

UNIVERSITY OF COLOMBO, SRI LANKA

FACULTY OF LAW

BACHELOR OF LAWS EXAMINATION, YEAR IV – 2025

Environmental Law

(Three Hours)

Total Number of Questions: 07

Answer **FOUR (04)** questions and **no more**.

(Candidates will be penalized for illegible handwriting.)

1. The principles of “Common but Differentiated Responsibilities” and “Intergenerational Equity” are two fundamental principles of International Environmental Law. Both are underpinned by the concept of equity and aim to achieve the ultimate objective of environmental protection, although by different means.

Comment on the above statement in light of relevant concepts and principles of environmental law. Candidates should refer to relevant international conventions, declarations, and case laws to support their answer.

(25 marks)

2. The Republic of Kethumathi, a South Asian Island nation well-known for its exotic wildlife and historically significant landmarks, is currently undergoing a severe economic crisis. In response to the crisis, the Cabinet of the Kethumathi has launched a new development plan called “Green Growth with Nature and Heritage.” Officials say it is a sustainable strategy that achieves economic recovery while protecting the environment. On the other hand, the conservationists warn that the damage to nature could be irreversible. Kethumathi is home to endangered species like the toque macaque and fragile ecosystems such as the Bada-bedda Seagrass Wetland, part of the Central Asian Flyway, and the only known national refuge for the dugong. The island also conserves sacred sites like the rock fortress of Kachalagiriya, once the spiritual heart of the Thaawathinsa Kingdom.

Assume that Kethumathi’s legal system is similar to that of Sri Lanka and that it is a party to all the key international environmental conventions. Discuss whether the following cabinet decisions violate Kethumathi’s obligations under these international conventions.

- a. The Minister of Agriculture proposes exporting toque macaques, recognised as an endangered species, to Chinchin land, where monkey meat is eaten. The Minister highlighted damages to the crops and distractions in the neighbourhood caused by toque macaques. On another occasion, an island-wide electricity blackout was reported, and it was discovered that a macaque fell onto a high-voltage transmission line, causing the blackout. The Cabinet further approved the sale of peacock meat and eggs to luxury hotels, branding it a “sustainable culinary experience.”

(10 marks)

- b. The Ministry of Fisheries plans to de-gazette 300 acres of the internationally recognised wetland, Bada-bedda nature reserve, for exotic shrimp farming. Scientists warn that shrimp farms will affect climate-sensitive dugongs and their habitats and disrupt migratory bird flyways.

(10 marks)

- c. The Ministry of Tourism announces that the ancient site of Kachalagiriya will be converted into a restaurant and open-air nightclub. Once the ceremonial capital of a lost kingdom, it is now advertised as “where ancient kings meet modern nights.”

(05 marks)

3. Human rights approaches to environmental protection have enabled the judiciary to address many environmental threats from a rights-based approach to ensure better environmental standards for human beings. However, in the contemporary world, the judiciary has gone beyond a traditional rights-based approach and has taken additional steps to recognize the rights of nature as a means of addressing environmental degradation.

Do you agree with the above statement? Discuss with reference to relevant domestic and international initiatives and case law.

(25 marks)

4. Valirajan, a Sri Lankan who returned to the country after working for many years in South Korea, plans to establish a five-star hotel in Polonnaruwa. According to the plan, the hotel will be constructed within the Parakrama Samudraya reservoir reservation, located 1.2 km distance to the Angammedilla National Park. Before commencing construction, Valirajan submits the Environmental Impact Assessment (EIA) documents to the relevant project approval authority. However, eager to commence construction without delay, Valirajan decides to begin construction without waiting for the EIA report. With the

assistance of an individual officer at the project approving agency, Valirajan manages to bypass key stages of the EIA process, including the public consultation phase. After construction begins, local community groups protest against the project. Due to the pressure from these groups, the project approving agency decides to reject the proposal, but does not provide any reasons for its decision. Subsequently, Valirajan submits an appeal to the Secretary of the Ministry of Environment but does not receive a satisfactory response.

Valirajan now seeks legal advice regarding the legality of the above incident. Furthermore, he wants clarification on how to initiate the EIA process in accordance with the correct procedure. Advise Valirajan. Candidates shall refer to relevant legislative provisions and case laws to support the advice.

(25 marks)

5. "This Court observes with deep concern that, despite the existence of a comprehensive legal framework, both international and domestic, the institutional failures, lapses in coordination, and the lack of proactive environmental governance mechanisms contributed significantly to the magnitude of the disaster. This raises serious doubts about the effectiveness of environmental rule of law in Sri Lanka."

(MV X-Press Pearl Marine Environmental Pollution Case, Supreme Court of Sri Lanka, 2025, p 226)

In light of the MV X-Press Pearl case, examine the strengths and weaknesses of the environmental legal framework and institutional capacity in Sri Lanka, and propose reforms and future directions to strengthen environmental governance.

(25 marks)

6. "While the obligation to protect the climate system is universal, the Court notes that the scale of contribution to climate change varies significantly between States. Developed States, having contributed the most to historical emissions, must assume a leadership role in mitigation and in supporting developing States through finance, technology transfer, and capacity-building."

(ICJ Advisory Opinion on Climate Change, 2025, para. 124)

In light of this statement, critically evaluate how international environmental law addresses the historical responsibility of developed nations and discuss the relevance of the North-South divide in climate justice.

(25 marks)

7. "Ajaramara" Funeral Parlour is a small-scale business located in Kotadeniyawa, just beside the Ma Oya River. There is a public bathing spot known as Kurulu-Thota close to the funeral parlour. The parlour offers full funeral and embalming services to its customers throughout the year. It operates under a trade licence and an Environmental Protection Licence (EPL) issued by the Divulapitiya Pradeshiya Sabha. Around six people are employed at the premises.

But over the last two months, the calmness of this riverside village has started to fray. Residents and visitors complain of foul smells, skin irritation, and oily patches floating on the Ma Oya, close to where community bathing place. The source is suspected to be waste from Ajaramara's embalming procedures, which use chemicals like formaldehyde and phenol. It is alleged that these are being discharged into open drains that lead directly into the river.

Local civil groups and the Kotadeniyawa Funeral Society have reported the matter to the Public Health Inspector. Despite repeated complaints, no official action has been taken. The Grama Niladhari remains unresponsive. The owner of the Ajaramara denies any wrongdoing, insisting their systems follow legal standards accurately. They claim the sources of the problem might be the wastewater from the newly opened private hospital and the lab built closer to the riverbank.

One evening around 6 p.m., a woman named Sumanawathi was seriously disturbed by the sight of funeral workers allegedly resting inside empty coffins. She fell ill afterwards and is now under medical care.

Following the increase in complaints, the Minuwangoda Magistrate's Court has issued a conditional order under the public nuisance law, requiring Ajaramara to show cause why its operations should not be stopped or limited.

You are now consulted by Ajaramara as a practicing attorney in the area. Advise Ajaramara with reference to all the relevant legal issues in the above context.

(25 marks)
