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National Policy on Environmentally Sensitive Areas in Sri Lanka

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Effective Date of the Policy.

(xxxx)

1. Introduction.

1.1. Background.

Sri Lanka is an island nation, exhibiting remarkable biological diversity and is considered to be the richest country in the Asian region in terms of species concentration. Ecological, climatic, soil and topographical variability across the country provides favorable conditions for a wide array of species of flora and fauna in most localities. Due to extraordinary biodiversity and species concentration, the country has been identified as one of the biodiversity hotspots in the Asian region. The distinctive biodiversity of Sri Lanka consists of species richness, gene pool, and numerous diverse habitat assortment of forests, wetlands, coastal, marine, freshwater, and agricultural ecosystems. Environmental services render uniqueness of Sri Lankan biodiversity and ecosystems.

The National Red List (2012) reveals that there are 253 land snail species, 245 butterfly species, 240 birds, 211 reptiles, 748 vertebrates, 1,492 invertebrates. 43% of vertebrate species reported are endemic; in more detail, 87% of amphibians, 59% of Reptiles, 19% of mammals, and 7% of birds are endemic to the country. 336 Pteridophyte and 3,154 flowering plants are scattered around the country and 916 plant species are endemic. Sri Lankan biodiversity brings economic, ecological, and aesthetic values to the local community and beyond. However, due to both natural and anthropogenic reasons, the biodiversity in Sri Lanka is threatened, especially, it is significant amongst the endemic species.

In terms of natural resources, Sri Lanka constitutes well with lands, forests, waters, minerals, and biodiversity. Minerals and rocks in Sri Lanka contribute to micro and macroeconomic geology and have spread around the country. Annual Report 2019 of the Central Bank of Sri Lanka states that while the contribution of the agriculture sector to the GDP was 7 % and mining and quarrying was 2.3%. The percentage of total employment in the agriculture sector was 25.3 and the mining and quarrying sector was 0.7 in the same year. Nature - the natural capital of Sri Lanka is the fundamental source and magnet in the economic growth of the country.

The World Risk Index named Sri Lanka as a country of ‘high chances of disasters’ with the rank of 109 in 2017, and the Climate Risk Index of Sri Lanka was 31 in 2019. The National Building Research Organization estimates that 20 -30% of the total land area in the country where 30 – 38% of the country population lives has been identified as vulnerable to landslides.

Management of the environment, its natural resources, and biodiversity are vital in achieving sustainable development. Population pressure, increasing demand for natural resources, less environmentally sensitive development planning, practices and infrastructure, environmental pollution, and illegal trades are among the major contributors to the depletion of natural resources and decline of biodiversity.

In this scenario, Environmentally Sensitive Areas require special protection as they are environmentally, ecologically, economically, and socially significant in ensuring resilient communities and economies and sustainable development.

1.2. The rationale for a National Policy.

Certain Environmentally Sensitive Areas and environmentally sensitive features have been protected in Sri Lanka under the various policy, legal and institutional frameworks, in different forms; area-based and species or feature-based in both the regulatory approach and conservation approach. While the Protected Areas are committed to conserving their nature and biodiversity with its associated ecosystem services and cultural values, there is a significant extent of Environmentally Sensitive Areas outside the Protected Areas around the country without an effective conservation and management framework.

Accordingly, such Environmentally Sensitive Areas, which are identified as exceptionally specific areas for achieving specific outcomes to conserve biodiversity are hereafter defined by this Policy as *‘an area outside the Protected Areas, that is vital for the long-term maintenance of biodiversity and its services/or the productivity of water, soil and other natural resources to provide ecological, environmental, economic and cultural benefits to the local community involved, as well as to the nation and global community as a whole, are essential to conserve and manage for ensuring the well-being of human and environment, resilience communities and sustainable development, by introducing mechanisms to identify sensitive land parcels, management models and novel economic models that enables continued use of services already enjoyed by the nation and ensures water, energy and food security of the nation.*

Therefore, this area-based distinct conservation and management approach is proposed for filling the gaps in the conservation of Environmentally Sensitive Areas that are encountered outside the Protected Areas.

