

**The Civil Society and  
Environmental Movement in Sri Lanka**

**Sri Lanka Country Analysis**

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## Abbreviations

|         |  |
|---------|--|
| ADB     | - Asian Development Bank                                   |
| CBOs    | - Community Based Organizations                            |
| CEA     | - Central Environmental Authority                          |
| CEIF    | - Community Environmental Initiative Facility              |
| CSOs    | - Civil Society Organizations                              |
| EFL     | - Environment Foundation Ltd                               |
| EIA     | - Environmental Impact Assessments                         |
| GEF/SGP | - Global Environmental Facility- Small Grants Program      |
| GOSL    | - Government of Sri Lanka                                  |
| IUCN    | - World Conservation Union                                 |
| NAREPP  | - Natural Resource and Environmental Policy Project        |
| NCS     | - National Conservation Strategy                           |
| NEA     | - National Environment Act                                 |
| NEAP    | - National Environmental Action Plan                       |
| NECCDEP | - North East Coastal Conservation and Development Project  |
| NGOs    | - Non Governmental Organizations                           |
| OPA     | - Organization of Professional Associations                |
| PO      | - People's Organizations                                   |
| PVOs    | - Private Voluntary Organizations                          |
| RDS     | - Rural Development Societies                              |
| SLCDF   | - Sri Lanka Canada Development Fund                        |
| SLEC    | - Sri Lanka Environmental Congress                         |
| SLEJF   | - Sri Lanka Environmental Journalist Forum                 |
| UDA     | - Urban Development Authority                              |
| UNCED   | - United Nations Conference on Environment and Development |
| UNDP    | - United Nations Development Programme                     |
| USAID   | - United States Agency for International Development       |
| WNPS    | - Wildlife and Nature Protection Society of Sri Lanka      |

## **Introduction**

This paper presents a general discussion of the environmental Non Governmental Organizations (NGOs) in Sri Lanka in addressing the environmental concerns in the country. The focus of this study is mainly on NGOs as the most active agents of Civil Society Organizations (CSOs). The methodology of the study includes review of secondary data, literature and informal discussions with governmental officials and NGO leaders. However a greater part of this study is based on the consultant's knowledge and experience as a professional who was responsible for Environment and Natural Resource Management in Sri Lanka since 1990 in addition to her close association with NGOs and other CSOs for nearly three decades. This study therefore largely contains independent and impartial views and judgments of the consultant.

The discussion below followed strictly the questions raised in the study in the same sequential order. An attempt was however made to restructure the presentation in a more logical manner without disturbing the originally raised concerns.

It should be noted that the presentation is largely a qualitative description with certain degree of analysis than a quantitative analysis. Although no concrete conclusions are made few suggestions are presented for consideration.

**In annex 1 contains an analysis of Sri Lanka.** This annex provides significant insight into the overall report of the environmental movement in Sri Lanka. First the main environmental challenges in the country are mentioned. This annex includes important sections about the legal framework for environmental advocacy and the scope for environmental NGOs to influence policy. This annex is prepared by *Waranoot Tunggitti* who is working for the development fund.

## **The environmental movement in Sri Lanka – an Overview**

The environmental movement in Sri Lanka is as old as its ancient civilization that has a written history of more than 2500 years. The inhabitants of the island known in the history as “Lanka” knew even the technology of cotton spinning and therefore were a community with improved skills according to the legend of Sri Lanka named “Mahawansa” The agricultural community that flourished in the river basin of North Central of Sri Lanka around 6th Century B.C. seemed to have led a sustainable life with peace and prosperity until the numerous foreign invasions that had taken place in subsequent years.

Such a society is bound to respect nature as their lives were intertwined with nature and its resources. The arrival of Buddhism in the island around 2500 years ago with its fundamental philosophy of Compassion enhanced the respect to nature and simple life styles. As a result the nature was used in a sustainable manner allowing its continuity for future generations. The cascaded irrigation system developed during this period is the most

significant example of sustainable use of resources. These are called ‘cascaded’ system because of the engineering skills demonstrated by the irrigation engineers to use every drop of water without wasting them. In addition there were separately provided water systems within the cascade built above the villages was the “Forest Tank” not for the purpose of irrigating land but to provide water to other users such as animals, birds etc. “It is a system which while recognizing the need for development and vigorously implementing schemes to this end, at the same time specifically articulated the need for environmental protection and ensured that technology it employed paid due regard to environmental considerations. This concern for the environment was reflected not only in its literature and its technology, but also in its legal system, for the felling of certain forests was prohibited, game sanctuaries were established and royal edicts decreed that the natural resource of water to be used to the last drop without any wastage” (Weeramanthry C,G,.1997). This clearly confirms that in the historical Sri Lanka there was not a separate environmental movement but the entire civilization was geared towards living with nature.

However, with the foreign invasions that destroyed the social fabric that intertwined around nature, created the need to re-visit the basis of the civilization that had existed for centuries in harmony with nature and environment. This seems the beginning of the so called “Environmental Movement” in Sri Lanka towards the end of the 19th Century. In other words, there had been a realization that special intervention effort from outside was required to protect the natural resources and the environment in Sri Lanka.

There had been two groups in introducing this New Era” of the environmental movement. One and the most powerful group was the British Colonial administration who introduced number of legal provisions to protect natural resources in the country. Although the terminology used was “Protection” in reality the hindsight was to ensure continued revenue to colonial government with minimum disturbance to the natural resources base of the country on which the production was based. There are nearly 90 different Ordinances enacted during British administration with some legal provisions in respect of natural resource endowment of Sri Lanka. In fact these are the Ordinances and Statues that Sri Lanka still claims as having effective legal framework for protecting the environment. ( No extensive analysis is undertaken on this aspect as this paper is not about the effectiveness of legal provisions for environment protection) .

The other group was the “Sportsmen and jungle lovers” who got together around the turn of the 19<sup>th</sup> Century and formed the “Game Protection Society of Ceylon”. The objective of this society was to prevent the ruthless decimation of game. This was at the backdrop of killing of the largest mammal on earth, the elephants (*elephas maximus* ) in elephant craals (capturing elephants by using a large land area made as a fortress with logs) operated in large scale in then Ceylon. The objective of this therefore was “To prevent the elimination of games in Ceylon by destruction of animals for trading purposes, to further the interests of legitimate sport, to conserve one of the food supplies of the inhabitants”. Thus the objectives of this society at its outset were not at all environmental friendly in to day’s

terminology. However it marked a significant and historic change in the environmental movement in Sri Lanka. The hunters and sportsmen soon realized the serious impact of hunting on natural environment of the island. This led to change their Society with objectives to protect and conserve the environment and it became the forerunner of the Wildlife and Nature Protection Society that was established in 1894. This could be considered as the beginning of Environmental Civil Society in Sri Lanka.

Up to the latter half of the 20<sup>th</sup> century, the people of Sri Lanka were not directly concerned with environmental stress as such given the ample endowment of natural resources that were sufficient enough to meet the demands of the then population. The agricultural practices, fishing, timber harvesting, mining etc. were carried with no visible disturbance to the carrying capacity of different ecosystems.

