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Annexes to Community Consent Issue Brief
September 2026

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Annex 1: Coastal Community Focus Group Discussion Questionnaire

COMMUNITY CONSENT & COASTAL KNOWLEDGE

This study adopts a sequential mixed-methods design, grounded in Participatory Action Research (PAR) principles, to examine governance, participation, and consent in coastal and marine management in Sri Lanka. The approach combines spatial, qualitative, and institutional data to generate a multi-level analysis of power, participation, and decision-making.

The methodology is explicitly aligned with national reporting obligations under the Convention on Biological Diversity and contributes to assessing equity and participation dimensions under the Kunming-Montreal Global Biodiversity Framework.

The methodology is divided into three distinct phases to capture the full spectrum of marine governance realities in Sri Lanka:

Agenda/ Questionnaire

(FGDs / Key Informant Interviews and these sessions will be done using participatory methods to get more effective answers incorporating questionnaire)

Date:
Location (village / GN division):
District:
Gender: M / F / Prefer not to say
Community/ Ethnicity:
Primary Language:
Age group: (15-18) (19-24) (25-30) (31-35) (36-40) (41-45) (46-50) (51-55) (56-60) (61-65) (66-above)

***Note**: Above information will be taken during the registration process*

Introduction - (Contact point and one GPSA)

> Setting the room with an ice breaker

- Name,
- How long has your family lived in this coastal area ?
  Under 10 years / 10–25 years / 25–50 years / Over 50 years / Generations
- How has the sea changed in the past 10-3 years ?

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1. Are you aware of any Marine Protected Areas (MPAs) or conservation regulations that apply to your coastal area ? What do you know about them ? Do you find them useful or not ? For which reasons ?
2. What is community-led MPAs, OECMs, FPICs, Climate and environmental change and accountability – 20 min by GPSA
3. Why this session is important for better understanding ecosystems, and community involvement for a successful plan to develop livelihoods as well as to protect them.

Session 01:COMMUNITY INTERACTION WITH MARINE CONSERVATION

Discussion:

- What are the main livelihoods in your community ?
- What % of your income depends on the sea and what are the benefits from your coastal environment?
- Do you get any benefit from protected areas or conservation measures ?
- Are livelihoods changing ? Why ?

Session 02: COASTAL RESOURCE USE & LOCAL KNOWLEDGE
(Core ecological intelligence)

Discussion:

- What resources do you depend on?
    - Fish species
    - Crabs, prawns
    - Mangroves
    - Coral areas
- How do you decide where/when to fish ?
- Any traditional ecological knowledge and/or local practicers' understanding of:
    - Weather prediction methods ?
    - Fish behavior ?
    - Ocean currents ?
    - Any customary governance practices used for activities, such as choice of gear, seasonal and/or spatial fishing rest ?
- Can you identify areas that are:
    - Rich in fish
    - Breeding/nursery grounds
    - Coral reefs / mangroves
- Why are these areas important?

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Activity: Participatory Mapping - we will provide a zoomed in map of the coastal area to draw your sea and coastal area as you know it. In this map we will include houses, roads, lagoons, mangroves. We will be asking for you to identify and put the stickers below on the chart.

Capturing:

- 🐟 = Fish-rich areas/ Breeding/nursery areas
- 🌱 = Mangroves
- 🪸 = Coral
- ❌ = Conflict zones (Overfishing, other activities)
- ⚠️ = Threat areas
- ⛔ = Restricted zones/protected areas
- Development
- Tourism areas
- Tradition knowledge use (Optional)

Session 03: CHANGE, SEASONALITY & VULNERABILITY

Discussion:

- Which months are most difficult economically ? Why ?
- What changes have you seen in:
    - Fish availability
    - Water quality
    - Ecosystems
- Have you experienced income loss due to:
    - Climate events ? (Floods, Cyclones, sea erosion, sea level rise, temperature increase, droughts, etc)
    - Fishing restrictions and/or conservation rules ?
    - Pollution (oil, sewage, plastics, etc) ?
    - Infrastuctures and/or “development” projects ?

Activity: Participants to construct two overlapping timelines.

