

A legal analysis of forest offences in Sri Lanka with special reference to Wilpattu National Park

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Forest refers to all wild fauna and flora, including animals, birds and fish, as well as timber and non-timber forest products. Forest offences refer to the taking, trading (supplying, selling or trafficking), importing, exporting, processing, possessing, obtaining, destroying and consumption of wild fauna and flora. The basic components of forest governance are attributed to laws, rules regulations and policy approaches which regulate forest management to protect environmental and other forest values especially in a period such as environmental and natural resource offences have significant adverse effects on ecosystems, livelihoods, and the global economy. Wilpattu National park is among the oldest and most important of protected areas in Sri Lanka. It also contains a number of important cultural sites. Mammalian diversity and ecological densities are highest in the interfaces between forest, scrub and grasslands converge in Wilpattu and drainage systems in the center of the park. Such significant forests or national parks suffered greatly when around 2,500 acres of lush green forests and 50 to 60 years old were illegally cut down to make residence for displaced people. The implemented law of Sri Lanka for conservation of forest is Forest Ordinance No.16 of 1907 and its amendments. In this Ordinance, section 78 interprets the term of “forest offence” in Sri Lanka. According to the interpretation every offence under the forest ordinance cannot be considered as a forest crime and only punishable offences under the ordinance can be found as forest crime or forest offence. The objectives of this study are, therefore, to critically evaluate and provide a legal analysis of the existing laws to prevent forest offences and practical difficulties of ensuring the rights of people, flora and fauna and finally to provide recommendations. This research is a qualitative legal research with the purpose of assessing the impacts to prevent forest offences. A mixed approach is used by analyzing case studies. The study reveals that serious efforts are needed to identify and prevent the forest offence and to ensure the rights of people, flora and fauna. Therefore the study concludes that forest offences in Wilpattu should be stopped by using existing international and domestic laws and that pragmatic and perspective procedural strategies should be enforced, along with rules and regulations for conservation of forests.

Keywords: Forest offences, Forest conservation, Flora and fauna