



**ENVIRONMENTAL
FOUNDATION
(GUARANTEE) LIMITED**

Deforestation - North of Wilpattu National Park

Site Visit Report

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**Environmental
Foundation**



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Introduction

The Wilpattu National Park (WNP), is the oldest and largest National Park of the country. The WNP, which was declared as a National Park of Sri Lanka in phases, declared Block 1 in 1938, Block 2 in 1967, Blocks 3 & 4 in 1969 and Block 05 in 1973, under the Fauna and Flora Protection Ordinance of Sri Lanka, enforced by the Department of Wildlife Conservation.

The boundaries of the park lie in the administrative divisions of Puttalam, Anuradhapura and Mannar. The Wilpattu National Park (WNP) spans across the north-western, and north-central provinces in Sri Lanka, 30 km west of the city of Anuradhapura and 183 km North of Colombo.

The Wilpattu landscape is composed mainly of dry deciduous forests with thorny scrub jungle interspersed with extensive grassland. A diverse array of forests and forest-related habitats provide sanctuary for the biodiversity of the dry zone of Sri Lanka. It contains a variety of ecological features including wetlands, forests and coastal habitats (Source: Wilpattu – Villus and Beyond, IUCN).

In addition to the WNP, in the Wilpattu Forest Complex, there are nine adjacent Forest Reserves namely, Maraichukaddi/Karadikkuli (Kallaru) Forest Reserve, Periyakuriyatti Kulam Forest Reserve, and Vilanththimulam Forest Reserve, Wilpattu North Sanctuary, Thabbova Sanctuary, Veppal Forest Reserve, Mavillu Forest Reserve, Periyamarippu Forest Reserve, Veerakkuli Cholai – Eluwankulam Forest Reserve.

The WNP and adjacent Forests Reserves are contiguous and form a single flourishing ecosystem. Within this forest complex, 605 varieties of plants belonging to 118 species were found while 33 of them are endemic to Sri Lanka (Source: Global Forest Watch). The WNP hosts large mammals such as Elephants, Leopards and Sloth Bears. Wilpattu is also a home to various birds, mammals, reptiles, amphibians and fish. As such the Forest Complex supports a large number of fauna and flora which has now come under increased threat.

Forest Reserves Presently Under Threat	Year of Declaration	Gazette No.
Vilaththimulam Reserved Forest	2012	1759/2
Maraichukkaddi/ Karadikkuli (Kallaru) Reserved Forest	2012	1779/15
Periyamurippu Reserved Forest	2012	1759/2

Deforestation is presently taking place on the legally declared Kallaru, Karadikkuli and Vilaththakulam forest reserves, which is a clear violation of the forest conservation laws and regulations in Sri Lanka.

Commencing in 2009 at the Northern Sanctuary bordering Wilpattu, deforestation has taken place with the aim of developing housing schemes for mainly displaced persons from the War. The road (B379) built right through the Wilpattu National Park was one of the major causes behind deforestation and illegal settlements in Wilpattu forest complex. The forest area of Kallaru came under threat during the years 2011/2012 and continuous encroachment into the Forest Reserve continues at present. The forest area of Vilaththikulam has an area of 2,108 hectares in Musalai Divisional Secretary's Division in Mannar District, Northern Province. Forest Clearing in this sector commenced as recently as 2014/2015 and construction project are presently occurring at a rapid pace.

