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Justice for All
CEJ
Friends of the Earth Sri Lanka
QUARTERLY BULLETIN BY CENTRE FOR ENVIRONMENTAL JUSTICE | DEC 2019 | VOL 1 | ISSUE 3

PRESIDENTIAL CANDIDATES

VIEWS ON THE ENVIRONMENT

YOHAN STEPHAN

Environment is one of the most crucial sector that need to be wisely managed in any country. Environmental Policies of the presidential candidates are very important in this respect.

In Sri Lanka, its very rare to see that environmental policies of the presidential candidates or candidates to the Parliamentary elections shared through a common platform.

A National Dialogue organized by the Centre for Environmental Justice in association with SLYCAN TRUST on 05th of November 2019 at the Taj Samudra Hotel in Colombo gave this rare experience to the Sri Lankans for the first time. The Event was held targeting the Presidential Elections 2019.

More than 180 people from various stakeholders witnessed this occasion. The Dialogue was facilitated by senior journalist Mr. Nalaka Gunawardena.

Presidential candidates first put forward their Environmental Policies. Each candidate was given an allocated time limit of 10-15 minutes. Afterwords public were given the opportunity raise questions regarding their Environment policies.

This dialogue was very interactive and gave insight into the Environmental policies of the candidates and allowing to know their candidates a little better.

It was revealed that some candidates had a vision for a sustainable future, however many others had very little to share on sustainable development. While there are national level issues including handling waste , power, agriculture, water & sanitation etc.,

The audience was also interested to know how they are going to resolve Uma Oya tragedy, Colombo port city and Bibila sugarcane issue etc.

Its understood that there are no easy solutions to these issues. However, its encouraging that 3 candidates and 4 representatives of the candidates joined the event and shared their policies. Many felt that this was a good moment to celebrate that democracy still works in Sri Lanka.(END)

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

Vision: "Justice for all"

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

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Editorial

CAN SRI LANKA SAVE LAST REMAINING WETLANDS IN COLOMBO?

It was not too long ago that Colombo wetlands have been declared under RAMSAR convention. According to the sources not more that 2000 Ha are now available as wetlands. They too face severe threats due to the development, encroachment, waste dumping etc.

Muthurajawela is the largest wetland located in the border of the city of Colombo. It has now become the waste dumping ground for the capital. The encroachment for the new development by the government and the private owners are destroying the last remaining wetland ecosystem located between Colombo and Negombo.

Similarly Bolgoda wetland has man y threats including filling and the waste dumping.

Colombo wetland system located in between these two wetland systems have been divided due to haphazard developments. Aththidiya was once a bird paradise. Now its almost a lost wetland. Similarly , Heen Ela, has been destroyed for development.

The Colombo urban wetlands have been playing a very critical role including flood retention, urban cooling, providing habitats for remaining animal and birds, regulating the ground water table and maintaining the scenic beauty etc.

The Colombo wetlands are managed by multiple agencies. Wild life Department, Urban Development Authority, Sri Lanka Land Reclamation Development Corporation, Central Environmental Authority, Department of Agrarian Development and even Marine Environment Protection Authority and the Coast Conservation Department. Some of these agencies don't play a critical role in protecting the wetlands. Some agencies do not have regulations to engage with the wetland governance. Yet some have very corrupt practices.

Over the years there were several attempts to engage for wetland protection. But many of these attempts have been failed due to various reasons.

According to the Auditor General report 2017 Greater Colombo Flood Resilient Urban Environment Trust Fund was subjected to corruption and mismanagement.The Auditor general state "The said Trust Fund had been implemented in the year 2012 on a financial assistance amounting to US$ 900,000 representing Rs.118.8 million granted by the World Bank. That function was scheduled to be completed on 21 July 2014. After that date, the period of achieving objectives by utilizing money of the Fund had been extended by 02 ½ years in 02 instances by 31 January 2017. However, money of the Trust Fund had been failed to utilize even during that period and as such, a sum of US$ 172,927 or Rs.26.55 million had to be returned to the World Bank.

The excavation of wetlands during 2010-2014 period perhaps reduced the wetland areas. The Colombo beautification was not meant to save the wetlands, but to use some parts for human recreation and grabbing for develeopment.

In 2009 CEJ filed a law suit seeking a wetland management policy an action plan. This was soon after the major flooding in Colombo which even flooded the Parliamentary complex. We had to withdrew the case when the Government submitted a Rs. 1000 million project. But it didn't save the Colombo wetland system.

