

# ejustice

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## Do we bother about climate change?

### Inside

- *Heavy Metal Accumulation in Sri Lanka*
- *Right to Information and the ADB*
- *Road to Copenhagen Climate Deal:*
- *Story of Two Elephants*

Photo by Hemantna Withanage

*Kothmale Reservoir in March 2009*



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Pb is a heavy metal and a very strong poison. Large quantities of Pb is available in many paint samples in Sri Lanka.

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**Kaluganga in sale**

Several plots of Kaluganga bed were tendered in July 2009 for river bed mining despite the protests of many people including the residents in the area.



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**United Nations Framework Convention on Climate Change**

**COUNTDOWN TO COPENHAGEN**

DAYS HOURS MINUTES SECONDS

**98:00:46:40**

*Centre for Environmental Justice is an initiative to protect the environment, to fight for equal environmental rights for all people and to promote ecological sustainability by supporting environmentally sound community activities. We support environmental justice policies, legal instruments, programmes and/or strategies to prevent and combat environmental discrimination that is based on ethnic minority, low income or other disadvantaged groups to prevent equitable distribution of environmental risks and hazards.*



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# Climate Change Co



Photo by Dr. Avilash Roul

## Climate politics



Hemantha Withanage

Some people still think that climate change is a “doomsday scenario”. Dr. Bellamy’s [a famous environmentalist] letter published on 16 April 2005 in *New Scientist* asserted that a large percentage (555 of 625) of the glaciers being observed by the World Glacier Monitoring Service were advancing, not retreating. Bellamy later decided to draw back from the debate on global warming.

Climate change is now proven by the scientist in many occasions. Many are still confused with weather, micro climatic changes and real climate change.

According to the Article 1 of the United Nations’ Framework on Climate Change Convention (UNFCCC) “Climate change means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods”.

According to the Intergovernmental Panel on Climate Change (IPCC) “Climate change in IPCC usage refers to any change in climate over time, whether due to natural variability or as a result of human activity.” (IPCC Working Group I (AR4, 2007)[6], Summary for Policymakers, Footnote 1)

Whatever the definition, World is debating over the climate change since Rio Conference held in 1991. The Kyoto Protocol was signed by all countries excluding the United States. They have held Fourteen Conferences of par-

ties (COP) and hundreds of other conferences since then to produce a workable and agreeable solution to mitigate and adapt to the climate change.

According to the original figures the Annex 1 countries which signed the Kyoto Protocol have agreed to reduce 5.2% of the GHG emissions from 1990 levels. Annexure 1 countries refer to those developed countries which release 80 percent of the Green House Gases (GHGs). However, no country has achieved this level and now Annexure 1 countries need to reduce their GHG emission by 80 percent by 2020 in order to maintain the tolerable level.

If we are to maintain 2 degrees centigrade increase of the atmosphere temperature we should maintain the CO<sub>2</sub> level in air as 350 ppm.

The proposed solutions include mitigation (reduction of GHG) adaptation (adapting to the irreversible consequences of climate change) technology transfer, capacity building and climate financing.

Mitigation is the most debatable part of the climate negotiations. Many developed countries do not want to compromise their lifestyle to reduce CO<sub>2</sub> emissions which is mainly due to the use of fossil fuel i.e Coal and Gas.

On the other hand there are no adequate finances for adaptation. Many poor countries [poor people] emit very little CO<sub>2</sub> due to their activities. From the climate justice angle every person can release 2 tonnes of CO<sub>2</sub> to the atmosphere without much damage. However, rich nations release more than 10 tonnes of CO<sub>2</sub> per capita annually.

The world-wide emissions of CO<sub>2</sub> for the year 2006 were about 4.5 tonnes per capita. What would happen if we froze the world-wide per capita emissions of carbon dioxide to the current level? Could global warming then

be mitigated? For this purpose, we simulate a constant emission of 4.5 tonnes of carbon dioxide per year per capita.

Technology transfer is required to mitigate and adapt to the climate change consequences. Developed countries only consider north to south transfer. However, the local experience reveals that north has to learn more from the south technologies if they want to face the climate disasters.

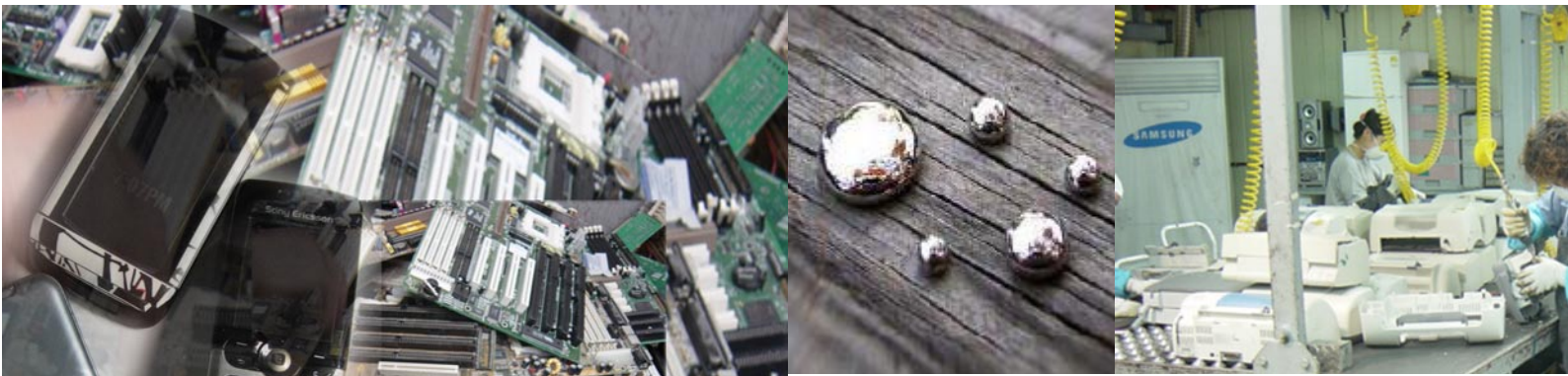
There is no doubt that the carbon-fuelled growth of developed countries has disproportionately contributed to the acceleration of climate change. The Report of the Conference of the Parties on its thirteenth session, held in Bali in December 2007, recognized that deep cuts in global emissions will be required to achieve the ultimate objective of the Convention and that there is a crucial need to accelerate innovation in the development, deployment, adoption, diffusion and transfer of environmentally sound technologies among all Parties, and particularly from developed to developing countries, for both mitigation and adaptation.

The climate debate put United Nations agencies on test as they have failed to come to an agreement after 15 negotiations. Copenhagen Climate conference will be a milestone to decide how the world is going to decide their future.

Sri Lanka has proposed few ideas to the climate debate. Among them the request to repay ecological debt is one proposal. [Since early 90’s environmentalists advocate that the resources rich countries in the south are the creditors and those who are involved in ecological damage in southern countries during the colonization should pay the ecological debt]. However, Sri Lanka has not seriously thought about climate consequences rather than Carbon Fund Ltd., and the four Clean Development Mechanism projects which have sold few carbon credits to the Netherlands.

Ministry’s work on the climate change is hidden from public so far. There is no argument that Sri Lanka emits very little CO<sub>2</sub> but it will double soon with the upcoming 2000 MW coal power plants in Norochcholai and Sampur.

The Climate impacts are scientific but we need to understand the social impacts well. As we have observed to date, there have been no significant studies conducted to understanding the issues, especially in countries like Sri Lanka, that fall under the IPCC category of ‘vulnerable small island states’. Sri Lanka authorities have done very little research. There is no doubt that we all have a right to know the ongoing debate on politics of environmental science and reframing and rethinking the environmental issues in Sri Lanka. ■



# Heavy Metal Accumulation in Sri Lanka

How Lead, Mercury, Cadmium contaminate your body ?



Chamali Liyanage

The outbreak of heavy metal pollution is not new to the world. Mercury pollution in Minamata Bay and Cadmium pollution in Toyama Prefecture in Japan are among the popular incidents which led to several deaths and long term neurological symptoms. In the Sri Lankan situation, the accumulation and contamination of heavy metals is not very much considered, addressed or studied.

Trace metals, whose densities are greater than 5 g/cm<sup>3</sup>, are simply considered as heavy metals. These metals enter the environment through natural processes and also excessively due to human activities. The production of toxins is caused by forming complexes/ 'ligands' with organic compounds. Modified biological molecules cannot function properly and results in malfunctioning of affected cells. Oxygen, Sulphur and Nitrogen are the common groups of 'ligand' formations and when metals bind to these groups, they inactivate important enzyme systems.

The conditions that lead to accumulation and spread of toxic heavy metals are extensive in the country. Massive garbage dumps and discharging of industrial waste water and domestic waste to water bodies are the most common situations. As the Sri Lankan garbage

is just collected and dumped without sorting, metals coming from industries, houses and various other sources are accumulated. In this phenomenon, garbage dumped areas can be considered as rich sinks of heavy metals. Bloemendhal, exceeding 80 feet, 700 tons of garbage per day is a future catastrophe.