1.3. Scope and the Applicability of the Policy.

The purpose of the Policy is to attenuate potential risks to the Environmentally Sensitive Areas and their associated services, economies, and communities. The scope of the Policy applies to the establishment of an effective approach and development of a mechanism with appropriate procedures for identification and sustainable management of Environmentally Sensitive Areas with their environmental, ecological, and socioeconomic values. The Policy shall apply to both the public and private lands.

The policy shall guide to designate an Environmentally Sensitive Area based on the best scientific data available and consideration of the economic and any other relevant impact of such designation.

Therefore, the Policy shall be applicable for both the existing and forthcoming laws and regulations, action plans, and all interventions in the public and private sector, and of the communities.

2. Vision, Mission, and Policy Goals.

2.1. The vision of the Policy.

A healthy, safer, and conserved environment and economy across Environmentally Sensitive Areas for socioeconomic wellbeing and livable habitat for all.

2.2. The mission of the Policy.

Enabling platforms at all levels for a participatory and conscious decision-making process for the public and private sector, and communities in land use planning and sustainable land management in Environmentally Sensitive Areas, as nature-based solutions to enhance the integrity of conservation, resilience to climate change, and wise use of natural capital in development.

2.3. The goal of the Policy.

Creating an enabling environment at all levels by providing visionary directions for effective conservation and management of Environmentally Sensitive Areas, and their socioeconomic, environmental, and bio-cultural services and values, with the public, private, and community participation.

2.4. Objectives of the Policy.

To promote a conceptual and regulatory framework in conservation and management of Environmentally Sensitive Areas with public, private, and community participation.

To enhance the local and sectoral economies that are bound with the biodiversity and use of natural resources in a resilience and sustainable manner, through promoting of and facilitating for conservation and management of Environmentally Sensitive Areas.

To ensure social equality and environmental justice through enhancing access to resources and opportunities for all equitably in sharing socio-economic benefits and burdens at Environmentally Sensitive Areas.

To facilitate research, education, and knowledge sharing initiatives on Environmentally Sensitive Areas.

3. Thematic Areas, Policy Statements, and Policy Thrust Areas.

This Policy recognizes that the Environmentally Sensitive Areas are vibrant and need adequate protection for sustainable use, and therefore, the following 13 Policy Statements are made under 9 thematic areas and suggest 35 Thrust Areas.

3.1. Thematic Area: Compliance and Adherence to the Policy.

Policy Statement (1):

By recognizing the environmental, ecological, and socioeconomic values of Environmentally Sensitive Areas, all persons and institutions living in or managing land or any activities on or in connection with an Environmentally Sensitive Area and its effective area, shall comply with the Policy Statements of this Policy and the Guideline on the Identification and Management of Environmentally Sensitive Areas that is set out in aligned with the Policy (hereafter the Guideline), in land use planning and practices, irrespective of the land ownership or land management hold by the public or private institutions or individuals or communities.

Thrust Area 1.1: The Secretary to the Ministry of Environment shall issue Guidelines on Identification and Management of Environmentally Sensitive Areas, time to time and as appropriate, with the approval of the National Steering Committee of the Environmentally Sensitive Areas.

Thrust Area 1.2: The public institutions that own land or manage land shall develop institutional regulations, guidelines, and procedures as appropriate and in line with the *Guidelines on Identification and Management of Environmentally Sensitive Areas*, and declare and ensure such guidelines are implemented.

Thrust Area 1.3: The following categories of public institutions that are directly connected to the environmental services of Environmentally Sensitive Areas shall develop sectoral guidelines to regulate the use of environmental services of Environmentally Sensitive Areas.

(a) Technical services providing institutions (Department of Agriculture, Department of Agrarian Development, Department of Animal Production and Health, National Aquaculture Development Authority, etc.)

(b) Financial services providing institutions (Central Bank of Sri Lanka)

(c) Services receiving or managing institutions (National Water Supply and Drainage Board, Sri Lanka Tourism Development Authority, etc.)

