

# Briefing Notes

Sri Lanka Briefing Notes | Issue No 22 – June 2021



*A huge Ecocide mural put up by a group of youth was taken down by the authorities on 19 March 2021*

## THE ENVIRONMENT

### Sri Lanka's Newest Human Right Front

## CONTENTS

Preamble .....	3
Introduction .....	4
Issues of Concern.....	6
1. Dwindling Forest Cover .....	6
2. Economy Vs Environment .....	8
3. Elephant-Human Conflict (HEC) .....	11
4. Gem and Sand Mining .....	12
5. Coastal Erosion.....	13
6. Interfering with the Wetlands.....	14
Conclusions .....	16
Way forward /Recommendations.....	17
To civil society .....	17
To government.....	17
To international community .....	17

**“Human life and the human environment are inseparable. To survive, humans must have air to breathe, water to drink, food to eat, and a place in which to live and sleep. If these elements become polluted, contaminated, or are eliminated or destroyed, life will cease to exist. To protect human life, our environmental life support system must be maintained and protected. One way to accomplish this protection is through the enactment or recognition of a legal human right to environment.”**

(core.ac.uk)

Srilankabrief@gmail.com www.srilankabrief.org

Sri Lanka Brief expresses its gratitude to “Sri Lanka Solidarity”, Germany for the continued support it renders for producing Sri Lanka Briefing Notes, Sri Lanka Brief Updates and Sri Lanka Brief Fact Sheets.

Editor: Sunanda Deshapriya / sunandadeshapriya@gmail.com



## PREAMBLE

On May 10 this year Sri Lanka's President Gotabaya Rajapaksa appointed a 46 member "Presidential Task Force on Creating a Green Sri Lanka with Sustainable Solutions to Climate Change"<sup>1</sup>. The committee consists of parliamentarians and an assorted group of individuals ranging from medical doctors to agricultural scientists, economists, businessmen and representatives of the plantations sector. Notably absent from the list are environmentalists, wild-life and forestry officials.

Set up following Cabinet approval in late April this year according to statement released by the Presidents media unit, to 'transform Sri Lanka towards a green socio-economic model with sustainable solutions to climate change.' The task force is charged with 'achieving a number of eco-friendly objectives including saving foreign exchange outflows within the country, enabling the country to achieve a high advantage in the emerging global economic pattern and preparing the people for an eco-friendly socio-economic model. The Task Force has a responsibility to pay special attention to 24 other issues in relation to environmental protection. Another main responsibility of the Task Force is to prepare a roadmap for the complete transition from chemical farming to organic farming using organic fertilizer products instead of chemical fertilizers, pesticides and herbicides.

The President has directed the Task Force to coordinate with the Task Force on Economic Revival and Poverty Eradication and the Presidential Task Force for "Gama Samaga Pilisandara" (Dialogue with the Village) Rural Development,' the statement further adds.

While transitioning to a more eco-friendly economy is a most welcome move, if Sri Lanka is to benefit and indeed mitigate the effects of the recent environmental destruction, one would have hoped that those well-versed on environmental issues too would have been named to the committee. As well, if such a task had been appointed in 2019, no sooner Gotabaya Rajapaksa became President, it could have been reasonably expected that one and half years into his presidency, some actionable recommendations would now be in place.

Amongst the 25 duties listed in the Gazette notification appointing the Task force, are two that are specific to forests and elephants; 1. Reforesting nature reserves that have been cleared or damaged as observed/identified by the Sri Lanka Air Force, and 2. With a view to ending the Human Elephant Conflict (HEC), re-locating villages that are built alongside the elephant corridors, proper construction/demarcation of such corridors, and identifying a mechanism to quickly install elephant fences.

Civil Society organisations working for the protection of environment is not represented in the Task Force.

## INTRODUCTION

Sri Lanka was the first country in the Asian region to put together a National Environment Action Plan. That was in 1992.

Yet, instead of acting on recommendations made, Sri Lanka's governments continue to appoint new committees and set up secretariats to deal with various aspects of the environment.

With the onset of a severe third wave of the coronavirus in May, discussions on many other equally important issues have taken a backseat in Sri Lanka. For the current administration, that may be a welcome relief, simply because its performance on many fronts, including the environment has been anything but satisfactory.

## RISING SEA LEVELS WILL AFFECT 50% OF THE POPULATION

Sri Lanka is an island nation, and just a tear drop in the Indian Ocean. This also means that rising sea levels caused by global warming directly threatens the very livelihoods of more than 50 percent of its 22 million population, who live primarily along the low-lying coastal areas of the south, west and south-west of the country. While, the country itself could do very little to prevent other nations from contributing to global warming, Sri Lanka needs to be more pro-active in managing its own practices in terms of protecting the environment, and by extension the nation as a whole and mitigate the effects of climate change.

According to the National Adaptation Plan for Climate Change Impacts in Sri Lanka, 2016-2025,' prepared by the Ministry of Mahaweli Development & Environment, in the Asian region, it has been observed that there is a rise of 1-3mm in the sea levels annually, which, it states is slightly above the global average.

