

**THE LEGAL FRAMEWORK OF ENVIRONMENTAL PROTECTION
AND SUSTAINABLE DEVELOPMENT: A SURVEY OF
INTERNATIONAL LEGAL REGIME AND THE RELEVANT SRI
LANKAN LAW**

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Law is one of the instruments that enable a state to achieve the objectives of environmental protection and sustainable development. It can, backed by the adequate policy trusts and enforcement mechanisms can be an effective tool to help country to strike a balance between environment and development. i.e to achieve sustainable development as development that meets the needs of the present without compromising the ability of the future generations to meet their own needs. A few decades ago, public international law was not concerned with environmental protection. With emergence of cross-boarded pollution issues, the international community realized the need towards that end. The Stockholm Conference of 1992 succeeded in putting environmental issues on the international agenda and the *Earth summit* held in 1992 and subsequent international instruments have enriched the international community on the subject. International instruments emphasize that human right to development is exercisable within the framework of sustainable development. Our 1978 constitution does not guarantee the right to life. It also does not specifically endorse the right to clean environment. Although the fundamental rights chapter of our constitution is silent on these matters, the directive principles of state policy chapter of the constitution specifically refers to the protection of the environment. Our supreme court in the landmark *Eppawela judgment* emphasized that Sri Lanka as a member of the United Nations could “hardly ignore” environmental requirements in the Stockholm and the Rio declarations. The court added that in order to achieve sustainable development, environmental protection should constitute an integral part of the development process. Apart from the constitutional provisions, Sri Lanka’s relevant laws are largely based on legislative enactments introduced many decades ago. In this regard National Environmental act of 1980 marks a new era in incorporating regulatory mechanisms with a central authority. Sri Lankan law needs further improvements in this field by the incorporation of international norms through legislation and judgments.