

# The Man versus Wild Battle; an Analysis on Wilpattu Deforestation and Illegal Resettlement Projects

TR De Silva<sup>1</sup>

<sup>1</sup> Sri Lanka Law College

# Corresponding author; <ravindi1234@gmail.com>

**Abstract**— *“I took a walk in the woods and came out taller than the trees” said Henry Thoreau. Now a day what is happening is the opposite of this quote. People do take walks in the woods, but they never become taller than the trees because they chop down the trees before the walk come to an end. In Sri Lanka the situation is the same. This research aims to assess the adverse impact of Wilpattu Deforestation and Illegal Resettlement Projects. Wilpattu, the largest Forest reserve in Sri Lanka is well known for the flourishing eco-system that prevails there. An ample extent of Wilpattu now has been deforested with the purpose of providing shelters to the internally displaced persons (IDPs). Due to these irresponsible human actions, the Wilpattu National park and the animal species in it have become the victims of this increasing threat. At the same time the question arises is that whether these housing projects are permitted or not by the relevant authorities and though it clearly seems to be illegal, why the actions have not been taken yet to prevent this? This seems to be a clear violation of Environmental Law in Sri Lanka. The main objective of this research is to identify the rules and regulations that are violated in this issue and also to identify the remedies for that. When seeking solutions for this issue it was clearly visible that the responsibility of protecting Wilpattu belongs to both the relevant authorities and every individual in Sri Lanka. This research has used a quantitative data analysis with the sources like journals, text books, law reports, articles.*

**Keywords**— **Wilpattu, Environmental Law, deforestation, resettlement, violation of law.**

## I. INTRODUCTION

This research is focused on recently reported and the most controversial problem related to environment in Sri Lanka; the Wilpattu crisis which now has become an immediate word that anybody could use to define the situation of the environment in Sri Lanka. Wilpattu forest reserve is deforested and illegal resettlement programs are ongoing in the cleared areas of Wilpattu. Wilpattu crisis is a clear violation of environmental law in Sri Lanka. This has become a massive issue which creates dangerous side effects affecting the whole country. Being Sri Lanka's

oldest and largest National Park; Wilpattu has a value related to the history, culture, economy and especially biodiversity of Sri Lanka. Wilpattu Forest Reserve which spans across the North western and North Central provinces lie in the administrative divisions of Puttalam, Anuradhapura and Mannar. Total land extent of Wilpattu Forest Reserve is 16,437.74 hectares. It is protected under the Flora and Fauna Protection Ordinance because of the unique ecosystem that it has which is consisted with wetlands, villus and mangrove trees which contain both salt and fresh water and also acts as a natural sponge. It also has a plethora of wildlife ranging of 1000 plants and animal species including varieties of birds, amphibian species, reptile species, mammal species and butterflies. Wilpattu reserve provides habitat for many endemic species too. Wilpattu has obtained the status of a National park years ago yet it can be considered as a Forest Complex because there are nine forest reserves are adjoined to it including the reserves that are currently under danger; Wilpattu North Sanctuary, Vilaththimulam Mavillu, Kallaru Forest, Periyamarippu, Thabbowa Sanctuary, Veerakkulicholai-Eluvankulam. Wilpattu as a constituent in this crisis plays a main role. Where the man tries to enter into forests and destroy it and establish their habitats in those areas, there starts the battle between man and the wild. And that is why the deforestation and human resettlement in Wilpattu now has become a social issue, and also that is why it is mandatory to discuss about this crisis and the solutions that we can make as a society with the help of government and other authorities. This research studied legality of this deforestation, legality of the resettlement, impacts of those and the recommendations that we can make to prevent this crisis.

## II. METHODOLOGY AND EXPERIMENTAL DESIGN

The design of this study is observational in nature, qualitative and descriptive as well. Thus it can be considered as a mix design. This is done in a mixed design in order to achieve the objectives of the research. Electronic and internet sources, journal articles and legislations, books are used as the study materials for this research.