**“In terms of wild animals and plants, it is reported that Sri Lanka is ranked amongst the highest in biological endemism, with 23 percent flowering plants and 16 per cent of the fauna being listed as endemic”**

The country's weather pattern revolves between rainy and dry seasons. The South West Monsoon runs from June to October, and the North East Monsoon from December to March. It makes up the bulk of the rainfall in the country, with the Western Province receiving rain most of the year. According to the Dept. of Meteorology, Sri Lanka experiences between 900mm annual rainfall in the driest areas of the South and North West to 5000mm in the Western and Central highlands. However, global climate change has affected even this pattern making Sri Lanka's monsoons unpredictable too.

Apart from 103 river basins, the country also has a significant number of reservoirs, both ancient and modern. Most of the rural population relies on groundwater for their domestic use. Six of the country's wetlands have received accreditation under the Ramsar Convention, and in 2018, the Wetlands found within Colombo were added to the list.

A Tropical country, Sri Lanka enjoys varied vegetation, with sub-montane and montane evergreen forests in the highlands and wet evergreen forests dominating the lowlands. The Dry Zone meanwhile has moist deciduous forests as well as dry evergreens, stunted trees and shrub jungles.

Sri Lanka is also on the world map for being a biodiversity hotspot, and the Sinharaja Forest Reserve has been designated by UNESCO as a Biosphere Reserve and World Heritage Site. Apart from that there are the national parks of Wilpattu, Yala, Bundala, Wasgamusa, Kaudulla, Udawalawe, Horton Plains etc.

Interspersed between the nature reserves, wetlands, hills, cultivated areas and human habitats is land that is referred to as Other State Forests. These do not fall within the category of protected nature reserves, nevertheless act as connecting pathways for wildlife to cross between reserves and more importantly are





biodiversity hotspots. This is a fact determined by studies conducted for the 2019 Biodiversity country profile. (Sri Lanka's Sixth National Report Biodiversity Profile - To the Convention on Biological Diversity 2019.)

**The question now is whether the appointment of the 46 member Presidential Task Force mentioned above, be re-inventing the wheel? Will it take into consideration the very many reports and recommendations that have been put out for well-nigh twenty years.**

In terms of wild animals and plants, it is reported that Sri Lanka is ranked amongst the highest in biological endemism, with 23 percent flowering plants and 16 per cent of the fauna being listed as endemic. In all, Sri Lanka is home to 7500 species of flora and 15,000 varieties of fauna.

Rice being the staple food, paddy cultivation continues to be a major crop in Sri Lanka and statistics indicate that there are around 2 million farmers in the country. Apart from paddy, land is put to use to grow vegetables and fruit, coconut, maize, rubber and tea. Tea itself takes up a large area of land area, primarily within the central hills, where over the years forests have been denuded to make way for tea plantations.

In dry zone areas primarily, farmers have been practicing 'Chena' (slash and burn) or shifting cultivation, usually on government owned shrub land or forests. While this method requires less or zero use of artificial fertilizer, it does result in the clearing of forests and leaving the land fallow until the soil is regenerated to allow cultivation again. Current regulations prohibit cultivating and clearing of government land by private individuals or companies, however, the law is loosely applied.

Though most farmers are poor, records indicate that households with better incomes too engage in shifting agriculture and clear larger areas of forests for this purpose.<sup>2</sup>

Cultivation is dependent on the two monsoons, and harvesting periods are known as Maha and Yala, with the former taking place with the North East Monsoon and Yala cultivated during the South Western rains. Tea plantations mainly occupy land in the central hills, though there are few estates at mid elevations too. Though a foreign exchange earner, tea is grown on land that was once virgin forests. Over the years some plantation companies, particularly in the lowlands have branched out into the cultivation of Palm oil. However, through a gazette notification issued in April this year, the government has ordered these trees removed and replaced with rubber and other crops. This is one move that been hailed by environmentalists as positive action by the Gotabaya Rajapaksa administration. The ban follows recommendations made by environmentalists in 2018, who have for long, been campaigning against palm oil cultivation, connecting soil erosion and the drying up of water sources in such plantation areas as the cause.

## PARIS AGREEMENT ON CLIMATE CHANGE & SRI LANKA

A signatory to the 2015 Paris Agreement on Climate Change, Sri Lanka has in the years since, developed various policies to better manage environmental issues in the country. In its report of 2016, titled Nationally Determined Contributions, the Ministry of Mahaweli Development and Environment, in its capacity as the National Focal Point to the United Nations Framework Convention on Climate Change (UNFCCC) identifies several issues that must be addressed if Sri Lanka is to meet the expectations of the Paris Agreement. 'These are sectors of energy (electricity generation), transport, industry, forests and waste. Possible emission reduction actions have been identified in each sector, which are to be implemented during the period of 2020 to 2030.'

To this end, the report states that in consultation with relevant stake holders it has identified various mitigation and adaptation strategies. The question now is whether the appointment of the 46 member Presidential Task Force mentioned above, be re-inventing the wheel? As well, will it take into consideration the very many reports and recommendations that have been put out for well-nigh twenty years on arresting environmental destruction and transitioning the country into a blue-green economic environment.

## ISSUES OF CONCERN

### 1. DWINDLING FOREST COVER

Global Forest Watch reports that 'In 2010, Sri Lanka had 3.53Mha of natural forest, extending to 54percent of its land area. In 2020, it lost 11.2kha of natural forest,'<sup>3</sup>

Sri Lanka has, over the years been steadily denuding its forests, both for agricultural purposes and human settlements. But, it seems that it is in the last few years that deforestation has been taking place at a steady pace. Indeed, according to media reports quoting the Food and Agriculture Organisation, forest cover in Sri Lanka in 2020 stood at 1.86million hectares of all the land area, which makes it 28.39percent. This signifies a further drop from what it was in 2017. At that time, records showed forested land to be at 1.95million hectares or 29.7percent.

