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DMA - Disaster Management Act

DMC – Disaster Management Centre

DRM - Disaster Risk Management

ESCAP- Economic and Social Commission for Asia and the Pacific

NDMP - National Disaster Management Plan

NEOP - National Emergency Operation Plan

NGO – Non Governmental Organization

SDG Sustainable Development Goals

UN – United Nations

UNDP – United Nations Development Programme

WHO – World Health Organization

NAPHS – National Action Plan for Health Security

Table of Content

1. Country Profile..... 4-7

1.1	democracy federal or unitary	
1.2	Hazard profile / geographical vulnerability	
1.3	Legal framework	
1.3.1	<i>Fundamental rights to life,</i>	
1.3.2	<i>Property and safety,</i>	
1.3.3	International collaboration & right to collaboration in disasters	
1.5	Aid and support from international organizations during previous disasters	
1.6	Key disasters where international assistance arrived and demanded better management.	
1.6.1	<i>December 2004 tsunami,</i>	
1.6.2	<i>2016 & 2018 floods and droughts</i>	
2.	Disaster Management Act.....	8-9
	<i>National Council for Disaster Management (NCDM)</i>	
	<i>Disaster Management Centre (DMC)</i>	
	<i>District Disaster Management Coordinating Unit (DDMCUs)</i>	
3.	DMA and international, cross country collaborations with International law.....	10
4.	Acts, Regulations, Incentives given to International NGOs.....	11-14
4.1.	Statutes	
4.2.	Regulations	
4.3.	Policies/ Action Plans	
4.4.	Laws relating to climate change and environmental protection	
4.4.	Incentives given to international NGOs	
4.5.	Neighborhood country support	
4.6.	Landing rights for offloading aid,	
4.7.	Customs Clearances	
4.8.	Tax	
4.9.	Access to international flights	
5.	Bilateral treaties between South Asian countries and Sri Lanka	15
	<i>Bilateral treatise</i>	
	<i>Multilateral treaties</i>	
6.	How is Sri Lanka managing vulnerable assets of waterways, international seas, avalanche over mountains, international roadways, trains and other routes during disasters?	16
6.1.	International borders	
6.2	International Sea Only	
7.	Global Pandemics.....	17-19
8.	List of reference.....	20

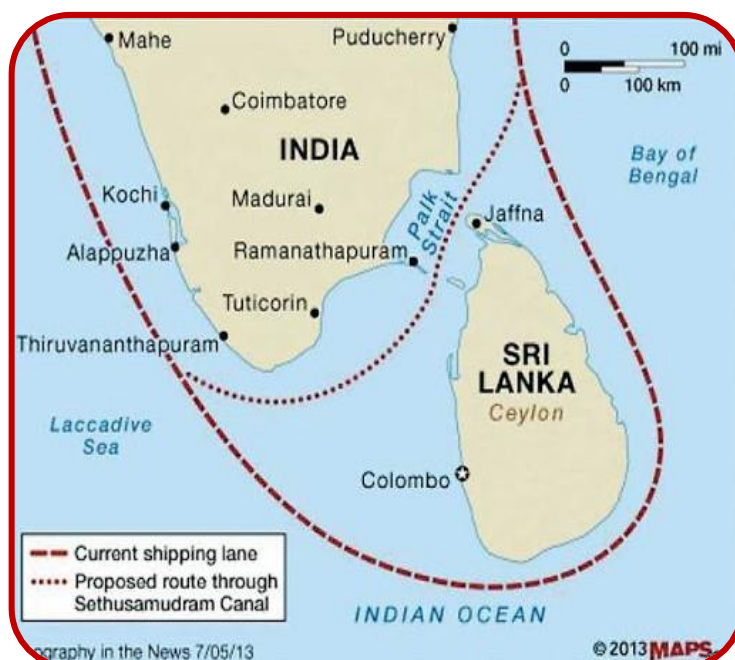
1. Country Profile

1.1. Geographical location

Sri Lanka is a small island nation located in the Indian Ocean southwest of the Bay of Bengal and southeast of the Arabian Sea. It is separated from the subcontinent of India by the Gulf of Mannar and the Palk Strait. Sri Lanka possess a total land area of 65,610 km² and it has a variety of ecological zones from tropical forests, highlands and lowland plains to diverse coastal belts (CFE-DM, 2017). Most of the country consists of lower plains with the elevation between 30 to 200 meters.