However, the population that increased at a growth rate of almost 3% around 1950s together with their demands on food and other basic needs coupled with increasing desire to develop the country along the lines of the others who have won the development battle imposed considerable stress on the environmental resources in the country. The inevitable result was the degradation of the environment which was reflected in the following key stresses;

- ✚ Excessive deforestation for agriculture as well as for large scale plantations and other development activities resulting in loss of biodiversity, loss of natural and critical forest cover that protects the hydrological catchments
- ✚ Timber and fuel wood extraction from natural forests
- ✚ Extensive agricultural practices on steep slopes of central hilly region of the country causing soil erosion during monsoons
- ✚ Excessive coral mining and poorly planned development in coastal areas
- ✚ Large scale sand and gem mining in rivers
- ✚ Establishing industries with less or no proper concerns for pollution control measures.
- ✚ Unplanned urban expansion creating haphazard dumping of solid waste in flood plains and important river banks, sewer discharging to inland water bodies
- ✚ Uncontrolled atmospheric pollution due to emission from inefficient vehicles and industries

At the time that Sri Lanka participated in the Conference on Human Environment held in Stockholm in 1972 commonly known as Stockholm conference, the stresses on county's environment were clearly visible and further emerging. The outcome of the World Commission on Environment and Development commonly known as Bruntland Report too made a tremendous impact on the thinking regime of the country. Confusions and questions

emerged as to the validity and relevance of the development path followed after independence gained in 1948 in the context of the definition of the Bruntland Report on “Sustainable Development”. This set the stage to the sprouting development of civil society organizations (CSOs) specially the Non Governmental Organizations (NGO) that are exclusively focusing on environment.

## **The Environmental Civil Society – a Brief History**

Sri Lanka was fortunate to have very active CSOs through out the history. The secular nature of kings during the early stage of the civilization possibly may have derived from the Buddhist theory of kinship confirmed to the notion of king derived his power formally from people and held office as their servant. The Buddhism based theory of kingship had two key elements. One was the non-divine nature of kings and the other was the social contract between the ruler and the ruled. Even kings could be executed if they violated the laws of the kingdom according to historians. (Dewaraja1989). This era of total democracy was gradually faded into the history with foreign invasions.

The next phase of civil society could be seen around 19<sup>th</sup> century in Sri Lanka. Applying the main characteristic of Civil Society i.e. the space that occupies between individuals and government, this period recorded number of CSOs who were concerned with welfare of the people in general. As Sri Lanka was under a colonial regime that was a party to the two World Wars, the general public too was affected in various ways. Particularly the food shortages, health concerns, war victims were the inevitable results of these two wars. The CSOs emerged during this period therefore focused their attention on food distribution, propagating and cultivation of home gardens, infant’s hygiene, primary health care, pre and post natal care, promoting savings and thrifts, popularizing primary education etc. were some of the key concerns addressed by the CSOs for many decades from the beginning of the 20<sup>th</sup> century. Lanka Mahila Samithi Movement (A women’s Association). Thrift and Credit Co-operative Societies, Death Donation Societies, Rural Development Societies and many others were the prominent CSOs during this period. The Cooperative societies and Rural Development Societies (RDS) were sponsored and legally recognized the government. The office bearers of these CSOs were the leading members of the society and they contributed their own funding to the activities of the organizations they formed and also served purely on voluntary basis. Another powerful voluntary organization that existed upto 1945 in which year it was finally abolished was the village tribunal. These organizations were functioning as an integral part of Village Organizations known as Gam Saba that consisted of village elders and leaders of the village. It is correct to classify these CSOs as pure voluntary organizations. As these organizations did not depend on external funding to carry out their activities, they maintained high degree of independence. More importantly these organizations were seen by the public as highly credible institutions. The respect and trust of the public drawn by these voluntary organizations gives ample evidence to the good governance that these organizations practiced even before the modern term of “**Good Governance**” was found in the latter part of 20<sup>th</sup> century.

The present phase of CSOs in Sri Lanka is of very recent origin. “A new Policy Agenda” declared by development agencies in which market centered development was promoted, the NGOs were asked to handle areas that state directed earlier. In Sri Lanka also the introduction of Open Economy in the late 1970s and resulting erosion of “quality of life” enjoyed by the people gave birth to new type of “voluntarism”. Markets are seen as the most efficient engine of growth. This was the emergence of “Development NGOs in late 1970s proving relief to those who cannot be reached by the markets. The underlying concept was that the NGOs are more cost effective than the government particularly in reaching the poor. This is the model that exists in Sri Lanka even today.

As far as the number of NGOs in Sri Lanka is concerned there is no reliable data. An attempt has been made by one of the NGOs to compile information on Development NGOs of Sri Lanka in 1991(IREED 1991). This study provides basic information on 293 national development NGOs operating around that period in Sri Lanka. In addition the same study revealed that there is well over 25,000 People’s Organizations (PO) functioning in the island. These are either totally depending on hand outs from larger NGO or on the government sponsored programs. The NGO Commission of Inquiry appointed by the President of Sri Lanka in 1990 to consider all aspects of nearly 3000 NGOs operating in the country stated in its Report that there were close to 6,000 NGOs in the island.

Sri Lanka Directory of Environmental NGOs compiled by the Sri Lanka Environmental Journalist Forum (SLEJF) published in 2004 provides basic information on over 700 environmental NGOs. However a close look at this number reveals that all the NGOs listed therein are not necessarily environmental NGOs.

The main characteristic of these newly emerged NGOs is their dependency on external funding. These were formed to address pertinent issues surfaced as a consequence of the market driven Open Economic policies of the government on one hand and the development agenda promoted by international development cooperation. A few concerned groups in Sri Lanka responded to these emerging needs by setting up NGOs. From the Donors point of view the NGOs are seen as more accountable, flexible and perform better than government. In other words, the NGOs are more effective in reaching their targets compared with government agencies which are seen as less efficient.

Of the Civil Society Organizations thus emerged after 1970s, a separate group of Environmental NGOs appeared around the period of the Conference on Human Environment held in Stockholm in 1972 commonly known as Stockholm conference. Up to 1972 there were only two NGOs who were actively known as dedicated group for wildlife conservation and birds. These two organizations are the following

1. Wildlife and Nature Protection Society of Sri Lanka (WNPS) established in 1894
2. Ceylon Birds Club established in 1943


These two NGOs had their own membership who contributed towards the expenditure of the respective activities which were largely centered on watching birds and enjoying wildlife as a recreational activity and places of holidays for their membership and the families. WNPS publishes a journal that contains interesting articles on wildlife with scientific information to a certain extent. But largely it is a good reading for general understanding as there was no need for scientific information at the time of the Society was established.

On the other hand prior to 1970s world was not concerned with scientific knowledge on “Biodiversity, Conservation, sustainable use etc. until the environmental stresses were clearly visible and further emerging threatening to the existence of the earth planet. The outcome of the World Commission on Environment and Development commonly known as Bruntland Report made a tremendous impact on the thinking regime of the country. Confusions and questions emerged as to the validity and relevance of the development path followed after independence gained in 1948 in the context of the definition of the Bruntland Report on “Sustainable Development”. This set the stage to the sprouting development of Civil Society Organizations (CSOs) specially the Non Governmental Organizations (NGO) exclusively focusing on environment.

A list of active NGOs with exclusive focus on Environment is given in [Annex 2](#). Sri Lanka Directory of Environmental NGOs compiled by the Sri Lanka Environmental Journalist Forum (SLEJF) published in 2004 provides basic information on over 700 NGOs. This is a highly commendable initiative that an effective basis to get to know of the Environmental NGOs in Sri Lanka. It is reported in this Directory that there had been only two NGOs established and in operation up to 1972. These two are listed above. Of these 700 NGOs less than 300 have Environment as main focus and objective. The rest of the NGOs have incorporated Environment as a “Cross cutting theme” in their mandates

A close look at these 300 NGOs indicates that majority of them are operating in the respective local areas only. For instance Rawana Ella Protection Payment Hawkers Society is formed to protect the waterfall named Rawana Ella by the small business community whose livelihood depends on the visitors to the waterfall. This seems a very valid focus given the need to protect an environmental resource in order to protect the very living of the people in the area.