Studies done in Navinna area by Dr. Padmalal of the University of Sri Jayawardenapura revealed that the Lead, Cadmium, Chromium and Mercury levels in well water is greater than the standard values for drinking water. Even the vegetables grown around this area contain these metals. The issue is hidden and has not raised its head completely!

Fortunately no heavy metal poisoning has been recorded in Sri Lanka up to now. But there is a danger. One prediction is from Mercury, which is highly hazardous and slight exposure can affect human health. Normal soil levels of Mercury are between 0.0005 and 1 ppm and marine and freshwater phytoplankton are very sensitive and 0.001 ppm can reduce the photosynthetic efficiency. Animals, plants and many algae tend to absorb and accumulate Mercury.

Neither Mercury isolation, safe disposing nor similar mechanism is operated and a significant amount of Mercury can accumulate in the country. These amounts may be further enhanced with the promotion of new appliances to a larger extent such as CFL's for energy conserving. No doubt that it is a positive step towards conserving of energy but without having a proper recycling or recovering facility, the said benefit will not be gainful.

Among all the heavy metal poisonings, Lead is one of the most common. This can be seen affecting children who are in developing stages, mainly via soil and paints. Lead is included in paints for drying, durability and moisture resistance. Most popular brands of paint manufactured in Sri Lanka exceed the standard limits of Lead in both enamel and emulsion paints. In the enamel category, Lead

content is more than 200 times higher than the permitted level of Sri Lanka Standards Institution. Although the SLSI gives the standards, they do not have the facilities to check the Lead contents in paints. Although Lead poisoning is not fatal, certain severe impacts can occur, specially in children

When we address the controlling of heavy metals, waste management comes to the top. Unless there is a proper management of waste, specially the urbanized waste, heading towards the prevention from heavy metal poisoning is nothing. As this is a wide ranging procedure, waste reduction, reusing and segregation, even in households have to be promoted.

Awareness is one of the most important positive steps when controlling heavy metal pollution as we have identified that most people are unaware of safe handling techniques of these instruments. Industries, where general public is working in risky areas, have to be aware of the proper and better precautions to minimize the adverse impacts.

It is a foregone conclusion that heavy metals play an essential part in the manufacturing process. Therefore long term mechanisms have to be implemented by participating government authorities, manufacturers, dealers and consumers for sustainable handling of toxic metals.

Although the issue is yet in the preliminary stage it will be converted to a crucial stage. Therefore each of us, including decision makers and the general public, have a unique responsibility to perform their maximum contribution to mitigate the future disasters. ■

*Chamali Liyanage an Environmental Officer of the Centre for Environmental Justice.*

# Lead in Paint

**L**ead is a heavy metal and a very strong poison. When a person swallows a lead object or breathes in lead dust, some of the poison can stay in the body and cause serious health problems.

A research conducted by a group of scientific organisations shows most paints available in Sri Lanka contain large amounts of Lead (Pb) in both emulsion and enamel paints. Among the 10 countries involved in the research, Sri Lanka comes only after Nigeria and Mexico. According to the Sri Lanka Standards, no Lead can be available in Emulsion paint and only 600 ppm can be available in Enamel paint.

According to the scientists, even if the paint is not peeling, it can be a problem. Lead paint is very dangerous when it is being stripped or sanded. These actions release fine lead dust into the air. Infants and children living in old buildings (where paint often contained lead) have the highest risk of lead poisoning. Small children often swallow paint chips or dust from lead-based paint.

Possible complications include:

Behaviour or attention problems, Failure at school, Hearing problems, Kidney damage, Reduced IQ, Slowed body growth.

The symptoms of lead poisoning may include:

Abdominal pain and cramping (usually the first sign of a high, toxic dose of lead poison), Aggressive behaviour, Anemia, Constipation, Difficulty in sleeping, Headaches, Irritability, Loss of previous developmental skills (in young children), Low appetite and energy, Reduced sensations. Very high levels of lead may cause vomiting, staggering walk, muscle weakness, seizures, or coma.

<http://www.nlm.nih.gov/MEDLINEPLUS/ency/article/002473.htm>

# Coal, renewables and the CO<sub>2</sub> meter

How Sri Lanka is increasing its Carbon emission?



**S**ri Lanka is already building a Chinese funded 900 Megawatt coal power plant in the Western coast of the island and plans are being made to build a joint venture 1000MW coal power plant with India's National Thermal Power Corporation in the Eastern coast. Meanwhile, India and Sri Lanka will be linked with a 100MW energy supply cable under the Asian Development Bank funds. India, China and Australia are eyeing to sell their coal to Sri Lanka.

Australia is also planning to sell a 300 MW Liquid Natural Gas (LNG) power plant. Although LNG is cleaner, there is no single LNG power plant in Sri Lanka.

Solar power is the most expensive energy in the country. Some poor families in the remote areas, who have obtained solar energy, pay Rs. 70,000 in a 2 year period to light 3 bulbs and a B/W Television. Government has no tariff reductions for these renewables yet.

Mini-hydro plants' estimated generation capacity would be 97.7 MW. However some mini-hydro power plants are more harmful to the Environment. Total Hydropower generation by the big reservoirs is around 1207 MW. However this is vulnerable to the climate change.

According to the sources Sri Lanka's next best natural resource after the hydro power is wind power because of the Monsoon winds across the country. Sri Lankan government is planning to build the country's second wind power plant, which is expected to generate 10MW of power. The country's first wind power plant established in Hambantota which is generating about 3MW is not a very successful one.

Sri Lanka, is in a long debate on coal versus best alternatives. Coal power plant originally proposed in Trincomalee in 1985 was then moved to Mawella, Negombo and Norochcholai.

According to some CEB sources, present Coal power plant, financed by the Chinese government, is very costly. A unit of this coal power will be around 40 rupees. According to the sources CEB will only pay Rs. 18 while the balance would be subsidized by the government. The plant does not install the best available technology.

300 MW plant will require 2640 MT of coal daily. As we have indicated many times the 900 W coal power plant will burn 7920 MT daily. Each tonne of Coal produces 7186 pounds of CO<sub>2</sub> assuming that 98% of the coal combustion happens. So the Norochcholai Coal plant will emit 28456 tonnes CO<sub>2</sub> daily. This calculations show that 900 MW Coal plant will result Sri Lanka increase CO<sub>2</sub> to 0.5 tonnes per capita.

Proposed total coal power generation capacity of Sri Lanka is around 3300 MW. According to the above calculations Sri Lanka will emit 2 tonnes per capita CO<sub>2</sub>. Chinese and Indians financed coal power plants alone will increase Sri Lanka's

contribution to 1 tonnes per capita CO<sub>2</sub>. To put this in context, national average emissions in UK is 10 tonnes per capita. The UK government has pledged to cut emissions by 20% before 2012, to around 8 tonnes per capita. This forms part of the Kyoto Protocol to reduce global climate change.

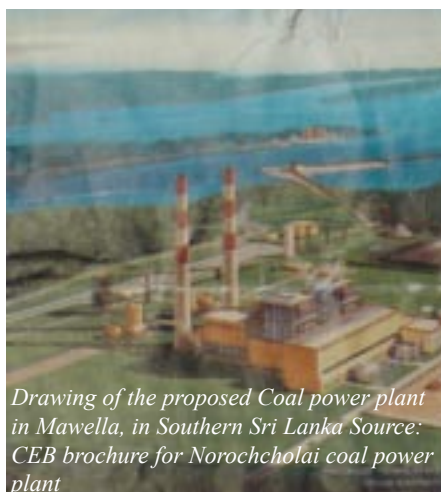
It is estimated that the sustainable CO<sub>2</sub> emission quota per capita for each of 6 billion global inhabitants is 2 tonnes per annum. This means once Sri Lanka produces coal energy using 3300 MW coal plants, we will reach the sustainable level of CO<sub>2</sub> emissions.

According to the Energy Forum Sri Lanka's CO<sub>2</sub> emissions have increased by 230% over the last 20 years: the world's third highest rate. Therefore there is no doubt that the government must seriously review its policies, targets and plans for establishing 3300 MW of coal power plants in Sri Lanka. Unfortunately that is not the case.

The authorities argue that Sri Lanka can still increase its CO<sub>2</sub> emissions, since we only emit 600 kg which is far below the proposed sustainable level. However once we reach the CO<sub>2</sub> level only with Coal power there is no provision for other development.

Despite the CO<sub>2</sub> emission Coal prices have also increased several times parallel to the oil prices. Those who debated for the Coal power argued that Coal energy will be the cheapest for the country. Since we do not have our own coal beds, we are unable to control the prices.