1.2. Democracy and administration

Sri Lanka is Democratic Socialist Republic¹ and an independent sovereign nation with a population of 21 million². It is a Unitary State³ and the Sovereignty of the people is in the people and is inalienable⁴. Sri Lanka has a multiparty parliamentary democracy system and the government is elected by the people, through a vote once every five years. Legislative function of the State is executed by a parliament and the executive power and defense is exercised by the President who is elected by the people. The judicial power of the People is exercised by the Legislature through the Judiciary in the republic.⁵ Sri Lanka has three levels of administration namely, National, Provincial and Local Authority. Sri Lanka consists of nine provinces, which are further divided into 25 districts. Each district is administered under a District Secretary, who is appointed by the central government. The governance of districts consists of 331 Divisional Secretariats, under which 14,022 Grama Niladhari, or village officers, operate to carry out administrative duties at lowest levels of administration.



¹ The Constitution of the Democratic Socialist Republic of Sri Lanka 1978.

² Department of Census and Statistics, <http://www.statistics.gov.lk/>

³ Article 2 of the Constitution of the Democratic Socialist Republic of Sri Lanka 1978.

⁴ Article 3 of the Constitution of the Democratic Socialist Republic of Sri Lanka 1978.

⁵ Article 3, 4 of the Constitution of the Democratic Socialist Republic of Sri Lanka-1978.

1.3 Hazard profile

Sri Lanka owns a tropical climate and is frequently affected by South-West monsoon (May to September), and the North-East monsoon (December to February). Sri Lanka is very much susceptible to increasing sea levels, and climate-related disasters.⁶ According to Germanwatch Climate Risk Index 2019 Sri Lanka is one of the top three affected countries by climate change.⁷ Sri Lanka has been highly vulnerable to hydro-meteorological disasters such as floods, droughts, landslides and slope failures.⁸ country is also prone to coastal erosion , instances of environmental pollution related hazards and more localized hazards like elephant attack, lightning strikes, epidemics, high winds, fires. The devastation caused by the Indian Ocean tsunami of 2004 has evidenced that Sri Lanka also highly vulnerable to tsunami⁹. The May 2016¹⁰ and 2018 floods and landslides disasters that affected almost 23 of 25 districts of the country accounted over Billions worth damages and losses. Sri Lanka withstood the worst drought conditions witnessed in four decades in 2016. In terms of man-made disasters in 2017 a landslide occurred in the Meetotamulla garbage dump in Dahampura GN division resulted in 33 deaths and 111 houses were damaged.

1.4. Legal framework

1.4.1 Fundamental rights to life

The Fundamental Rights Chapter of the Sri Lankan Constitution neither endorses a right to a clean environment nor does it embody a right to life .However Constitution does clearly articulate the right to life in Articles 11 and 13.4 of the constitution.¹¹ The chapter on directive principles makes specific reference to environmental protection and it declares the protection of nature and conserving its riches a fundamental duty of every person in Sri Lanka.¹² Furthermore, Sri Lankan Constitution guarantees the equality of all persons before law¹³ and non-discrimination¹⁴. The Sri Lankan judiciary has in numerous decisions uphold these rights.¹⁵

⁶ Ibid article 4.2

⁷D. Eckstein, M. Hutfilz, M. Wings, 'Who Suffers Most from Extreme Weather Events? Weather-related Loss Events in 2017 and 1998 to 2017' (2019) Briefing Paper Global Climate Risk Index < <https://www.germanwatch.org/en/16046> > accessed 8th July 2019.

⁸ More details please access the following link. Link- <http://www.dmc.gov.lk/hazard/index-2.html>

⁹ In Sri Lanka around 35,000 were dead and decimated over 100,000 homes and displaced approximately 500,000 people.

¹⁰ADRC: Country Report - Sri Lanka by J.M.A.R. Jayarathne Deputy Director Emergency operation (DMC) pg13

¹¹ Article 11, 13. 4 of the Constitution of the Democratic Socialist Republic of Sri Lanka-1978.

¹² Article 11 of the Constituion of the Democratic Socialist Republic of Sri Lanka.

¹³ Ibid Chapter VI.

¹⁴ Ibid Article 12.2.