1. A seasonal calendar (annual cycle) to map key fishing seasons
    - Key fishing and farming seasons
    - Known periods of ecosystem stress – storms, droughts, floods, temperature changes
    - Times when communities are most vulnerable or most active in resource use

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2. A historical timeline (living memory):
    - Key changes in ecosystems, livelihoods, or governance participants have witnessed
    - Arrival of outside actors - corporations, government projects, conservation restrictions
    - Moments when communities were consulted or not on decisions affecting them
    - Moments of community resistance, advocacy, or collective action

We will be putting a monthly **seasonal calendar** printed in circle or line, and as per the previous exercize we will provide stickers or marker pens to capture the notes below.

Capturing

- ✔ Good fishing months
- ❌ Bad months
- 🌧️ Storms/ floods/ climate impacts etc
- 💸 Low income
- 🚫 Restrictions months

Recap discussion:

After the activity, keeping both a map and seasonal calendar and looking at it, I will be asking simple questions from it (10 years ago is this the same calendar/map ?) to understand the “Before vs Now Matrix”. This will give an understanding of the urgent need for FPICs in our report.

Q1. 10 years ago is this the same calendar/map ?)

Q2. What are the biggest threats (Overfishing, Pollution, Large-scale development, Climate change, Destructive Gear)

Q3. What has changed most in your lifetime in how decisions about this area are made ?

Q4. When have communities here acted together to protect something ? What made that possible?

Session 04: Current Reality & Awareness

Discussion:

- How is decision-making information passed on ? (indirect power mapping discussion)
- Is it information channel still being practiced today ? Why/why not ?

- Have you ever been consulted regarding such conservation and/or development initiatives?
    - Yes / No (head count)
    - If yes: Who conducted the consultations
    - Through what process?
- Were you informed in advance about the consultation ?
- Was information shared in a way you could understand ?
- Were your views recorded or acknowledged ?
- Did the consultation influence decisions ?
- Who makes final decisions about marine conservation in your area ?
- Do you feel your community has influence over these decisions ? Why/why not ?
- What has been the impact of conservation measures on your daily life and livelihood, positive or negative ?
- Have you experienced any conflicts related to conservation (access restrictions, enforcement practices, or displacement) ?
- Are there outside actors, companies, government agencies, or others currently operating in or affecting your coastal area ? What is your experience of their presence ?
- What barriers prevent your participation ?
- Would you like to be involved in conservation management (advising, monitoring, policing) ?

Note: Introduce FPIC briefly in plain, local language, before opening discussion, emphasising that it means communities have the right to be informed before decisions are made, to participate meaningfully, and to say yes or no.

- If you were to design a conservation area
    - Where would it should be ?
    - What rules would you think should be apply ?
    - Who would enforce them ?
- Do you think conservation measures are:
    - Fair ?
    - Effective ?
- Why or why not ?
- What support do communities need ?

Activity:

We will be asking the following questions creating a hypothetical scenario to understand the FPICs demands from the community. This will help for us to understand community needs and perspective on developing FPIC framework.

The answers will be feed the below table that we will draw on the flip chart.

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Consent scenario cards:

"A tourism project wants to build near the mangrove area."

Discuss

1. What should happen BEFORE this decision ?

2. What do you need to agree ?

3. What would make this just and what would make this unfair ?

FPIC vision: What should each of these include for you to agree to a project ?

INFORMATION	TIME	TRUST	VOICE of
E.g. 1. Clear 2. Local Language 3. Early notice 4. Transparency 5. Free 6. …	1. Enough time to discuss as community. 2. Clear decision and implementation calendar	1. No hidden agendas 2. Community awareness 3. Participatory approach 4. Local management committee	1. Women 2. Fishermen 3. Youth 4. Elders

- Do you think communities should have the right to approve or reject projects ?
- Have you ever experienced a process where your community's knowledge was genuinely recognised and used ? What made that possible ? What happened when it was overlooke ?
- Do you think government and conservation agencies are capable of recognising community knowledge as legitimate ? If not, what would need to change for that to happen ? If yes, what are the areas for improvement ?

Session 05: SOLUTIONS & RECOMMENDATION

Discussion:

- What specific recommendations would you make to government agencies for improving consultation and decision-making processes ?

