



Environmental Foundation (Guarantee) Limited

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Justice for Nature

**Conserve and protect Sri Lanka's natural
environment through legal and scientific
means.**

Photo Credit: Zaineب Akbarally

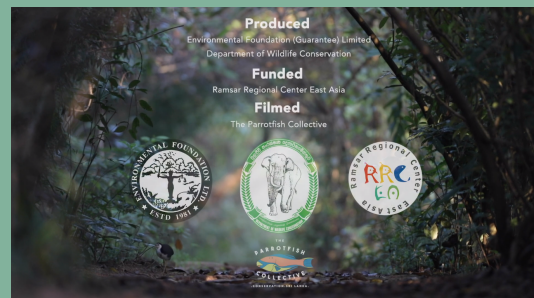
**Thank you for subscribing to the EFL Newsletter! Our newsletters will be sent out
once every 3 months with updates from our Science Division (Projects and
Investigations) and our Legal Division!**

Following the resurgence of COVID-19 in Sri Lanka, and the subsequent lockdown and restrictions a number of EFL's projects and cases had to be put on hold until restrictions eased and operations could safely be resumed. Owing to this, many of EFL's scheduled activities for the end of the year had to be cancelled or amended such that they could be safe and accessible for the wider community, such as the wetland walks planned for the **Ramsar Urban Wetlands Project**, and the judgements for several legal cases. However, during this time, the team at EFL was still hard at work, working towards our goal of justice for nature. During this quarter, we were able to release a video on the importance of Colombo's urban wetlands, and had the **Udawalawe Case (SC/FR/529/11)** taken up before the Supreme Court, as well as several cases taken up at the Court of Appeals. Read more about these activities below, and follow us on Instagram, Facebook or LinkedIn or visit our website to learn more.

Science Updates

Projects

Ramsar Urban Wetlands Project



EFL, in collaboration with the Department of Wildlife Conservation (DWC) launched a project around the World Wetland Day Celebrations 2020. The project is funded by the Ramsar Regional Center -- East Asia (RRC-EA) and is designed to shrink the information gap on Colombo's wetlands using an engaging approach.

The aim of the project is the engagement of youth living in the areas bordering Colombo's wetlands, by introducing them to the wealth of biodiversity in their surrounding environment.

Infographics and species ID keys were prepared to give a more well rounded understanding of the many and varied benefits of the wetland ecosystems to those who live in the surrounding areas. The ID keys detail the many charismatic species that can be found in the Colombo Wetland Complex (CWC) (Eg: saltwater crocodile (*Crocodylus porosus*), fishing cat (*Prionailurus viverrinus*) and Otter (*Lutra lutra*). A video was also produced to show the importance of these ecosystem services, and provide a realistic view of the wetlands! This video has now been widely released, and can be found on any of EFL's social media platforms or by clicking the link below.

[Click Here to Watch the Video](#)

Legal Updates

Elihatha Case – CA/W/478/15



The beautiful Eli Hatha, or the 'Seven Falls' waterfall, is situated in the Uda Maliboda area, comprising seven waterfalls cascading in stages within the Peak Wilderness Nature Reserve. The status of this area was upgraded from a Sanctuary to a Nature Reserve by the Gazette Notification No.1515/21 on the 21st of September 2007, due to its high ecological value and richness of flora and fauna species. The Nature Reserve consists of nine blocks as set out in the Gazette. The alleged unlawful construction of the Mini Hydro Project was taking place at the seventh waterfall called Dothulu Ella belonging to Naya Ganga, where extensive damage to the environment has been caused. The power plant was initially granted permission when the Peak Wilderness was a sanctuary prior to the status of the area being upgraded as a Nature Reserve. However, the project was abandoned sometime in 2003, when the permit granted was not renewed. Subsequently, around 2009/2010, the project was sold to Pan Hydro Pvt. Ltd and the new proponent sought to renew the lapsed permit, disregarding the protected status of the Peak Wilderness as both a Nature Reserve and a UNESCO World Heritage Site. Furthermore, the DWC, as the mandated authority for the protection and management of Nature Reserves, who also manages and controls the Nature Reserve since 2007, failed to raise any objections with regard to this and the illegal mini hydro power plant was commissioned in 2015.

The case was taken up before the Court of Appeal on 22.05.2020 and the case was re-fixed for Argument on 29.09.2020. The Case was taken up before the Court of Appeal on 29.09.2020 and the Court re-fixed the case for Argument on 19.03.2021.