President Gotabaya Rajapaksa's campaign promises contained in his Vistas of Prosperity and Splendour manifesto states that 'The sustainability of land and water resource management will be ensured while taking proactive measures to increase national forest cover by 30%. Appropriate and definitive measures will be taken to identify suitable areas for reforestation purpose.'

### SINHARAJA – BIOSPHERE RESERVE AND WORLD HERITAGE SITE

Despite such a promise, the opposite has been happening since he took power in November 2019. Mere months after taking office, the President no less, ordered the expansion of a road that runs through the Sinharaja, the country's only remaining virgin forest. The expansion of the road which included 1.3 kilometres through this forest reserve was ostensibly to connect an isolated village known as Lankagama, which borders the forest and was alleged to be at the request of the area residents. What concerned environmentalist most was the fact that the 8 foot road already existing through the forest was to



*A road Through the Sinharaja forest has been completed despite the concerns raised by civil groups. UNESCO has been silence.*

be expanded to 12 feet and even 20 feet at some points, thus further encroaching into the forest. The action resulted in the National Coordinator of the Centre for Environment and Nature Studies (CENS), Dr. Ravindra Kariyawasam, making a complaint to the UNESCO. In his complaint, Dr. Kariyawasam stated that a previous attempt to build the road in 2013 had been prevented through UNESCO intervention. The work that has recommenced, he said, was along the buffer zone and within the Sinharaja forest.

The road expansion project also prompted a former member of parliament, Mangala Samaraweera to fire off a letter to the UNESCO. In his letter, he stated that construction work involves the cutting down of large trees and use of heavy machinery, which would result in lasting damage, both short and long-term on the Reserve.<sup>4</sup>

In an open letter, UNESCO responded in October 2020 that it was awaiting feedback from its permanent delegation in Sri Lanka on the matter.



Expansion work was handled by the Military, and while there was a temporary halt, when environmentalists protested against the destruction of this forest, which enjoys the highest legal protection through the National Heritage and Wilderness Area Act, work recommenced on the Presidents directive. He did order that the forest should not suffer any harm, but wanted work to be completed within 90 days.

Indeed this is not the first attempt at tampering with this pristine and virgin forest.

Sinharaja has been of interest to many, not all of them nature lovers. The forest has been ravaged over the years, for gem mining and bio-piracy as well as government sponsored projects such as felling of trees for the State Plywood Corporation. To his credit, the former President of Sri Lanka, Maithripala Sirisena signed off on a gazette notification that allowed the amalgamation of nine peripheral forest reserves with Sinharaja, thus further expanding its land area. That was in November 2019, and was one of his last acts as President. Yet, it took the current government an entire year, November 2020 to be precise, to publish that gazette.

According to area residents and environmentalists, the Sinharaja is being cleared for the construction of at least two hotels. According to their reports, this would effectively cut off the elephant passage of 'Manikawatta- Bovitiyathenna in Sinharaja, where elephants living in the Dellawa-Walankanda forest area move from the Morning Side area of the Sinharaja Forest Reserve along the Handapan Falls.'<sup>5</sup>



A similar issue has arisen in the Dahaiyagala area, involving what is believed to be biggest elephant pass in the country. While one attempt to clear the Udawalawa National Park and the Bogahapattiya-Soragune forest had been prevented by Wildlife Officials, media reports stated later, that an area in close proximity to the above mentioned forest had later been cleared. According to reports, the areas cleared are Karakote, Pelessa, Unakanda and Kilimbunna villages.

In March of this year, Chamal Rajapaksa, elder brother of the President, and the Minister in charge of Irrigation found himself in quite a pickle following his public announcement of plans to build two reservoirs within the Sinharaja Forest. Each of the reservoirs would take up about five acres of land, but that, he said would be compensated, with trees grown on a 100 acres elsewhere. The reservoirs built under the Lankagama Madugate Reservoir Project by the Chinese government, would address water shortage issues in the Hambantota area, he claimed. Hambantota is the Rajapaksa family seat. Conservationists lost no time in speaking out against the plan. Finally, upon discussions with the local UNESCO secretariat, Minister Rajapaksa issued a statement saying that the plan was being shelved. Sinharaja is not the only endangered forest. Almost all of the national forests and Other State Forests are being encroached upon or cleared, while a government that has pledged to increase forest cover by 30percent continues to overlook these actions.

In January of this year environmentalists called to attention plans of a roadway being built to a hotel in the south of the country, allegedly owned by a sibling of former President Maithripala Sirisena. Here it was reported that construction was damaging the ecologically important Unawatuna Beach, the coral reef and the Rummassala sanctuary.



## 2. ECONOMY VS ENVIRONMENT

Perhaps one of the most devastating decisions made by this administration in terms of the environment was to abolish circular 05/2001 and transfer the management of Other State Forests to Divisional/District Secretariats. The government's plan, when first mooted in July 2020 was met by protests not only by environmentalists but the Janatha Vimukthi Peramuna and the Samagi Janabalavegaya as well. The JVP in particular called the government's attention to the fact that the forests had been originally taken away from Divisional and District Secretariats owing to 'gross mismanagement and abuse of these forest reserves by giving portions of these lands to their friends as well as politicians who intervened and used their influence to grab large areas of land which led to deforestation and destruction.'