Today wetlands are facing extinction due to haphazard development. We even had ministers who believe that wetlands are not important for Colombo. Therefore, the future of Colombo wetlands are uncertain unless there is a strong political will surface.[END]

CAN WE JUST BURN IT?

INDIKA RAJAPAKSHE *(B.Sc)*

An average Sri Lankan dispose 5.1 kg of waste per day and out of it 7 % is plastic which has no where to go. Can we just burn it?

Definitely not! Burning is the most harmful way to handle plastic waste. It turns one form of pollution into others, including air emissions, toxic ash, and wastewater. Incineration or waste to energy. Call it whatever you want. But, It is same. Governments / investors offer this option as magical solution to every thing. No odour, lots of benefits, it generates electricity. But there is this one thing they essentially do not tell. The Air Pollution.

Burning waste is hazardous for citizens' health and the environment. Even the most advanced technologies cannot avoid the release of vast amounts of pollutants that contaminate air, soil and water, and end up entering the food chain. Mercury, dioxins, lead, and other pollutants come from burning waste. Plastic and metals are the major source of the calorific value of the waste. The combustion of plastics, like polyvinyl chloride (PVC) gives rise to these highly toxic pollutants

In terms of climate impacts, incinerators emit more carbon dioxide (CO_2) per unit of electricity than coal-fired power plants,""Energy from incinerators is not renewable. Burning one metric ton of plastic in an incinerator results in 1.4 metric ton of CO_2 equivalents, even when accounting for energy recovery from the process. With the petrochemical and plastic industries currently planning an expansion in production, the greenhouse gas emissions from the lifecycle of plastic are going to get much worse. If plastic production and consumption grow as currently planned, they will result in 287 billion metric tons of CO_2 equivalents by 2100, which is more than one-third of the whole carbon budget for a 2°C economy.

Although these plants generate electricity from the heat created by burning trash, their primary purpose is waste disposal. Emissions from burning waste worsen environmental inequalities, create financial risks for host communities and reduce incentives to adopt more sustainable waste practices.

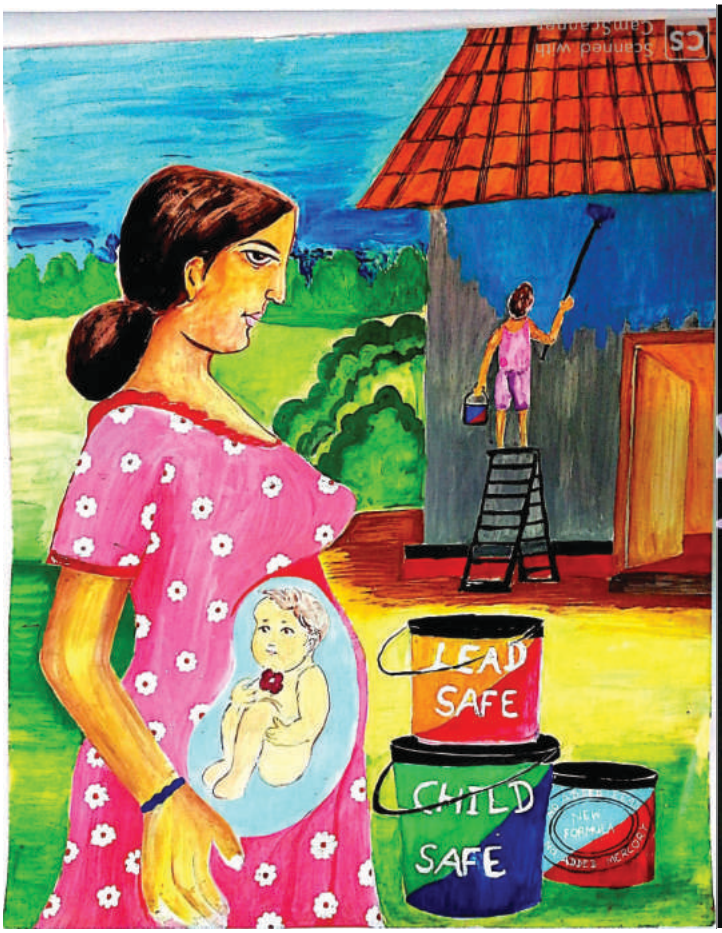
Solid waste-fired thermal power station is currently under construction at Muthurajawela in Sri Lanka by Urban Development Authority. It will use 630 metric tons (1,390,000 lb) of waste from the Colombo and Gampaha suburbs and 10 megawatt power station will be operated. Another such plant is under construction in Karadiyana, which will be received 500MT of municipal solid waste per day from the Western Province Waste Management Authority (WPWMA). Most of the plastic waste will be burned at these two plants in near future.