¹⁵ In *Wattegedera Wijebanda v. Conservator General of Forest and Eight Others*¹⁵, the court noted that while environmental rights are not specifically alluded under the category fundamental rights, the right to clean

1.4.2. Property and safety

The Constitution of Sri Lanka does not recognize the right to own land as an expressed fundamental right. However, under right to equality guaranteed in article 12 it is possible to challenge an acquisition by the State on the ground of arbitrary action. Sri Lanka's constitution is nondiscriminatory on ownership of land, property and business ventures. In Sri Lanka "freedom of movement and of choosing his residence" guaranteed¹⁶ whilst recognizing the freedom to return to Sri Lanka.¹⁷ Directive principles in the constitution recognize the duty of the State to ensure social security and welfare of the People.¹⁸ However these rights shall be subject to restrictions of article 15 (7) of the constitution.¹⁹

1.4.3. International collaboration & right to collaboration in disasters

There is no express constitutional provisions with regard to the right to collaborate in disaster. However articles 154(G) 11, 157, 157 A(1), 157© & (D) of the Constitution recognizes the important of giving effect to international law and treaty obligations and relationships with any other countries, in making laws subject to specific limitations set out therein.²⁰ The constitution also recognizes the importance of 'endeavoring to foster respect for international law and treaty obligations of the State'.²¹ 19th amendment to the Constitution empowered the head of the State to act in accordance with international law, custom or usage consistent with the Constitution.²² Sri Lanka follows dualism in executing its international treaty obligations. That judiciary has also recognized this "dualist theory" and have emphasized that accession to a covenant must be followed with implementation by the exercise of the Peoples' Legislative Power through Parliament.²³

environment is inherent in a meaningful reading of constitution by the equal protection provisions contained in article 12(1) of the Constitution. Therefore it may also be argued that the right to life is protected under the Sri Lankan Constitution in the above context.

¹⁶ Article 14 (1) h of the Constitution of the Democratic Socialist Republic of Sri Lanka.

¹⁷ Ibid Article 14(1).

¹⁸ Ibid Article 27(9).

¹⁹ Ibid Article 15 (7)- *The exercise and operation of all the fundamental rights declared and recognised by Articles 12, 13(1) 13(2) and 14 shall be subject to such restrictions as may be prescribed by law in the interests of national security, public order and the protection of public health or morality, or for the purpose of securing due recognition and respect for the rights and freedoms of others, or of meeting the just requirements of the general welfare of a democratic society. For the purposes of this paragraph "law" includes regulations made under the law for the time being relating to public security*

²⁰ Ibid Article 154(G) 11, 157, 157 A (1), 157© & (D).

²¹ Ibid Article 27(15).

²² Article 33 (2) (h) of the 19th Amendment to the Constitution of the Democratic Socialist Republic of Sri Lanka.

²³ *Singarasa Vs. Attorney General* [2013] 1 SRI L.R 245.

1.4.4. Declaration of state of emergency by the President

The Sri Lankan Constitution does not define “state of emergency”. According to article 155²⁴ and Public Security Ordinance²⁵ the President is empowered to issue a Proclamation of a state of emergency that is valid for a period of one month, although he may revoke it earlier²⁶. Parliament must approve it by a resolution within fourteen days and this has been applied in positive form in certain natural disasters including Tsunami and recently experienced Covid 19 pandemic in Sri Lanka.

1.5. Aid and support from international organizations during previous disasters

Both local and international NGOs had been very active in Sri Lanka.

- During LTTE conflicts NGOs supported projects in the areas of poverty relief, health care and education
- As a result of 2004 Tsunami disaster Sri Lanka received considerable funds from international NGOs. Five Oxfam affiliates as well as the UNDP are working on the Sri Lanka tsunami program to rebuild tsunami-affected communities, to restore livelihoods and in preparedness and disaster risk reduction.
- pursuant to the landslides occurred in May 2016 Sri Lanka received financial and material aids to provide relief and the Republic of China gave 1.5 US \$.²⁷

1.6. Key disasters where international assistance arrived and demanded better management.

- I. December 2004 tsunami²⁸
- II. 2016 & 2018 floods and droughts

²⁴ In a situation of exceptional threat, danger, or disaster in the life of a nation, the existence of which is clear to all, in which the government is given extraordinary powers not permitted during normal times to deal with the threat, including powers to restrict certain fundamental rights as well as in apposite form to call for collaborations internally as well as internationally.

²⁵ Only the conditions that may give rise to the need for emergency powers are described.

²⁶ in view of the existence or imminence of a state of public emergency, he is of the opinion that it is expedient to do so, in the interests of public security and the preservation of public order or for the maintenance of supplies and services essential to the life of the community.

²⁷ Using that money 60 houses have been built in Ruwandeniya Watta in Aranayakawatta DSD in the district of Kegalle.

²⁸ Financial Transactions Reporting Regulations No. 1 of 2006; in the context of lots of INGOs/ NGOs were engaged with tsunami and post tsunami relief and recovery works in Sri Lanka, some had been blamed for assisting LTTE or terrorist activities in the country.

