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Development at the cost of human rights

Green Column

By Shakuntala Perera

The financial experts are now calling for reforms in the laws pertaining to the construction of large-scale development projects, with a view to facilitating their 'actual' implementation. They place blame with the groups protesting against these constructions, for being responsible for the country losing aid, meant for development projects, by the failure to get the projects off the ground on time.

Secretary to the Treasury, Dr. P.B. Jayasundara was recently quoted as lamenting the predicament that had befallen the country's progress as a result of this situation. He alleges that environmental laws in particular, are a hindrance to the development process of the country.

It is further cited that large-scale development projects on the pipeline, such as the numerous expressways face the threat of the funds being pulled out, by the lending agencies. It is reported that about US$ 300 million, granted to the Colombo-Matara expressway by the Japanese aid agencies, is on the verge of being lost to the country due to a reported four and a half year delay in utilisation. He then views the number of fundamental rights pleas, before the judiciary, both on environmental and human rights grounds, as a hindrance to development.

His claims raise a question on the conflict of interest between the people's right to protest, if the so-called development project is in fact hampering their right to a pollution free environment, (as is the case more often than not) and the right of the State, to perceive beyond what the tax payer may choose to have for his benefit or not.

The experts however, are calling for laws to be changed in a manner that allows room for the project promoters to continue with the development projects, with or without the approval of the people. Such amendment of the laws as they exist at present, will see little or no room available for the public sentiment to be expressed.

If indeed the desire of the State is development at whatever cost, then such a scenario may be looked at positively. But even if that is going to be the ultimate goal of the development the government seem keen on, the question arises as to where the rights of the State begin as opposed to that of the citizen.

The accusation against the environmentalist and the public interest lobby, as a major hurdle in the country's path to progress, is not a new one. Successive governments have contributed towards the allegation, always leaving room however, for them to join the very 'culprits' when in the Opposition. Yet no government, it needs necessarily to be noted, has so far gone to this extent to actually propose the amendment of the laws in support of destruction of the environment, as this one seems to have. Whatever arguments come from this lobby, no one can deny the fact that, this is in fact, what such amendments will do to the fauna and flora of the country.

Regarded mainly as a commodity that can be bargained between the State and 'interested parties', the environment has continued to suffer in the hands of such ad-hoc decision taken to meet short-term gain.

A similar proposal, came half way through the PA's first term in office, when the then Minister of Industries, the late Minister C.V. Goonaratne, proposed reducing the 30 day period given for public comments to Environmental Impact Assessments (EIAs) carried out by project promoters, by half. He claimed that 15 days was sufficient to meet this requirement, seeing a month as a 'great' hindrance for industrialists.

While the proposal still remains intact, having received the blessings of the current Minister of Environment himself, the industrial 'plight' was seen to have been met, at least to a certain degree, with amendments being made to the National Environment Act, early this year. These no longer made it compulsory for public comments to be obtained when it is an Initial Environment Examination (IEE) that is being carried out and not an EIA.

The danger in this development however, lies in the requirement for either the EIA or the IEE to be carried out, lying strictly at the discretion of the Central Environmental Authority (CEA). While the functions of the CEA leaves much to be desired, the consequences of such laws are not difficult to be comprehended. The room this amended law leaves for it to be misused is clearly immense.

Environment

The law as it stands at present, allows jurisdiction for the CEA to claim it not necessary for an EIA to be carried out, claiming there is no 'significant impact' to the environment, after an IEE has been carried out. While this would easily meet the requirements of the investors, it leaves the environment at a disadvantage.

To be fair on the recommendations of the financial experts however, as a country desiring development, it needs necessarily to be granted that the existence of environmentalist groups that act with their own agendas with clear vested interests, can not be denied. Such groups, under the guise of protecting the environment, do carryout acts that in fact hamper much needed development. A through investigation in to the funding agents of these green groups, would prove this beyond doubt.

If public interest groups such as these were in fact allowed to have their way, significant development projects such as the Mahaweli project, could never have got off ground. The significance of the Mahaweli project to the economic development of the country is not small.

The same must be said about the proposed coal power plant in Norochcholai and the Colombo-Matara highway. Sri Lanka could never hope to entice investors to the country, without having the necessary infrastructure facilities in place. Electricity and a sound road network, that does not engage wasting time on traffic jams, are a must in this endeavour. And re-settling people is a 'necessary evil' that can not be ignored.

But, in the same manner if the hydro electricity projects like the Upper Kotmale project, were allowed to take place, without 'interference' from the concerned environmentalists the country could have lost its right to seven waterfalls. These waterfalls despite carrying a much needed resource for development, are also national assets that each citizen of this country has right to. Any exploitation of such assets mush carry the consultation and the agreement of the populous.

Needless to say, agreement of all, to any proposal is not an easy task, but removing what little room the tax payer has to make representations, to make his comments is certainly an infringement upon his fundamental rights, that can not be allowed to take place..

Yet, development cannot be allowed to surpass the will of the majority, especially in a country where democracy is reported to be exercised. The significance of the bio-diversity to the very existence of mankind, is not hopefully, an area that need not once again to be probed in this form of column. Global interest in the bio-diversity should speak volumes on this aspect.

What Sri Lanka, and its policy makers need to understand at this juncture is that, the very countries preaching to developing nations like us to preserve the environment, also force us to sacrifice it for aid. If we fail to see through this fade, we could be losing more than a few development projects.

What remains imperative at present is to draw that, seemingly elusive balance between the environment and development. Sustainable development is a concept that needs to move out of the books and come in to effective implementation. No development can go beyond the right of one man to live, and in a clean environment. And any attempts to infringe upon that right need to be resisted. Development plans that refuse to address this right can't be allowed to move at the cost of clean air to breathe.