

**UNIVERSITY OF COLOMBO, SRI LANKA**  
**FACULTY OF LAW**  
**MASTER OF LAWS DEGREE PROGRAMME 2022/24**  
**REPEAT EXAMINATION- TRIMESTER III**  
**Environmental Law and Policy – LL.M 2244**  
(Three Hours)

Total number of questions: 04

Answer any **Three** questions.

(Candidates will be penalized for illegible handwriting.)

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01. Anthropocene activities have caused irreversible damage to the global environment. The focus of environmental law scholars has now explored beyond the conventionally popular environmental problems like pollution and deforestation. Among some of the novel paths in environmental legal research highlights rights-based approach in environmental conservation as well as interdisciplinary oriented areas such as socio-economic and socio-political issues. The law makers and the judiciary welcome this trend and have expressed their agreement to it. Do you agree? Analyse the above statement in light of the contemporary development of environmental law in the world. Support your analysis with relevant legal instruments and judicial reviews.

(100 Marks)

02. Environmental Impact Assessment (EIA) and Environmental Protection License (EPL) have been originally introduced to uphold the key objective of the sustainable development concept, i.e. maintaining the balance between development interests and environmental interests. Assessing the evolution and development of EIA and EPL, one can argue that there are both successes and failures in achieving the goal of the sustainable development concept. Critically evaluate the development of EIA and EPL mechanisms in Sri Lanka highlighting the gaps and recommendations for improvements of the two mechanisms.

(100 Marks)

**03. Answer both part (a) and (b)**

- a) Available scientific assessment of environmental threats plays an important role in prediction and taking precautionary actions to mitigate potential harmful risks for people and the environment. States are bound to put their highest efforts in make use of scientific assessment nevertheless they (do not?) have the best available expertise and technology in the world or not. Discuss the importance of taking actions to prevent or minimize environmental damages considering relevant concepts and principles.

(50 Marks)

- b) "National authorities should endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment."

Article 16 of the Rio Declaration of Environment and Development, A/CONF.151/26 (Vol. I), 1992

Critically analyse the application of Article 16 of the Rio Declaration as a principle of international environmental law. Your analysis should specifically highlight relevant judgments in the Sri Lankan jurisdiction and other jurisdictions.

(50 Marks)

(Total 100 Marks)

04. Climate change has become the most alarming threat to human survival at present. International community has made several efforts in mitigating challenges and adopting mechanisms to prevent further damages to the earth. Nonetheless the various legal frameworks, instruments and mechanisms in place, climate change continues posing constant climate impact all over the world. Does this mean that human society is yet to find a practical strategy to mitigate climate challenges? Among many realities encountered by the global community in search of a better solution for climate change, the North-South dimension and lack of technology transfer and additional financial support have been recognized as key issues to resolve. Evaluating recent judgements delivered by international, regional and national courts, write a policy paper for the Sri Lankan delegation to be presented at the upcoming COP30. The policy paper should include international, regional and national legal frameworks, institutional and governance mechanisms and climate change related judgements.

(100 Marks)