Thrust Area 1.4: Urban Development Authority shall declare relevant urban planning and development regulations in compliance with the *Guidelines on Identification and Management of Environmentally Sensitive Areas* for the effect of Environmentally Sensitive Areas that are fallen within urban areas.

3.2. Thematic Area: Identification of Environmentally Sensitive Areas.

Policy Statement (2):

Environmentally Sensitive Areas shall be identified, as per the Guidelines on Identification and Management of Environmentally Sensitive Areas, based on a scientific evaluation carried out considering the environmental, economic, and sociocultural criteria, and are on the latest information available in the country and validated by the relevant government institutions with academia or other interested parties.

- Thrust Area 2.1: Identification shall be based on (a) significance of biodiversity and vegetation types, (b) ecosystem services, and (c) significance of land for the resilience for climate change and disaster risk reduction.
- Thrust Area 2.2: Identification shall be based on the valuation of each land parcel, which is carried out assessing the percentage of contribution of each of the above-mentioned three areas separately to the total value of the land parcel, which enables it to be identified as an Environmentally Sensitive Area.
- Thrust Area 2.3: Communities, including Civil Society Organizations, and public institutions shall be encouraged and facilitated to carry out research and identify and nominate Environmentally Sensitive Areas based on their local, indigenous, or scientific knowledge.

3.3. Thematic Area: Declaration of Environmentally Sensitive Areas.

Policy Statement (3):

Environmentally Sensitive Areas shall be announced by the Secretary to the Ministry of Environment on the recommendation of the National Steering Committee on Environmentally Sensitive Area.

Policy Statement (4):

When an Environmentally Sensitive Area is being announced, the relevant statutory authorities that hold land ownership and/or mandatory for land management, or conservation of particular species or types of land parcels, shall declare the establishment of Environmentally Sensitive Area, and regulations relating to land use planning and land management practices applicable to the Environmentally Sensitive Area.

- Thrust Area 4.1: When Environmentally Sensitive Areas are fallen within the local government areas, the Local Government Authorities shall pass by-laws, as appropriate, in compliance with the *Guidelines on Identification and Management of Environmentally Sensitive Areas*, to regulate mandatory services.

Policy Statement (5):

Declared Environmentally Sensitive Areas shall be incorporated into the area land use maps by the Land Use Policy Planning Department for sustainable land use planning and practices.

3.4. Thematic Area: Management of Environmentally Sensitive Areas.

Policy Statement (6):

Management of Environmentally Sensitive Areas, at all levels, shall adhere to the key principles of environmental governance, including a rights-based approach in natural resource management and public-private partnerships.

Thrust Area 6.1: The National Steering Committee, convened by the Secretary to the Ministry of Environment and co-chaired by the Secretaries to the Ministry of the subjects of Environment and Land shall oversee the administration, implementation, and monitoring of the Policy, and the Committee shall composite with the relevant public, private, academic and community representation, as detailed below.

- a. Secretaries or the nominees of the Secretaries of the Ministries of the subjects of Environment, Land, Mahaweli Development, Forest, Wildlife Resources, Fisheries, Irrigation, Agriculture, Disaster Management, Plantation, Urban Development, Local Government and Provincial Councils, and Finance,
- b. Heads of the Departments or the nominees of the Department of Forest, Wildlife, Land Use Policy Planning, Irrigation, Coastal Conservation, and Archaeological,
- c. Commissioner General of Land, and Commissioner General of Agrarian Services,
- d. Director General of Central Environmental Authority, Mahaweli Development Authority, Irrigation, Disaster Management Centre, Sri Lanka Tourism Development Authority, Urban Development Authority, Land Reform Commission, and Director of Natural Resources Management Centre, and General Manager of Sri Lanka Land Development Cooperation.
- e. Directors of Biodiversity Secretariat, Climate Change Secretariat of Ministry of Environment,
- f. **X** members of biodiversity expert group of the Biodiversity Secretariat, **X** independent environmental scientists or activists, **X** academics in the field of planning, climate change adaptation, and mitigation, natural resources management, etc.,
- g. **X** community members actively engaged in Environmentally Sensitive Areas management, and **X** from the private sector engaging in environmental conservation or research and innovations related to Environmentally Sensitive Areas.

