

Balancing Competing Interests between Natural and Human Environment in the Sphere of Development; A Sri Lankan Perspective

U. S. Liyanage

Department of Private and Comparative Law, University of Colombo

udapadie@gmail.com

Balancing interests of the nature and human beings have become one of the most complex problems in the world today. Particularly, making use of a viable chance for development in any sense is not ignored, in the light of economic needs of a ‘developing society.’ Sri Lanka too is placed in this category as she looks for economic development after a lengthy civil war. Despite the other regions of the country, rebuilding the disturbed environment in the North- East region is of the utmost concern of the authorities in the present. However, it is observed that basic environmental theories are ignored in preparing developmental plans in both regions.

Environmental Impact Assessment (*EIA*) mechanism which is introduced for assessing individual projects is healthy; however, it has not been given the chance to assess the impact of the approval of projects as a whole. Therefore cumulative aspects of series of projects are ignored by the process as Strategic Environmental Assessment’ (*SEA*) is not mandatory in Sri Lanka.

This study attempts to find out the rationale of incorporating ‘Strategic Environmental Assessment’ (*SEA*) to all developmental plans as a mandatory provision in environmental management.

This is a comparative study with international law and two other selected jurisdictions (the *USA* and *UK*). It is based on secondary data; therefore, text books on environmental law, case law, journal articles, e-based documents and internet are used depending on the relevance of each case.

The jurisdictions that are selected have incorporated *SEA* as a necessary policy in their master plans in various contexts of development. It has helped them to revisit their developmental activities in a way to assess the cumulative aspects of series of projects in different fields that affects the safety of the environment.

Hence, it is recommended that the *SEA* should be a mandatory policy in environmental law of Sri Lanka as it provides a more balanced approach towards the assessment of cumulative effects in view of different dimensions of sustainability.

Key words: *Environment, SEA, EIA, Sustainable development*