- If your community had full decision-making power over your coastal area, what would you do differently ?
    - Are you willing to be engaged in future discussions or advocacy ?
- How can conservation support your livelihoods ?

Activity:

Solution ranking cards: We will have pre-written cards on:

- Stronger enforcement
- Community co-management
- Alternative livelihoods
- Awareness programs
- Seasonal closures
- Spatial closures
- Better market access

And any other solution that come up during the discussion, and ask community members to rank them, as well as to select the top 5 threats and rank them from most serious → least

Session 06: RE-CAP & VALIDATION

Summarize key findings

Ask:

- “Is this accurate ?”
- “Anything missing ?”
- “Did you find the session useful, and do you have any suggestion to improve it ?”

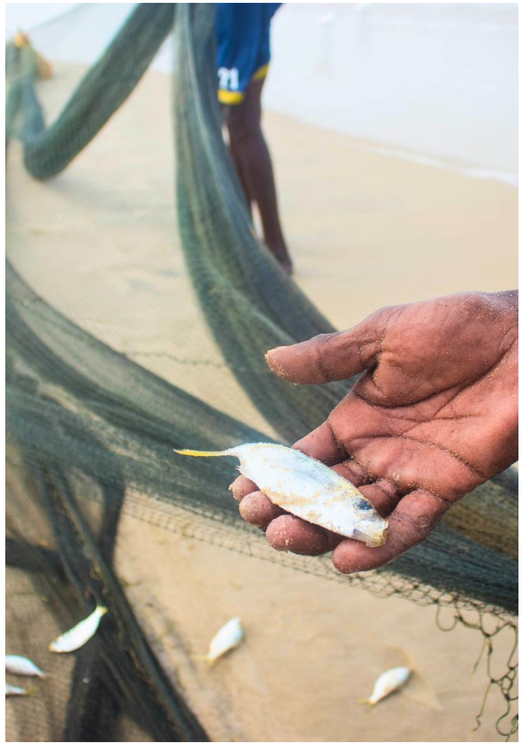
Annex 2: Glossary Terms for Coastal Communities



Ocean Justice and Community Power: Fisheries Community Glossary



This booklet explains important words used in



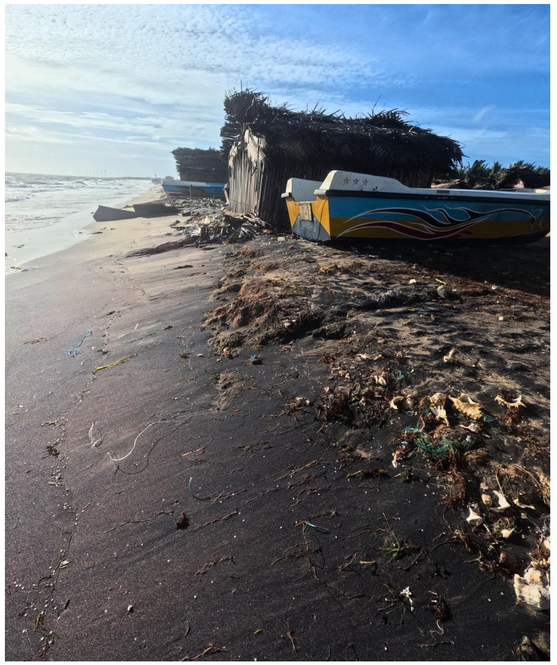
- Ocean conservation
- Fisheries
- Climate Change
- Biodiversity
- Community rights
- Coastal governance