Whilst some of these NGOs are operating at the national level majority of these 300 are operating in administrative Provinces, Districts and Divisions of the country. The reasons for this level of operation may be found in two key factors. Most important reason is the legal requirement stipulated by the Government of Sri Lanka (GOSL) to register all the NGOs with number of government agencies that have power under Acts passed in the Parliament. Following gives some of those Governmental agencies with whom the NGOs could register themselves to obtain the legal status.

 Ministry dealing with Rural Development

- ✚ Ministry of Social Services
- ✚ Central Environmental Authority (CEA)
- ✚ Registrar of Companies

A large number of locally operating Environmental NGOs got themselves registered with the CEA mainly to solicit funding support available at that time under the World Bank funded Community Environmental Initiatives Facilitation (CEIF). The CEA had a list of nearly 635 NGOs who were registered with them since CEA was established in 1980. However, a survey carried out by the CEA in 2004 by requesting all these 635 NGOs to respond to the questionnaire sent to their registered address revealed that these NGOs do not operate at the places they were registered with the exception of only less than ten who managed to respond.

The other reason for the depleting number of environmental NGOs over the last decade is the fact their limited capacity to access funding support. This is due to multitude of reasons. The inability to communicate in English which is the language of the Donor agencies is the most critical factor limiting the access to funding by the local NGOs. In addition these NGOs lack the skills of developing sound project proposals that are acceptable to funding bodies. There were number of programmes to improve and enhance the skills of NGO staff members. The high mobility of trained and skilled personnel within the large NGO community creates a win-win situation for some NGOs at the expense of the others. The depletion of donor funding also contributed in inactivating some of the small NGOs.

## **The Influence of the environmental movement on policy**

In general, the formulation of policies on matters related to the development and any other area of concern that affect the sovereignty, integrity and well being of the people of Sri Lanka is under the exclusive domain of the governmental agencies in Sri Lanka. The policies are often based on the political agendas and election manifestos of the respective parties who are elected democratically by the people to govern them.

The formulation of policies received a very high prominence with the development assistance that was made available to the country following liberalization of the economy in 1977. The development cooperation objectives emphasizes on formulating relevant policies as almost a pre-condition for development aid. As a result there has been a clear proliferation of policies framed by each consecutive government that came in to power since the liberalization of the economy.

Following the active participation of GOSL in the Stockholm conference the reawakened political will and the public opinion on the importance of protecting the natural environment took number of initiatives to address the environmental stresses that were affecting the country. The National Environment Act (NEA) passed by the parliament in 1980

established Central Environment Authority (CEA) with the main objective of formulating policies and strategies on environmental protection. The National Conservation Strategy (NCS) followed by the World Bank funded National Environmental Action Plan (NEAP) supported addressing immediate and priority environmental stresses in the country. GOSL participated in the United Nations Conference on Environment and Development (UNCED) held in 1992 with a very comprehensively developed National Report that highlighted the major constraints faced by the country in addressing the environmental concerns and appealing for international cooperation for both technical and financial assistance. During and following this period there has been series of environmental policies formulated in Sri Lanka as listed above.

An important decision made by the GOSL in 1984 in addressing the environmental issues was the introduction of Environmental Impact Assessments (EIA) to all development interventions of the country. This opened a very effective window for the environmental NGOs to express their views on development interventions. In addition to the requirement of soliciting public views on EIA reports in writing by making available such reports to the public, CEA if it deems necessary could invite “Public Hearings” before clearing EIA reports for the approval of projects. The NGOs have utilized this platform in many occasions to express their concern over the respective projects.

Thus Sri Lanka created a good platform for environmental CSOs to take part in formulating environmental policies and other interventions. This was effectively utilized by some of the key NGOs in shaping the policies and decisions of the government. The institutional arrangement in place in formulating policies is to draft a specific policy by an expert group on the subject matter and then invite comments and views of public, NGOs, scientists, academia and other interests groups in open forums and also by publicly inviting written comments. It is observed many NGOs take part in this process by invitation of the government agency concerned. Depending on the interests of the representative of the NGO their views and contributions are taken into consideration in finalizing the policy document. This does not imply that all the views expressed are taken in full form in the final policy. It is correct to say that some policies were formulated and approved by the government totally disregarding the NGO opinion. However it is observed that some impact has been made by the NGOs in shaping and transforming the policy decisions. These are succinctly discussed in the following section.

There were instances where the Environmental NGOs were very effective and vocal in forcing the investors to bring in environmentally sound measures to safeguard the environment. One good example is the construction of a hotel on a catchment of an ancient irrigation tank in the Dry Zone of Sri Lanka. The name of the hotel is Kandalama which is now very famous worldwide for its environmentally sound practices in protecting the catchment and its natural environment and also operating with environmentally sound system for waste management and Cleaner Production. This is seen as a model for Sustainable Use of natural resources due to the protests made by environmental NGOs led

by leading scientists, environmentalists and the public of the country. In fact the two prominent NGOs who led the protest march and demonstrations namely “Mihikatha Trust” and Sri Lanka Environmental Congress (SLEC) were able to draw the attention of the public and thereby the decision makers on the serious environmental destruction that can happen as a result of a tourists hotel on a water catchment of a tank. The protests could not influence the decision to construct the hotel. However, that forced the investor to introduce additional measures to prevent environmental destruction.

Another good example is the construction of a hydro power scheme name Upper Kotmale Hydro Power Project using water from seven waterfalls in the upcountry of Sri Lanka. These waterfalls are the main attractions of the tourists, both local and international to this area in addition to their priceless natural fauna and flora some of which are endemic to Sri Lanka. The EIA carried out resulted in not recommending the project. The environmental NGOs made huge hue and cry including a legal protest. Despite the objections of the public and environmentalists GOSL decided to go ahead with the project which is being implemented at present. However, the Project is forced to introduce important measures to ensure the continuity of the beauty of the waterfalls and the environment. Instead of originally planned diversion of water from four major waterfalls, the present project restricts to divert only one water body namely St.Clares waterfall for generating electricity. There too water should be released during day time to sustain the waterfall for tourists and for its natural beauty.

There are more examples of this nature where environmental NGOs were **able to influence the nature of the decision to a certain extent to be somewhat in favor of the environmental protection and minimize the damage although they could not prevent the destruction happening altogether.** It should therefore be correct to assume that NGOs have limited influence on governmental decisions.

However, given the legal provisions that are in place in Sri Lanka, particularly under NEA, environmental NGOs are provided with a good platform to participate in formulating policies and implementing policy decisions.

The opportunities for Civil Society to participate in the provision of environmental services are recognized as fundamental by the government. This is clearly reflected in the emphasis given by the GOSL to the concept of “**Participatory Environmental Management**” when implementing environmental projects. The Participatory Forestry Management Project implemented by the GOSL with the full participation of local NGOs and Community Based Organizations (CBOs) is a good example to this effect. The Fishery Management Committees established under the Fisheries Act, Farmer Organizations arranged under the Irrigation Ordinance (Revision) of 1988 and public participation in EIAs under NEA are some examples that confirm the fact that the opportunities do exist for the civil society participation in the affairs related to environmental protection and management.