Sri Lanka still depends, for 70% of energy from Biomass. We also had many wind mills introduced 3 decades ago to draw water. The potential for wind, solar and wave energy is enormous in Sri Lanka. However, the coal and diesel lobby in Sri Lanka does not allow making our energy sustainable. ■



*Drawing of the proposed Coal power plant in Mawella, in Southern Sri Lanka Source: CEB brochure for Norochcholai coal power plant*

# Right to Information and the ADB



*Hemantha Withanage*

**R**ight to information is a world accepted norm. Yet access to information is difficult in many parts of the world. Southern Transport Development Project in Sri Lanka, Chasma Right Bank Irrigation Project in Pakistan, Melamchi Water Project in Nepal are some local cases for testing the Asian Development Bank's (ADB) new Public Communications Policy (PCP) which is now open for external review. Similar stories can be heard from the communities and activists in Pulbari Coal Mine Project in Bangladesh, Highway 1 project in Cambodia, and many projects in Central Asia. With the above experiences we can conclude that the current Public Communication Policy does not ensure access to information for affected communities.

ADB, PCP is a good piece of policy compared to other International Financial Institutions. However, as we have learned some ADB staff complain that it is not easy to comply with the PCP.

According to the Assessment of the Implementation of the Public Communications Policy for the period September 2006–December 2007 dated March 2008, the implementation is quite successful. However, the most crucial documents are which even the PCP cannot assess the status. While Project Administration Memoranda have only 58% compliance, PCP is not in a position to assess the status of the Consultant Reports and Social and Environmental Monitoring Reports.

The ADB passes much of the responsibility for disclosing information on to the borrowing government or private sector sponsors which does not happen most of the times. Recently Centre for Environ-



*STDP affected people seeking more information | Photo Noriko Simizu, FOEI Japan*

*The Asian Development Bank's Public communication policy is under external review after been implemented five years. The current policy was approved in 2003 repealing the old Public disclosure policy.*

mental Justice requested ADB Resident Mission and the Road Development Authority for a number of documents on STDP which are categorized as public documents. While the ADB Resident Mission referred us to the RDA, RDA did not respond us to date.

The governments are the members of the ADB. They are much powerful than the affected poor communities. In most cases those governments are totally biased on the projects. In many countries successful and adequate laws are not available to ensure access to information. As multilateral institutions that use public funds people expects justice from them equally.

For the democratization of decision making and good governance, right to information is a crucial factor for the local communities. While information is crucial for everybody, affected communities, who are also less powerful, can only make decisions if they have the right information at the right time.

Further Right to information should go hand in hand with participation. But in many projects, we have seen that public participation does not exist except in the EIA stage. If the information is not available at that time, there is no use of such documents.

Many documents, although mentioned as "publicly available" are available only

on the ADB website. As we have advocated many times poor communities, access to internet facility remains a luxury.

Everyone has the right to information. It should not be discriminatory due to nationality, class, ethnicity, religion, social segmentation, and gender etc. Most of the time there are no translations for the local people to understand the issues.

It should be understood that Information and Communication policies be treated as a global common good, and not biased towards any actor in the public domain.

Current PCP is not for meeting the objectives of providing information for informed decision by the parties but use as a propaganda material. PCP also provides for a long list of exceptions although many of them do not cause serious harm even if they are available to public. Although some countries provide whistleblower protection there is no such provision in the current PCP.

Further, there is no independent appeals mechanism. As we know The Public Disclosure Advisory Committee (PDAC) is not an independent body. One cannot expect an independent decision from PDAC.

"The General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all

peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.”

**Article 19 of the declaration states:**

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

**Article 19(2) of the International Covenant on**

**Civil and Political Rights states:**

“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

In the fifth report by the UN Commission on Human Rights Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Abid Hussain (India) stated that “the right to seek and receive information is not simply a converse of the right to freedom of opinion and expression but a freedom on its own.”

The current PCP is lacking in many aspects in recognizing the applicability to it of the right

to information. PCP adheres only to a policy-based approach to access to information, and its adherence to any known rights-based standards remains discretionary on its part.

The agencies, such as ADB, should consider PCP as a right to information. The Global Transparency Charter signed by many people around the world bring nine principles that should be available in any access to information policy and charter.

Our right to information is an undeniable right. It is crucial for exercising other rights, such as the right to participation, women’s rights, social environmental rights, and economic rights. We expect ADB will upgrade the current PCP to a better policy by giving real access to information to the local communities. ■

# Transparency Charter for International Financial Institutions: Claiming our Right to Know

**Preamble**

The right to access information held by public bodies is a fundamental human right, set out in Article 19 of the United Nations Universal Declaration of Human Rights, which guarantees the right to “seek, receive and impart information and ideas.” This right applies to intergovernmental organisations, just as it does at the national level.

The right to information plays a crucial role in promoting a range of important social values. Information has been described as the oxygen of democracy. It is a key underpinning of meaningful participation, an important tool in combating corruption and central to democratic accountability. A free two-way flow of information provides a foundation for healthy policy development, decision-making and project delivery.

Key elements of a rights-based approach are a true presumption of disclosure, generous automatic disclosure rules, a clear framework for processing requests for information, limited exceptions and a right to appeal refusals to disclose to an independent body. This Charter elaborates the standards upon which the access to information policies of international financial institutions should be based. The Global Transparency Initiative (GTI) calls on all international financial institutions to amend their information disclosure policies to bring them into line with this Charter.

**Principles**

**Principle 1: The Right of Access**

The right to access information is a fundamental human right which applies to, among other

things, information held by international financial institutions, regardless of who produced the document and whether the information relates to a public or private actors.

**Principle 2: Automatic Disclosure**

International financial institutions should automatically disclose and broadly disseminate, for free, a wide range of information about their structures, finances, policies and procedures, decision-making processes, and country and project work.

**Principle 3: Access to Decision-Making**

International financial institutions should disseminate information which facilitates informed participation in decision-making in a timely fashion, including draft documents, and in a manner that ensures that those affected and interested stakeholders can effectively access and understand it; they should also establish a presumption of public access to key meetings.

**Principle 4: The Right to Request Information**

Everyone has the right to request and to receive information from international financial institutions, subject only to a limited regime of exceptions, and the procedures for processing such requests should be simple, quick and free or low-cost.

**Principle 5: Limited Exceptions**

The regime of exceptions should be based on the principle that access to information may be refused only where the international financial institution can demonstrate (i) that disclosure

would cause serious harm to one of a set of clearly and narrowly defined, and broadly accepted interests, which are specifically listed; and (ii) that the harm to this interest outweighs the public interest in disclosure.

**Principle 6: Appeals**

Anyone who believes that an international financial institution has failed to respect its access to information policy, including through a refusal to provide information in response to a request, has the right to have the matter reviewed by an independent and authoritative body.

**Principle 7: Whistleblower Protection**

Whistleblowers – individuals who in good faith disclose information revealing a concern about wrongdoing, corruption or other malpractices – should expressly be protected from any sanction, reprisal, or professional or personal detriment, as a result of having made that disclosure.

**Principle 8: Promotion of Freedom of Information**

International financial institutions should devote adequate resources and energy to ensuring effective implementation of their access to information policies, and to building a culture of openness.

**Principle 9: Regular Review**

Access to information policies should be subject to regular review to take into account changes in the nature of information held, and to implement best practice disclosure rules and approaches. ■

*Courtesy: Global Transparency Initiative*



## STDP bridges are unsafe



*Collapsed Bridge in Poddala*

The collapse of a bridge in Southern Highway at Kohomanadeniya, Poddala caused the death of a student of Richmond College, when he was walking along the road under the bridge.

The Ministry of Highways and Road Development has appointed a committee consisting of representatives of the relevant Ministry, University of Moratuwa and CECB to conduct a full scale probe. The experts who carried out the investigation have confirmed that around 30-35 metal arch bridges along the Highway

have to be reconstructed to avoid similar accidents. Metal culverts that were constructed for drainage are also not in a proper condition and they also have to be redone.

Presently 5 to 6 bridges have been dislocated and Access International, the sub-contractor states that their warranty period for their constructions is only for one year. Sri Lanka's first access controlled expressway, will open for the public in 2012. ■

## Case on National Policy for Solid Waste Management

Generation of Solid Waste, from both domestic and commercial sources, has grown drastically in the country owing to the population growth, urbanization, technological development etc. It is estimated that about 3000 tonnes of Municipal Solid Waste are collected per day throughout the country. But the actual quantum may be much higher. The general public puts the blame on Local authorities and they do the same vice versa.

Considering the said facts and circumstances Centre for Environmental Justice [CEJ] filed an application in the Court of Appeal seeking a Writ of Mandamus against the Central Environmental Authority for the formulation of a National Policy for Solid Waste Management, and the Minister of Environment and Natural Resources to implement the said policy by formulating regulations.

Other Respondents cited in the application are Minister of Environment and Natural Resources, Minister of Provincial

Councils and Local Government and Attorney General.

