

Importance of Environmental Impact Assessment Regulations of Sri Lanka in Infrastructural development projects: A Comparative Legal Analysis

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Abstract

United Nations Environmental Programme (UNEP) defines Environmental Impact Assessment (EIA) as a tool used to identify the environmental, social and economic impacts of a project prior to decision-making. Objectives of an EIA are to predict environmental impacts at an early stage in project planning and design, find ways and means to reduce adverse impacts, shape projects to suit the local environment and present the predictions and options to decision-makers. Many countries have incorporated EIA through their domestic legislation, so does Sri Lanka. In Sri Lanka the legal framework for this internationally accepted EIA process has been laid down in the National Environmental Act (NEA) of 1988 as part of the strategy for environmental protection and conservation. However, there is some evidence that some EIAs have failed to predict and mitigate potential impacts of various development projects.

This paper seeks to critically analyse the effectiveness of the existing level of EIA regulations in light of their current application in certain development projects, to identify shortcomings in Sri Lankan EIA procedure by comparing level of success EIA using an EIA effectiveness assessing criteria and finally to suggest possible amendments to the existing process in Sri Lanka. This analysis was based on a legal research methodology consisting of both quantitative and qualitative research based on the secondary sources. According to the findings, Sri Lankan EIA process is one of the oldest in the region and as a result, it is becoming unpopular among the stakeholders. Therefore it is time to revisit the EIA process to improve it as a tool for effective decision making.

Keywords: Environment Impact Assessment, development projects, legal tool