Meanwhile, the Executive Director of the Centre for Environmental Justice, Hemantha Withanage, tracing the history of the Other State Forests, wrote that with the issuance of circular 05/2001, forests that were under the Divisional Secretariats, were brought under the protection and management of the Department of Forest Conservation. 'This Circular prevented the Divisional Secretariats from transferring the ownership of these areas to non-state entities at their own discretion. Therefore, these lands and the natural resources of these lands were protected under this Circular after 2001, although there were many threats, conflicts and disputes over such land plots.'

**While the management of the forests were placed with the Forest Department to primarily prevent such abuse, the government has completely disregarded such concerns.**

While the management of the forests were placed with the Forest Department to primarily prevent such abuse, the government has completely disregarded such concerns.

Indeed, in July the Forest Resources Conservationists Organisation too raised objections, stating that relaxing regulations put in to safeguard forested land, and transferring management to the Secretariats would only place those officers under external pressure to have the lands released for commercial purposes. They suggested that the government would do well to first identify State lands that are forested, rich in biodiversity, have natural springs and those that are of historical and archeological importance, so only other land could be transferred to the Secretariats. In fact, in a letter to President Rajapaksa in June last year, the Organisation had called on him to only amend circular 05/2001 to read as all Other State Forests be treated as those suitable for conservation.

Despite all that, the government went ahead with its plan and by virtue of cabinet circular MWFC/1/2020, issued on November 4, 2020, transferred close to 500,000 acres of Other Forest land to the Secretariats. The circular does caution that any activity involving these forests, should not result in damage to the environment.

### 80,000 ACRES OF FOREST LAND FOR MAIZE CULTIVATION

The circular which is signed by the Secretary to the Ministry of Wildlife and Forest Conservation, M K Bandula Harischandra, lists ten categories, amongst which are land areas with rivers and streams, catchment areas, higher gradients, elephant corridors, places of historical, archaeological and cultural value, enhancing forest cover, biodiversity and earmarked for future development activities etc. as those that cannot be released for other purposes.

**As those working in the environment field point out, the focus should be on having all unused agricultural land used for cultivation, instead of allowing the encroachment of forested areas.**

These lands, according to those who support the government's move would be used for commercial agriculture, where the rural poor would have employment opportunities. Though, Sri Lanka's rural population complain that they do not own enough land to cultivate, this scheme, would certainly not give them





ownership rights. Rather, it would be the rich and powerful families and companies that would reap the benefits, as is already being seen.

As those working in the environment field point out, the focus should be on having all unused agricultural land used for cultivation, instead of allowing the encroachment of forested areas.

A list made public recently, by the Leader of the JVP Anura Dissanayake is quite revealing. According to him, A G N Plantation (Pvt) Ltd. has been allocated 1000 acres, D S W Herbal Plantations (Pvt) Ltd, a 100 acres, Delma Chicken and Agro (Pvt) Ltd 500 acres, Pusella Meat Production (Pvt) Ltd 500 acres, Moragoda Agro Service (Pvt) Ltd 500 acres etc. Dissanayake also alleges that in a letter to Avant Garde Maritime, Agriculture Secretary Major General Sumedha Perera states that 80,000 acres are needed to cultivate around two hundred thousand metric tons of maize, the amount estimated to be the annual shortfall.

Perera, says Dissanayake has allocated 40,000 acres to an Avantgarde subsidiary, Avant Garde Agro. As well, 5000 acres has been released to the company to be used as a pilot project.

## INDIGENOUS COMMUNITY GOES TO COURT

For the first time in Sri Lanka's environment history, the indigenous community has taken the government to courts over mass deforestation of their traditional homelands. Together with the Centre for Environmental Justice, the chief of the indigenous people, Uruwarige Vanniyalaaththo filed a writ application in the Court of Appeal, against the deforestation taking place in the Pollebedda – Mahaoya – Galwalayaya areas. The Mahaweli Development Authority, Director General of Wild Life Department, Minister of Wildlife and Forest Conservation, Central Environmental Authority, Conservator General of Forests, Attorney General and RAN Plantations (Pvt.) Ltd., have been named as respondents. The petitioners are requesting that the approval granted for the Agriculture and Livestock Development Project of the Mahaweli Authority be suspended and that the clearing of land in the Pollebedda-Rambaken Oya area be halted. As well, the petitioners have stated that the elephant fence erected in the area could be put up only by those authorised to do so. Petitioners state that these are areas that are protected under section 20 of Forest Ordinance.



*Leader of the indigenous community Uru Warige Wannila Aththo  
(Image: Sri Lanka Mirror)*

While also seeking damages for the environmental destruction caused, under the Polluter Pays Principle, the petitioners want a Writ Mandamus issued that an Environment Impact Assessment be conducted prior to clearing forests in the Mahaweli areas, for the above mentioned project, and that action be taken against offenders under the National Environment Act. The petition which was taken up for hearing on May 3 has been put off for July 13.

It was in 1984 that the Flood Plains National Park was created in the Polonnaruwa District, to make up for land acquired for the Mahaweli Development scheme. This park, which runs along the Mahaweli River, connects two other national parks, Somawathiya and Wasgamuwa, creating a contiguous corridor through smaller forests and area used by elephants and other wild animals. The overflow from the river results in the formation of a series of marshy lands known as villu, which are visited by elephants for both food and water. The area is also known for its sand deposits.

