



International Climate Change Law and Sri Lanka

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Outline

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 - Consequences of climate change
 - Displacement and migration
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- Climate change and Sri Lanka
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UNDP – Human Development Report 2007/08

Millions of world's poorest people are already being forced to cope with impacts of climate change..... But increased exposure to drought, to more intense storms, to floods and environmental stress is holding back the efforts of the world's poor to build a better life for themselves and their children.

Some impacts of climate change







Socio-political situation in S. Asia

- Many similarities yet diverse
- 2nd largest population and emerging world power (India)
- A small island state (Maldives)
- Island nation (Sri Lanka)
- Land-locked countries (Nepal and Bhutan)

Therefore, any legal response should take this diversity into account



Consequences of climate change in South Asia

Sir Nicholas Stern: “From the Himalayas, which feed water to a billion people, to the coastal areas of Bangladesh, South Asian countries must prepare for the effects of global warming, even as they work to combat the human causes of climate change.”



Stern Review (contd)

- More than 1/5 of Bangladesh could be under water by the end of the century
- Advancing desertification
- Rising sea levels
- Millions may be forced to migrate



Consequences of Climate Change in South Asia

- Water shortages
- Food insecurity
- Increased salinity
- Inundation of low lying cities
- Soil erosion/coastal erosion
- Increased incidence of disease, mainly vector-borne
- Extreme weather events
- Loss of endemic species



Other challenges

- **Poverty** – Some of the poorest countries in the world (Nepal, Bhutan, Bangladesh)
- The highest **child malnutrition** rate in the world (World Hunger Index)
- Densely **populated**
- **Conflict** – Most countries have on-going conflicts and terrorist activities (eg. Sri Lanka – 25 year civil war)

Displacement and migration

- Low lying cities (Dhaka, Mumbai, Karachchi)
 - Entire coastal belt of Sri Lanka
 - Small island state – Maldives
- Even a few inches of sea level rise can have devastating consequences
- Question** – how to deal with displacement and migration across international borders?

Migration and displacement contd.

Other environmental refugees too –
estimated at **200 million by 2020**

Greenpeace – About 125 million migrants in
South Asia, of which 75 million would be
from Bangladesh

Best option – Address this through **adaptation
strategies**

However, re: **international migration**, a legal
framework will have to be adopted

1st IPCC report – Greatest single impact of
climate change will be on human migration



Some action taken by S. Asia

- SAARC Declaration and Action Plan on Climate Change, 2008 - **sustainable development** is the best way to address climate change
- Acknowledged that the SAARC region is most vulnerable to climate change
- Endorsed the UNFCCC and Bali Action Plan with its four building blocks – mitigation; adaptation; technology transfer; and finance and investment
- Resolved to cooperate on capacity building, initiate programs on adaptation and implement the SAARC Action Plan
- National Adaptation Programs of Action (NAPAs) – mitigation alone is not sufficient

International Legal Framework

- UN Framework Convention on Climate Change, 1992 – main objective – stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent **dangerous human interference** with the climate system (Article 2)
- Makes a distinction between Annex I (developed countries) and non-Annex I countries (developing)
- Kyoto Protocol, 1997 – reduce greenhouse gas emissions 5% below 1990 levels during the first commitment period (2008-12) – **only for Annex I countries**. Non-Annex I countries have no emission reduction obligations under the Protocol.
- Based on common but differentiated responsibility principle first used in the ozone regime
- Legal regime based mainly on mitigation

International framework contd...