The Petitioner in his Petition stated that waste management practices here are highly deficient and outdated and lack public participation. The mismanagement and improper disposal of Municipal Solid Waste raises a number of serious visible, invisible and sometimes irreversible environmental and other issues such as water resources pollution, air pollution, visual pollution and health and sanitary problems. Due to the absence of proper collection, management and disposal practices Municipal Solid Waste has become a grave problem in Sri Lanka. Therefore the Petitioner submitted that although there are provisions made about 20 years ago to deal with problems of Municipal Solid Waste no action has been taken up to date.

Therefore the Petitioner suggested the importance of a long term action plan to be formulated to find a solution. Case is already fixed for argument. ■

## CEJ file a case against Kaluganga Gem mining

The Centre for Environmental Justice (CEJ) filed an application in the Court of Appeal seeking an order in Writ of Mandamus against the Geological Survey and Mines Bureau and Central Environmental Authority and three others against unlawful river bed mining at Kahangama in the river bed of Kaluganga without obtaining prior approval from the relevant authorities.

The Petitioner seeks a Writ of Mandamus against the Respondents to perform their duties vested on them by, National Environmental Act, other relevant acts and regulations and to take action and or steps or measures to stop and prevent the mining activities in violation of the provisions of the Mines and Minerals Act taking place in Kalu Ganga.

The NEA requires that an EIA be conducted if any activity within a 60 meter area in a river which is more than 25 meters wide in any place of a river. ■

## A Case on Cyanide Pollution

Centre for Environmental Justice provides legal and scientific advice to the local communities regarding the pollution caused by an unauthorized electro plating and galvanizing factory which produced nuts and bolts with high polluting process. The pollution is caused due to the dumping of used Cyanide containing material to a water well which has now contaminated the water table. According to the people several deaths have occurred due to kidney failure.

This matter was filed by the Central Environmental Authority under provisions in the National Environmental Act No.47 of 1980 as amended in the Minuwangoda Magistrate's Court and CEJ is appearing and providing legal assistance for aggrieved people in the area. ■

# Story of two elephants

Time for establishing animal rights



*Silenced Tusker in Yala  
Photo by Janaka Withanage*



*Feeding a baby elephant in Pinnawala*

It was not long ago that court declared natural resources are owned by the public. The Government is only the trustee. Famous Eppawela judgement ruled by the Supreme Court of Sri Lanka is clear on the Public Trusteeship of the natural resources.

“Oh! Great King, the birds of the air & the beasts have an equal right to live & move about in any part of this land as thou. The land belongs to the peoples & all other beings & thou art only the guardian of it” said Arahat Mahinda to King Devanam Piya Tissa, in 307 BC.

Should we consider animals as natural resources? Do we have right to animals or do they have their own rights. The recent controversy on the two baby elephants said to be stolen by “Diyawadana Nilame” led the people to rethink who is the guardian of the nature and the natural resources.

Humans have conceptualized their rights to nature and natural resources. The International Standard Setting Instruments have clearly recognized the principle of inter-generational equity too. It has been stated that humankind bears a solemn responsibility to protect and improve the environment for present and future generations. Principle 1 of the Stockholm Declaration states that “The natural resources of the earth including the air, water, land, flora and fauna must be safeguarded for the benefit of present and future generations.”

To my little legal knowledge animals neither have constitutional rights nor legal rights. The laws, regulations and policies produced by the humans give protection to those animals (and trees) but with no acceptance of the legal right to those animals and trees. They exist only because of the human sympathy. If the human does not need them they all have to go. Baby elephants have been subjected to abduction and torture because they have no own rights. These mothers also do not have rights to keep babies with them.

It was clear that public opinion was against this act. But neither the laws nor the religion (Buddhism) were able to protect them. I am reluctant to believe that once given to the temple no fundamental rights exist. I have seen that many temple properties have been subjected to court cases. But the case on baby elephants was lost because there were no grounds.

Neither the domesticated elephants nor the wild elephants have protection. Annual elephant death toll is around 250 to 300. Current elephant’s policy is a white elephant. Department of Wildlife Conservation alone cannot protect the elephants. The organized gangs are much more powerful to kill or snatch them. While some concerned people are vociferous they are not in the majority.

I have noticed that “Gaja Mithuro”, an organization established in some areas, was considered to be an attempt to pro-

tect elephants and humans. But some people complain that they do not even get elephant crackers. The story of wild elephants is very pathetic.

Many domesticated elephants, who serve some elites and temples to protect their arrogance and to serve temple pageants, suffer too. They are not safer because they are in human hands.

Some animal activists suggest that “Human over population is the number one threat to wild and domestic animals worldwide. Whatever human beings do to use, abuse, kill or displace animals, the effect is magnified by the number of people on the planet, which is now approaching seven billion”.

People in Sri Lanka talk vastly on elephants but not about many other animals, perhaps, because, they are giants and visible. But in general we have no animal rights movement unlike in many other countries.

Animal rights, is the idea that the most basic interests of animals should be afforded the same consideration as the similar interests of human beings. Animal rights advocate to approach the issue from different philosophical positions but agree that animals should be viewed as legal persons and members of the moral community, not property, and that they should not be used as food, clothing, research subjects, or entertainment. Although we are majority Buddhist that kind of thinking only exists in the religious books.

The recent constitutional provision in Ecuador provides constitutional rights to rivers, tropical forests, islands and air. This bill of rights would change the legal status of natural resources from property to a “right-bearing entity.” Perhaps the government of Sri Lanka has to revisit at least animal rights principles and bring regulations to stop animal cruelty and unacceptable treatment to these life partners. May all the beings have the right to be free tomorrow! ■

# කළුගඟ වෙන්දේසියේ

රෝහන කුමාර

**ශ්‍රී ලංකාව තුළ ගංගා ද්‍රෝණි 103ක් පමණ හඳුනාගෙන ඇත. ඒවායේ විවිධ වූ භාරිසරික හා ආර්ථිකමය වටිනාකම් පවතී. මධ්‍යම කඳුකරයෙන් හටගන්නා කළුගඟ අපරට තුළ පිහිටි ප්‍රධාන ගංගාවන්ගෙන් එකකි. රත්නපුර, කහන්ගම, ඉංගිරිය, බැල්ලපිටිය, භාරගල, කහන්විල, අගුරුවානොට, උඩුවර, දියගම, කළුතර, යන ප්‍රධාන නගර හරහා ගමන්ගන්නා මෙම ගංගාව දිගින් කිලෝමීටර 129ක් පමණ වන අතර, රත්නපුර හා කළුතර දිස්ත්‍රික්ක වල වර්ග කිලෝමීටර 2720 පමණ පෝෂක ප්‍රදේශයක්ද ආවරණය කරයි.**



පෝෂක ප්‍රදේශ අනුව ශ්‍රී ලංකාව තුළ පිහිටි ගංගා අතරින් හතරවන තැන හිමිකරගන්නා මෙම ගංගාව ඉහල ජෛව විවිධත්වයකින් යුතුවන අතර රත්නපුර දිස්ත්‍රික්කය හරහා ගලාබසින නිසා ගංපතුල මැණික් බනිජ සම්පතීන්ද යුක්ත වේ. මැණික් බනිජ පවතින නිසාම මෙම ගංගාවට මිනිසාගෙන් සිදුවන හානි අතිමහත්ය. මෙහි ගංපතුලේ අනවසරයෙන් හා අවසරයෙන් සුළු හා මධ්‍ය පරිමාණයේ මැණික් ගැරිම් අතීතයේ සිටම සිදුවූ අතර වර්ථමානයේදී විශාල ප්‍රමාණයේ මැණික් ගැරිමකට බදුන්ව ඇති බව අපදන්නා කරුණකි. කළුගඟේ කහන්ගම ප්‍රදේශයේ කිලෝමීටරයක පමණ පෙදෙසක් මැණික් හා ස්වර්ණාභරත අධිකාරිය මේ වන විට ප්‍රසිද්ධ වෙන්දේසියේ විකුණා අවසන්ය.

පත්‍රයට අනුව දියපහරේ මාර්ගයේ කවර හෝ ස්ථානයකදී මීටර 25ට වැඩි පළලක් ඇත්තාවූද රජයේ ඉඩම් ආඥාපණතේ (454 වැනි අධිකාරිය) යටතේ අර්තකථනය කර ඇති පරිදි යම් පොදු දිය-පහරක ඉවුරේ සිට මීටර 60ක දුරක් වැලි බණිජ ද්‍රව්‍ය ලබාගැනීම සඳහා සිදුකරන යම් ව්‍යාපෘතියකදී ජාතික පාරිසරික පණතේ ප්‍රතිපාදනයන්ට අනුකූලව කටයුතු කරමින් පාරිසරික තක්සේරු වාර්තාවක් සැකසීමෙන් අනතුරුව බලපත්‍ර ලබාගතයුතු ව්‍යාපෘතියක් ලෙස නම්කර ඇත. නීතිය එසේවුවත් මැණික් හා ස්වර්ණාභරත අධිකාරිය පවසන්නේ කැබිනට් අනුමැතියකින් හා පරිසර අමාත්‍යාංශයේ අනුමැතිය ඇතිව මෙම වෙන්දේසි කිරීම කල බවය. එහෙත් තතුදන්නෝ මෙය නීතිය ඇස්පනාපිටම බණ්ඩනය කිරීමක් බව පවසති.