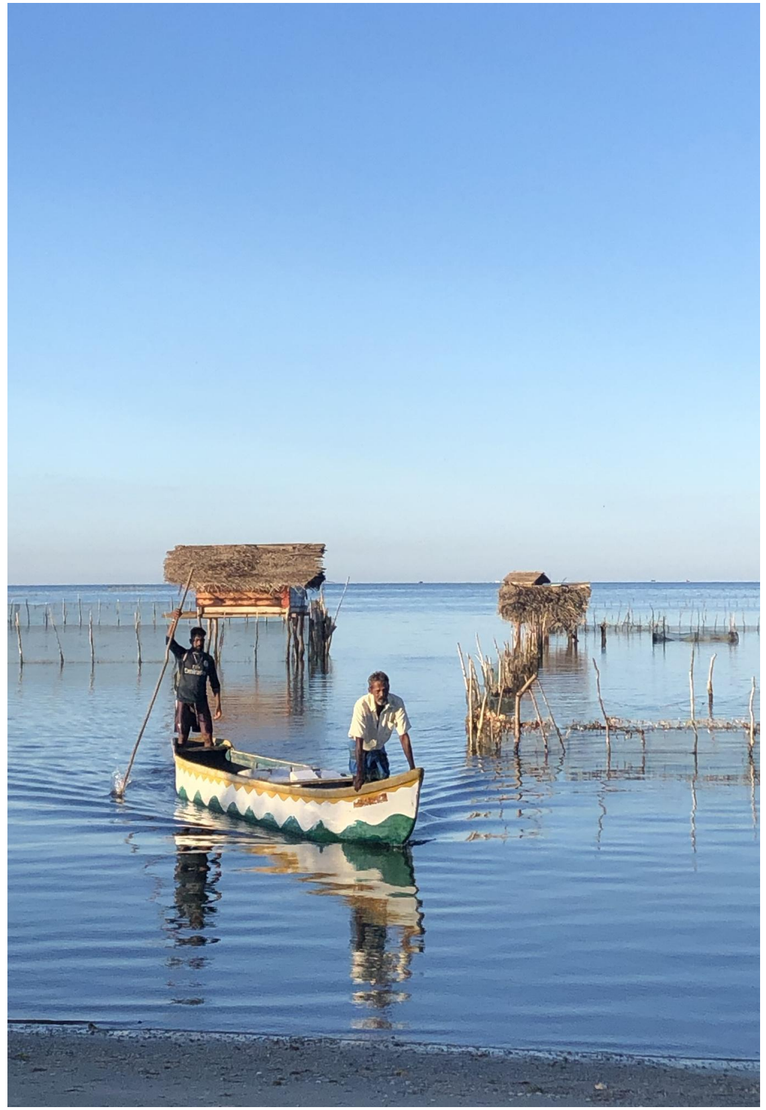
Continued

The goal is to help community understand decisions affecting their sea, land, livelihoods, and future.

Climate Change:

The ocean is profoundly affected by climate change, absorbing vast amounts of heat and carbon dioxide. However, the impacts of ocean acidification, sea-level rise, and changing ocean currents are not felt equally. Vulnerable coastal communities, particularly in developing nations and small island states, are disproportionately affected, despite often contributing the least to greenhouse gas emissions. This highlights a clear injustice in the distribution of climate change impacts and the need for climate justice to be intrinsically linked to Ocean Justice.







Ocean Justice:

Ocean Justice is the fair and equitable distribution of both the benefits derived from ocean resources and the burdens of ocean conservation. It sits at the intersection of environmental protection, social equity, and human rights, ensuring that marginalized coastal communities are not disproportionately harmed by marine pollution, overfishing, or climate change.

Resource Equity:

This aspect addresses the fair distribution of ocean resources, such as fisheries, minerals, and even the potential benefits, risk and opportunities from marine resources.

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Corporate Accountability:

Duty of decision-makers to justify actions and face consequences. Multinational corporations play a significant role in ocean-related industries, from shipping and energy to fishing and tourism.

Right to Land, Livelihood and Life:

Communities have the right to continue living, fishing, working, and surviving safely in their traditional coastal areas.



Consultation vs Consent:

when authorities or organizations ask for your views before making decisions. Sometimes, consultation happens but decisions don’t change. Sometimes, decision is already made and consultation will only be a information sharing for the community.

True consent requires formal approval from traditional systems. Crucially, consent is an ongoing lease; if the developer violates marine boundaries or causes a spill, the community has the right to revoke consent.

Communities have the right to be properly informed and consulted early on, to ensure they can accept or reject decisions affecting them, such as conservation policies and rules impacting their land, sea, or livelihood.







