

Environmental laws by themselves serve no purpose unless they are effectively enforced

By Ifham Nizam

Climate change is one of the biggest environmental, economic, social and political challenges that the world is facing today. Certainly Sri Lanka is no exception.

Sri Lanka's rice production, vegetable and fruit productions were already hampered and billions of rupees were lost. However, without an iota of doubt man is the biggest culprit and if he fails to understand it, he must be punished if not he would continue with policies that are detrimental to the society and environment as well.

Focusing on mitigating the effects of climate change especially in the rural environment is of great importance.

Needles to say sound environmental policies, effective and implementable laws and regulations and a strong and robust system for implementation and enforcement of environmental laws are essential for achieving the goals of sustainable development.

Environmental laws by themselves serve no purpose unless they are effectively enforced.

Environment and Natural Resources Minister Patali Champika Ranawaka strongly believes in full investigation of environmental offences, proper preparation for environmental cases as in many other cases, marshalling scientific and technical evidence and their successful prosecution in courts of law are an interlinked chain of events that are essential for the effective implementation of environmental laws.

The judiciary that interprets and enforces laws, the prosecutors who institute and prosecute cases before courts and the investigators and enforcement officers who carry out painstaking investigations into violations of the coun-



of Environmental Law and Conventions Director Bakary Kante who has given outstanding leadership to a Global Judges and



Champika Ranawaka

Prosecutors Programme to support Sri Lanka's national efforts towards strengthening the capacities of judges, prosecutors and investigators in the field of environment and sustainable development.

He said the objective of the recent South Asian Regional Workshop was to address the challenges facing environmental prosecutors of countries in the South Asian region in successfully prosecuting environmental crimes and finding ways and means of overcoming these challenges at the stages of investigation, prosecution and judicial process.

There is a wealth of information, expertise and experience in the countries in our region in this area of work and we hope to draw on this reservoir of know-how during this workshop, so that countries in the region could benefit

from each other's best practices and the region as a whole could contribute, through UNEP's programme, to develop the enforcement capabilities of developing countries in other regions of the world.

Environmental harm knows no borders and therefore international cooperation is essential for securing a healthy environment. A broad range of global, regional and bilateral environmental agreements including those on Climate Change, depletion of the Ozone layer,

chemicals and wastes and conservation and sustainable use of natural resources, such as biodiversity, endangered species and migratory species - provide the legal foundation for achieving this goal.

Here again, they need to be effectively implemented at national level through national laws and regulations if we are to realize the

full benefits of these international accords.

Certainly, multiple global crises should be considered as an opportunity to make a paradigm shift of our policies and strategies of economic development and environmental management globally, regionally and locally.

Ranawaka believes it is necessary to put the economy in rich countries on a different trajectory as regards material and energy flows, following a socio-ecological transition to lower levels of energy and material use. Mere short term rescue strategies such as more investments in banks etc will not provide sustainable solutions for the present financial crisis. It is evident that the current economic accounting systems have failed to capture ecosystem services to encompass the relation between the economy and environment.

The International Panel on Climate Change Conference (IPCCC) reported that 70 per cent of global warming is due to burning of fossil fuel. That heat pollution would be the biggest environmental catastrophe that humankind ever faced.

To avoid this, IPCCC suggested a carbon budget (1456 trillion tons of carbon for the whole century). However this budget will expire in 2032 if we continue business as usual, Ranawaka added.

He said on the other hand, the criteria to Kyoto Protocol have been outdated. The proposed emission cut - Bali Road Map - was not enough to save humanity. There should be objective criteria to save our planet. According to IPCCC's Carbon Budget, the environmental permissible carbon quota per person for 2009 is 2170 kg.

In Sri Lanka each person emits 660 kg annually. In USA and Canada it is 22,000 kg per person, that is more than ten times the permissible quota.

The world average is 4700 kg that is twice the permissible level. That means low emitting countries like us could not emit more because our space has already been exploited by developed or global polluting countries without our consent.

And more importantly they exploited future generations' quota as well. If we adopt scientific criteria of IPCCC these so called developed countries should cut their emission level by at least 70-90 per cent by 2020. On the other hand they owe environmental debt to other countries and should compensate them by establishing an adaptation fund, Ranawaka noted.

He said now these countries adopt delaying tactics by setting out long goals - promising a 50 per cent emission cut by 2050 - which are to be honored by their children and blaming developing world for increasing emissions which are now well below the permissible level.

If we look at the SAARC region, the region is having a population of nearly one sixth of the global population and has a total CO2 emission level of around 1330 million tones per year which is only 3.7 per cent of the global total emission.

He said with regard to the CO2 debt of developed countries

towards SAARC region estimated in line with the Human Development Index report published by UNDP in 2007/2008 and based on the principle that if the global per capita emission level of CO2 is 2.1 tons and the of the low emitting countries as well as the future generations.

Bangladesh has 468.33 million credits available in terms of tons of CO2, whereas Sri Lanka has 56.96 million, Pakistan: 481.75,

India: 3342.6, Nepal: 83.23 and Afghanistan 80.12.

Ministry of Environment and Natural Resources have estimated that share of the SAARC countries is 48 per cent of the carbon debt owed by developed countries.

To fight climate change a new criteria is needed for emission cuts based on IPCCC's carbon budget and there should be an adaptation fund estimating the actual cost of climate change.

A new monitoring institution and a new international climate change court of justice, where defaulting nations would be answerable to ensure environmental justice, should be established. Otherwise climate change related terrorism would be another form of global terrorism and would have to establish an environmental prosecutors forum at global level to address the present burning global issues.

Sustainable development could be defined as a new development which treats all living beings equally and shares capital as well as natural wealth equally among the present and future generations while maximizing the wellbeing and happiness of human kind. Ecologically it would be the new development which preserves the dynamic equilibrium of the planet while enhancing Ecosystem diversity.



try's environmental laws, form a crucial chain of key officials whose collective efforts alone will ensure compliance with and enforcement of the environmental laws and policies of a country.

He said Sri Lanka must be grateful to United Nation Environment Programme, Division