## III. RESULT

The results of the research can be pointed out as this. When it comes to regarding the deforestation of the Wilpattu Forest Reserve, Mr. Nayanaka Ranwella who is an environmental activist in the country points out that over 3400 acres of forestland is destroyed. This part of the Forest Reserve can be identified as the Wilpattu North Sanctuary. This clearing began in 2009 and somewhere in 2010 the forest was started to cut down for the purpose of providing houses to internally displaced persons (IDPs). An illegal road was constructed by destroying a huge area of Wilpattu, to bridge the areas Eluvankulama and Mollikulama. This is a key point where it leads to the massive deforestation in the Forest Reserve. Then and there the battle between man and wild began. It is said that at the initial stage a 2500 acres of land which belong to the Forest Department and the Department of wildlife Conservation is destroyed under this resettlement megapolis plan. With the help of historical satellite images and the Google map the resettled areas were observed for years and it is found that there is an area which does not belong to the original resettlement area in south of the forested. This new village is built on the newly cleared areas. At first it was said that those resettlement areas were not protected areas. Since the comprehensive field and areal assessments show that those areas were protected by the legislation the problem changes into a new manner. Then the problem occur is, if the resettlement internally displaced persons was completed in 2012, according to Mr. Withange, director of the Centre for Environmental Justice then why the forest clearing or deforestation is still ongoing based on the purpose of giving shelters to the people? This deforestation in first hand and the resettlement projects have done a massive depredation to the increasing loss of unrecoverable natural wealth. And also they have broken down several key environmental laws and inured the legal system as well.

#### IV. DISCUSSION

Law clearly defines "Forest Reserve" in Section 78 (a) of the Forest Ordinance No.16 of 1907 (as amended) as "a forest and every part of a forest declared to be reserved forest under the provisions of section 3 of this ordinance, or the corresponding provisions in any enactment repealed by Ordinance No.16 of 1907, or in any enactment hereafter enacted for the purpose of defining reserved forest". And Section 78(b) says that "plantations, forest depots, and chenas planted with the forest trees;" also include to this definition. When observing this definition, there is no doubt that Wilpattu comes under the category of forest reserves. Regarding the Wilpattu crisis it is not just one part of the law has violated. The deforestation, illegal resettlement projects and even the illegal entry to this forest reserve is violation of law. Section 7(1) of Forest Ordinance says that Any person who in a reserved forest,

inter alia; a) Trespass or causes trespass or remains therein; c) fells a tree or cuts or drags timber, causes damage by negligence or intentionally strips off bark or leaves from any tree or girdles, lops, taps or burns a tree or does any act to damage or destroy any tree; k) clears or breaks up soil or dig any land...prepares any land for building purpose....or erects a hut or any building whether permanent or temporary or occupies any building so erected. i) Construct any road, alter or damage any road already constructed, uses any road so constructed, damages, alters, disfigures or removes any wall, ditch embankment, fence, hurdle.... Name board, sign board or any other boundary mark; shall be guilty of an offence and be liable on conviction to imprisonment or to a fine or to both such imprisonment and fine. It is very clear that the problem occur in Wilpattu, have violated most of the offences come under this section. Moreover in Section 3(2) of Flora and Fauna Protection Ordinance it is stated that "no person shall enter in to a National Park except for the purpose of observing fauna and flora." Thus entering into Wilpattu for deforestation and to establish housing projects can be pointed out as clear violation of law.

This problem was getting worst when it was found out that there was not any approval for these housing projects and there has not any an Environmental Impact Assessment (EIA) is done. National Environmental Regulations No. 772/22 of 1993 under the National Environmental Act (as amended) of prescribed activities, Schedule Part 1; the "conversion of forests covering an area exceeding 1 hectare into non-forest uses" and Schedule Part 3; that, inter alia, any area "within 100m from the boundaries of or within any area declared under the Forest Ordinance"; must be subject to an Environmental Impact Assessment. This is a mandatory requirement regarding forest clearing. And also the National Environmental Protection Act provides provisions regarding this. It says that to clear a forest for 12 acres and initiate 1000 settlements, an Environmental Impact Assessment (EIA) is required. But no such Assessment has for Wilpattu and it can be considered as violation of National Environmental Act No.47 of 1980. In Sri Lanka according to Section 9(A) of Flora and Fauna Protection Ordinance (Amended 2009)- there cannot be any development activity carried out without obtaining the prior written approval, whether it is private or state led thus it is mandatory to get an approval for this type of housing projects. But for this project the approval has not been granted. Thus it is very clear that deforestation and resettlement programs happening in Wilpattu have violated the law.