According to conservationists, the Flood Plains is a unique habitat, not only for elephants who find food and water there year round, but for all other forms of wildlife, with their land spaces shrinking especially

According to conservationists, the Flood Plains is a unique habitat, not only for elephants who find food and water there year round, but for all other forms of wildlife, with their land spaces shrinking especially

after Other State Forests were removed from the jurisdiction of the Forest Department.

Furthermore, they warn, that if the Reserve is fragmented, it would cause major flooding in the area.

It is through this land that the State Minister for Wildlife Protection, Adoption of Safety Measures including Construction of Electrical Fences and Trenches and Reforestation and Forest Resources Development, Wimalaweera Dissanayake decided to re-open a long abandoned road from Mannampitiya to Yakkure, late last year. Furthermore, he determined that this wildlife sanctuary should be opened up for cattle grazing, decisions obviously made to satisfy his voter base. When Wildlife Officials protest against this move, he was caught on video lambasting the officers.

**State Minister for Wildlife Protection determined that this wildlife sanctuary should be opened up for cattle grazing, decisions obviously made to satisfy his voter base. When Wildlife Officials protest he was caught on video lambasting the officers.**

## WILDLIFE OFFICERS ASSOCIATION'S LETTER TO THE PRESIDENT

The mass scale destruction of the nation's forests resulted in the Wildlife Officers Association firing off a letter to President Rajapaksa in February this year. They have, the letter said been reduced to mere spectators, while government sponsored deforestation takes place. Calling the President's attention to the Dahaiyagala and the Flood Plains issue as well as the handing over of Other State Forests to District and Divisional Secretariats, the Association told the President that his "Gama Samaga Pilisandara" scheme, (scheduled visits to handpicked villages) has further placed further constraints on them.

During these visits the President has been known to ignore even the Forest and Wildlife Ordinance, ordering officials to drop court cases against villagers found to have violated the Ordinance, instructing that they be allowed to enter the Reserves. Such actions would only result in an increase in poaching of wild animals, bio-piracy, illegal felling of trees and even acquiring of state land by private parties. In their letter, the officers point out that the President's actions overruling their authority has resulted in loss of morale, 'What we are trying to protect, is the natural wealth of the nation not our own property.'

The blocking of the elephant corridor in Dahaiyagala will lead to more human-elephant conflict they say, adding that releasing forest land for cultivation would result in more human settlements and reduce the space for wildlife. This they point out would be a direct consequence of the cancellation of circular 05/2001.

Loosely translated, the letter goes on to say, 'already in this country a massive amount of land has been allocated for cultivation. It is our contention that the need is to increase yields, not allocate more land. In the end the issues that arise will be more serious than what we are facing at the moment.' The letter also warns that, 'Although we need to please the people, it should not be done at the cost of destroying the natural resources and thereby cause all the citizens to regret these actions later.'

**'Although we need to please the people, it should not be done at the cost of destroying the natural resources and thereby cause all the citizens to regret these actions later.'**

Despite that, in a press statement issued on April 7, the Department of Forest Conservation has denied most media reports that allege mass scale deforestation. The Department states that media reports which allege a hotel is being built within the Sinharaja forest are false. The land used for the construction, they state is an abandoned tea plantation, and it is situated nearly 5 km away from the forest, by air.

In the case of the upper Elehera deforestation, the department states that the project had been initiated in 2018, and has received clearance through an Environmental Impact Assessment. In the case of Hiniduma, their investigations indicate that the trees being felled are on a private property.

Of the list discussed in the statement, the Department has found only one instance where there has been a violation; environment destruction at Dothaluwa, in Kithulgala, Kegalle.



### 3. ELEPHANT-HUMAN CONFLICT (HEC)

In 2019, Sri Lanka won the dubious honour of notching up the highest number of elephant deaths in the world. And if current numbers are anything to go by, where a 117 elephants have died in more or less as many days, then it is quite likely, that in 2021, Sri Lanka will out do 2019's number of 407 elephant deaths. The conflict between beast and man also took the lives of 121 persons that year. Statistics indicate that elephants are known to occupy about 60 per cent of the land area, of which 42 per cent is shared with humans.

In 2020 President Rajapaksa appointed a committee headed by Dr. Prithiviraj Fernando, Conservationist and the best known researcher on the Human Elephant Conflict (HEC), to draw up a National Action Plan to mitigate HEC. The committee included members of the Department of Wildlife Conservations, District Secretaries in whose administrative areas most HEC take place and others involved in elephant conservation. That report was submitted to the President in December 2020.



*Revatha, nearly 3 meters tall was one of five elephants killed (in March 2021) by electrocution in the space of a week in North Central province. (Image: Wild Eyes)*

The high number of human and elephant deaths also led to the Committee on Public Accounts (COPA) requesting a special audit report on the situation. COPA directed the Ministry of Wildlife and Forest Conservation to put together a plan of action that could immediately implement the recommendations submitted to the President.

The report and recommendations had been handed over to COPA in February this year. Unlike Africa, elephants in Sri Lanka are not known to traverse across large extents of land between the dry and wet seasons in search of food. Rather, experts on the subject say, the herds generally move within a range of a 50 to 100 square kilometres, while adult males are known to roam up to 250 square kilometres. Usually, elephants can access food and water within these rangers, but it is when their habitats are disturbed by development activities or razed to the ground and they are unable to easily access food, that they venture into human settlements. Conservationists point out that the HEC has not been resolved these many decades because, the solutions are always human centric, without considering elephant biology, ranging patterns and behaviour.