However, how effective and meaningful is the participation of CSOs is a valid question that one must seek to find out. The following section attempts to discuss the constraints and obstacles that the NGOs are faced with in performing their operations

## **The major obstacles**

The CSOs are welcomed by the GOSL as playing a complementary role to the development efforts of Sri Lanka. As discussed above there are no obstacles to their participation in its formative sense. However, one could observe some limitations on the part of the CSOs that hinder their full and effective participation.

The majority of the environmental NGOs do not possess sufficient skills and competencies to respond effectively as equal partners when they encounter governmental officials. The staff of the NGOs is very often drawn from the fresh graduates who are just entering the job market with no experience at all. For them working for an NGO is a stepping stone to gather professional experience and skills which will qualify them to compete for better jobs. One would expect the graduates with their academic achievement to perform better once they gain experience and on the job training. However, other staff members of NGOs do not possess adequate academic qualifications that could be enhanced through training. This may be the reason for the insufficient institutional capacity of the NGOs despite the opportunities available for NGO staff members to get further knowledge and training under several capacity building programs. These are being utilized by the NGO community to a great extent although no formal evaluations were carried out to assess the impact of such training on the expected capacity of the NGOs.

It is observed that the turn over of the staff of NGOs is a serious issue that limits the capacity of the NGOs. Once a person is academically qualified and professionally competent, it is a sure case to look for greener pastures. If NGOs are financially not sound to offer higher remunerations and other facilities, the NGOs are unable to retain the trained staff. This is the dilemma that the NGOs face today. Their capacity is limited due to high turn over of competent personnel on one hand and on the other hand the NGOs are unable to retain the strengthened capacity due to the competition of the others in the job markets offering higher levels of remunerations than the NGOs who depend on donor funding to meet their overhead expenditure. This again is the “vicious circle” where the NGOs are trapped unless they are linked with very stable funding sources

CSOs that are in operation today are heavily depending on external sources of funding. One researcher who studied the NGO movement has observed that nearly 95 percent of financial support for NGOs comes from international sources.(Fowler 2000) in general. The activities of NGOs therefore are guided and directed by the rules and expectations of these funding sources. If NGOs do not comply with the objectives of the funding source it is unlikely that the NGO could survive given the competition for funding by the rest of the NGOs. The

dependency for funding affects the entire outlook of the NGO. In addition to the retention of staff, ensuring a sound technical and institutional capacity and also to meet day to day expenses NGOs have no way of generating their own revenue. Even the largest NGOs who claim that they own income generating activities are using donor money to invest in such activities. Yet the revenue thus earned is hardly adequate to meet the overhead costs of organization. The NGOs therefore have the practice of submitting sometimes the same project proposal to different funding sources expecting at least some support to meet their ends.

A number of evaluations carried out on NGO implemented projects revealed that while the top management of the NGOs is busy in soliciting funding support they do not pay the same attention in implementing the project with the funds obtained.(CEIF 2000) This part is left to fairly junior and inexperienced staff of the NGOs. In the absence of sound systems and internal control measures this arrangement affects the quality of the outcome that will eventually affects the credibility of the organization. As a result their participation and involvement at the forums on policy formulation and implementation has become weak. It is often reported that NGO representatives attending meetings, discussions and other forums on invitation of the government are not competent enough to participate effectively in the discussions with the exception of handful of NGOs who are operating at the national level.

## **Attitudes of policymakers/legislators towards the environmental movement**

The CSOs enjoy a fairly good recognition by the government as they are expected to perform a complementary role to that of the government. In addition the government is determined to ensure that the NGOs functioning in Sri Lanka are operating within frame of Government policies. This is clearly reflected in the following Mission statement of the National NGO Secretariat for NGOs established by the GOSL to “administer affairs of NGOs”

**“To mobilize resources and co-ordinate the activities of NGOs within the national policy framework and make them to contribute as partners in the process of development of the country”**

This clearly implies that the government looks for NGOs as partners to cooperate with the government in its efforts to develop the country. One would expect a healthy relationship between the government and the NGO community. However, GOSL is concerned with specific areas of the NGO operations such as the following:

- ✚ Misuse of flexibility and autonomy
- ✚ Misappropriation of funds
- ✚ Complaints by the employees of NGOs and other agencies.

Given these concerns the GOSL passed an amendment to the Voluntary Social Services Organization (Registration and Supervision) Act of 1980 in 1998 followed by number of

regulations introduced to monitor and supervise the operations of NGOs. The Government appointed two independent commissions in 1990 and 1992 to inquire into the operations of NGOs. The justification for the government to introduce certain control measures over the operations of the NGOs seems embedded in these reports.. The attitude of the government towards the NGOs ranges from “Non-control to control” from “trusted partner to suspicious operator”. The transparency, accountability, conformity with law, credibility and trust of the NGOs are the key pillars on which the relationship between the government and the NGOs sustains.

In general the government extends cooperation with NGOs who play a key role in development oriented activities including environmental functions. So far there were no adverse comments leveled against environmental NGOs by the Government. The Government in fact, places high confidence on environmental NGO to play a distinct role in implementing its environmental policy and the environmental program known as “Caring for the Environment (CFE) 2003-2007” Path to Sustainable Development (CFE 2003). Despite the limitations of the environmental NGOs such as “lack of adequate resources, professionalism, and broad vision and in certain cases innovative ideas to meet the new challenges in the field of environment and development” government believes that the NGOs “have considerable potential for supporting environmental conservation activities” (CFE 2003)..

However, the government is mindful of so called “Suitcase NGOs” (ADB 1999), the organizations with only a name and a travel bag. The existence of “Dubious NGOs” who claim benefits from the donors and also from the government sponsored programs is a concern of more genuine NGOs as such groups could tarnish the name of the others. (ibid 2000)

This healthy relationship to cooperate gets disturbed when there are doubts on the activities of NGOs. For instance such situation was observed recently following the Tsunami that devastated the coastal belt of the island. The foreign assistance poured into the country following Tsunami and NGOs were highly active in providing emergency relief to the affected people. They continued in to the rehabilitation and reconstruction phase with large sums of funds, material and technical assistance. However, there were complaints against NGOs who were seen as involved in unwarranted activities other than what was expected from them by the government. The Government immediately took measures to exercise controls over the activities of NGOs who were assisting the victims to come back to normal life. This is mainly because of the manner some NGOs operate which affected the credibility and integrity of the NGOs community as a whole.

Add to this concern is the absence of ‘code of ethics’ for NGO operations. This is further aggravated due to the fact some NGOs becoming hostile and reluctant to make available information to the public and to the government resulting in ‘mistrust’.

However, in general the attitude of the policy makers on NGOs is positive and therefore there is a fertile ground for NGOs to deliver their mandates to serve the expectations of people of the country .

## **The Influence of environmental movement on public opinion**

It is the view of the consultant that an assessment on the efficacy of the environmental NGOs in influencing the public opinion should be a qualitative description rather than a quantitative assessment. The past performance of the NGOs reveals that they are instrumental in promoting awareness among the public on environmental concerns. There are number of environmental NGOs who have specialized in promoting environmental awareness and consciousness among the public particularly among the school children. The approach to influence the minds of the school children is to develop right attitudes among the “Future leaders” of the country. The awareness building is an integral component of almost all the NGOs operating in Sri Lanka. The promotional material developed by these NGOs in audio-visual forms is of very high quality and in par with international standards.

In the events of demonstrations against environmentally critical issues, some NGOs were effective in mobilizing public participation. For instance at the Public Hearings on the EIA Reports of Colombo – Kandy Expressway Project, Southern Expressway Project and similar hearings, environmental NGOs mobilized the public to launch demonstrations and protests. The public who participated in these demonstrations were those who are directly or indirectly affected by the respective interventions. In instances of national importance there were occasions that the environmental NGOs and other civil society groups managed to raise the public interests and thereby even public protests. Two cases in point are the Coal Powered Power Plant in the Eastern Coast of the country and the Leather Processing project near a lagoon ecosystem in the South named Bata-Atha.