Recent increase in air pollution levels in Colombo which is believed to be a result of drifted air pollutants from India through winds reminds us the future threat that we are facing.

Emissions from every incinerator, every coal power plant or every new vehicle will added to the current levels of air pollution. Therefore Every Citizen has a great responsibility.

Best option is to avoid polythene and plastic as much as possible. Change your life style. Switch in to a plastic free life. Avoiding single use plastics would be a start. National Environmental (Prohibition of open burning of refuse and other combustible matters inclusive of plastics) Regulations No. 1 of 2017 orders No person shall burn openly or cause to, allow or permit the open burning of refuse or other combustible matters inclusive of plastics and any person who fails to comply with the regulations above shall be liable to an offense and punishable under Section 31 of the National Environmental Act, No. 47 of 1980. It is time to implement this law for the sake of our future generation to come and us.[END]

Regulations No. 1 of 2017 orders"No person shall burn openly or cause to, allow or permit the open burning of refuse or other combustible matters inclusive of plastics and any person who fails to comply with the regulations above shall be liable to an offense and punishable under Section 31 of the NEA, No. 47 of 1980.



CEJ mission for Lead safe paint in Sri Lanka

CHALANI RUBASINGHE (*B.Sc, M. Sc)*

CEJ celebrates the International lead poisoning prevention week of action every year to aware general public about the lead poisoning and urge health, environmental and consumer agencies to take measures in preventing lead poisoning from lead paint, lead contaminated toys, lead acid batteries and other lead contaminated products.

Lead is one of the top 10 toxics in the world today. Children are more vulnerable due to their hand to mouth behavior. Childhood Lead poisoning affects the neurological development of the child in simply lower IQ and behavioral changes. It is said that the neurological damage caused by lead poisoning is irreversible. Therefore the most effective way in preventing lead poisoning is by getting rid of sources which CEJ exactly trying to make sure of.

Centre for Environmental Justice celebrated this year International Lead Poisoning Prevention Week of Action from 20th to 26th October 2019, to raise awareness and guide people to make lead safe choices. Open fun quiz programs and awareness sessions at Rajamaha Viharaya, Ranala; Sinara pre-school, Welivita and Kelimadala Children's Park, Boralesgamuwa, conducted in association with Macksons Paints Lanka (Pvt) Ltd., Lanka paints solution Pvt Ltd., Mayura paints Lanka Pvt Ltd. and Royal paints Lanka Pvt Ltd.

CEJ also organised an art competition for school children to aware join them to make lead safe choices. Prizes were given to the winners.

The study on lead concentration in household decorative paints, conducted in association with toxics link, India and IPEN.

Based on the result, CEJ filed a Supreme Court case No 64/2011 – CEJ vs Consumer Affair Authority and others and succeeded in establishing standards for lead in paint. Sri Lanka has two standards for lead concentrations in paints.

According to the Gazette Extra Ordinary No 1725/30 on 30th September 2011, the Maximum lead levels are categorized by emulsion paints for exterior, interior and paints used for children' products to be 90 ppm and enamel, floor paints to be 600 ppm.

In addition, the Gazette Extraordinary No. 1985/38 on 23rd of September 2016, effected from 01st January, 2017, published by Consumer Affairs Authority (CAA), mandates to print a self-declaration that the lead content in paint is below the regulated level.

With one company having the third party certification and many small and medium companies maintaining self-standards, lead safe paint is accessible to consumers at any level. CEJ is in mission to encourage more companies to join the stream. [END]

CONSUMMATION OF HUMAN-ELEPHANT CONFLICT IN SRI LANKA

NIMMI SANJEEWANI
(Attorney-at-Law)

The Sri Lankan Elephant *(Elephas Maximus Maximus)* is the largest of the four Asian elephant subspecies that have a significant and iconic role in the culture, biological diversity, and ecological integrity across the country. They were once spread throughout Sri Lanka, but today they are mostly restricted to the forests in the dry zones of the country. This native animal has been threatened by the loss of habitat, habitat degradation, and fragmentation. Elephants are listed as Endangered (EN) by the International Union of Convention (IUCN) due to decrease in their population size over the last three decades. Elephants are endangered because of illegal killings and the destruction of their habitats.