In April of this year, the government finally gazetted the Wild Elephant Management Reserve (MER). This came after nearly three months agitation by farmers from Walsapugala area in Hambantota, demanding for the gazettement and implementation of the MER.

The MER was one of the proposals included in a policy update carried out by the Department of Wildlife Conservation in consultation with several stakeholders in 2017.

The farmers have the support of 86 Agrarian organisations. However, media reports indicate that the farmers are wary about the gazette being published, without first discussing matters with them, as had been promised by Irrigation Minister Chamal Rajapaksa.

According to the Sunday Times, the President of the Walawe Left Bank Joint Farmers Association, Mahinda Samarawickrema, the map accompanying the Gazette, is an old one. 'This is an old map. It doesn't show the expressways to Hambantota Harbour or to Mattala Airport, nor does it depict the number of reservoirs where animals quench their thirst.' He also complains that, 'The Minister promised a complete package of

establishing an electric fence with lights, and a road around the reserve, and establishing dedicated bee, milk and watermelon farming villages’

‘Milk farmers should have grasslands for their cows, and these areas should be clearly marked in the map issued with the gazette.’ Alleging land –grabbing in the area by those connected to politicians Mr. Samarawickrema says ‘Blocks of 40 and 50 acres have been acquired by companies.

“How the district and divisional secretaries helped them to illegally acquire those lands within the reserve should be investigated.’

Earlier in the year, the Minister came under heavy fire from all quarters for belittling the protests of the farming community.

Meanwhile in January 2020, the then Minister in Charge of Environments and Wildlife Resources, S M Chandrasena fell afoul of environmental activists, when he launched a project to recruit 2500 members to the civil defence force and distribute 500 guns as his solution to the HEC.

Indeed, villagers attempt various ruses to thwart elephants raiding their homes and produce, with the pachyderms suffering slow deaths when caught up by various traps that are laid in the jungles. As more and more land is released for commercial projects, the shrinking spaces and reduced food sources have also resulted in other animals, such as leopards entering villages in search of prey.

Throughout the tenure of the Good governance administration (2015-2019), civil society and environmentalists protested the clearing nearly 1200 hectares of the Wipattu National park to build houses for the war displaced, through the intervention of Member of Parliament Rishard Bathuideen. In November 2020, the Courts held Bathuideen responsible for the deforestation and ordered him to meet the cost of reforestation. This is estimated to be one billion rupees.

Meanwhile, Environmentalists reported earlier that year that a large tract of land within the National park had been cleared under the Dry Zone Rural Economic Development Aloe vera Project by a private company.

## 4. GEM AND SAND MINING

Less than a month after becoming President, Gotabaya Rajapaksa’s Cabinet removed the requirement of obtaining a permit to transport sand, clay and gravel. Though it was a temporary move, environmentalists protested, pointing out that mass scale sand mining for instance has devastating effects on rivers and riverbanks. In many instances salination of the river waters has occurred they said.

**According to CENS Coordinator Dr. Ravindra Kariyawasam, this is the case with all 103 rivers in the country, with most being mined for sand. Such actions, he said, prevent sand dunes forming and also flooding.**

The situation was rectified in July 2020 when a two judge bench ruled against the government’s action, pointing out that the government did not have the powers to remove controls introduced in 1992. The ruling followed a petition filed by the Centre for Environmental Justice.

Illegal sand and gem mining has been going on at a pace for decades in Sri Lanka with devastating effect to the environment. In the Ratnapura area for instance, according to the Convenor of Rainforest Protectors, Jayantha Wijesinghe, gem mining which had been going on for several years on a small scale has suddenly intensified in recent years. This, he states is because there are many politicians backing these





illegal actions. In Ratnapura, the Kalu Ganga is fed by four tributaries, the Delwala, Karawita, Wé and the Hangamuwa rivers. Illegal harvesting of gems in these rivers, result in muddied waters endangering fish and other species, deepening the river bed and weakening the banks and ultimately flooding.

According to CENS Coordinator Dr. Ravindra Kariyawasam, this is the case with all 103 rivers in the country, with most being mined for sand. Such actions, he said, prevent sand dunes forming and also flooding. Indeed, flooding and landslides are not uncommon occurrences in Sri Lanka. The island nation is often battered by high winds and storms and occasional cyclones.

Reports published on flooding and landslide history in the country indicate that while climate change is resulting on a higher prevalence of extreme weather conditions, haphazard development activities and deforestation within the country are contributory causes for such natural disasters.

## 5. COASTAL EROSION

Sri Lanka's coastline is approximately 1600km.

One of the areas that has experienced severe sea erosion in the recent past is the Calido beach area in Kalutara. Calido is strip of beach which sits between the estuary of the Kalu Ganga and the sea. The river itself has been subjected to sand mining on a large scale, going several kilometres inland.



*Coastal erosion in Negambo (Image: Daily Mirror)*

While coast conservationists state that sea erosion takes place all along the coast line, a few areas apart the Calido beach, such as Marawila, Uswetikeiyawa, Puttalam, Tangalle, Pamunugama are reported to be the most affected.

While climate change and rising sea levels are partly responsible for the erosion along the shoreline, sand mining, which results in less sand being washed to the sea from rivers is also exacerbating the problem. The other issue is unauthorised construction along the beaches.