The coal power project was strongly rejected by the public and the NGOs. The civil society groups were vehemently opposing the concept of using coal for power generation. Starting from Trincomalee in the Eastern coast of Sri Lanka, the locating of this project got shifted down the coastal belt until it reached the coast of North Western Sri Lanka. Despite immense protests of highly influential and sensitive parties, the project has commenced its implementation with the anticipated date of commissioning power generation in year 2011.

However the Leather Processing Zone planned to locate high polluting leather industries presently located in the residential areas in Colombo was on hold and finally abandoned now due to public opinion against the project despite the environmental clearance granted by the CEA having followed the EIA process. The strong opposition to this project was based on misinformation provided by a few interested personnel who triggered a political turmoil. Although the political parties represented in the government were aware of the correct facts a minority of highly influential parties continued their protests. The GOSL

finally decided to hold on to the project despite the massive investment made in providing infrastructure facilities to the location. The leather industry too suffers as they have no way of expanding their capacity to meet the international demand for their goods. Whether the Public Opinion led by CSOs is always correct is therefore questionable. It is the view of the consultant that if such opinions are detrimental to the national economy and to the people of the country, such opinions should not be warranted.

One could argue on the other hand that the NGOs were influenced and forced by the public opinion in matters concerned with environmental destruction particularly to seek legal remedies. The case in point is the Public Interest litigation cases launched by Environment Foundation Ltd (EFL) against the GOSL. The EFL won several court cases and prevented government taking action disregarding environmental implications. For instance the decision of the Urban Development Authority (UDA) to contract private sector investor to convert Galle Face Green into a recreation centre was stopped due to the legal action taken by the EFL.

Similar instance was the order by the Supreme Court of Sri Lanka to completely halt mechanized sand mining in Ma-o-ya, a river in North Western province that was heavily damaged due to excessive sand mining. The legal actions of EFL influence the public opinion and *vice versa*.

### **The civil society actors -An overview**

Sri Lanka has a considerable number of civil society actors who perform effectively and efficiently at the national level as well as at the international forums. They are the scientists, Environmentalists, professionals in their individual capacity as well as in their respective professional bodies, clergy and religious groups, media personnel and politicians. These actors who are respected and trusted by the public and even by governmental agencies are listed in [Annex 3](#). It should be noted here that the list is purely based on the subjective judgment of the consultant being a professional who closely associated with these personnel and agencies in her previous professional capacity.

### **Suggestions for collaboration**

Since the commencement of supporting and funding NGOs in general, there had been a standard practice and concerted effort that promoted “**Networks**”. The underlying concept of establishing Networks is to provide a common forum for the partners to safeguard and strengthen their position and also to benefit from each other’s strengths. It is observed that these Networks were very often formed as prescribed by the donor funded programs rather than evolving naturally as mechanisms for better cooperation and coordination.

Very often these networks are confined to the NGOs who receive funding support under a specific project or a program. In case an NGO receives funds for its activities from more than one source of funding and each of those has their own Networks then the same NGO could be in all those different networks. In other words, networking is seen as an integral component of funding than a naturally evolved mechanism for the mutual benefits of those who are participating in such networks.

For instance World Bank funded CEIF project established District level forums called District Sansadaya in each administrative District bringing together the Partner Organizations who received grant funding under the program. The District level forums were brought together to form a national level body called “National Sansadaya”. The objectives of these Sansadaya are the following:

- ✚Promotion of understanding and goodwill and establishment of coordination among organizations having varied structural and organizational characteristics and employing different implementation mechanisms yet having common goal in protection and conservation of the environment
- ✚Sharing the resources, expertise and experience among organizations for mutual benefit
- ✚Installation of transparent participatory mechanism to monitor the activities of different organizations
- ✚Establishment of a common platform to discuss achievements, reflect on failures and to evolve methods to alleviate common deficiencies among the organizations
- ✚Preparation of a foundation for a group effort among the organizations and evolution of network of grass root organizations dedicated to environmental protection and conservation using the collective strengths of the organizations.” (CEIF 2002)

The objectives seem highly laudable and ambitious. The Network framed its own constitution and the office bearers were elected in a democratic process during the CEIF project was in progress. However, with the completion of the CEIF project in 2002 the network too got dysfunctional. When the CEA invited this Network to formulate a program to promote their objectives in order to mobilize further funding support, the Network members were unable to respond positively. That was the end of the Network. This clearly reveals that the Networks could perform as long as they too have guaranteed sources of funding.

There are number of Networks that are active at present that may be of importance to the present study. The Global Environmental Facility- Small Grants Program (GEF/SGP) has established a “Consortium” of organizations called Sri Lanka Nature Forum, which received financial aid under GEF/SGP. The membership is open only to the member organizations of GEF/SGP. The objectives of this consortium are the following:

- ✚ Sharing technical knowledge and information among member organizations
- ✚ Performing as a facilitator
- ✚ Acting as the forerunner in the needs of environmental conservation

GEF-SGP is a program managed by the United Nations Development Programme UNDP. As a globally implemented program it has earned a good recognition and acceptance in all the countries that GEF/SGP is in progress. Therefore it is likely to continue for some time in the future with resource mobilizing efforts through global networks of the GEF/SGP as well as from the main GEF. At the time that GEF/SGP was introduced in Sri Lanka the NGOs unanimously requested UNDP Colombo to host the Program instead of the standard institutional arrangement of assigning the SGP to an NGO umbrella organization. This was mainly due the competition among the NGOs and also due to the fear of losing their individual identity and independence. In a situation where competition among the NGOs obstructed the standard institutional arrangement of GEF/SGP, the formation of the Sri Lanka Nature Forum as the network arrangement of the GEF/SGP with above stated objectives seem a substantial achievement.

.Another successful network that is in operation at present is Sri Lanka Canada Development Fund (SLCDF) The Network formulated by SLCDF is managed by NGO members who are the partner organizations of SLCDF. The main objective of SLCDF is community developmental but with a strong environmental focus and therefore a special policy on environment. This network is present in 16 administrative Districts in Sri Lanka and also at the national level where the district networks have converged. It is an effective network at present with highly committed leadership at the top management. However the fundamental question common to all networks is their sustainability after the withdrawal of the external funding support. This needs to be assessed at the Institutional Analysis stage.

In view of the above discussion, the consultant would like to suggest considering specific thematic areas for future collaborations in addition to the networks. A justification for this proposal also is given below.

The following are thematic areas that may be considered in the future collaborations;

1. Natural resource management including biodiversity and forestry
2. Bio energy and energy conservation
3. Urban environmental management and Waste management

The first and foremost justification to select very specific areas in support of the environmental NGO activities is the need to focus clearly on a specific concern rather than thinly spreading the resources. The lack of focus is a problem even in the larger donor agencies that forced them to change their interventions. It could be argued that pre-selecting a few concerns as given above could lead to waste of resources as the selection criteria and the process are not clearly defined. The response to this argument is that enough evidence is

available in the country for such a pre-selection given the number of evaluations carried out on environmentally oriented projects.

The success of the GEF/SGP could be another justification for selecting limited number of concerns for future collaborations. The GEF/SGP focused only on two key concerns of environmental importance when it was introduced in the country. These two are the concerns on destruction of Biological diversity and the other is the Climate Change. The third concern was the land degradation as it relates to the other two concerns. This facilitated narrowing down the area of intervention which in return facilitated effective project planning, implementation and smooth monitoring of activities.