ගසාගෙන එන වැලි නතරවීම නිසා මෝය අසල වැලි ප්‍රමාණය අඩුවීම නිසා වෙරළ බාදනයට ලක්වීම, ගඟ ගැඹුරුවීම නිසා වර්ෂාව හිඟකාලයට එය ගලානොබසින තත්වයට පත්වීම, මෙමගින් ඇතිවීමට ඉඩ ඇති තත්වයන්ය. පරිසර නීති උල්ලංගනය කරමින් සිදුකරන මෙවැනි ව්‍යාපෘති කාගේ උවමනාවන් ඉටුකිරීමට කලත් අපකාටත් රැකීමට යුතුකමක් ඇති හා අප කාවත් රකින ස්වභාවික පරිසර පද්ධතිය සුළුතරයක් විසින් සිග්‍රලෙස විනාශමුඛයට ඇද දමන බව කිවයුතුය.

රජය මහජන දේපල පිළිබඳ ජනතාවගේ භාරකරු ලෙස නීත්‍යානුකූලව පිළිගනු ලැබ ඇති කරුණකි. ප්‍රධාන ගංගා මෙලෙස වෙන්දේසි කිරීමට අයිතියක් නොමැති වුවත් ප්‍රදේශයේ බලවතුන් හා දේශපාලන බලවතුන් ඉදිරියේදී එවැනි නීතියක් ශුන්‍ය වී ඇත.

ගංපතුල හැරීමට යන්ත්‍ර යොදාගනිමින් සිදුකරන මෙම මහා පරිමාණයේ මැණික් කැණීම නිතර ගංගා ජලය බොරවීම නිසා ගඟේ පහල පෙදෙස් වල ජීවත්වන ජනයාගේ ජනජීවිතය අවුල්වීම, ගංඉවුරු කඩාවැටීම නිසා රක්ෂිත ප්‍රදේශ මෙන්ම මහජන දේපලද ගහට ගොදුරුවීම, ගංගා පතුල ගැඹුරුවීම නිසා ජීවිත වලට තර්ජන එල්ලවීම, ඉහල ආර්ථික වටිනාකමකින් යුතු සම්පත් සුළු පිරිසක් අතට පත්වීම, ක්‍රමවත්ව

ගංගා, ජලය බණිජ, යනු ස්වභාවික සම්පත්ය. ඒවා මිනිසාගේ පැවැත්මට සෘජුවම බලපාන අතර එම සම්පත් විනාශවීමට මංසලසා එහි වටිනාකම ගැන කථාකිරීමෙන් පලක් වේද?

එහෙයින් ඒවා ඇතිවිට එහි වටිනාකම ගැන කථාකිරීම කලයුතු බවත් කථාකිරීම පමණක් නොව ඒවා රැකගැනීමට මංසැලසීම කලයුතු බවත් වගකීමෙන් යුතුව අවධාරණය කරසිටියි.

මෙවැනි ව්‍යාපෘති මින් අවසන් වන්නේ යයි අනුමාන කල නොහැකිය. පරිසරය සුරැකීමට අණපනත් තිබුනද ඒවා ක්‍රියාවට නැංවීමට බැඳී සිටින අයවලුන්ගේද දේශපාලකයින්ගේද වගකීම හා යුතුකම හරිහැටි ඔවුන් තේරුම් නොගැනීම මෙවැනි ව්‍යාසනයන්ට හේතුව වනු ඇත. ■

1993 ජූනි 24 දින ප්‍රකාශිත අංක 772/22දරණ අතිවිශේෂ ගැසට්



COP 14 held in Poznan December 2008 Photo By Dr. Avilash Roul

# Road to Copenhagen Climate

## With or Without India and China?



Dr Avilash Roul,

The coming December Copenhagen climate meeting will definitely clinch the replacement deal for the Kyoto Protocol. The high profile climate issue must settle a deal from all government negotiators although it seems as of now a long miles to go. However, the basic rudiments of the Copenhagen Protocol remain unanswered such as emission reduction target for the industrialized countries, willingness of developing countries such as China and India limit the level of emission, modalities of financing for reduction of emissions and adapting to the impacts of climate change and managing these finances. Will that be really enough to tackle the climate change?

Will major developing countries like India and China agree to cut their share of emissions? To address these basic questions, the government representatives met in Bonn, in first week of June this year. In addition, forthcoming Bangkok meeting in September is being under full swing

and also the Special New York meeting before the General Assembly meeting despite some controversies of logistics. The road to Copenhagen is still open but bumpy.

The Bonn talks which held in June found new allies and new coalition building. Since the Kyoto Protocol legally being implemented, the China and India factors have been keep coming in frequent interval even on the side line of all climate talks. The China and India are, nevertheless, key actors in any global deal to tackle climate change. Although COP-14 in Poznan saw the attempts to break the unity of G77-China, the coming Bangkok meeting will be a tougher negotiating playing field. It has been rare to see the Chinese delegations strongly support the Indian point of view as seen in the closing of the Poznan talks.

The last December Poznan talks remained unfinished to achieve a consensus on grounds of tackling climate change. Yvo de Boer, executive director of the UN Framework Convention on Climate Change (UNFCCC), released a draft document on May 20, 2009 though many details remain to be agreed. The draft document, which forms the basis of the Bonn talks, suggests that developed countries must reduce carbon emissions by 75 to 95 per cent by 2050, as mere guidelines, measured against 1990 levels. However, countries have not yet agreed on targets immediately to be reached by 2020. The draft treaty further sets the first-ever targets for developing nations to reduce the carbon emissions.

However, these targets are far below those set by other countries and fail to meet scientifically backed recommendations by environmental groups. The Bonn talks expected to provide further movement of at least few key convergence areas. However, much are being left to be settled before Copenhagen.

Although the 1997 Kyoto Protocol prepared and pursued by the Clinton-Gore administration, the government miserably failed to garner support in Senate to ratify the protocol. The Copenhagen Protocol will be useless without the US entry this time. In an ambitious design, the US has signalled its willingness to be in. The new US administration has taken a lead role in the fight on climate change and has made initial recommendations on emissions reductions. This goes back to the support of former Vice President Al Gore during the Obama's election campaign. While the negotiators were busy in Bonn, the special US negotiator on climate change concluded bilateral talks with the Chinese negotiator in Beijing which agreed to establish a joint technological research and development centre to promote cooperation in clean energy and climate-change study. The stance of the US on China has been slowed down since then. In accordance with the 'common-but-differentiated responsibilities', both countries agreed to take actions to prevent climate change.

### India- China in climate negotiations

The way these two Asian giant-India and China has been presented in the climate change issues depends on the argument experts put forward to rationalise their positions. Mostly the Scandinavian countries/EU and the CSOs based in the developed countries who follows the suit of their countries voice strongly argue that without India and China's commitment the climate deal won't occur. Probably, this argument is gravely mistaken. Both countries have taken measures gradually to address the issue within their national boundaries and within their capabilities. Both countries have been major actors representing the developing countries positions since 1992. There is a deliberate attempt to make a fissure among India and China positions on climate change. So far the attempts have been failed to succeed.

During the June Bonn talks the hard positions went on as usual in any intergovernmental climate talks. When the Co-Chair of Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) called for advancing negotiating text and move away from drafting conclusions on Annex-1 emission reductions, China stressed the need to focus on 'numbers' and not on 'text'. The European Union supported an aggregate reduction of 30% from 1990 levels by 2020. Representative of India warned that the 25-40% reduction range for Annex I countries in the Fourth Assessment Report of Intergovernmental Panel on Climate Change (IPCC AR4) is not scientific but based on hidden assumptions about appropriate division of efforts between developed and developing countries.

## Deal:

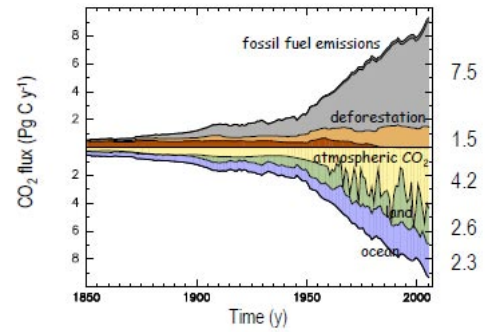
Led by India and China, most developing countries across the world emphasized to focus on enhancing the implementation of the UNFCCC and expressed concern over the inclusion of concepts and ideas inconsistent with the Convention and the Bali Action Plan. India opposed attempts to 'rewrite' the Convention and impose legally binding commitments on developing countries. Many leading developing countries like India and China opposed proposals to blur distinctions between developed and developing countries. In these talks, a new term for economists comes up as "poor developing countries"!