## 6. INTERFERING WITH THE WETLANDS

A mere 20 days after President Rajapaksa's Sri Lanka Podujana Peramuna party won a landslide parliamentary election, the first environmental destruction took place, in the form of a complete upheaval of an important wetland, located in the Puttalam District- Anawilunduwa. The culprits who had completely destroyed the wetland under the cover of the night, allegedly to begin a shrimp farm, turned out to be none other than the brother of one of the governing party parliamentarians.

### ANAWILANDUWA WET LAND

Anawilunduwa is unique for more reasons than one; to start with it is found very close to three very different ecosystems- the coast, fresh water tanks and mangroves. It is one of six accredited sites named by the Ramsar Convention. The wetland which is 1,397ha, is made up of three peripheral tanks and 6 large manmade ones that are interconnected creating a complex irrigation system, and believed to have been in existence from the 12 century. Apart from providing water for agriculture, it's known to act as an aquifer recharger, and is home to a few species of threatened fish, mammals, migratory birds and supports close to 40percent of vertebrate varieties found in the country.

**Though the home to a few species of threatened fish, mammals, migratory birds and supports close to 40percent of vertebrate varieties found in the country, several of the wetlands and mangroves are currently under threat.**

Indeed, several of the wetlands and mangroves are currently under threat.

In a letter addressed to the Conservator of Forests, on March 23 of this year, is a query from the Ministry of Environment, on the status of a 1000 acres of mangroves located in the Bentara-Elpitiya area of the Galle District. The letter signed by a Director of the Ministry, refers to several meetings held with President Rajapaksa and members of Parliament, where the writer states, that on more than one occasion requests have been made to have the Gazette declaring this land a mangrove, cancelled.



*A brother of a governing party parliamentarians bulldozed this invaluable wetland just in one night! (Image: sayuecotours)*

The letter states that the Environment Ministry has been instructed by the Presidential Secretariat to attend to this matter, and to resolve any issues pertaining to the land. The Conservator of Forests is therefore being asked to ascertain whether there is an area in the Bentara-Elpitiya area which falls under the Forest Conservation Ordinance, and also the current status of the said land.

Meanwhile residents living close to the Thalangama Wetlands, have been up in arms over the government's plan to construct a highway over these lands, to connect the New Kelani Bridge (NKB) to the Athurugiriya Elevated Highway. While it was reported that the plan has been put on hold, with the President instructing the Central Environment Authority, to spruce up the area with jogging tracks and parks etc. for the residents, it is important to note, that such actions are not exactly what is meant by protecting the environment.



These wetlands have been declared a protected area, and with good reason. Apart from many resident bird species, several migratory birds too visit the wetland. It is also home to the Purple faced leaf-monkey known to be amongst the 25 most endangered primates in the world. The wetlands and lake date back to the Kotte kingdom and the Muttetuwe paddy fields where rice for the palace was grown, is cultivated even today. The Lake itself is part of the wetlands network in Colombo, and plays an important role in the filtering of polluted water and preventing flooding. Area residents point out that instead of building highways, the authorities could simply widen the existing roadways.



Activists campaign for the protection of Muthurajewela wetland in January 2021. (Daily Mirror)

## MUTHURAJEWALA WETLAND

Over the years, there have been many attempts to use the Muthurajewela wetland, which is situated close to the Colombo, the commercial capital for a variety of purposes. Used as a garbage dumping site, this eco-system is a sanctuary for marine life, helps prevent flooding and is also a source of livelihood for area residents. Most recently, it was being considered for a housing complex, eco-tourism and a golf course. With environmentalists and even the Catholic Church, protesting against the move, (a large number of residents in the vicinity of Muthurajewela and many who earn their livelihood off the wetland are Catholic), the Cabinet of May 5, has presented a proposal for:

'1. Accelerated preparation of a master plan to suit the contemporary period for the conservation of Muthurajewela wet land zone, 2 Appointment of a monitoring committee and a working committee comprised of the heads / representatives of the applicable stakeholder institutions, 3. Acquisition of required government / private lands for implementation of an appropriate conservation methodology subject to the provisions of the Urban Development Act as per the Monitoring Committee recommendations, 4. Entrusting the responsibility of taking necessary actions in regard to the sustainable usage of the eco – system as a wet land / low land to Sri Lanka Land Development Cooperation and 5. The areas identified under the Master Plan as areas to be declared conserved as a National Reserve under the Fauna and Flora Ordinance.' The Cabinet decision also mentions plans 'to take necessary action to declare Muthurajewela a Ramsar wetland, through the implementation of the plan prepared by the monitoring committee.'



## CONCLUSION

That the country has suffered much over the years owing to irresponsible management of the environment is a fact. Moreover, it is clear that the illegal deforestation, sand and gem mining, sea erosion etc. continues unabated simply because government officials are apathetic in applying the law of the land to the letter. At the same time, those officers who are committed to carrying out their duties are hampered because of undue political pressure.

In ordering forest conservation officers to drop charges against those violating the rules governing Nature Reserves, President Rajapaksa himself has undermined the authority of these officers. Apart from loss of morale amongst the officers, it also means that villagers and private companies will not be afraid to violate the law.