2. Disaster Management Act

The Sri Lanka DMA No.13 of 2005 is the main legal document for disaster management in Sri Lanka and it was enacted in July 2005. This provides the legal basis for a DRM system in the country. The Act provides for a framework for DRM in Sri Lanka and addresses Disaster Management holistically, leading to a policy shift from response based mechanisms to a proactive approach towards disaster risk reduction. Twenty one hazards have been recognised under the purview of the act²⁹.

National Council for Disaster Management (NCDM)

NCDM is a high-level policy making body for safe the country from any calamities. The chairman and vice chairman of the NCDM is H.E. the President and Hon Prime Minister respectively. Other members are Leader of the Opposition, Ministers in charge of 20 selected subject areas, Provincial Council Chief Ministers and five members of the Opposition.

Disaster Management Centre (DMC)

The Act also provides for establishing DMC under the Council to be the apex body for the purpose of planning, co-coordinating and implementing of certain natural and other forms of disasters. The principal functions of the DMC as per the act are as follows.

- 1) Assisting the Council in the preparation of the NDMP and the NEOP and proposals for upgrading
- 2) Implementation of the NDMP and the NEOP and upon the declaration of a state of disaster direct and coordinate the implementation of the NEOP
- 3) Ensuring that the various Disaster Management Plans prepared by Ministries, Government Departments or public corporations conforms to the NDMP
- 4) Based on Disaster Management Plans prepared by various Ministries, Departments and Public Corporations under section 10, preparing and implementing programs and plans for disaster preparedness, mitigation, prevention, relief, rehabilitation and reconstruction activities and coordinating of organizations which implement such programs and plans and obtain financial assistance from the Treasury for such activities and release the same to the relevant regions and monitor and evaluate these activities

²⁹ (a) a landslide; (b) a cyclone; (c) a flood; (d) a drought, (e) an industrial hazard (f) a tsunami (seismic wave); (g) an earthquake; (h) an air hazard; (i) a maritime hazard; (j) a fire; (k) an epidemic; (l) an explosion; (m) air raids; (n) civil or internal strife; (o) chemical accident; (p) radiological emergency; (q) oil spills including inland and marine oil spills; (r) nuclear disaster; (s) urban and forest fire; (t) coastal erosion; and (u) tornados, lightning strikes and severe thunder storms; In addition to the above gazetted disasters, Dam breach, Animal attacks, Drowning and Road accidents are identified as major threat to the human being in the country. More details please access the following link. [Link-
http://www.dmc.gov.lk/attchments/DM%20Act%20English.pdf](http://www.dmc.gov.lk/attchments/DM%20Act%20English.pdf).

- 5) Issuing instructions and guidelines to appropriate organizations, NGOs, district secretaries and divisional secretaries on activities relating to disaster management and initiating and implementing work programs in co-ordination with such organizations and secretaries
- 6) Promoting research and development programs in relation to disaster management and setting up and maintaining a data base on disaster management
- 7) Submitting reports to the Council from time to time and whenever required by the Council in regard to its activities.
- 8) To implement the above functions, the DMC has organized

District Disaster Management Coordinating Unit (DDMCUs)

DDMCUs has established under the DMC for the coordination of local level disaster management activities. Meanwhile, under the National Disaster Relief service Centre officers has been appointed at divisional level to coordinate disaster management activities. DDMCU is conducting disaster management activities under the supervision of District Secretaries. In December 2005 the Ministry for Disaster Management and Human Rights was established with the subject of DM listed under its purview.

3. DMA and international, cross country collaborations

According to section 13 of the DMA³⁰ No 13 of 2005 DMC can where it consider necessary obtain the assistance of any NGO, whose activities are not detrimental to national independence and sovereignty, to assist any appropriate organization established under section 12 of the Act. According section 8(2) e DMC can issue issuing instructions and guidelines to NGOs on activities relating to disaster management and initiating and implementing work programmes in co-ordination with such organizations and secretaries.

- Post-tsunami Road Map for Disaster Management recognizes a role to be played by NGOs and CBOs, in the areas of preparing disaster preparedness and response plans and in promoting community-based DRM.
- The District Disaster Preparedness and Response Plans adopted under the auspices of the NDMC has also recognized the role of these organizations.
- Parliament Select Committee Report (2005)³¹, based on international precedent, recommended the adoption of a “Code of Conduct” for NGOs
- Towards a Safer Sri Lanka: A Road Map for DRM. Vol. 1 (2005)³², Volume 2: Project Proposals (2006) - The Road Map itself accords an express role to NGOs and CBOs and the private sector in achieving DRM.