Thalangama Case – CA/W/21/2018

The Thalangama tank and its surrounding environs are an important habitat, functioning as an urban biodiversity refuge for local flora and fauna. In addition to this, the paddy fields irrigated by the Thalangama tank provide a valuable source of income to around 175 paddy farmers residing in the neighbouring villages. It also has an important flood retention capacity within the greater Colombo flood retention area. In mid-2016, EFL received information regarding illegal landfilling and construction activities carried out by a private property owner within the Thalangama Environment Protection Area (EPA). EFL was made aware that as a result of such activities, severe and irreparable damage may be caused to the sensitive environment of the wetland. Hence, EFL filed a case in the Court of Appeal seeking protection for the entire wetland ecosystem.

The Case was taken up before the Court of Appeal on 28.08.2020 and the Court fixed the case for Argument on 09.02.2021.

Wilpattu Case - SCFR 224/2010



[Click to read more about the case](#)

During the war, Wilpattu National Park ceased to function, as the area was a battleground between the Sri Lankan Security Forces and the LTTE. After the war ended, the Environmental Foundation Limited (EFL) together with 3 other NGOs noted that two roads within the Wilpattu National Park were being open to the public. One of the roads follows the coastline leading up to Kudiramalai Point while the other bisects the park. The two roads had been used by the armed forces during the war, and present a threat to the surrounding National Park. As the park reverts to its

protected status under the *Fauna and Flora Protection Ordinance* (FFPO), the Director General of the Department of Wildlife Conservation is the administering authority and is required to administer the Park in conformity with the provisions of the FFPO as amended. It was further noted that the Commander of the Navy stated in his affidavit of objections, that the purported opening of the park road for the general public was not done by the Sri Lankan Navy, nor was it a decision of the Navy.

The case was taken up before the Supreme Court on 13.03.2020 and the case was fixed for Argument on 11.06.2021.

Hakgala Case – CA/W/549/06



EFL has been taking action against this matter since 1988 by bringing the mandated authority, the Department of Wildlife Conservation (DWC), to courts to enforce the law. However, due to issues of national security and political uncertainty between 1988 - 2002, the court order that was given has been ignored. In 2005, EFL once again responded to complaints received by members of the communities who live around the Hakgala Strict Nature Reserve (HSNR) who depend on its goods and services. They claimed that political pressure and government decision-makers had been involved directly or indirectly in encroachment to the HSNR. On March 2006, the case was reopened in Court of Appeal by EFL claiming that the DWC, the Divisional Secretariats and other government institutions have failed to enforce the law against the encroachments identified.

A settlement in this case was being pursued by all parties. A meeting was held to discuss the terms of settlement. Case was taken up on the 13.05.2019, and the state counsel moved for more time to deliberate on terms of settlement. The case was mentioned in July, September and November 2019.

The case was taken up before the Court of Appeal on 16.09.2020 and the Court fixed the case for Mention on 23.03.2021

Udawalawe Case – SC/FR/529/11

This Fundamental Rights violation case was filed by the Environmental Foundation

Limited (EFL), Wildlife and Nature Protection Society (WNPS) and Wilderness and Protected Area Foundation (WPAF) as petitioners against illegal felling of trees within the Udawalawa National Park and Dahaiyagala Sanctuary, contrary to the provisions of the Fauna and Flora Protection Ordinance and Forest Ordinance. It was also brought to the notice of the court that the Respondents are of the intention to block the elephant corridor that presently runs from Udawalawe National Park through the Dahaiyagala Sanctuary to the Bogahapattiya Forest where elephants derive much of their nourishment. The Petitioner stated that under the Fauna and Flora Ordinance no person is entitled to enter into a national park except for the purpose of observing the fauna and flora and also under the Forest Ordinance no person is entitled to cut, lop or injure any reserved tree within a forest. However, in violation of these legal provisions, Chairman – Pradesiya Saba Thanamalwila as 9th Respondent has continuously engaged in the activities of felling trees within the Udawalawa National Park and in the Dahaiyagala sanctuary using bulldozers and other vehicles. The petitioners alleged that the respondent government authorities have not taken any measures to prevent this destruction.

The case was taken up before the Supreme Court on 11.01.2021 and the Court fixed the case for Mention on 28.04.2021.

Mining Circular Case - SC/FR/29/2020

EFL together with Wildlife and Nature Protection Society, filed a Fundamental Rights application in the Supreme Court bearing No. SC/FR/29/2020 in view of the infringement and imminent infringement of the Petitioners' fundamental rights and those of the People of Sri Lanka, by the removing of the existing procedural safeguards in the system for protection of the environment, pertaining to issuance of permits for mining, and exposing the environment to a serious imminent threat of pollution. GSMB, the Director-General of GSMB, Minister of Environment and Wildlife Resources, Central Environmental Authority and the Attorney - General were named as Respondents.

The case was taken up before the Supreme Court on 29.07.2020 and the case was fixed for Support on 02.06.2021.

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