The suggested areas to focus future collaborations are the key environmental stresses that need to be addressed in many fronts. While there are clear policies on these environmental concerns, there are number of projects implemented by the GOSL with funding support from the World Bank and the Asian Development Bank. These are loans which will certainly have a multiplier effects on the whole economy. The NGO interventions in the same key issues would be complementary to the efforts of the government. Instead of being an opposition group, the NGO could become the real partners of the GOSL. This is a healthier situation for NGOs than competing with the government

Finally the presence of very active NGOs who have gained experience in addressing these specific issues is a good justification to ensure higher efficiency for the investment. Otherwise looking for new partners who have no expertise and experience will need additional resources to bring them to a level to operate smoothly.

### **The most influential/vocal/important civil society organizations**

The status and the functioning of the CSOs in Sri Lanka are unique to Sri Lanka. The CSOs are expected to play a complementary role by the GOSL and therefore they are equal partners along with the government in their operations and functioning. The CSOs are supposed to be independent organizations free from Government or any other controls and supervision. However in reality they are neither independent nor free from controls as discussed above.

Within this given situation some CSOs in Sri Lanka have become highly vocal and also influential in formulating government policies on environment and also in implementing environmentally critical interventions to a certain extent as discussed above. This section attempts to consider few more examples.

The Wildlife and Nature Protection Society (WNPS) was in the forefront in objecting to the FINNIDA/World Bank funded Forestry Master Plan in 1986 that led to review the environmental implications and reformulate the Master Plan. WNPS with its commitment to **“canvas the cause of animals, birds and fishes who have no votes or immediate**

**financial benefits to offer and also driven by the feeling that animals and birds too have equal right to share this land which is a home to them and to us”** (Loris 1994) vehemently opposed to drive away nearly 150 elephants from their traditional home areas in the wilderness of South of Sri Lanka in order to accommodate a sugar industry. This was the case of elephants drive in Handapanagala. Despite the protest the elephants were driven to Yala a wildlife park in the South at a very high cost by the very determined staff responsible for Operations in the Wildlife Department. However, this drive was a failure as the elephants did not go but returned immediately after the drive by staying halfway away from the personnel who were chasing them. In the same context WNPS highlighted the environmental catastrophe caused due to leaks in a hydrological dam called Samanlawewa. Despite these protests the construction of the dam commenced without any assessment on environmental impacts. More importantly the geological aspects of such a high dam were not assessed properly as it was built on a limestone base. The result was the leaks in the dam the prevented filling the reservoir to utilize the hydro power generation turbines in their full capacity.

The Environmental Foundation Ltd.(EFL) is a committed CSO with academically qualified and professionally competent lawyers. The EFL expects to conserve and enhance the natural environment through legal means by promoting environmental justice and also through mediation, representation and advocacy services with legal and scientific support. The campaigns launched by the EFL are directed towards educating the public on environmentally important matters. For instance EFL launched a strong campaign against the genetically modified (GM) foods, an area that the general public is not aware of the risk involved in the consumption of GM foods. The regulations to ban GM foods which were drafted in 2001 were suspended indefinitely by the Ministry of Health. The EFL is therefore raising their voice to draw the attention of the public and thereby to influence the government to ban GM foods.

The Green Movement is another NGO established in 1998 with the objective of “working for the harmonious co-existence of land, its flora, its fauna and its people and the ensurance of their preservation through sustainable management and development”. The strong and committed leadership of this NGO is highly effective in mobilizing resources, both financial and technical assistance. They receive funding from more than ten foreign donor agencies at present. Green Movement is very effective in lobbying for consumer rights and also raising the public interests on matters of importance on environment. This NGO was highly involved in the reconstruction phase of Tsunami.

However, it is a myth to believe that there are most influential and vocal civil society organizations on a long term basis. A NGO who is the most vocal and influential at a given period of time may disappear altogether. For instance the Mihikatha Trust that was the most vocal and important NGO at the time government approved the construction of Kandalama Hotel on the catchment area of Kandalama tank (water reservoir that provides irrigation to the paddy fields). Sri Lanka Environment Congress (SLEC) was the first and only umbrella

organization that existed in late 1980s with number of highly credible and active environmental NGOs as members. The People's Movement on Environment and Development led by a group of environmental NGOs contested the official national report to UNCED in 1992. This group launched an alternative approach soliciting views of people on environment that resulted in the "Citizen's Report on Environment" which was submitted to UNCED held in 1992 side by side with the government report. These NGOs who were highly active and seemed very important at a given point of time in the past do not exist any more. The persons behind these NGOs have either formed new NGOs or joined other groups if not totally left the environmental movement.

It could therefore be concluded that the voice of the environmental NGO in Sri Lanka is relatively strong and felt seriously on the part of the government as well on the public. The credibility earned by environmental NGO compared with rest of the NGO community may be the reason for this level of recognition and acceptance by the government. However how sustainable is the existence and the presence of the environmental NGOs is a question.

### **The major donors for the environmental civil society**

The international cooperation and support to Sri Lanka for environmental management activities in general have been very encouraging since 1980s. This trend was further strengthened in 1990s particularly with the involvement of environmental NGOs at the UNCED and other international forums held during that period.

Both multilateral and bilateral agencies emphasized the need to involve the civil society from the very beginning of the project cycle in formulating projects for donor funding. More importantly there were separate projects exclusively assigning to the NGOs for implementations.

Of the bilateral Donors NORAD has been in forefront of donor assistance to the environmental sector in general. The three year bilateral environmental co-operation signed in 1989 with a budget of U.S.\$3.00 million was a landmark of donor assistance to the environmental sector. This was followed by a number of other programs for environmental activities in Sri Lanka by the Royal Norwegian Government.

The assistance of United States Agency for International Development (USAID) for environmental activities in the areas of coastal resource management, wildlife, energy conservation, EIA and Mahaweli environmental activities was substantial even prior to 1990. In 1991 the U.S government and Sri Lanka signed a bilateral agreement for the implementation of Natural Resource and Environmental Policy Project (NAREPP). In addition to the components implemented by eight governmental agencies, there was a substantial contribution under NAREPP to support Private Voluntary Organizations (PVOs) that are active in the field of environment. The standard PVO program of USAID provides

financial assistance to implement activities on human rights, Peace making, women in agriculture and industry, development and community welfare using PL 480 funds. The allocation of PL 480 funds to environmental interventions through PVO program indicates the importance placed by the USAID on environmental matters.

The assistance of the Netherlands to the civil society activities are being channeled through the World Conservation Union (IUCN). In addition the Netherlands Embassy in Colombo operated a small window of assistance for NGO activities in general including the activities of environmental NGOs. The funding support extended by the Netherlands government to environment sector through CEA had a component to support the civil society operations in protecting the environment. Unfortunately this funding was withdrawn due to some issues related to the implementation of the program.

The provision of multilateral donor funding for Environmental NGOs in Sri Lanka commenced for the first time with the introduction of Global Environmental Facility/ Small grants Program (GEF/SGP) in 1994. The pilot phase GEF/SGP granted nearly U.S.\$200,000 for fifteen(15) NGOs who initiated small scale interventions to address the issues of destruction to biological diversity and climate change including land degradation issues that contributes to the previous to concerns. The GEF/SGP is a program managed by the UNDP. Up to the time of commencing GEF/SGP, UNDP too did not have any experience in collaborating with civil society organizations as UNDP provides only Technical Assistance to the government and therefore it closely associates only with public sector agencies.