Thrust Area 6.2: The Secretary to the Ministry of Environment shall assign a relevant Department or Authority or a Division as the coordinating body of Administration of the Policy, and management of Environmentally Sensitive Areas.

- Thrust Area 6.3: The District Environment Committee shall also serve as the District Governance Committee on Environmentally Sensitive Areas. The Committee shall facilitate for and oversee the management of Environmentally Sensitive Areas.
- Thrust Area 6.4: The Divisional Environment Committee shall also serve as the Divisional Governance Committee on Environmentally Sensitive Areas. The Committee shall facilitate, coordinate and monitor the management of Environmentally Sensitive Areas.
- Thrust Area 6.5: Each Environmentally Sensitive Area shall be governed by a Committee with the composition of relevant stakeholders, irrespective of the District or Divisional Secretariat Divisional boundaries.
- Thrust Area 6.6: The individuals and institutions of land ownership or land management of a particular Environmentally Sensitive Area shall be held accountable for protection, monitoring, and reporting of especial biodiversity elements of the particular Environmentally Sensitive Area.
- Thrust Area 6.7: Management Plans will be developed for each Environmentally Sensitive Area by the respective Environment Sensitive Area Management Committee or the individuals or institutions that hold land ownership or engage in land management of a particular Environmentally Sensitive Area.
- Thrust Area 6.8: Latest data-driven Environmentally Sensitive Areas Management Plans will be prepared and conservation of biodiversity significances that are considered for valuing the land parcel will compulsorily be taken as environmental conservation indicators.
- Thrust Area 6.9: Due concerns shall be given for balancing the interest of socio-economic development, environmental conservation, and resilient economies and communities in the management of Environmentally Sensitive Areas.
- Thrust Area 6.10: Valuing the principle of a common goal, agreed with agenda and shared responsibility in the conservation of Environmentally Sensitive Areas, co-management approach shall be adopted as appropriate, in managing Environmentally Sensitive Areas.
- Thrust Area 6.11: Technical and financial contribution of the private sector, academia, and environmental conservation organizations shall be recognized and encouraged in managing Environmentally Sensitive Areas.
- Thrust Area 6.12: Environmental Policy Integration approach shall adhere and conservation of Environmentally Sensitive Areas shall be integrated into area and sectoral development plans at all levels.
- Thrust Area 6.13: Public shall have access to information relating to the Environmentally Sensitive Areas, and its management as per the laws relating to the Rights to Information in Sri Lanka.

3.5. Thematic Area: Equality in Environmentally Sensitive Areas.

Policy Statement (7):

Environmental justice shall be guaranteed for all persons with no discrimination at any level in the identification and management of Environmentally Sensitive Areas, and in benefit and burden-sharing of Environmentally Sensitive Areas, in both the vertical and horizontal axes.

Policy Statement (8):

Nothing in this Policy prevents offering special provisions for indigenous or disadvantaged communities in managing and benefit and burden-sharing of Environmentally Sensitive Areas, for the advancement of such communities.

Policy Statement (9):

The National Steering Committee and the District and Divisional Environmental Sensitive Areas Committees will establish appropriate relief and redress mechanisms, including conflict mitigation mechanisms, with an effective process for the justice of disadvantaged or aggrieved parties in the declaration, management, and benefits sharing of Environmental Sensitive Areas.

3.6. Thematic Area: Sustainable Financing for Environmentally Sensitive Areas.

Policy Statement (10):

Special provisions shall be made available, by all relevant public and private institutions, to encourage local communities and industries, to transform to and engage in Environmentally Sensitive Area friendly production, services and development activities.

