associated with crop damage caused by wildlife. Its purpose is to support farmers financially, while reducing the need to kill wildlife (especially those threatened and endangered) and boost support for conservation.

### **Wildlife Hunting**

In the last century, wildlife researchers and managers have taken up a philosophy that stresses the need to improve habitats but also justifies and encourages lethal force for dealing with abundant populations (Fall & Jackson 2002). However, there is a strong case against the reliance of hunting (and other lethal force) for ethical reasons as well.

For example, if a leopard was in a rural area, most respondents would think that authorities should not take any action and monitor the scenario (versus capture and relocate, destroy, or scare). However, if the leopard killed livestock or a family pet than slightly more than half now approved of killing the wolf (with the second most popular action being capture and relocate). This situation is same for monkeys. When the size of the group becomes large, they become more aggressive and damaging.

The need for alternatives to hunting and other lethal force has received more attention now than ever before because of the world-wide movement to find a balance between human and wildlife needs (Treves, Wallace, & White 2009). Clearly, there are still mixed feelings about some lethal methods of dealing with wildlife both among the public and wildlife professionals. This, however, further stresses the need for authorities to diversify their tactics. Although a high tech approach can be costly and time consuming to create, it may very well be worth it. (END)

heritage. Rambakan Oya Dam is located in the Eastern Province of Sri Lanka.

Petitioners request to issue an interim order suspending the validity of approvals granted by Mahaweli Authority for the proposed Agriculture and Livestock Development Project and to halt the clearing of the lands at Pollebedda-Rambakan Oya which is legally protected under Section 20 of the Forest Ordinance and the erection of an elephant fence in the area by anybody other than authorized parties by the Department of Wildlife conservation.

The Petitioners also request to issue a Writ of Mandamus demanding to conduct an Environment Impact Assessment (EIA), prior to approval being granted to clear 48 forest areas located in the Mahaweli areas for the said project.

We also requested to take actions in terms of the National Environmental Act for the illegal clearing of the lands without conducting an EIA, to compensate for the environmental damage which has already being caused and will be caused due to the illegal activities done by them, in terms of the Polluters Pay Principle, to perform their statutory duties in conserving the fauna and flora in the area which is affected by the illegal clearing, to prepare a National Plan to identify the areas where elephant fences should be erected.

### **PROTECTION OF FLOOD PLAINS RESERVE**

Centre for Environmental Justice filed another writ application on 29<sup>th</sup> March 2021 in the Court of Appeal against Chandana Sooriyabandara, Director General of Wildlife Conservation, Hon. C.B. Ratnayake, Minister of Wildlife and Forest Conservation and several

others against illegal encroachments over 3000 acres of the Somawathiya National Park and the surrounding forest cover and in the Flood plain reserve for farming.

The case also included the proposed plan to construct a 13 km Road from the Manampitiya Bridge via the Flood Plains National Park up to Yakkure affecting the Handapan, Manampitiya and Bandiya Villus. Such development activities are prohibited inside a national park under the Fauna and Flora Protection Ordinance.

These issues generated a controversy among the Sri Lankans, when some politicians showed interest to develop the project which may result in extensive sand mining along the Mahaweli river. Mahaweli river in this area has been extensively damaged by the sand miners.(END)

**Cartoon Courtesy Avantha Atigala**