However, the pilot phase of the GEF/SGP in Sri Lanka was a success that resulted in high visibility to the UNDP as a donor agency. For the first time in Sri Lanka UNDP went out of the capital of the country and outside the public agencies. This enabled UNDP to draw attention of the grass root level NGOs as well in addition to the national level NGOs. The trust and credibility earned by GEF/SGP created the situation in Sri Lanka demanding UNDP to continue the management of the GEF/SGP despite the global arrangement of transferring the management of the SGP to a national umbrella organization or similar institute after the pilot phase.

The financial resources available through GEF/SGP continue to grow with its initial success. In addition to GEF there had been other sources extending their funding support to the SGP in Sri Lanka. European Union provided a grant for the Participatory Tropical Forestry project through GEF/SGP. Further funding was made available to GEF/SGP for the rehabilitation activities after Tsunami in December 2004. The GEF/SGP may be the largest single program that provides **grant funding for environmental NGOs** in Sri Lanka at present.

The World Bank too provided U.S.\$ 4.2 million in 1998 for a program titled “:Community Environmental Initiative Facility (CEIF) which was a component of Environmental Action

1 Project (EA1P). CEIF financed environmental activities at the grass root level within the priorities of the National Environmental Action Plan (NEAP). There had been 432 sub-projects addressing the environmental issues such as land management, forestry and biodiversity destruction, urban environmental issues, water issues, coastal erosion and destruction and also environmental health concerns under the CEIF. This program closely followed the experience of GEF/SGP that promoted grass root level organizations rather than Colombo based large NGOs. Although the funding provided to the NGOs were awarded as grants, for the GOSL it is yet another loan from the World Bank.

Asian Development Bank (ADB) lending program to Sri Lanka too has a component for the implementation of activities by NGOs. For instance North East Coastal Conservation and Development Project (NECCDEP) that is being implemented at present have a component exclusively entrusted for the NGO implementation. This reflects the increasing tendency of both bilateral and multilateral donor agencies to encourage the civil society participation in environmental activities.

However, question has been raised as to the rationale of providing funds in support of NGOs on grant basis using funds obtained at a cost i.e. the loans from the World Bank and the Asian Development Bank with interests.

## **Collaboration between academics and civil society**

The academics in Sri Lanka are very often members of their respective professional bodies. They are stronger when they perform on behalf of their professional organizations rather than in their personal capacity. These professional organizations are part of the CSOs in the country.

Another reason for academics to operate through their professional bodies is the institutional and legal difficulties in contributing the expertise of the academics in their individual capacity. Most of the academics are government employees and therefore they are not independent from the government controls. However, their professional associations enjoy sufficient freedom as a collective body. The Organization of Professional Associations (OPA) is one such professional body that operates with considerable degree of independence.

It is therefore correct to assume that the collaboration between the academics and the Civil Society already exists.

## **Annex 1: Sri Lanka Country Analysis**

### **Major environmental challenges**

1. Pollution: Water and air pollution including coastal zone pollution
2. Solid Waste and waste water Management
3. Energy conservation and alternative energy
4. Natural Resources Management: Forest, water, soil erosion and siltation, loss of biodiversity
5. Salinity and water logging
6. Natural Disaster- landslides, floods, droughts

### **Legal framework for environmental advocacy**

#### **1. National laws**

The environmental legislation in Sri Lanka has along history. The British Colonial administration introduced number of significant statutes as back as the 19th century with provisions to land resource management, water, waste disposal etc. The purpose of these legal provisions was not to protect the environment as such but to ensure and enhance the revenue of the colonial government. There had been over 80 different laws passed by the government that had a bearing on environmental issues. This indirectly contributed in protecting environment. The environmental legislation focusing exclusively on environmental management and protection per se is therefore of recent origin.

It is therefore important to start from the Constitution of Sri Lanka it self. The environmental concerns are incorporated in the Constitution of Sri Lanka The Section 27, sub-section 14 of the Constitution of the Government of Sri Lanka (1978) states “The State shall protect, preserve and improve the environment for the benefit of the community”

Further defining the Principle of State Policy and Fundamental Duties of every person in Sri Lanka, it states that there is a duty to “protect nature and conserves its riches”

These fundamental principles are reflected in a number of legal enactments of far reaching environmental significance that had been formulated since then. The following provides a list of few selected laws that contain provisions leading either directly or indirectly towards managing and enhancing the environment that are in force in Sri Lanka today.

- 1.1 National Environmental Act of 1980 and its amendments. This has provisions on Environmental Protection License (EPL), Environmental Impact Assessment (EIA) and declaration of Environmental Protection Areas.
- 1.2 Land Development Ordinance No 19 of 1935
- 1.3 State Land Ordinance No 8 of 1947

- 1.4 Sri Lanka Land Reclamation and Development Corporation Act N0 52 of 1982
- 1.5 Mines and Minerals Law No 4 of 1924. This was revised in 1973 (Act No.44) and later a new act of Mines and Minerals Act No.33 of 1992 came into effect in July 1992
- 1.6 Forest Ordinance N0 16 of 1907
- 1.7 National Heritage Wildness Act of 1988
- 1.8 Fauna and Flora Protection Ordinance No2 of 1937
- 1.9 National Water Supply and Drainage Board Law
- 1.10 National Aquatic Resources Research and Development Act No 54 of 1961
- 1.11 Coast Conservation Act No 57 of 1981
- 1.12 Soil Conservation Act No 25 of 1951
- 1.13 Flood Protection Ordinance of No 4 of 1924
- 1.14 Plant Protection Ordinance No 10 of 1924
- 1.15 Water Resource Board Act No 29 of 1964
- 1.16 Town and Country Planning ordinance No13 of 1946
- 1.17 Housing and Town Improvement Ordinance No19 of 1950
- 1.18 Urban Development Authority Act No 41 of 1978
- 1.19 Marine Pollution Prevention ActN0 59 of 1981
- 1.20 Maritime Zones Law No 22 of 1976

## **2. National policies**

- 2.1 National Conservation Strategy 1989
- 2.2 National Environmental Action Plan 1995-1998
- 2.3 National Industrial Policy 1996
- 2.4 National Strategy for Solid Waste Management 2000
- 2.5 National Water Resources Policy 2000
- 2.6 National Wildlife Policy 1988
- 2.7 National Wetland policy 2004

## **3. Relevant international conventions (year of ratification)**

- 3.1 RAMSAR (1990)
- 3.2 World Cultural and Natural Heritage (1980)
- 3.3 CITES (1979), Migratory species (1990)
- 3.4 Law of the SEA (marine pollution 1994, Seabed 1995, Fish 1996)
- 3.5 Vienna Convention (Ozone layer) (1989), Montreal Protocol (1989, 1999)

- 3.6 Transboundary Movements of Hazardous Wastes (1992)
- 3.7 Biodiversity (1994)
- 3.8 Climate Change (1993)
- 3.9 Desertification (1998)
- 3.10 Plant Protection (1952)
- 3.11 Biosafety Protocol (adoption 2004)

Sri Lanka already has a wide array of National laws and regulations. For most instruments, there are agencies that have been assigned as focal points. Implementation is often complicated as there are several agencies from local to national level that are responsible for enforcement. Many of the regulations are not widely known or understood. The laws governing the protection, conservation and use of natural resources of the country are still based on enactments introduced several decades ago when the demand on natural resources was much less. Therefore these laws are both outdated and also scattered in a large number of enactments. The amendments subsequently brought in have tried to revise them to respond to the present needs on ad hoc basis.