The country has seen at least on two occasions how Gampaha Division Wildlife Officer Devani Jayathillake has stood up against political bullies to protect the environment. Though her battles have become public, there are several others of her ilk too, who are battling pressure brought upon on by people with vested interests. However, it is unknown for how long she and her colleagues would have the strength to withstand the onslaught of attacks against them.

Young Bhagya Abeyratne, displayed immense courage to raise the deforestation of the Sinharaja forest when she appeared on the 'Laxapathi' reality show on Sirasa TV. As expected, instead of investigating her claims, the powers that be chose to intimidate her; two police officers visited her at home, as well as forest officers to interrogate and browbeat her.

In yet another bid to silence the discussion on deforestation, the CID arrested an Assistant Land Settlement Officer in Kotmale. His crime? Posting reports on deforestation on his FaceBook account. The arrest took place mid-May and the Officer has since been granted bail.

The administration seems to have adopted a new form of suppressing its critics; when in power previously, those who challenged the government were abducted, assaulted or murdered, now the intimidation comes in the form of an arrest.

Threats and intimidations aimed at the environmental rights activists have increased in recent years.

In March 2021 Military intelligence officers questioned a well known rights activist, who has been the forefront of protecting the environment.

In mid 2020 leading environmentalist had to leave the country after police officers visited his sister's house, where he was staying and questioned at length on his whereabouts.

Environment activists who campaigned for the protection of Sinharaja Forest Reserve were blamed as "environment terrorists" by state and pro state mass media.

**For long, governments and their media allies have been tarring the not-for-profit sector, accusing them of conspiring against the State. Today, it is the environmentalist who is being seen as anti-State.**

Young Bhagya Abeyratne, who participated in a 'Lakshapathi' program on Sirasa Rupavahini, had expressed her concern and dissatisfaction regarding the deforestation taking place in her village. The next day, the Minister of Wildlife and Forest Conservation stated that her statement was factually incorrect.

Two "male" police officers of the Rakwana police had gone to her residence and recorded a statement inquiring as to who had influenced her to express these views. The proper course of action that should have been followed would have been for the authorities to investigate and take appropriate action regarding the environmental destruction she revealed and not to take such disturbing action against the person who pointed it out.

- The Free Media Movement. Sri Lanka.





Another leading environmentalist was threatened with LKR 500 million lawsuit over a statement he made in relation to a son of the Prime Minister.

All of this, then points to the fact that all interested stakeholders must put on a stronger effort to arrest the environmental destruction currently taking place.

For long, governments and their media allies have been tarring the not-for-profit sector, accusing them of conspiring against the State.

Today, it is the environmentalist who is being seen as anti-State.

## WAY FORWARD

This past year, there have been almost daily reports of some form of environmental destruction, elephant or human death. And, it is only a concerted and collective effort of first acknowledging the devastation that is going on, and pushing for stronger regulation that could help arrest the trend. That is certainly possible; palm oil cultivation is one, where environmentalists have been working relentlessly for years to have government take firm action.

### To civil society

Take the time to understand the regulations governing forest and wild-life conservation to identify any violations

- Where possible, raise the issue with local officials, the village officers, Local Government Councillors etc.
- Make a concerted effort to avoid polluting water ways, forests etc.
- Be mindful and avoid being a part of illegal meat trade and poaching of endangered animals.
- Ensure that environmental issues are not subject to partisan politics.
- Oppose threats and intimidations aimed at environmentalists and activists including state officials.

### To government

- Treat the environment in a more holistic manner; shady roads and jogging paths alone do not constitute the environment.
- Development activities must be planned mindful of the total environmental impact.
- Wildlife and Forest Officers must be allowed to follow the rules pertaining to their remit, and not brow beaten by politicians.
- Do not undermine the authority they have been empowered through the various laws of the country.
- Withdraw the cancellation circular 05/2001.
- Engage environmentalists, activists and organisations in formulating environmental policies. Respect their right to dissent.

### To international community

- The destruction of the environment is a violation of human rights; therefore all developmental aid must be linked to proper protection of the environment.
- Every development project must carry a component which covers the importance of environment protection.
- Strengthen organisations working on the environment with their advocacy campaigns.
- Extend protection to environmentalists and environmental activists in the same manner that media professionals and human rights activists have been afforded.



## ENDNOTES

1. <https://www.pmdnews.lk/%e0%b7%84%e0%b6%bb%e0%b7%92%e0%b6%ad-%e0%b7%83%e0%b6%b8%e0%b7%8f%e0%b6%a2-%e0%b6%86%e0%b6%bb%e0%b7%8a%e0%b6%ae%e0%b7%92%e0%b6%9a-%e0%b6%bb%e0%b6%a7%e0%b7%8f%e0%b7%80%e0%b6%9a%e0%b7%8a-%e0%b6%8b/>
2. [http://www.sandeeonline.org/uploads/documents/publication/1103\\_PUB\\_WP\\_117\\_Prabath.pdf](http://www.sandeeonline.org/uploads/documents/publication/1103_PUB_WP_117_Prabath.pdf)
3. <https://www.globalforestwatch.org/dashboards/country/LKA/>
4. <https://www.ft.lk/front-page/Mangala-writes-to-UNESCO-Chief-on-danger-faced-by-World-Heritage-Site-Sinharaja-Forest-Reserve/44-705648>
5. <https://news.ejustice.lk/sinharaja-elephant-habitat-under-threat/>
6. <http://www.sundaytimes.lk/210418/news/farmers-surprised-by-elephant-reserve-move-440434.html>