

THE OPEN UNIVERSITY OF SRI LANKA

M.Sc IN ENVIRONMENTAL SCIENCE / POSTGRADUATE
DIPLOMA IN ENVIRONMENTAL SCIENCE – LEVEL 6

FINAL EXAMINATION 2009/2010

ENVIRONMENTAL LAW – NEP 1201

DURATION – 3 HOURS



Date: 2nd March 2010

Time: 1:30 – 4:30 pm

Illegible handwriting will be penalized

ANSWER FOUR QUESTIONS ONLY (All questions carry equal marks)

1. (a) What is meant by tangible and intangible heritage? Explain with examples.
 (b) How does the World Heritage Convention work to protect the world's cultural and natural heritage?
 (c) Discuss the Antiquities Ordinance of Sri Lanka as amended by the Antiquities (Amendment) Act and explain how it safeguards Sri Lanka's cultural and natural heritage. Do you think this law is effective?

2. The government of Taprobane wishes to improve the transport system of the country as it promised during its election campaign. It has received foreign funding for this purpose, and the donor agency has specified that the money may only be used to build highways. The Road Development Authority has decided that it will build 5 – 6 lane highways connecting all the major towns in the country. In order to build these highways over one million people throughout the country will be displaced, thousands of hectares of land will be acquired and thousands of hectares of forests will be cut down. Two highways will be built through a wetland declared as a Ramsar site. The wetland is also the breeding grounds for several endemic species of birds. One important highway cuts across an elephant corridor.

 The EIA report for this project has been approved by the relevant project approving agency. The environmental impact assessment laws of Taprobane are the same as that of Sri Lanka. The NGO that you work for wishes to challenge this project. Discuss on what basis you could legally object to it.

3. Explain the following concepts:
 - (a) Inter – generational equity
 - (b) Polluter pays
 - (c) Common but differentiated responsibilities
 - (d) The public trust doctrine

4. The following international conventions deal with the issue of hazardous waste –
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal 1989
 - Rotterdam Convention on the Prior Informed Procedure for certain Hazardous Chemicals and Pesticides in International Trade 1998
 - Stockholm Convention on Persistent Organic Pollutants (POPS)

Answer the following questions in relation to each of these three conventions.

- (a) What is the objective of each of these conventions?
 - (b) What strategies do they follow to achieve these objectives?
 - (c) How successful do you think they have been in doing so?
5. Evaluate the Sri Lankan laws which regulate environmental pollution. How effective do you think these laws are?
6. (a) What is meant by strategic environmental impact assessment?
- (b) Have the provisions on public participation in the EIA process in Sri Lanka helped to ensure that development projects are sustainable?
7. Explain how the following conventions are implemented and discuss Sri Lanka's obligations under them.
- (a) Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973
 - (b) Convention on the Conservation of Migratory Species of Wild Animals (also known as CMS or Bonn Convention) 1979
 - (c) Convention on Wetlands of International Importance 1971

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