³⁰ Section 13. (1) Notwithstanding the provisions contained in section 12, where a state of disaster is declared under section 11, the Council may, wherever it considers necessary or appropriate, obtain the assistance of any Non-Governmental organization, being a non-governmental organization whose activities are not detrimental to national independence and sovereignty, to assist any appropriate organization in the discharge of its duties under section 12.

³¹ The Parliament Select Committee on Natural Disasters was set up in the aftermath of the 2004 tsunami to investigate whether there was a lack of preparedness to meet an emergency of that nature and to recommend what steps should be taken “to ensure that an early warning system be put in place and what other steps should be taken to minimize the damage caused by similar natural disasters.”

³² DMC (2006), Towards a Safer Sri Lanka: A Road Map for Disaster Risk Management, Volume 2: Project Proposals, Disaster Management Centre. Available at <http://www.undp.lk/DRM/Publications.htm> (2005), Towards a Safer Sri Lanka: A Road Map for Disaster Risk Management, Disaster Management Centre. Available at <http://www.undp.lk/DRM/Publications.htm> (accessed 03 Oct. 06)

4. Acts, Regulations, Incentives given to International NGOs

4.1. Statutes

- Sri Lanka DMA, 2005
- Sri Lanka DMA(Amendment) No. 13 of 2005

4.2. Regulations

- Circular for Drought Relief 2018 - ii Stage (NDRSC/2018/03)
- Circular for Drought Relief 2018 - ii Stage (NDRSC/2018/03)
- Circular for Drought Relief 2018 - ii Stage (NDRSC/2018/03)
- House Damages recovery cost estimation Guidelines

4.3. Policies/ Action Plans

- National Policy on Disaster Management 2013
- Sri Lanka NDMP 2013 – 2017
- Community Resilience Framework Sri Lanka
- Practical Guide for Developing Local Disaster Risk Reduction Plans toward 2020
- Sri Lanka Comprehensive Disaster Management Programme 2014-2018 (SLCDMP)
- Post-Disaster Recovery Plan (PDRP) and Recovery Framework. 2017
- NEOP
- National guidelines for school disaster safety, 2008
- Towards a safer Sri Lanka: road map for DRM, project proposals (vol. 2) 2006
- Towards a safer Sri Lanka: road map for DRM 2005

4.4. Laws relating to climate change and environmental protection³³

- UNFCCC
- Kyoto Protocol.
- The National Climate Change Policy of Sri Lanka³⁴
- The Sendai Framework on Disaster Risk Reduction 2015–2030 (SFDRR)
- 2030 Agenda for Sustainable Development³⁵

³³ These laws and regulation on climate change and environmental protection has a direct application towards to disaster mismanagement in Sri Lanka.

³⁴ This is the primary policy mechanism to deal with climate change in Sri Lanka. Sustainable consumption and production, knowledge management and general statements. At the institutional level, National Advisory Committee on Climate Change (NACCC) has been formed to bring together the principle actors and coordinate all activities related to climate change.

³⁵ This was adopted by the United Nations General Assembly which Sri Lanka is a party to have recognized and has created opportunities for mainstreaming DRR within development.

- Sustainable Development Act No 19 of 2017³⁶

4.4. Incentives given to international NGOs,

All NGOs in Sri Lanka are required by law to be registered, to ensure transparency and accountability. The relevant regulations are,

1. Voluntary Social Service Organizations [Registration and Supervision] Act Number 31 of 1980
2. Voluntary Social Service Organizations [Registration and Supervision] [Amendment] Act Number 8 of 1998
3. Regulations issued under the Act published in the Extraordinary Gazette 1101/14 dated 15/10/1999
4. Circular Letter of the Secretary to the President dated 26/2/1999
5. Ministry of finance circular No MOFP/ERD/2007/1 –Guidelines for the use of assistance from NGOs
6. Financial Transactions Reporting Regulations No. 1 of 2006

However Diplomatic Privileges Act (No. 9 of 1996)³⁷ provides for the extension of certain international organizations subject to the specific procedure laid down therein. Being a signatory to the Vienna Convention the Sri Lanka should perform duties on behalf of the representing states³⁸.

4.5. Neighborhood country support

The DMA of 2005 provides for the NCDM to seek assistance from any NGO after a declaration of disaster has been made. A decision to request external international assistance would be made by the Cabinet and announced through the Ministry of External Affairs. The draft revision contains a provision allowing the DMC, as opposed to the Council, to obtain the assistance of any international NGO.