- Thrust Area 10.1: Public and private sector at national, subnational, and local levels, shall ensure required financial flows for effective implementation of Environmentally Sensitive Area Management Plans.
- Thrust Area 10.2: Green financing initiatives and practices shall be promoted by the relevant authorities, including the Central Bank of Sri Lanka and Finance Commission, for the benefit of Environmentally Sensitive Areas.
- Thrust Area 10.3: Innovative and incentive schemes shall be introduced and promoted for the communities and industries engaging in environment-friendly research, innovations, productions, services, and development activities connected to Environmentally Sensitive Areas.
- Thrust Area 10.4: Environmentally Sensitive Areas declaration authorities, as appropriate and with the consent of the landowner, shall purchase or lease the right to development or subdividing rights of the landowner of private land in the Environmentally Sensitive Areas as a conservation easement, with financial facilities from any public or private sources, to protect and conserve endangered species, significant habitats and places vital for disaster resilience.

3.7. Thematic Area: Monitoring of Environmentally Sensitive Areas.

Policy Statement (11):

Environmentally Sensitive Areas and their management shall be monitored scientifically and in a participatory manner.

- Thrust Area 11.1: The Environmentally Sensitive Areas Management Committee shall collect and collate data periodically against the indicators that are required to determine the changes in the environment, resilience, and socioeconomic status of the communities in Environmentally Sensitive Areas, and shall review the status of Environmentally Sensitive Areas.
- Thrust Area 11.2: A scientific Biodiversity Conservation Monitoring System will be established, to evaluate the reduction of threats to and conservation of biodiversity elements, on-site and remotely, under the guidance of the National Steering Committee and facilitation of the Ministry of Environment.
- Thrust Area 11.3: The Environmentally Sensitive Areas Management Committee shall periodically make available the conservation status of biodiversity elements and environmental services of respective Environmentally Sensitive Areas to the public knowledge, and also report to the National Steering Committee.

3.8. Thematic Area: Policy on Knowledge Management of Environmentally Sensitive Areas.

Policy Statement (12):

Research, innovation, and knowledge sharing on Environmentally Sensitive Areas shall be given high priority and facilitated and coordinated at all levels.

- Thrust Area 12.1: Researchers, Scientists, and Innovators shall be given opportunities for planned and continued opportunities for research and product development.
- Thrust Area 12.2: Knowledge-sharing platforms on Environmentally Sensitive Areas shall be created on-site and virtually.
- Thrust Area 12.3: Innovators, service delivery persons, and institutions related to the Environmentally Sensitive Areas shall be facilitated for sustainable production, market, and value chain development.
- Thrust Area 12.4: Opportunities for Environmentally Sensitive Areas related to knowledge gaining, skills development, and behavioural changes through shaping

attitudes towards environmental sensitivity shall be made available at all levels for all.

3.9. Thematic Area: Policy on Scaling Up Environmentally Sensitive Areas.

Policy Statement (13):

Continuous and periodic assessments shall be carried out in Environmentally Sensitive Areas and other areas.

Thrust Area 13.1: Continuous and periodic assessments shall be carried out in Environmentally Sensitive Areas periodically for revaluing of the (a) significance of biodiversity and vegetation types, (b) environmental services, and (c) significance of land for the resilience for climate change and disaster risk reduction.

Thrust Area 13.2: Considering the national demand for conservation of biodiversity in Environmentally Sensitive Areas, the Environmentally Sensitive Areas shall be graded as Protected Areas under a relevant legal framework.

Thrust Area 13.3: The Ministry of Environment, in consultation with National Steering Committee, shall periodically assess the identification of new Environmentally Sensitive Areas.

The Terminologies.

(This terminology has been developed based on the concepts and terminologies of International Institute for Environment and Development, IUCN, CBD Glossary, and Global Environmental Fund)

Biological Diversity (biodiversity): The variability among living organisms from all sources, including terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they form part; this includes diversity within species, between species, and of ecosystems.

Biological Diversity Values: The intrinsic, ecological, genetic, social, economic, scientific, educational, cultural, recreational, and aesthetic values of biological diversity and its components.