- **Bali Action Plan, 2007** – first time developing countries acknowledged that they will have to adopt binding obligations during the 2nd commitment period
- **Copenhagen Accord, 2009** – voluntary targets – 136 countries have signed the Accord now.
- Features – endorsed the continuation of basic framework of Kyoto; leaves emission reduction targets to the discretion of states; no differentiation is made among the developing countries
- No binding document yet – next meeting in Cancun this December

Climate Change and Sri Lanka

- 32% of the population, 67% of industrial facilities and 80% of tourist infrastructure located within coastal zone (according to another study: 62% of industrial facilities and 70% tourist infrastructure)
- Sea level rise would affect the entire coastal belt – already sea erosion is a huge problem
- Salinity intrusion of water resources
- Impact on tourism and fisheries need to be studied. The sea provides for 65% of marine fish production (spawning grounds, mangroves, coral reefs and those relying on it as a livelihood could get affected) – fisheries sector provides direct employment to 150,000 and to 100,000 in related employment and sustain nearly 1.25 million people.
- Impact of increased temperature and water shortages on agriculture and other export crops (tea, rubber)
- Human health – increase in vector-borne diseases
- Impact on biodiversity – species composition likely to change with increased temperatures, insects etc
- Beneficial impacts too (increased rainfall) – need more study



Institutional framework

- Center for Climate Change Studies, 2001 (attached to the Department of Meteorology) – conduct research on climate change and related impacts
- National Advisory Committee on Climate Change, 2008 – appointed by Ministry of Environment and Natural Resources (inter-agency, NGOs and experts)
- Climate Change Secretariat, 2008 – established within the Ministry of Environment and Natural Resources
- Other units – Departments of Agriculture and Irrigation, National Aquatic Resources Development Agency, Sri Lanka Ports Authority, Urban Development Authority, Tea Research Institute, Rubber Research Institute, Ministry of Healthcare and Nutrition, Coast Conservation Department,

Sri Lanka's legal obligations/ action taken

- Ratified both UNFCCC and Kyoto. Not signed the Copenhagen Accord yet.
- As a party to the UNFCCC, Sri Lanka submitted its first national communication in 2000. Working on 2nd communication now
- Established a clean development mechanism under Kyoto Protocol (Ministry of Environment and Natural Resources is the Designated National Authority for implementation of CDMs), carbon fund to engage in carbon trading?
- National laws – Coast Convention Act, National Environmental Act (EIA process, EPL process), Marine Pollution Prevention Act, Env. Conservation Levy Act
- Greenhouse gas inventory was prepared in 1995
- Now preparing a National Adaptation Plan of Action (NAPA) for Sri Lanka under ADB funding
- Prepared a National Energy Policy

Sustainable Energy Authority Act, 2007

- Objectives – to develop renewable energy resources, to declare energy development areas; develop energy efficiency measures and conservation programs; promote energy security, reliability and cost effectiveness in energy delivery
- Establishes an inter-Ministry board of management. Has representatives from Energy Managers Association, development finance banks, renewable energy industry, Chamber of commerce, rural energy service sector, three people qualified in the fields of business, engineering, finance, management or law
- Formulate a national policy on energy
- Prepare an inventory of all renewable energy resources and technology
- Encourage investments in renewable energy development and providing them assistance
- Develop guidelines for renewable energy projects
- Devising incentive mechanisms
- Provide funds for pilot projects in renewable energy development

Contd...

- Prepare a Renewable Energy Resource Development Plan – public document open for public comments
- Project approving committee established – evaluate and grant approval for projects on renewable energy
- Declare certain areas as conservation and management of renewable energy sources
- Adopt energy efficiency and conservation programs
- Establish energy consumption benchmarks for consumers
- Require entities to carry out energy audits
- Establishes a Sri Lanka Sustainable Energy Fund
- No mention of climate change
- Future generations is mentioned in the definition of “renewable energy resource” and “sustainable energy” refers to the future.

Conclusion

- Clear that climate change poses an **unprecedented challenge** to international law, particularly sustainable development
- Developing countries are particularly vulnerable because they have less resources to cope with the consequences of climate change. They are disproportionately affected by a phenomenon that they hardly contributed to – equity issue
- South Asia will be particularly vulnerable – Maldives may completely disappear – what is the legal situation when states disappear? Other small island states – home to 5% of the world's population
- **Ben Wisner *et al***: “Ironically, climate change offers humanity an opportunity for a quantum leap in sustainable development and in peace making.”