Human-Elephant Conflict (HEC) has a devastating impact on the local elephant populations, the increase in conflict is mainly due to habitat loss by deforestation, increased human settlements, cultivation, and various development activities. These reasons have led to a continuous shrinkage of their natural habitats and restrict their food and water supply. Furthermore, elephant migratory pathways are entirely blocked by human settlements. As a result of this, we witness an increase in the death toll of both elephants and humans. While it is estimated that Sri Lanka has the highest density of the elephants in Asia, every year nearly 300 elephants are killed by gunshots, electrocution, planting *hakka-patas* or Jaw-bombs, snares, man-made traps and pits, poisoning, and train accidents. On the other hand, elephants kill roughly 50 people annually. In 2018 alone, 319 elephants and almost 100 people were killed, according to the official data in the Department of Wildlife Conservation (DWC). It is thus crystal clear that managing human-elephant co-existence has become a major issue in Sri Lanka.

Moreover, recently in 2019 seven carcasses of cow elephants, including a tusker were discovered in Habarana-Hiriwadunna and Digampathana-Thumbikulama forest reserves. Wildlife experts and veterinarians investigated the cases but the cause of their death was never verified. Therefore, the Centre for Environmental Justice filed a case (CAWR 26/2020) seeking an investigation into these deaths to punish perpetrators and manage HEC under writ applications, through the proper mechanism in the Court of Appeal. It is the duty of the responsible authorities to resolve these puzzles and take actions according to the law and to penalize culprits and properly manage Human Elephant Conflict.

DWC is bound by the statutory duty of protecting, conserving, and managing elephants in Sri Lanka as it is a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) from 1979 and in line with the Fauna and Flora Ordinance No. 02 of 1937. Under section 12 of the Ordinance (Amendment No.22 of 2009), it is illegal to hunt, shoot, kill, injure or take away any elephant outside of a National Reserve or Sanctuary. Thus, anyone who acts

illegally is liable for imprisonment or/and a fine of up to several hundred thousand rupees under section 20 of the Ordinance. Unfortunately, even if the Sri Lankan elephants are well protected under the law as mentioned above the death toll of elephants is continuously increasing annually and the government has failed to address this critical issue.

Therefore, if action is not taken wisely to reverse the current trend, the Sri Lankan elephant population will reach towards the Critically Endangered category very soon, which would then ultimately lead to their extinction. The indication that such an irreparable loss could be a reality on Sri Lankan ground means action needs to be taken immediately. HEC must be eliminated or mitigated by formulating a strong National Policy, and a proper management system that will ensure the protection of elephants, including solutions to prevent attacks on human beings. [END]

Agroecology to feed
The world with healthy food

HEMANTHA WITHANAGE

Fernando Funes is a Cuban academic who left his teaching job to become a farmer. His two Ha land produce Lettuce and other salad plant to meet the demand in Cuba and even export to France and Belgium. His bee hives produce honey for the local and international market. Few kilometers away former horse raiser Alexander manage ecological farm "La Burgambilia" which produce vegetables such as Brinjal, Tomato, Pumpkin, salad plants and other varieties. He expertise on keeping stingless bees, a species found in the Cuban mountains. His European verity of bee hives have given to Mario.

When someone want to become a farmer he/she can apply for a land to the government if they don't already own a land. They will be given knowledge to manage the farmland in an ecological way and once ready the farmland will be recognized as an agroecology farm. The government insure the farm land for crop failures due to climate or other disasters. Government even help to transport Mario's bee hives to other nearby locations time to time to make available adequate flowers for the bees.

They are members of a Credit & Services Cooperativa Credito y Servicios (CCS) which government of Cuba has able to put together soon after the Cuban revolution across the nation. CCS and Cooperativa Produccion Agropecuaria (CPA) are two different cooperatives established by the Government guaranteeing that the members produce the food for the nation and percentage of their production is purchased and distribute to the local consumers in an affordable price. Now, over 400,000 farmers are members are attached to more than 4000 Cooperatives. Both men and women farmers who are ready to contribute their land to the Cooperative can become a member. They also have enterprises too and cover both urban and rural agroecological gardens. The farmers themselves can sell some crops at the local market. Based on the different type of sales they pay the taxes to the government. They can also involve in the decision on the taxes.

Each Cooperative society has a local farmer members who then elect their board members. Both men and women in the cooperative are being elected to the board. They go from village level to provincial level to the national level. Every CCS and CPA member is a members of the *Association Nacional de*

Agricultores Pequeños Dirección Nacional(ANAP) which is a political association established in 1959 during the Cuban Revolution. So they are represented at the highest political level. We eyewitnessed the election process at the Assembly in the Alquizar municipality. Every cooperative has an agroecologists and other experts. Every village has a Doctor look after by the Cooperative. They have even supported the young generation for education to become professionals. They give free foods for the people and children suffer from cancer or other long term sicknesses. Cuban agroecology farmers have a better housing and dignified life. It's a highly systematic process developed by the Government of Cuba to feed eleven Million Cubans.