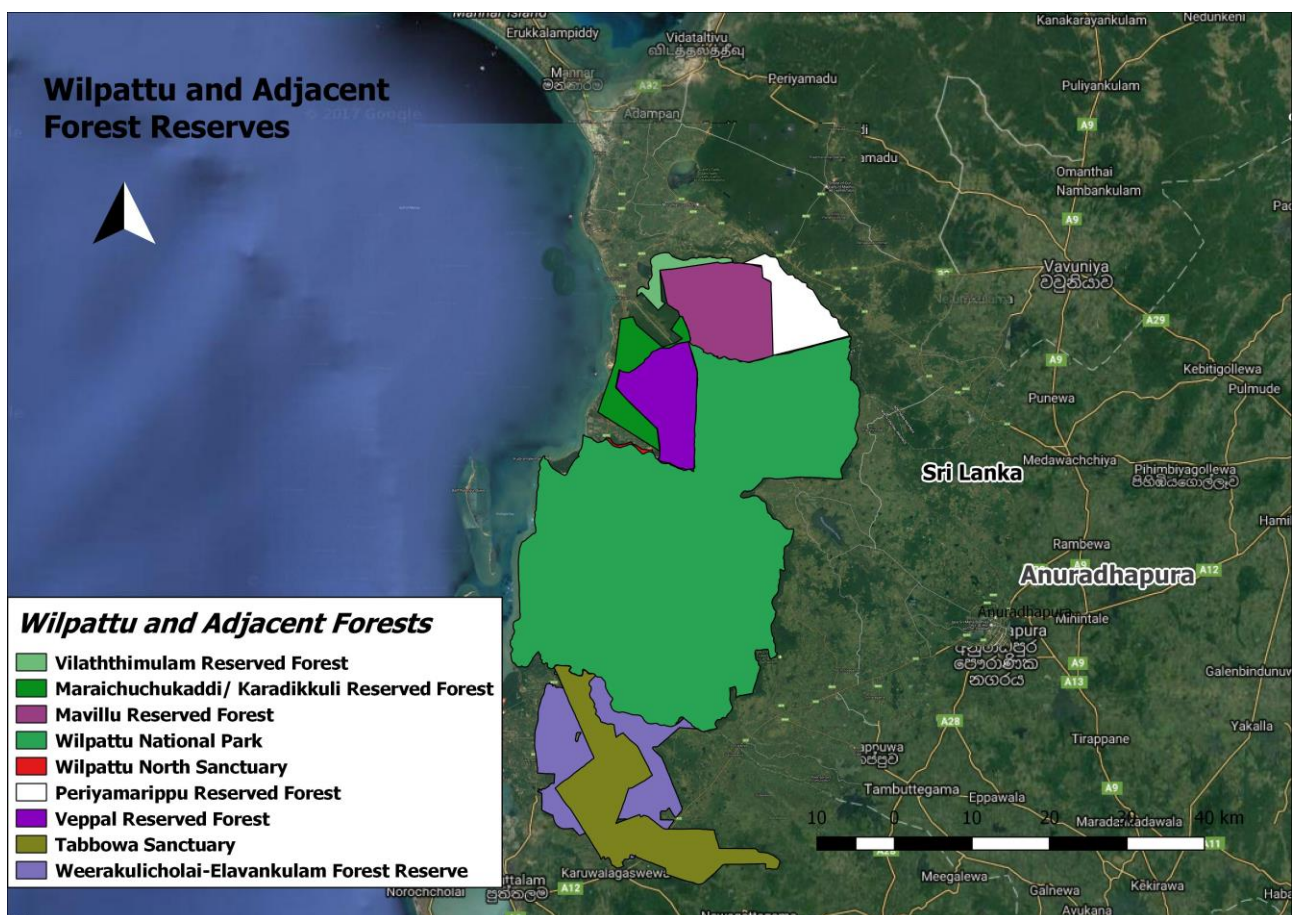


Figure 1 :The Wilpattu Forest Complex, has nine adjacent Forest Reserves namely, Maraichukaddi/Karadikkuli Reserved Forest, Periyakuriyatti Kulam Reserved Forest, and Vilanththimulam Reserved Forest, Wilpattu North Sanctuary, Thabbova Sanctuary, Veppal Forest Reserve, Mavillu Forest Reserve, Periyamarippu Forest Reserve, Veerakkuli Cholai – Eluwankulam Forest Reserve.