³⁶ This was introduced for the purpose of facilitating the establishment of the Sustainable Development Council (SDC), the implementation of the National Policy and Strategy on Sustainable Development and incorporate the seventeen Sustainable Development Goals (SDGs) adopted by the United Nations Members in the national planning processes, policies and strategies in the relevant ongoing processes in the economic, social and environmental field in Sri Lanka.

³⁷ Diplomatic Privileges Act no 9 of 1996, Section 4.

³⁸ Ibid, Section 2, However, exemption from the jurisdiction will not be provided if any Diplomat or Non-Diplomat or any staff member of the Diplomatic Missions are involved the f Violation of Motor Traffic Rules and Dispute on locally recruited staff members.

4.6. Landing rights for offloading aid

As per Civil Aviation Act (2002) and amended in 2010³⁹. It is the duty of the Civil Aviation Authority (CAA) of Sri Lanka to promote civil aviation safety and security in keeping with International Standards and Recommended Practices adopted by International Civil Aviation Organization (ICAO). As a signatory to Convention on International Civil Aviation 1948 (Chicago Convention) Sri Lanka has a duty to provide reliefs flights⁴⁰. However, such arrangements are made by the CAA upon declaring such disaster status in the country like in Tsunami 2004.

4.7. Customs Clearances

NEOP has set out a comprehensive system for emergency operations and the Sri Lanka Customs is a party of the plan. The Plan also provides for Customs officials to have regular contact with the DMC, other related ministries and stakeholders to successfully implement the NEOP warning. The National Import Tariff Guide of Sri Lanka provides for “goods being gifts from persons or organizations overseas for relief disaster caused by natural or other disasters, imported on the recommendation of the Secretary to the respective line Ministry subject to the approval of the Director General of Customs (DGC),” to be exempted from Customs duties. ⁴¹ Sri Lanka new rules for customs clearance of relief consignments were developed after the 2004 tsunami and it is ceased to operation after few years therein.

4.8. Taxation

UN agencies, inter-governmental organizations and their officials and experts are generally exempt from income taxes as privileges and immunities. Donations to international NGOs are considered taxable organizational income and funds associated with relief and rehabilitation activities may be exempted. Such exemption is decided by the Department of Inland Revenue according to the directions of the Ministry of Finance and central bank. Although many existing disaster-specific instruments call for the waiver of duties and other taxes on imported

³⁹ Civil Aviation Act No. 14 OF 2010.

⁴⁰ Annex 9 to the Chicago Convention of 1944 (which enjoys nearly universal adhesion among states) commits member states to “facilitate the entry into, departure from and transit through their territories of aircraft engaged in relief flights performed by or on behalf of international organizations recognized by the UN or by or on behalf of States themselves” as well as to “ensure that personnel and articles arriving on relief flights . . . are cleared without delay.” A number of other international instruments similarly call for the easing of restrictions on over flight, landing, carrier privileges , and the waiver of any associated fees or taxes (without particular reference to recognition by the UN)

⁴¹ However The Customs Department is also holding discussions on the possibility of signing, with the United Nations (UN), the ‘Customs Model Agreement’ for the importation of relief consignments and possessions of relief personnel in the event of disasters and emergencies, developed jointly by the UN Office for the Coordination of Humanitarian Affairs (UN-OCHA) and the WCO.

relief goods and equipment. Often, the operative language is broad enough to include VAT as well as import-specific taxes in Sri Lanka it has not been looked into in the existing Legislation specifically Inland Revenue Act.

4.9. Access to international flights,

According to section 34 and 35 (a) of the Immigrants and Emigrants Act of 1949⁴² no person can departure from Sri Lanka other than an approved port of departure or without possessing a passport.

Evacuation of foreigners

- Immigrants and Emigrants (Amendment) Act (No. 31 of 2006) - Sect 3
- Insertion of new section 45C in the principal enactment

Property protection

- Protection is given only for the INGO identified under the Diplomatic Privileges Act (No. 9 of 1996), no specific protection or DM related ones specifically.

Distribution of foreign aid.

⁴² As amended in 2006.

5. Bilateral treatise between South Asian countries and Sri Lanka

Bilateral treatise

There are only few bilateral treaties regarding disaster management and environmental protection in the region which Sri Lanka is a party.