The Cooperatives have tractors, other farming equipment and the irrigation systems provided by the government ore purchased by them. Sixty percent of this fleet is now in the yards due to the blockade. But the agroecology farmers haven't stop their responsibility to meet the food production target given to them.

The agroecology farmers in Cuba do not have to face the competition with the private corporate producers and the foreign imports. They have a better environment for concentrating the production without agrochemicals, hybrid seeds and GMOs. There is no bad influence by the dirty corporate giants and neoliberal policies. The political system has already absorbed these threats through its revolution. But they have difficulties in accessing export market due to the blockade.

However, agroecology is not just a farming and sustainable food production chemically free. It is fundamentally a system of production in ecologically friendly way with organic fertilizer and biological pest control. It is a system of soil improvements without damaging the soil organisms. It is also a system that production, storage transport and even reach to the consumers to provide affordable healthy food for people. It needs sound policies, scientific knowledge, research and development, guaranteed pricing mechanism, crop insurance and assured market. Much more than that, it requires a good attitude. Cubans have built that sprit over hundreds of year struggle against the neoliberal colonizers. They follow the slogan of their supreme leader Fidel Castro "Saving mother earth is saving our life".

Seventh Congress of the ANAP brought together over 300 farmers and agroecology promoters attached to FOEI strategic partner La Via Campasina representing Latin American countries, Europe Africa and Asia to Cuban Capital Havana from 15th November for a one week to learn the Agroecology experience in Cuba and share the experiences in own countries. FOEI delegation had the opportunity to learn from these experiences to build its advocacy across the world.(END)

Asia-Pacific members of FOEI demand Climate Justice at COP 26

Increasingly Climate change is making more climate induced migrants in the Asia-Pacific region. Sri Lanka was the second worst affected country in 2017 and it was only downgraded to sixth place in 2018.

Yet, the issues that Sri Lanka is facing have not been effectively advocated to the annual climate negotiations happening under the UNFCCC.

UNFCCC is increasingly captured by the corporations. The solutions they bring are not adequate and effective. The money that countries have promised have not yet on the table.

The Asia-Pacific members of the Friends of the Earth joined rest of the civil society organizations to demand climate justice during the COP 26 held in Madrid, Spain. We demand Climate Justice. We demand to stop corporate capture of the UNFCCC. We said no climate justice without gender justice.[END]

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SYSTEM CHANGE NOT CLIMATE CHANGE

The capitalist model is responsible for climate change. The civil society has been demanding SYSTEM CHANGE as the solution for climate change. But this is not what we get in climate negotiations.

The good news for Southern communities, Indigenous Peoples and for the climate is that there was no deal on carbon markets during COP26 in Madrid. This is despite a last minute attempt by developed countries and a few big developing countries to push through a destructive deal that would have flooded the system with old carbon credits and opened the door to huge new trading mechanisms. As countries couldn't agree in the end, this crucial negotiation is being bumped to COP26 in Glasgow.

However there are many bad news from Madrid. There is no new finance for loss and damage for developing countries hit hard by climate change. Only the establishment of an expert group to feed back next year. There is no agreement on governance of the Warsaw International Mechanism. US attempts to add text that would give developed countries blanket protection from liability proved unsuccessful, but only for now. This issue will no doubt be back next year.

There is No agreed provision of long term climate finance. No sign of any increase in countries' level of ambition for NDCs (Nationally Determined Contributions).

On the streets of Chile and Madrid we saw an explosion of people power, with tens of thousands marching for climate justice. During COP 25, hundreds of people held a peaceful action inside to express our frustration with the lack of action. This was aggressively shut down and we were thrown out of the COP building. But it's big polluters who should be thrown out, not the people and we strongly brought that message as FoEI.

There was a huge disconnect between the established science and a vibrant climate movement; and the slow pace of action inside the COP, where corporate interests dominate and there is no sense of urgency, equity or ambition.

FoEI has been a strong critic of the outcomes of the UNFCCC process in recent years. What is notable this year is that this critique is now shared by a far wider cross section of civil society. There is a huge amount of work to do as we continue our climate justice work in our communities, and as we build towards COP26 in Glasgow next year. (END)

[*This article is based on the notes prepared by FoEI CJE coordinators Sara Shaw and Dipti Bhatnagar*]

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