

Strengthening environmental rule of law in Sri Lanka

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Enforcement of Law is the ultimate expression of addressing the seriousness of environmentally sensitive issues. Although Sri Lanka has adopted legislative measures to protect the environment, there remains an issue even where where compliance is pursued to some extent, the sustainability of the process over time is a major challenge due to various political, cultural and social factors. This attitude created a serious threat in reversing the environmental degradation factors and redirecting them towards environmental sustainability. Meanwhile, the 'Goal 16' of Sustainable Development Goals also emphasizes promoting peaceful and inclusive societies for sustainable development, providing access to justice for all, and building effective, accountable and inclusive institutions at all levels of governance based on the concept of Rule of Law. Thus, this research aims to evaluate Sri Lanka's attempts to enforce environmental laws in light of the concept of 'Environmental Rule of Law'. This research is conducted as exploratory research using both primary and secondary sources exerting a qualitative approach. The findings reveal that there is a need for improvisation of fair, certain, and implementable environmental laws; access to information; public participation, and access to justice; accountability and integrity of institutions and decision-makers; clear and coordinated mandates and roles, across and within institutions; accessible, fair, impartial, timely, and responsive dispute resolution mechanisms; recognition of the mutually reinforcing relationship between rights and the Environmental Rule of Law; specific criteria for the interpretation of environmental law in Sri Lanka. As a response to the lacunas identified, the research proposes two primary recommendations. One addresses the need for constitutional provisions embracing environmental rights and extending Constitutionalism into the environmental domain, which will confirm the legitimate and accountable government, judicial review, democracy, and respect for human rights. The other proposes further recommendations based on key indicators for the Environmental Rule of Law. Thus, the research argues that the adaptation of the Environmental Rule of Law not only paves the way to achieve Goal 16 of Sustainable Development Goals but also contributes to the development of Rule of Law in Sri Lanka.

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