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Representative of India stressed that financial resources should only be provided by developed countries for the combating climate change. With China, India opposed to a proposal on levies on international aviation and maritime transportation. However, both countries opposed to review of national adaptation plans.

Since Poznan or some time before, the concept of 'historical responsibility' on GHG emissions has been the main bottlenecks between developed and developing countries. The front runner of this argument- India suggested that Annex I parties' commitments should be calculated based on "discharge of historical responsibility," which points to reductions of 79.2% below 1990 levels by 2020. The EU questioned the concept of historical responsibility stating that it is not based on the Convention. The battle has begun to garner support on two fronts- 'historical responsibility' led by India and 'current responsibilities' led by Scandinavian countries. The historical responsibility has been severely contested in the US against India as the illogical parochial talks going on in FOX NEWS in the US. The shared vision for long-term cooperative action on climate change has been severely fragmented.

The reduction timeline has been thrown to the world as 2020, 2025, 2035, 2050 and so on. In all this timeline of stabilising the emissions has a strong component of India and china. Ranging from Scandinavian government environment ministries to the climate campaigner has been calling India and China to join the club of emissions reductionists. However India has been stands tall in all those official negotiations to make itself out of any commitment. On



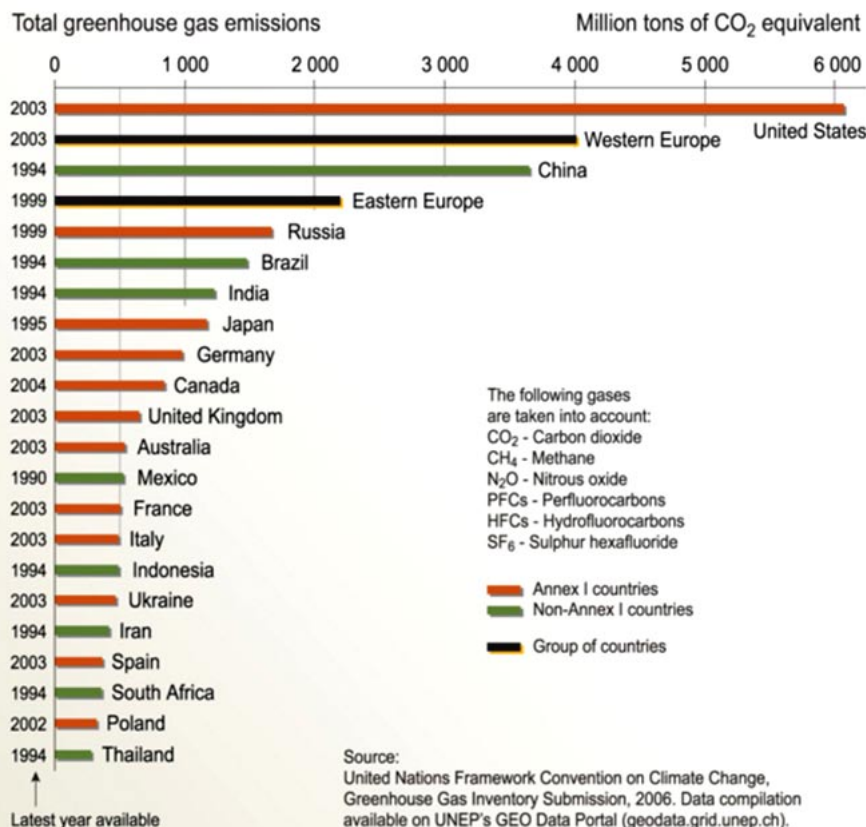
the perspective of tough negotiations it's most welcome step but on the other hand it seems India has been adamant and obstructionist to a global climate deal. "We are not defensive, we are not obstructionist. We want an international agreement in Copenhagen," Environment Minister Jairam Ramesh told reporters in New Delhi recently.

The South Asia has been one of the region worst hit by climate change threats. Bangladesh which is facing the real threat from the climate change made visible in the climate change negotiating process highlighting its 'right to survival as a human being', in Bonn. Similarly, Maldives and the Sri Lanka are exposed to sever climate threats. Since 2005, the South Asian countries have been waking up gradually combating climate change. National action plans, ambitious investment in renewable energy, environment levy act, adaptation plans are being formulated one after another. Even, climate change has taken a special space in the address to nations. Indian Prime Minister during India's 63rd Independence address on August 15, 2009 has categorically mentioned climate change and its impact and government's preparedness. Bangladesh has a separate cell on climate change under the Department of Environment. Even every Thursday of the week it is being reserved for the climate change activities in the Ministry. Although it's not enough to address the climate change, there is a need to proper cooperation among the countries in the region to face the challenges of the climate change and also to face the hard positions in the global climate talks.

If the world leaders follow an ambitious Copenhagen Treaty as prescribed by Andreas Carlgren, Minister of Environment, Sweden, as reduction of emissions by 25 % to 40% by 2020 and by 80 to 95% by 2050 by the developed countries and the emerging economies (read China and India) 15-30% by 2020, there will be no need of tough climate negotiations from Bangkok to Copenhagen. In all probability, the developing countries will miss the reduction entangle upon them this time. But, the Copenhagen Protocol will replace the Kyoto Protocol! ■

Dr. Roul has been closely monitoring the climate negotiations since 1994. He presently works with NGO Forum on ADB in Manila.

## Major Greenhouse Gas Emitters



The UN initiated Reducing Emissions from Deforestation and Forest Degradation (UN-REDD) in Developing Countries is one of the latest approaches for reducing CO<sub>2</sub> levels in the atmosphere. A multi-donor trust fund was established in July 2008 in collaboration with FAO, UNDP and UNEP for this purpose.

As per the IPCC estimates the cutting down of forests is now contributing close to 20 per cent of the overall greenhouse gas emissions to the atmosphere. Forest degradation and land use change also make a significant contribution to emissions. "Reducing emissions from deforestation in developing countries and approaches to stimulate action" was first introduced at the Conference of the Parties (COP11) in December 2005 by the governments of Papua New Guinea and Costa Rica, supported by eight other Parties.

There are opposing and supporting views for this. One of the opposing views is because REDD text agreed in COP 14 in Bali did not include the rights of the indigenous people who are living in the forests. Largest forests in Asia, Africa and Latin America are inhabited by the local indigenous people for thousands of years. "Adivasi" people who live in Dambana, Sri Lanka are also a good example. However, most of the forests in Sri Lanka are not inhabited by people as they have been removed under conservation programmes or development projects more than two decades ago. Yet there are many local communities who live near the forest areas, protect, and depend on the forests resources and the services.

Forests in all tropical countries play a major role in the life of the communities living around them. It is not just a carbon sink but also it is the source of food, water, firewood, medicines, building material, non timber forest products, raw material for household appliances. It also controls erosion and floods, maintains the seed banks. It is our life.

On one hand Annex I countries which are supposed to reduce their GHG emissions owe a huge debt to countries which maintained good forests which absorbed CO<sub>2</sub> since the industrial revolution began. Those who lived inside and protected forests should be entitled to get the repayment for those services. However in practice this may not be easy. All Sri Lankan forests were vested with the Crown by the British

# Red lines for REDD



**Hemantha Withanage**

colonials under the Waste Land Ordinance which are now under government control. In practice, the REDD programme will mainly enter into agreement between the [so-called] forest owners, which is the Government, and the parties that seek emission cuts. The Government can only gain benefits in this case.

If the forests are included in a contract by the governments it will have serious control and will limit access to local people. Many of them are local poor who rely on the forest. So, protecting the rights of those people living in poverty and those who are relying on forests for subsistence is an utmost important aspect in this business. Is the REDD program ready to compensate those people and find alternate livelihood for them?

REDD will cut emissions if we keep those forests healthy. As we know Sri Lankan forests have many threats. The illegal cutting of timber, encroachments, massive destruction for development projects are some of them. In many countries they are the government itself, forest and energy industries, road development and big agri-businesses, tea cultivation etc., who are responsible for the forest degradation. Involvement of these sectors in both economic and political structures, needed for a successful implementation of REDD, which will have serious cost involvement too.



If we are to receive REDD funds we have to maintain healthy forests. According to the UN "The UN-REDD Programme is aimed at tipping the economic balance in favour of sustainable management of forests so that their formidable economic, environmental and social goods and services benefit countries, communities and forest users while also contributing to important reductions in greenhouse gas emissions."

It is the opinion of many activists that forests should not be treated as carbon sinks. It has multiple values. The above explanation shows that REDD has been proposed as not only for Climate Change Mitigation, but also the conservation of eco-diversity and continue to give other forest services such as water regulation. For local people, living by the forests is much more important than getting control by the climate mitigation mechanisms (such as emission traders) who are far away from them. Therefore we believe that REDD should not be included in the emissions market. Further, if REDD is considered under emission market, the developed countries could by themselves be out of their own obligations to reduce CO<sub>2</sub> emissions in their own country by buying cheap forest certificates. According to the Rain Forest Foundation, UK "REDD would potentially be using for the carbon offsetting and it would subsidise the loggers."<sup>1</sup>

On the other hand, since developed countries are not willing to accept emission cuts,

the REDD will be mostly voluntary. They will prefer some countries where they can find cheap credits. This may create a cold war between Annex II countries and it might weaken the Annex II countries' positions. Especially this is more possible in the case with the global financial crisis. Some countries will have more to offer which means they will offer cheaper CO<sub>2</sub> absorption.

