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Divisional Administration for Conservation of Environment in Sri Lanka: Opportunities and Challenges

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Abstract

The Transfer of Powers (Divisional Secretaries') Act No. 58 of 1992 enhanced the powers and functions of the divisional administration system, and also merged the central government and provincial governments at the divisional levels, creating a new power center for development planning, regulation, and resourcing. The divisional administration carries functions under several laws including Land Development Ordinance, State Land Ordinance, Land Acquisition Act, State Land Recovery Act, Land Development (Special Provision) Act, Forest Ordinance, Agrarian Development Act, and Irrigation Ordinance. Natural resources are the key to the rural economy in Sri Lanka and natural resource depletion is accelerated by anthropogenic causes such as population pressure, encroachment, and over-extraction of natural resources. Environmental pollution and degradation challenge sustainable development significantly. The objective of this paper is to examine the potentiality of divisional administration in environmental conservation, focusing on the legitimate powers vested. Qualitative methodology was used for the research, a desk review was done with the relevant legal sources; acts, regulations, and judgments, and challenges were examined through ten key informant interviews. The study identifies that the divisional has a three-fold role in environmental conservation; land management, development management, and law enforcement. The divisional administration holds the guardianship of the state land and associated natural resources, with powers of granting or leasing land for settlements or developments, and is also responsible for the land use planning. In the perspective of development management, the divisional administration is more significant as it has opportunities to coordinate the development through various committees, mitigate climate change impact and natural disasters, and provide development assistance and relief. The wider regulation powers vested with the divisional administration is ranging from issuance of permits to enforcing laws against unlawful acts. This function directly relates to controlling deforestation and encroachment and managing over and illegal extraction of natural resources. The significant element of the divisional administration for environmental conservation is the availability of a vertical mechanism connecting the community at a lower level to the respective departments at the higher levels and the horizontal mechanism connecting all public, private, and community organizations. However, the study reveals several challenges such as the nature of political and community priorities that limit divisional administration in environmental conservation. The study recommends that recognition and reevaluation of the role of divisional administration in environmental conservation are timely essential.

Keywords: Divisional administration, Environmental conservation, Land management, Development management, Law enforcement