Climate Change: Climate change refers to any change in climate over time, whether due to natural variability or as a result of human activity. This usage differs from that in the United Nations Framework Convention on Climate Change (UNFCCC), which defines ‘climate change’ as: —a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable periods.

Community: Is a social unit with a commonality such as norms, values, or identity, and shares a sense of place (geographical area) or space (virtual space) and shares common roles in social institutions including humanity at large.

Conservation: The protection, care, management, and maintenance of ecosystems, habitats, wildlife species, and populations, within or outside of their natural environments, to safeguard the natural conditions for their long-term permanence.

Ecosystem Services: the direct and indirect contributions of ecosystems to human wellbeing. They can be categorized into four main types: provisioning services (e.g. food, water, fuel, medicines); regulating services (e.g. local climate, soil erosion, wastewater treatment, pollination, flood control); habitat services (e.g. for species and genetic diversity); and cultural services (e.g. recreation, tourism).

Environmental Justice: Fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, concerning the development, implementation, and enforcement of environmental laws, regulations, and policies. This goal will be achieved when everyone enjoys the same degree of protection from environmental and health hazards, and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.

Environmental Policy Integration (EPI): A process of integrating environmental objectives (both mitigation and adaptation) into non-environmental and economically focused policy areas, such as agriculture, transport, energy, and development, as a key element of sustainable development.

Green Financing: Increasing level of financial flows (from banking, micro-credit, insurance, and investment) from the public, private and not-for-profit sectors to sustainable development priorities.

Habitat: the place or type of site where an organism or population occurs naturally.

Hotspot: An area on earth with an unusual concentration of species, many of which are endemic to the area, and which are under serious threat by people.

Integrity: is a measure of the wholeness and intactness of the natural and/or cultural heritage and its elements. Examining the conditions of integrity, therefore, requires assessing the extent to which the property: a) includes all elements necessary to express its outstanding universal value; b) is of adequate size to ensure the complete representation of the features and processes which convey the property's significance; c) suffers from adverse effects of development and/or neglect (IUCN, 2011)

Nature-based Solutions (NbS): are defined by IUCN as “actions to protect, sustainably manage, and restore natural or modified ecosystems that address societal challenges effectively and adaptively, simultaneously providing human well-being and biodiversity benefits”.

Natural Capital is a way of explaining the value of nature and biodiversity to economically minded decision-makers. A deliberate parallel is drawn to financial systems where stocks of financial capital generate financial flows. Similarly, natural capital is the world's stock of natural assets such as water, land, soil, and wildlife, from which flow a multitude of valuable goods and services. Just as a more diverse portfolio of financial stocks is more resilient to external shocks, so is a more diverse portfolio of natural capital.

Natural Resources: Materials or substances occurring in nature that can be exploited for economic gain. They may be renewable, and derived from living resources, such as timber, bush

meat, and firewood; or finite, and derived from inanimate sources, such as oil and gas and minerals. Biodiversity secures the long-term production of these resources.

Protected Areas: An area is a clearly defined geographical space, recognized, dedicated, and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values. (IUCN Definition 2008)

Purchase of Development Rights or Transform of Development Rights: Protection and conservation of privately own sensitive or productive or aesthetic landscapes through purchasing the right to development or subdividing rights of the landowner of private land, while the land owner retains all other rights and responsibilities associated with the land parcel. The land parcel shall purchase by the government or a government-approved private party when the land is highly encumbered with a conservation easement, by compensating the landowner for development restrictions and taking protective measures imposed on the landowner.

Sustainable Financing: Process of taking due account of environmental, social, and governance (ESG) considerations when making investment decisions in the financial sector, leading to increased longer-term investments into sustainable economic activities and projects.

Sustainable Use: Sustainable use means the use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations (Article 2 of Convention on Biological Diversity).

Wise Use: Maintenance of their ecological character, achieved through the implementation of ecological approaches, within the context of sustainable development (COP3, Ramsar Convention). Wise use proponents describe human use of the environment as "stewardship of the land, the water and the air" for the benefit of human beings (www.definitions.net/definition).