Conservation of forests is not cheap in countries such as Sri Lanka where the threat is so much compared to some countries which have more lands with low population pressure. So the cost of maintenance is not equal in all the countries. This means the cost of CO<sub>2</sub> absorption is also not the same. Therefore if those countries are to maintain healthy forests they need more funds. On the other hand too much focus on some forests in order to respect the REDD agreements will limit attention on some not so important forests which means the total forest degradation might still go up.

As we always believe real emission cuts should be done at home by controlling their own life style by the developed countries. However, there should be a mechanism to stop further degradation of tropical forests. With the REDD funds it will not be possible to stop all deforestation within a country at once. But, the conservation of existing natural and well managed forests should have priority over reforestation and afforestation under any mechanism. Although we can see that we are losing our natural forest cover in Sri Lanka, overall forest cover has gone up since it includes the new plantations. So it is sometimes hard to depend on the national statistics about degradation.

Consideration of biodiversity is an important aspect in REDD approach. Monoculture and Plantations have little or no contribution to biodiversity compared to natural forests. Undoubtedly, natural forests could store more carbon than forest plantations. Therefore REDD should not waste its funds for plantations which are economically so attractive.

Countries such as Sri Lanka have contributed to the conservation of forests for thousands of years. That should be rewarded in order to discourage future deforestation. There is a trend in Annex II countries, such as Sri Lanka, to destroy some forests disregarding climate impacts for development projects. If they are to save them, it needs attractive income generation from those global forest services.

One big problem with REDD is the consideration of the rights of the Indigenous and local communities whose rights must be fully



respected. This is undeniable especially when UN has already accepted the rights of the indigenous people. Therefore, REDD should respect the good governance principles and democratic decisions making including Free and Prior Informed Consent (FPIC). Participation of the people on site is indispensable to make forest conservation permanent and socially just. In my opinion there won't be conservation to the forest unless people have access to the funds earned under the REDD.

Nevertheless, if the REDD are going to be successful it needs dedicated funds rather than support going through the general ODA accounts. The ODA funded activities are not successful in many countries. Neither the carbon market managed activities. It will need serious management. The good governance, compensation for local right owners, poverty elimination, fair treatment of all forests, should be included in designing implementation and in post activities.

The project is normally looked after only during the implementation. If the REDD is to be successful the forests should be managed not

only during the short term project period but for a long term i.e 100- 200 years. It is a question whether this is going to happen and whether those developed countries are going to put funds for such a long period.

The Tropical Forest Conservation Act of 1998 by the United States proposed something similar to "debt for nature swap" which was under heavy criticism. Yet some 16 countries including Indonesia, Peru, Philippines are part of this programme. It allows countries to put debt payment to United States into a fund which manage national forests in the way United States want to control. US president has veto power over the use of the fund money. It is my fear that the REDD could be another face of the same.

With all pros and cons of REDD, more importantly REDD programmes will include forests' ability to absorb CO<sub>2</sub> emissions in future. However, our forests have already fixed carbon and they are already carbon stocks. If the REDD considers forest carbon stock roll, it may be easier to respect forests' roll and continue the services without conflicting the local interests.



Unlike many countries Sri Lanka has home gardens. They are not forests but they have canopies similar to a rain forest with timber and non timber species. They act as carbon sinks and reduce erosion and control floods too. If you look at these home gardens as carbon stocks rather than forest carbon sinks it can greatly increase the carbon absorption. While forests are still with much higher diversity, if the REDD consider home gardens as carbon stocks, which are done by the ordinary people, they may look as an alternative. For the carbon absorption, Sri Lanka has 818,000 Ha of home gardens approximately which is about 1/3 of the total natural forest and plantation cover in Sri Lanka. This may be the case in many tropical countries. ■

# Adaptation for Sri Lankan communities

## How Climate change will impact livelihood?



Climate change is visible in most parts of Sri Lanka. Majority of the people believe this climate change is unfavourable to living beings and livelihood. However, local climate changes in certain areas are better compared to 30 years ago. For example, Mahaweli water feeding areas in the dry zone gets more water, are more favourable to people and the environment.

However, local people cannot distinguish these local climate changes from the global climate change. On the other hand some impacts can be explained as the impacts of local environmental changes. For example some water related impacts have direct links to the destruction of forests in the local environment. These unfavourable conditions are varying from community to community.

Most nature dependent livelihoods such as farming, fishing, different types of labour including labour involved in Tea and Rubber industry, natural resources based sustainable livelihoods have negative impacts. There are unfavourable conditions due to the spread of vector borne diseases and also quick weather change including heat. These communities have made very, very negligible contributions to the GHG emissions except the farmers engaged in slash and burn cultivation or animal husbandry. So they have nothing to mitigate.

However, a survey conducted by the CEJ shows that people, especially those engaged

in nature based livelihoods, are somehow suffering from climate change. They need alternative livelihoods and living conditions have to adapt to the new climatic conditions.

Adaptation is a need of changes for the survival of the living beings in order to respond to the natural changes. This is part of the natural evolution too. However, sudden natural changes due to climatic impacts are detrimental to the other living beings. Many of these species might disappear from the earth before they adapt to the changing climate. As the human species, we have a better ability to adapt to the changing situations. Yet, human species also suffer from unexpected cyclones, floods, sea level rise, heat waves etc.

Building awareness among the civil society is an immediate requirement in Sri Lanka. Meantime those policy planners can learn from the local communities. As we were going through the survey we found that the following areas need adaptation.

The farmers have to adapt to the increased intensity of floods and the dry seasons. Change of the rain pattern has negatively affected farmers, especially those engaged in slash and burn cultivation. This may need moving the cultivation seasons or change of crops and cropping pattern. They will have to consider moving away from chena cultivation to permanent cultivation. They may also need to find plant varieties that suit the changing rainfall pattern.

Adaptation to water conservation, rain water harvesting are also important.

People living in the low lying areas need to adapt to the increased level of flooding. Some affects are due to the lack of climate proofing of the old and newly built infrastructures. For example, Kukule Ganga dam has created increased flooding in the low lining areas in the downstream. Some people might have to move their houses to the high ground to avoid increased floods in the surroundings of those mega development projects. Coastal low lying areas face salt water intrusion which destroy the agricultural lands, traditional livestock, grazing lands, and the water table.

Fisher folk face loss of coastal houses due to sea level rise or due to heavy erosion by increased size of waves. They also have to face the loss of fish caused due to the destruction of mangrove forests, sea grass beds, acidification, coral degradation or other unknown reasons.

Some water intakes are vulnerable to sea

water ingressions. This affects water facilities including the Kaduwela water intake. As the ground water table is going down in certain areas, the water scarcity is becoming a major problem. People in general have to adapt themselves to the mosquito menace as it is increasing in the areas that were considered as more cold. The earth slides have increased in some wet areas due to high rainfall over an extended period. People living in slopes and earth slide prone areas need actions.

Some houses may need stronger construction to adapt to the increased intensity of winds. Perhaps older structures are more vulnerable. Certain locations might not be suitable for house constructions anymore.

Lack of climate proofing in mega development projects make people and environment vulnerable to the climate damage. Most of the infrastructure projects have not considered climate change in designing and implementation. While some adaptations are part of the learning curve of the local people who have specialized in their locations, some adaptations need proper authority but careful and cautious intervention. As many people engage in nature related livelihoods are losing jobs there is a need of creating green jobs in the future.

The result also shows that climate change is not only a business of the environmental agencies of the government. It needs to be a crosscutting issue for many other authorities including agriculture, water and irrigation, fisheries, meteorological, coastal, disaster mitigation and academics. The research team felt that even the provincial and local authorities have a role to play.

Local communities have lot to contribute to the climate plans. Keeping them out of climate business will create unnecessary damage to life and livelihood as we have seen in some Asian countries in the recent past. Bringing them to the climate planning will allow them to understand and contribute to the mitigation and adaptation. Therefore, democratizing of climate plans and action should be done without further delay. ■

*The article is the conclusion chapter of the CEJ publication entitled "Public Perceptions on Climate Change and Adaptation in Sri Lanka" Read the full text in [www.ejustice.lk](http://www.ejustice.lk) or contact CEJ.*





## Save the life from poisoned food



*Dilena Pathragoda*

**W**e Sri Lankans as all ordinary beings have a practice of taking three main meals per day and it is all important daily routine. The specific place air, water and also food possess in the life of human beings has been studied by us from the early days of our lives. It is so because our mere existence depends on them.