In 2014 one of the local EJOs filed a writ application in the Court of Appeal claiming that 2388 hectares of the land in Wilpattu was unlawfully released for the replacement of displaced Muslim people. And mainly there are two cases against this illegal clearing of Reserved

Forests in the Wilpattu. First one was filed in the Supreme Court (No. 130/2017) as a fundamental right case by Environmental Foundation (Guarantee) Limited and Wildlife and Nature Protection Society. Forest Department, Central Environmental Authority, Department of Wildlife Conservation, District Secretariat Mannar was made as respondents. They stated the cause as “unlawful release of forest reserve land for the purpose of resettlement and irreparable and grave environmental damage caused to the Wilpattu Forest complex due to the unlawful deforestation and construction activities”.

The second case is the writ petition filed by the Centre for Environmental Justice (CEJ) seeking to quash clearing of the Wilpattu National Park forest and constructing a housing project adjoining the National Park was fixed by the Court of Appeal on 28th February, where the case was handled by Counsel Ravindranath Dabare and Nirmal Wickramasinghe. The respondents of the case were Conservator General of Forest Conservation Department, the Central Environmental Authority, Wildlife Department Director General, Lands Commissioner general, Archeological Department Commissioner general, the Mannar District Secretary, Industry and Commerce Minister Riishad Batiudeen, the Environment and Mahaweli Development Minister and the Attorney General and Senior State Counsel Manohara Jayasinghe appeared for the AG. The petitioner sought an order in the nature of a Mandamus ordering the first respondent to take action against the illegal removal of the forest cover and re-instate the forest lands to the forest reserve and organize a forest replanting program under the provisions of the Forest Ordinance No.16 of 1907.

Thus the law and order in our country regarding environment has violated, and also though the relevant authorities have a responsibility to prevent it, our authorities and government have failed to take actions against this though it has almost 10 years gone. The World Justice Project has introduced four main principles regarding the Rule of Law. Among them the first one states that the government and its officials and agents alongside individuals and private entities being accountable for their actions under the law. In a matter like this each and every country expect their authorities; laws are administered to maintain a process which is accessible, fair and efficient. This is clearly mentioned in the third principle regarding Rule of Law. Since the government and administrative has failed take such actions against this problem the situation developed into a crisis. And the most piteous fact is that, in 2015 by the Ministry of Environment and Mahaweli development there have been started some investigations on this clearing and unauthorized Kallaru resettlement in the Forest Reserve but has become a still pending investigation which is also at the same time remain ambiguous to the outside world. When it comes to the judiciary in the country for the transgression of

Wilpattu National Park the judiciary has a strong role to play in order to establish the justice for it. Since there have been filed several cases against this it is the responsibility of the judiciary to make a decision which should do the justice to the environment in Sri Lanka. As we can see that the state is rendered as the rightful trustee of all natural resources by the *Bulankulama and others vs. Ministry of Industrial Development Case (Eppawala Case)*, we can clearly point our finger to the state and say; it is the state’s duty and responsibility to protect Wilpattu Forest Reserve. This also indicates that the administrative bodies have both social and legal responsibility rely on it. Though the popular, eminent scholars like William Wade and Christopher Forsyth outlines that administrative justice demands regular, efficient and non-political machinery for investigating individual complaints against governmental actions of all kinds, it can be seen that there are some deficiencies in the actions that have been taken by our authorities.

#### V. CONCLUSION

The responsibility of protect Wilpattu doesn’t rely only on the state. It is we; the citizens of the country should encourage, lead and compel the relevant authorities to take actions regarding Wilpattu crisis. Sri Lanka committed to the 15 Sustainable Developmental Goals (SDGs) to be achieved by 2030. There the fifteenth goal is the conservation of territorial eco systems, including forest networks. Hence we can work on it and find solutions for this matter. In order to mitigate the damage the environmentalists have decided to take some actions. To get to know about the specific boundaries and demarcations it is good to get a detailed analysis of the prevailing Gazette notifications. And they would be able to recommend the relevant stakeholders to take actions. It is not only that, there have been taken some actions by the local EJOs such as conducting public campaigns with the help of local community, and they have introduced the Tree Ordinance in order to reduce the harm through the legal matters. As the general public we also have our own duty to stand against this tragedy happening in the country. Thus to win the battle of man vs wild we should walk through the Wilpattu woods, but should come out as tall as trees and not should come out through the fallen trees.

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Ms. T.R.De Silva is an final year law student of Sri Lanka Law College and an undergraduate in University of Kelaniya.