Observations

Site Visit – 26th December 2016

Following a site visit conducted on the 26th of December 2016, it was observed that most of the forest destruction is taking place in the Karadikkuli and Vilaththakulam Forest Reserves (FR). The deforestation commenced in Karadikkuli during 2011/2012 and thereafter gradually expanded to the other adjacent Forest Reserves. FR boundaries/Department of Forests (FD) posts are present and settlements to either side of the main road leading to Mannar could be visible.



Figure2 : Settlements in the Kallaru Forest Reserve. The housing units appeared to be empty.

Most of these settlements do not expand more than 200m to either side, and most of them are permanent structures. It is important to note that these houses are hardly inhabited and people were seen seldom. Some houses are still under construction. All the areas have been supplied with electricity and the distribution of water lines are underway in some areas. Other subsequent

facilities like health care, schools have been provided. On-going deforestation was seen in Vilaththakulam Forest Reserve (in Potkery, near Silavathurai), with an area identified as 700 acres.



Figure 3 : Construction material have been brought in for the conitnuation of work.

Further, it was noted that many tractor loads of sand have been transported to construction sites and mining is currently taking place in the dried Kallaru River and inland areas closer to the coastline along the Western boundary of the forests. Some interviews conducted with the local people revealed that the construction project is carried out by a brother of the Minister Bathurdeen and financed by (donations) one group based in Qatar called Al Jassim. The work "Jassim" was printed in the roofs of 90% of the houses. Houses built in Kallaru areas looked uninhabited and in a dilapidated state with window panes and glass panes missing or broken. Only a handful of houses were occupied.



Figure 4 : Completed housing units in the Kallaru Forest Reserve.



Figure 5 : Completed housing units in the Kallaru Forest Reserve.

Site Visit – 13th January 2017

The following observations we made during the visit.



A large structure, which seems to be a School, could be seen. However, the initial demarcations appeared to be a temporary structure.
(Potkerny – Vilaththaikulam FR)



The settlements are being penetrated in to the Villaththalikulam FR and the forest was cleared leaving large trees out.



The areas where houses were in the process of being built, the forest canopy was untouched but the undergrowth and smaller trees have been completely removed to make room for the construction. The distance between the houses appeared to be approximately 50 meters or so. A large number of such semi completed houses could be observed in a limited distance where the forest was being systematically removed. Extensive power transmission lines were seen extending well into the adjacent remaining Forest Reserve. Make shift power lines were observed being extended on large trees for the purpose of construction.



A moderately large housing scheme was under construction in Potkerny within the Vilaththikulam Forest Reserve. The area has been provided with electricity and a well-established transmission line system. The construction appeared to be in several stages as there were completed houses, semi completed houses and extensive power transmission lines being drawn well into parts of the Forest Reserve that is still intact.



Extensive Forest Department land has been encroached into by the housing projects in Kallaru, Karaddikuli and Vilaththikulum. Forest Reserve boundaries (red and yellow stakes) were visible along the roadside and the housing schemes were clearly within the boundaries. The constructions were ongoing. Houses were seldom inhabitant. Networks of makeshift roads were observed throughout.



Another ongoing settlement which faces to the Marichchikatti - Mannar main road (403 road) was observed, which is inside the Karadikkuli FR. (the first by road visit in Kondachchi). The settlement was to the right hand side, penetrating to the forest and left hand side of the

	<p>main road was paddy lands.</p>
	<p>Deforested lands in Potkerny – Vilaththaikulam, showing makeshift roads which supply building materials to housing schemes within the Forests Reserves.</p>
	<p>A completed Mosque observed in Potkerny, complete with the electricity and water supply provided. This was on the side of the main road, adjacent to a by-road which leads to a large up-coming settlement.</p>



Large trees being cleared at Potkerny – Vilaththaikulam. Some of the partially cut trees were seen burnt. Most of the larger trees have been removed from site and other awaiting removal as observed here.



Carpet laying machines have been brought in for what appears to the completion of the internal road network.