- SAARC Agreement on rapid response to natural disasters - May 2011
- SAARC Convention On Cooperation On Environment
- Regional Cooperation on Climate Change Adaptation and Disaster Risk Reduction in South Asia

Further steps was taken to give effect to the following regional arrangements/ action plans

- SAARC Plan of Action on Environment -1997
- SAARC Declaration on Climate Change 2007
- SAARC Action Plan on Climate Change 2008⁴³
- In 2015 a Memorandum of Understanding between Sri Lanka and Pakistan on disaster management has been drafted with the purpose of strengthening mutual cooperation between the countries with regard to disaster management and formulating an effective disaster management methodology through such cooperation.⁴⁴

Multilateral treaties

- Non-Aligned Movement (NAM)
- South Asian Association for Regional Cooperation (SAARC)
- The Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC)

⁴³ The SAARC Workshop on Climate Change and Disasters: Emerging Trends and Future Strategies report pg173 file:///C:/Users/Acer/Dropbox/My%20PC%20(DESKTOP-6FIE9RK)/Documents/DR%20KOKILA-DM%20PROJECT/Regional%20Cooperation%20on%20Climate%20Change%20Adaption%20on%20Disaster%20Risk%20Reduction%20in%20South%20Asia.pdf

⁴⁴See, <https://www.news.lk/news/business/item/6731-mou-between-sri-lanka-and-pakistan-on-disaster-management>, In order to achieve these' objectives, the parties are expected to work in collaboration for which purpose projects identified by experts in the relevant institutions and agreed by the two parties will be implemented; formulate training, conferences and workshops for awareness capacity building through institutions related to disaster management in the two countries; and share experiences related to the management of disasters including floods, tsunamis, droughts and landslides.

6. How is Sri Lanka managing vulnerable assets of waterways, international seas, avalanche over mountains, international roadways, trains and other routes during disasters?

6.1. International borders

Since Sri Lanka is an island nation it doesn't share vulnerable assets with other states except the International Sea. The maritime border issues of Sri Lanka is governed by the principles and norms of law of the sea and several other International treaties and conventions.

6.2 International Sea Only

The UN Country Team and the UN ESCAP provide valuable support for the implementation of SDGs in Sri Lanka and have fostered strong relationships with the country's public sector bodies as well as CSOs. The UN country team, along with ESCAP and IAP2, has assisted GoSL's efforts through technical and financial support, as well as through facilitating multi-stakeholder engagement activities.

7. Global Pandemics

7.1. Domestic Laws

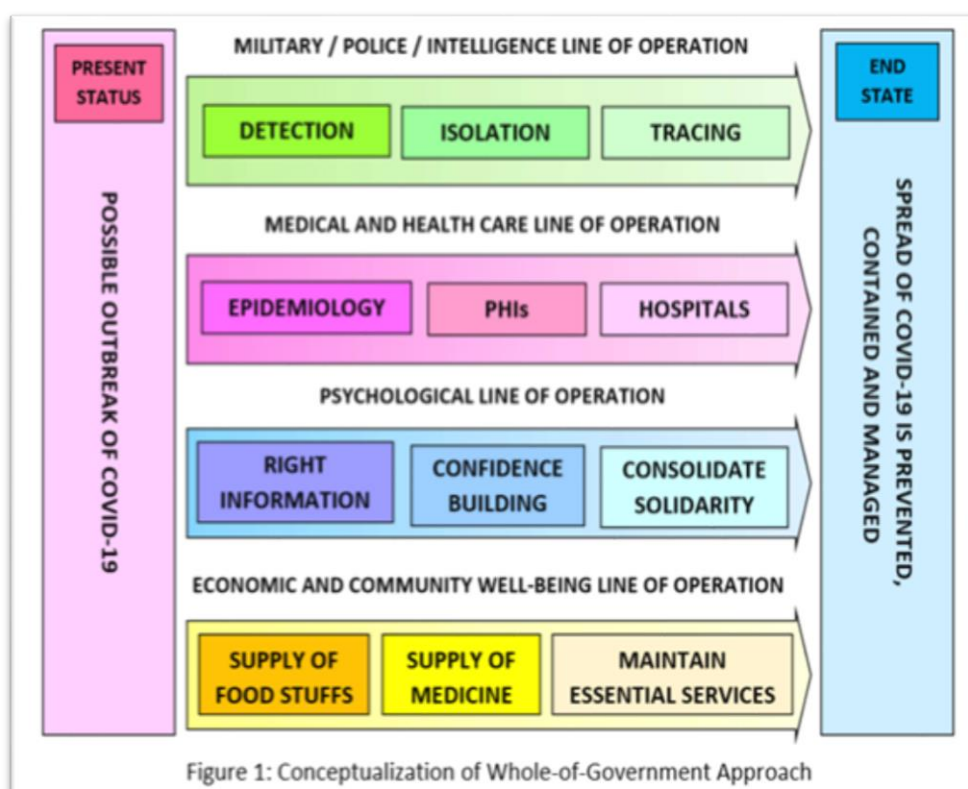
By virtue of Article 155 (2), (3), (3A) of the Constitution the President of Sri Lanka has the power to make emergency regulations under the Public Security Ordinance. The Sri Lankan Constitution does not provide a formal definition of a state of emergency. However the instances which would call for emergency regulations are described in the Public Security Ordinance⁴⁵. Accordingly the President may issue a Proclamation of a state of emergency where, “in view of the existence or imminence of a state of public emergency, he is of the opinion that it is expedient to do so, in the interests of public security and the preservation of public order or for the maintenance of supplies and services essential to the life of the community.” Meanwhile the Quarantine and Prevention of Diseases Ordinance⁴⁶ makes provision for preventing the introduction into Sri Lanka of the Plague and all contagious or infectious diseases and for preventing the spread of such diseases in and outside Sri Lanka. Section 2 of the Ordinance empowers the Minister of Health to make, vary and revoke regulations as may seem necessary/expedient for the purpose of preventing the introduction and spread of any disease in Sri Lanka. Additionally section 3 of the Ordinance provides a wide list of 19 matters in respect of which regulations may be made.

