

Eppawala phosphate, appropriate technology, and Justice Without Frontiers

by D. L. O. Mendis

A front page headline in the Island of Wednesday 2nd March referred to the Public Enterprises Reforms Commission, (PERC) advertisement two days earlier, calling for Expressions of Interest (EOI) in respect of the Eppawala phosphate rock deposit. This article discusses the Eppawala phosphate rock (apatite) project, mainly using relevant material gleaned from a classic four volume study by the eminent jurist former Vice President of the International Court of Justice, Dr C G Weeramantry, titled *Justice Without Frontiers*, originally published by Kluwer Law, and republished by Sarvodaya Visva Lekha recently.

Another book by Professor Weeramantry, *Nauru, Environmental Damage Under International Trusteeship*, summarizes in one volume part of the ten volume Report of the Commission of Inquiry on the Rehabilitation of Phosphate Lands in Nauru, which he chaired in 1988, when he took leave of absence for two years from Monash University in Australia. The Nauru case is recognized as a watershed in the history of environmental law, just as the Eppawala case is recognized as a landmark in Sri Lanka's environmental history.

The second volume in *Justice Without Frontiers* has a chapter titled *The Problem of Appropriate Technology*. Here, Dr Weeramantry says that often "the developing world's role is that of a passive receiver of technology", and that since "technology has an even more intimate interaction on society than pure science", we should ensure that "technological choice should turn in the direction of technologies which liberate the many rather than strengthen the few".

The Eppawala phosphate deposit was identified in the course of a geological survey in Rajarata in the early 1970s. The Regional Development Division of the Ministry of Planning and Economic Affairs started a Divisional Development Council (DDC) project to quarry the insoluble apatite rock, reduce it in stone crushers, and then reduce the rubble sized stones in ball mills to a fine powder that would act as a slow acting fertilizer for perennial plantation crops. This was described by this author in a paper presented at the Institution of Engineers, Sri Lanka, 30 years ago in 1974, titled *Planning the Eppawala Phosphate rock*



Project using Appropriate Technology.

A later stage envisaged conversion of the apatite to a soluble phosphate fertilizer applicable for seasonal crops like rice. Research towards this end was commenced at the time in the University of Peradeniya. However, the DDC project was taken over by the Ministry of Industries and Scientific Affairs, and the longer term objectives were apparently forgotten. Instead of progressive development of technology locally, the idea was born in the late 1980s, that a transfer of technology from a multi-national corporation, was necessary to manufacture a soluble super-phosphate. Despite changes of government, this idea was pursued by decision makers in Colombo without reference to the people of Eppawala, who became aware of what was going on only in the 1990s, when surveyors arrived at Eppawala to mark out certain areas identified for a project to mine the apatite to exhaustion by the MNC in just 30 years. Local people led by the Ven. Mahamankadawala Piyaratne, Nayake Thera of Galkande Maha Vihare, Eppawala, protested, and filed a Fundamental Human Rights case in the Supreme Court of Sri Lanka, which resulted in a landmark judgement in their favour.

Dr Weeramantry examines how technology comes into a developing country, and identifies "the pressure of external factors which for one reason or another it is unable to resist", and lists five such factors under which "a developing country may take a decision to import a new technology".

These five factors are a belief (i) "that that technology is truly essential to the well-being or development of the country; an equally harmless belief (ii) "that there will be a political advantage to it in importing such technology"; or the rather less acceptable (iii) "pressure from internal vested interests to import such technology". Dr Weeramantry adds that (iv) "Such pressures may come from economic interests it needs to cultivate for political reasons or from powerful individuals who will develop a vested interest in the new technology". Finally, he says, a government may be swayed by (v) "corrupt reasons, in the sense that individual members of the government or their associates may see private profit in it for themselves". Dr Weeramantry adds that in this fifth and last factor there may be "advantages in the offer of a technology highly attractive to the dominant classes in the target country, though not directly of benefit to the masses. Such an elitist class and its demands are often psychologically linked to those of the consumer society of the West".

Referring to this final factor Dr Weeramantry says "As Marc Nerfin, the President of the International Foundation for Development Alternatives, so cogently observed at a UNU Workshop in Indonesia in 1986, 'there is a fracturing into two of every society, much worse than the traditional East-West and North-South rifts: the two Indias, the two Chiles, the two USAs, the two worlds'." This seems to be the case in Sri Lanka today, as well.

Dr Weeramantry quite candidly points out that "If there are circumstances pointing to the existence of such factors as are listed in (ii), (iii) and (iv) above, they need analysis and exposure. This is not always easy, for we are here on sensitive ground. It is better, however, that the reality be recognized and be taken into consideration than that we should continue paying obeisance to the myth that the problem disappears when the decision is a purely autonomous one".

This observation should be the key for public interest in the PERC invitation for Eppawala, especially the sentence: "If there are circumstances pointing to the existence of such factors as are listed in (ii), (iii) and (iv) above, they need analysis and exposure".

In conclusion, the concluding paragraph in the chapter titled *The Problems of Appropriate Technology* in *Justice Without Frontiers*, describing the situation in the island of Nauru, is relevant to Eppawala:

"I would like to conclude this paper by referring to a very practical problem, in which I have been involved, which clearly illustrates the importance of using modern technology for the purpose of promoting human rights. In the island of Nauru, phosphate lands have been mined out by various occupying powers from the beginning of this century, leaving large portions of the island with nothing more than bare coral pinnacles, very much resembling a moonscape.

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