Some of the funders of the projects were clearly visible, this one of the Qatar Red Crescent.



Supplies being transported by tractor for construction work were observed on the several occasions.

Legal Analysis

The following regulations have been violated as a result of the deforestation and encroachment.

In terms of Section 78 of the Forest Ordinance No.16 of 1907 (as amended) the definition of forest reserves in Sri Lanka are defined as

- (a) “a forest and every part of a forest declared to be a reserved forest under the provisions of section 3 of this Ordinance, or the corresponding provisions in any enactment repealed by Ordinance No.16 of 1907, or in any enactment to be hereafter enacted for the purpose of defining reserved forest” and
- (b) “plantation, forest depots, and chenas planted with forest trees;”

And in terms of Section 7 (1) of the Forest Ordinance;

Any person who in a Reserved Forest, inter alia;

- a) trespass or causes trespass or remains therein;
- c) fells a tree or cuts or drags timber, causes damage by negligence or intentionally strips off bark or leaves from any tree or girdles, lops, taps or burns a tree or does any act to damage or destroy any tree;
- k) clears or breaks up soil or dig any land ... prepares any land for building purposes ... or erects a hut or any building whether permanent or temporary or occupies any building so erected
- l) constructs any road, alter or damage any road already constructed, uses any road so constructed, damages, alters, disfigures or removes any wall, ditch embankment, fence, hurdle ... name board, sign board or any other boundary mark;

shall be guilty of an offence and be liable on conviction to imprisonment or to a fine or to both such imprisonment and fine.

In terms of the provisions of Part IVC section 23AA of the National Environmental Act No. 47 of 1980 (as amended);

- (1) Notwithstanding the provisions of any other written law, from and after the coming into operation of this Act, all prescribed projects that are being undertaken in Sri Lanka by any Government department, corporation, statutory board, local authority, company, firm or an individual will be required to obtain approval under this Act for the implementation of such projects” and

In terms of the provisions of National Environmental Regulations No. 772/22 of 1993 under the National Environmental Act (as amended), of prescribed activities,

Schedule Part I; the “conversion of forests covering an area exceeding 1 hectare into non-forest uses” and

Schedule Part III; that, *inter alia*, any area “within 100m from the boundaries of or within any area declared under the Forest Ordinance”;

must be subject to an Environmental Impact Assessment as provided for in the National Environmental Act which is the overarching applicable law for environmental protection in the country.

Conclusion

There have been many attempts for encroachment at Wilpattu National Park and its Forest Reserves; however it has never been done at this scale with the awareness of the Government Authorities, who fail to act.

Large scale deforestation at this scale raises concerns of the ability of responsible administration in preventing such actions. Illegal deforestation results in the destruction of habitat and the restriction to the movements of wildlife.

Apart from the direct destruction of habitats of flora and fauna that provide humans with valuable resources, the removal of forest cover puts many important natural functions out of order which may lead to a range of serious consequences.

Although the units remain empty at present, this housing project will result in an increase in the human population which would in turn increase the stress to the surrounding environment. Clearing of the forest continues unabated with materials being brought in for the continuation of construction work.

Recommendations

There have been many environmental activists, organizations and individuals who are battling to protect this special ecosystem from illegal settlements and deforestation.

It's important to study the true extent of the impact to the environment using available maps from the Survey Department as well as conducting an analysis of the Gazette notifications which identify the exact boundaries and demarcations. Consulting other Environmental Organizations and Civil Society Organizations and coordinating a joint effort to mitigate the damage is a must.

At present, it is evident that forest clearing is being carried out, within the Vilaththaimulam Forest Reserve which was declared in 2012 under the Forest Ordinance. The extent of clearing is approximately 700 acres. In addition, the clearing of forest in the Kallaru Forest Reserve is clearly visible, in violation of the Forest Ordinance and National Environment Act (NEA).

As such, immediate action is recommended to stop the clearing of Forests Reserves in the North of Wilpattu.