## **Scope for civil society advocacy in general**

Civil society is relatively free to express concern in the media and in the public. It is also relatively free to organize activities or protests. Despite skepticisms from the authorities, there are rooms for certain level of dialog between civil society and authorities. There are also rooms for cooperation.

Areas of challenges include access to information by the public on decisions that affect communities or population. The other is clarification of responsibilities between many overlapping authorities.

Certain advocacies may be more difficult than others such as those related to ethnic conflicts and human rights.

## **Scope for civil society advocacy on environmental issues.**

This is similar to the general advocacy issues. There are also possible to use legal channel (through court). The court system is functioning and many environmental cases are won in the court.

### **a. Main drivers of change in environmental issues**

#### **a.1. Different branches of government**

Sri Lanka has comprehensive legislation related to environment and has ratified most international treaties. Many of the government agencies are focal points for the preparation of legal documents. Government officials are also highly educated and many are highly

competent individuals. However, Sri Lanka also has one of the most complicated government agency structures. To address an environmental issue, there may be more than a dozen agencies involved and often unclear delineation of responsibilities. To exacerbate this problem, the political parties in power often change the structure of the ministries to suit their interests. This leads to freezing of implementation due to unclear policies and unclear lines of responsibilities.

To top the complexity, at any local area there may be parallel agencies seemingly responsible for the same issues. One is the line agency of the National Government and the other is the agency under Provincial Administration.

Some of the agencies whose work related to environment issues are

- the Central Environmental Authority, Dept of Forestry, Dept of Wildlife, Geological survey and Mines Bureau , Marine Pollution Prevention Authority under the Ministry of Environment and Natural Resources;
- Dept of Coast Conservation under the Ministry of Fisheries.
- Irrigation Department, Mahaweli Authority of Sri Lanka, Water Resources Board under the Ministry of Irrigation and Water Management
- National Water Supply and Drainage Board, Sri Lanka Reclamation and Development Board and Urban Development Authority under Ministry of Urban Development and Water Supply.
- Natural Resources, Energy and Science Authority under Ministry of Science and Technology.
- Provincial Councils
- Municipal Councils, Urban council under the Ministry of Provincial Councils and Local Government.

Note: The Ministries stated above are subject to change very often. It is indeed difficult to keep a track on the number of Ministries and their titles given the high frequency of changes being done.

## **a.2. Other public, national institutions**

There are several other government institutions that have strong influences directly or indirectly on environmental issues in Sri Lanka. These include Ministry of Finance, Ministry of Port Development and Shipping, Ministry of Land, Ministry of Foreign Affairs, Ministry of Defense and many more depending on how the ministries are divided and set up by each government.

Academic institutions are involved in environmental education and are often used as resource persons by both the government and non-government sectors.

Religion institutions have also involved themselves with some of the environmental issues as they have strong positions in the society.

Private sector is involved directly or indirectly in environment issues, often as exploiters of natural resources, but sometimes as supporters of environment conservation activities. There is a significant change in the perception of corporate sector towards environment

protection having realized the importance of operating with environmentally sound systems. The Cleaner Production technologies, ISO status and Corporate Social Responsibility (CSR) have become governing principles of majority of the private sector business ventures. These principles encourage the private sector entities to comply with the legal requirements of conducting their operations with Environment Protection License (EPL)

The media has very strong voice in Sri Lanka and important role in environmental conservation. The environmental damages and violations are highlighted in the media drawing the attention of both the government and the public. The subject of environmental journalism is highly popular in Sri Lanka. This demonstrates the demand as well as the supply environmentally important information. The Sri Lanka Environmental Journalists Forum (SLEJF) is a NGO exclusively focusing on environmental advocacy, awareness and communication

### **a.3. international institutions and donors**

As mentioned above, Sri Lanka has ratified most of the conventions to protect or conserve environment and natural resources. Thus international institutions such as the UN influences legislative process related to conservation. Sri Lanka is also a recipient of a number of funding relating to environment both in the form of loans and grants. Among others, it receives fund from the World Bank (Urban air quality), UNDP (Climate, biodiversity), AUSAID (Climate), NORAD (clean production, Hambantota coastal mgt, environment education, and hazard waste), CIDA, USAID, GTZ, ADB (coastal zone), SIDA, GTZ (environment education), Jica (solid waste), Kuwait (Soil and water conservation).

Many international organizations such as IUCN are active in Sri Lanka. Moreover, all major international NGOs are present in Sri Lanka and many support environmental related activities. After the tsunami, there are more funds for coastal rehabilitation and conservation efforts, including disaster management.

### **a.4. civil society**

While the government has an important role in creating legislative framework for environmental protection, implementation and communication/education have been much more in the hands of civil society. Because of weak enforcement, civil society also has had an important watch-dog role and sometimes a coordination role between various stakeholders.

## **Annex 2: Civil Society and Environment Movement in Sri Lanka. Most Active National Environmental NGOs of Sri Lanka at Present**

1. Centre for Environment and Development
2. Centre for Environment Justice
3. Centre for Environmental and Nature Studies
4. Ceylon Birds Club
5. Community Waste Management Technology and Information Centre
6. Eco Tourism Society of Sri Lanka
7. Energy Forum
8. Bio Energy Association of Sri Lanka
9. Environmental Committee of the Organization of Professional Associations of Sri Lanka
10. Environment Foundation Ltd.
11. Field Ornithology Group of Sri Lanka
12. Green Movement of Sri Lanka
13. Ruk Rakaganno
14. SEVANATHA- Urban Resource Center
15. Society for Environment Education
16. Sri Lanka Federation of School Environmental Clubs
17. Sri Lanka Environmental Journalist Forum
18. Sri Lanka Environmental Television Project
19. Wildlife and Nature Protection Society
20. Wildlife Heritage Trust
21. Young Zoologists Association
22. Muthurajawela and Negombo Lagoon Development Foundation
23. Gallena Temple Environment Foundation
24. School Nature Clubs Patrons Society
25. Turtle Conservation Project
26. Integrated Development Association
27. Environmentalist Association of Rajarata University
28. Youth Exploration Society of Sri Lanka
29. Rajarata Parisarikayo
30. Samavihara Environmental Organization
31. Fern Society of Sri Lanka
32. Sri Lanka National Mangroves and Coastal Habitat Conservation Trust Fund

### **Annex 3: Civil Society Actors**

This gives a list of most effective associations and groups involved in environment protection in Sri Lanka in addition to the NGOs stated in Annex 1.

1. Sri Lanka Association for Advancement of Science (SLAAS)
2. Sri Lanka Economists Association
3. Sri Lanka Bio Energy Association
4. Sri Lanka Energy Managers Association (SLEMA)
5. Organization of the Professional Associations of Sri Lanka (OPAS)

## **Annex 4: reference officials and persons**

Informal discussions with the following officials and persons enriched the ideas contained in the report;

1. Mr.Jagath Gunawardana- Enviromental activist, lawyer and Chairman of Environmental Council of the CEA
2. Ms Shireen Samarasuriya, National Coordinator, GEF/SGP
3. Mr.K.A.Jayaratne, President, SEVANATHA-Urban Resource Centre
4. Mr.Uchita de Soyza, President, Centre for Environment and Development
5. Mr.Ananda Wijesooriya, Director General, Wildlife Conservation Department
6. Mr.Ajith de Silva, Director Policy Planning Division, Ministry of Environment
7. Mr.Anil Suneetha, Director Environment Promotion, Central Environmental Authority
8. Mr.Cecil Abeyasinghe , Consultant, CEIF
9. Mr.R.M.Amersekara, President Integrated Development Association

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