Revelations have indicated that due to our being ignorant of certain facts we have been instrumental in making our lives short. Food stands out as the main cause. We are unaware of the quantities of poisons contained in food items that we take in daily such as vegetables, instant food varieties, coloured drinks, most oils are some examples of additive containing edibles that are available in the markets.

It is a common practice among cultiva-

tors and traders to use agro chemicals from seed cultivation stage up to harvesting and even later. It has been revealed that chemicals are sprayed on green chilies, tomatoes, beans and most of the upcountry vegetables. All those concerned about health have the common knowledge that spraying of agrochemicals on products should cease before a minimum 7-14 days before marketing them. However the trader and cultivator is only worried about ways and means of gaining the maximum profit and least concerned about health.

The time has come for us to think about the number of inmate patients in hospitals, or the number of cancer patients, the number of kidney patients or the number of eye patients. It is a sorry state of affairs when we consider the plight of children.

The immediate result of all these are the practices we have adopted in our feeding processes.

According to a survey conducted by us in various parts of Sri Lanka we have observed that most vegetables sold in

markets are contaminated with these agro chemicals. The intensity of the danger is that the chemicals have been used without any standards or recommendations. The affects of the chemicals on those who spray them are also saddening. The results may sometimes be a cancer or skin ailment or may be heart problem.

The time has come to think twice what is in our food. ■



## Can “Biochar” make a country carbon Neutral?

Several patent applications have been made for industrial charcoal use in soil and for “Pyrolysis” for charcoal production. Industrial Charcoal or “Biochar” is one of the solution suggested by the corporations to mitigate climate change. The promoters suggest “biochar” is similar to the “Terra Preta” a mixture of charcoal and varieties of biomass developed by the Central Amazonians thousands of years ago.



These “biochar” producers suggest that this is the “silver bullet” for reducing global greenhouse gases thereby mitigating climate change. This has been already proposed to the UNFCCC and for clean Development Mechanism (CDM). Several African governments also proposed this in order to promote private sector involvement in climate Mitigation.

The Maldivian Government is targeting to become the first Carbon Natural nation by developing three small islands producing waste into “Biochar”. The company involved in this business is Carbon Gold, a UK based entity.

However, many environmentalists disagree with this approach and suggest not including “biochar” in climate mitigation proposals. One argument is that industrial “Biocharcoal” is not close to “Terra Preta.” New science has so far not unveiled the techniques used by the ancient people to produce it. If the new companies granted patents, those will ensure that any future profits from the technology will go to companies, not

communities. According to the FOEI and other groups, given that successful strategies for combining charcoal with diverse biomass in soils were developed by indigenous peoples, ‘biochar’ patenting raises serious concerns over bio piracy. The inclusion of soils in carbon markets, just like the inclusion of forests in carbon trading will increase corporate control over vital resources and the exclusion of smallholder farmers, rural communities and indigenous peoples.

The Clean Development Mechanism (CDM) has perpetuated, rather than reduced fossil fuel burning by permitting industries to purchase “rights to pollute” and further delaying the social and economic changes which are essential for addressing climate change. The climate impacts of fossil fuel burning are irreversible, yet so-called ‘soil carbon sinks’ are highly uncertain and impermanent.

“Biochar” producers suggest production of gigatonnes on “biochar” will reduce the CO<sub>2</sub> into pre industrial levels. However environmentalists state that it will require millions of hectares of lands to

convert into biomass production which will be mostly monoculture plantations which are already problematic. This is not different from the controversial “Agro-fuel” production. A UNEP report found that industrial charcoal release most of its carbon content in 30 years time, although the “Biochar” producers suggest that this carbon will remain in soil for thousands of years.

There is no consistent evidence that charcoal can be relied upon to make soil more fertile. Industrial charcoal production at the expense of organic matter needed for making humus could have the opposite results.

Combinations of charcoal with fossil fuel-based fertilisers made from scrubbing coal power plant flue gases are being marketed as ‘biochar’, and those will help to perpetuate fossil fuel burning as well as emissions of nitrous oxide, a powerful greenhouse gas. According to the experts the process for making charcoal and energy (pyrolysis) can result in dangerous soil and air pollution.

Using waste for composting is the best solution for carbon minimisation. However, turning waste into “biochar”, perhaps will be better than burning them. However, carbon in waste is not the problem for climate change. The biggest problem is burning fossil fuel. However “biochar” is not an alternative to fossil fuel. There are many scientific uncertainties over “biochar”. It is not a proven technology for making a country carbon neutral. ■

## CEJ, PILF and IUCN collaboration on Environmental Justice

Centre for Environmental Justice, Public Interest Law Foundation are in collaboration with the International Conservation Union (IUCN) Sri Lanka for Improving Environmental Justice for the rural poor in Sri Lanka which is a component of a global project, entitled “improving natural recourse governance for rural poverty reduction”.

The project is expected to be piloted in four locations. Centre for Environmental Justice. will implement the project in Nilgala adjacent to the Nilgala forest reserve in Moneragala district, and also in the boundary villages in the Periyakalapu lagoon of the eastern coastal belt in Ampara district. CEJ collaborates

with Nilgal Mithuro and Socio-Environmental Educational Development Association (SEEDA) respectively.

The Public Interest Law Foundation (PILF) will implement the project in Peak Wilderness and Puttalam Lagoon.

The project aims to strengthen rights to natural resources, promote changes to reduce procedural inequalities by addressing questions of fair treatment and uniformly applying governing rules, regulations and evaluation criteria focusing mainly on issues faced by poor communities dependent on natural resources and improve the protection to the

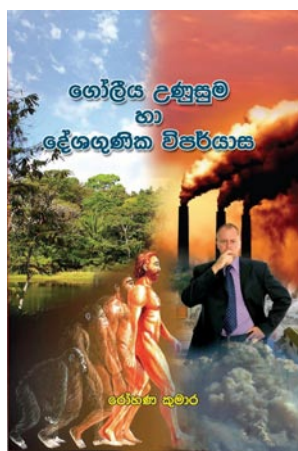
natural resources with the collaboration of all stakeholders. So that the project focuses on three main elements. i.e:

- Improving governance for managing natural resources;
- Empowering civil society to reduce poverty and better manage natural resources and;
- Capacity building for civil society to effectively manage natural resources.

The project will bring all the stakeholders in the project sites together in achieving its objectives.

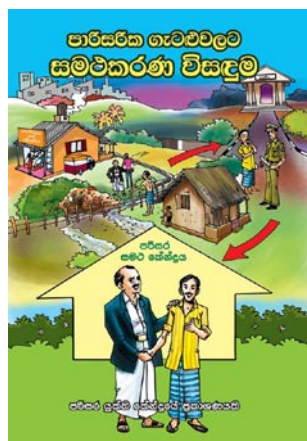
This is a three year project. ■

# CEJ BOOK STORE



## Global Warming and Climate Change - Sinhala

This book written by Mr Rohana Kumara, Environmental Officer of the Centre for Environmental Justice, provides a basic knowledge on how the climate change happens, how it affects the environment, biodiversity and humans. It is suitable for anyone who is interested to know how climate change affects our own lives. It will be also useful for the Students, Teachers, and Activists.



## Mediation solutions for Environmental Problems - Sinhala

The book written by Mrs. Mallika Bandula, Mr. Dilena Pathragoda and Mr. Cyril Premarathne provides the process for mediating simple disputes without any cost and in a simple and sustainable way. This book also encourages people to consider resolving environmental disputes through mediation.

*Information on our publications can be obtained from:*

**Information Officer,**  
**Centre for Environmental Justice,**  
20A, Kuruppu Road, Colombo 08, Sri Lanka  
Tel/Fax: 0094112683282 Email: [info@ejjustice.lk](mailto:info@ejjustice.lk)

## CEJ MEMBERSHIP

Centre for Environmental Justice(CEJ) is a not for profit public interest environmental organization with the mission to protecting the equal environmental rights of the people & environment and promoting ecological sustainability by supporting ecologically sound community activities.

The main objectives are to: Sharpen the public debate on environmental good governance; Promote ecologically sustainable development and environmentally responsible neighbourhoods; Safeguard nature and people from environmentally and socially irresponsible activities and human rights violations; Promote community participation in decision making on natural resources; and Promote environmental justice and equity through legal and other means.

CEJ membership is open to the public who are enthusiastic on the environment and its riches. Membership is subject to

an annual membership fee of Rs. 500/= . Associate Membership can be obtained for an annual fee of Rs. 200/= . Student Membership can be obtained for an annual fee of Rs. 50/= . Associate Members and Students Members are not entitled to vote during the Annual General Meetings.

For more information:

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*At least 20,000 hectares of forests are annually burnt by fires.*

*There are less natural causes for the forest fires. Many of them are man made. Some forests may burn when people are not careful while they set fire in chena cultivations.*

*But most forest fires are deliberate for catching wild animals, in order to get new grass leaves as fodder and for fun.*

*It destroys water sources, biodiversity, degrades soil and increases green house gas*



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