Covid-19 Special force

In order to tackle the Covid-19 outbreak in Sri Lanka the Government under the supervision of the President established the National Action Committee for COVID-19 on 26 January 2020. Through this Committee State Intelligence Service was tasked to undertake researches on developments in the world and to assess possible impacts on the region, in particularly on Sri Lanka. Health sector was prepared for any medical emergency while other sectors were also prepared for any eventualities. Defence Forces were kept ready and were given the mandate to establish and handle quarantine centres. Police was given the directives to be prepared for enforcement of law during any situation.

⁴⁵ No 25 of 1947.

⁴⁶ No 33 of 1897.



47

In furtherance of these actions on 24 March 2020, the government established a special task force to effectively and efficiently regulate and conduct the mechanism of distribution of essential commodities.

7.2 Regional cooperation

On March 15, 2020, during a video conference of the SAARC Heads of State and Government, Indian Prime Minister Narendra Modi proposed a Coronavirus Emergency Fund as a response to the global coronavirus pandemic.⁴⁸ During the conference President Gotabaya Rajapaksa proposed plans to combat coronavirus to SAARC leaders. On 23rd of March 2020 Sri Lanka pledges 5 Million US dollars to COVID-19 SAARC emergency fund.⁴⁹

⁴⁷Extracted from Concept Paper - COVID 19 - Ver 5 - 8 May 20, <https://www.chamber.lk/images/COVID19/pdf/conceptpapergovt.pdf>.

⁴⁸ Coronavirus | Prime Minister Modi calls for COVID-19 Emergency Fund for SAARC, <https://www.thehindu.com/news/national/coronavirus-pm-modi-participates-in-saarc-videoconference-to-formulate-joint-strategy-to-combat-covid-19/article31074653.ece>.

⁴⁹ <https://www.presidentsoffice.gov.lk/index.php/2020/03/23/pthe-ongoing-curfew-in-the-districts-of-colombo-gampaha-puttalam-and-all-the-5-districts-in-the-northern-province-will-be-lifted-at-6-00am-tomorrow-24-tuesday-in-these-districts-curfew-will-be-r/?lang=en>.

7.3 International Laws

International Health Regulations (2005) of WHO, constitute the essential framework for addressing global health security as they aim at ensuring global health security while avoiding unnecessary interference with international traffic and trade.⁵⁰ As part of its commitment to the International Health Regulations, in 2017 the Government of Sri Lanka developed the “National Action Plan for Health Security” (NAPHS) and has worked closely with WHO and other partners in producing this plan.⁵¹

⁵⁰ National Action Plan for Health Security in Sri Lanka 2017-2023, <https://extranet.who.int/sph/docs/file/2815>

⁵¹ The major objectives of NAPHS are 1. To build and sustain multi-stakeholder engagement to attain IHR core capacities through consultation and consensus, 2. To ensure comprehensive risk assessment to support decision-making before incidents and during response and recovery operations, 3. To strengthen and maintain national core capacities and contribute to the achievement of sustainable development goal, 4. To align activities among stakeholders adopting a ‘one health approach’ to engage the human, animal and agriculture sectors, 5. To assimilate results based monitoring and evaluation for national health security.

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