FPIC is enforced in practice by written consent processes, community assemblies, documented agreements, right to withdraw consent this in order to protect Indigenous Peoples and Local Communities' rights, traditional knowledge and livelihoods.

Free, Prior and Informed Consent(FPIC)

Free, Prior and Informed Consent means that communities have the right to decide, not just be informed. Basically, nothing should happen in your area without the agreement of local communities.

* Free → No coercion or pressure

* Prior → Before decisions are made

* Informed → Full, understandable information

* Consent → Right to say yes, no, or to negotiate

Participation:

According to CBD Principle participation means communities must be genuinely involved in decisions about oceans, land, and conservation; not just informed after decisions are made. It means: communities can speak and be heard, their views can change decisions, and they are part of planning from the beginning.

Real participation = Your voice is valued and has the power to influence or change decisions.

Fake participation = Decisions have already been made, and you are only informed about them afterward.

Governance & Ecosystem

Sustainable Fishing:

Sustainable fishing means catching fish in a way that does not destroy future fish stocks or marine ecosystems. It includes, not overfishing, allowing fish to reproduce, avoiding harmful gear, and protecting breeding areas.

Conservation:

protecting nature while using it carefully so it lasts for future generations. It support protecting fish habitats, restoring mangroves and reefs, reducing pollution, and managing resources responsibly.

Co-management:

Shared management of natural resources between government and local communities.

Community-led Conservation:

Conservation initiatives designed, implemented, and governed by local communities.

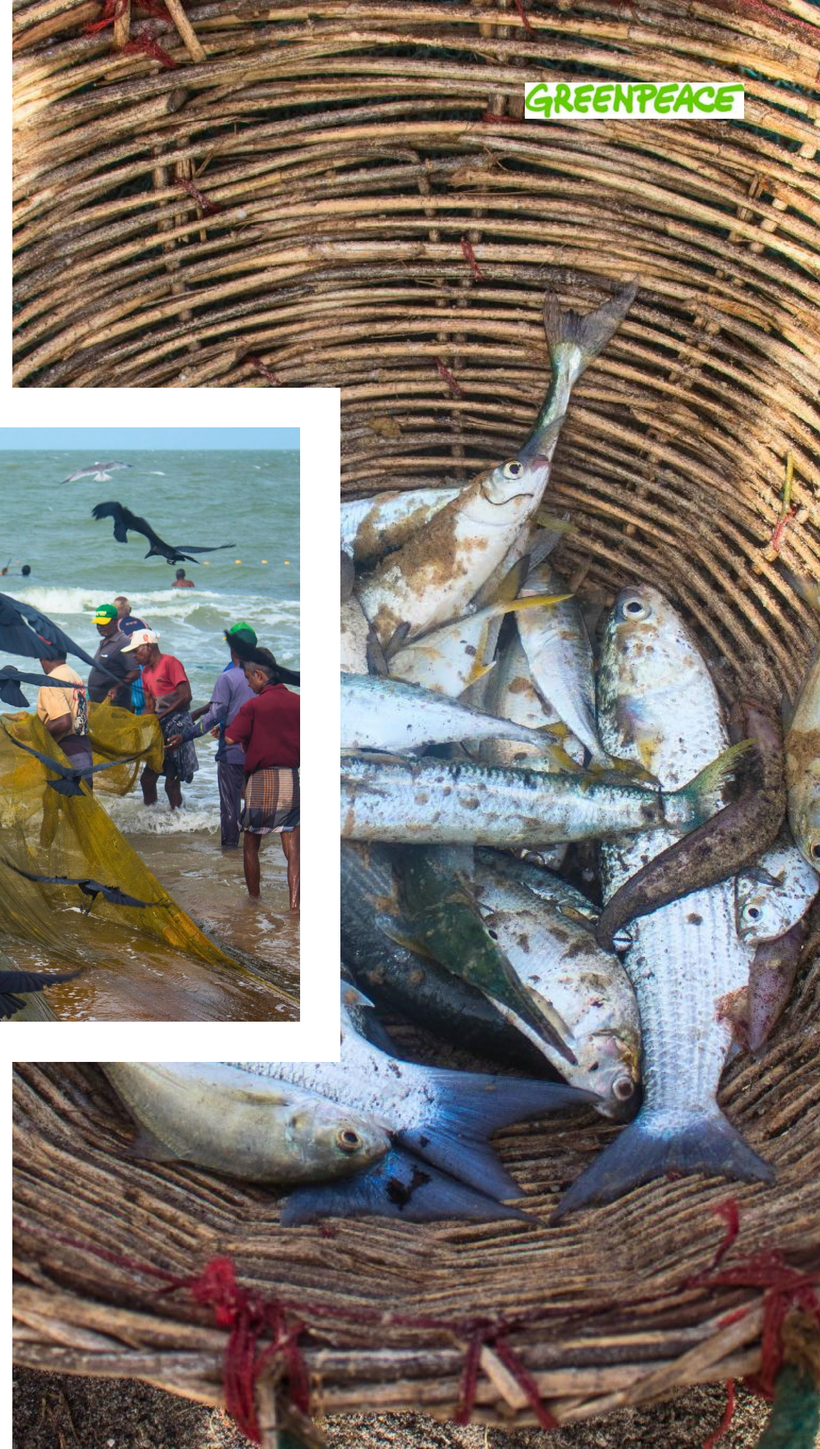
Traditional/ Local Knowledge:

Knowledge systems developed by communities over generations about environment, ecology, and resource use.

Governance:

Systems and processes of decision-making and authority over resources.





Monitoring:

Systematic tracking of environmental or social conditions over time in order to protect and predict future challengers and to monitor project implementation success over time.

Enforcement:

Implementation of rules and laws to ensure compliance.

Stakeholders vs Rights Holders:

- **Stakeholders:**

  Individuals/groups affected by or interested in a decision

- **Rights Holders:**

  Holders mean people who have legal or customary rights (e.g., Indigenous Peoples, coastal communities).



Coastal Erosion

Coastal erosion is the gradual loss of land caused by the continuous wearing away of the shoreline by waves, tides, currents, and storms. Over time, the sea advances inland, and land that was once dry becomes part of the ocean.

- **Natural Causes:** Strong waves and storms, Sea-level rise caused by climate change, The constant movement of tides and ocean currents
- **Human Causes:** Sand mining from beaches and rivers, destruction of protective ecosystems such as mangroves and seagrass beds, unplanned coastal development, including hotels, roads, and ports, structures that disrupt the natural movement of sand along the coast
- **Visible Signs on the Grouns:** Narrowing beaches, cracking or collapse of land near the shoreline, coconut trees and other vegetation falling into the sea, increased water depth close to the shore, loss of homes, roads, and agricultural land to the sea.
- Why Is It Important? Coastal erosion poses a direct threat to the safety, homes, and livelihoods of coastal communities. It can lead to the loss of fishing landing sites, contaminate freshwater wells with seawater, damage tourism, and weaken vital coastal ecosystems that provide protection and support local livelihoods.





Protected Area Categories in Sri Lanka

Protected Areas: These are land or marine areas that are managed under special legal regulations to protect wildlife and ecosystems. In these areas, fishing is restricted and development activities are controlled.

Marine Protected Areas: A sea area legally managed to conserve marine biodiversity and ecosystems. A sea area where human activities are controlled to protect marine life. But “justice” means: communities should not be unfairly removed, fishers should be consulted, livelihoods must be protected, and benefits should be shared fairly.

Ramsar Wetlands: Under the Ramsar Convention, a wide variety of natural and human-made habitat types ranging from rivers to coral reefs can be classified as wetlands. Wetlands include swamps, marshes, billabongs, lakes, salt marshes, mudflats, mangroves, coral reefs, fens, peat bogs, or bodies of water - whether natural or artificial, permanent or temporary. Water within these areas can be static or flowing; fresh, brackish or saline; and can include inland rivers and coastal or marine water to a depth of six metres at low tide. There are even underground wetlands.

Strict Nature Reserves (SNR): have been declared under the provisions of Fauna & Flora Protection Ordinance. (Haggala, Yala and Ritigala). human visitation, use and impacts are strictly controlled and limited in these areas to ensure protection of the conservation values. These areas are reference areas for monitoring of changes in outside due to the human impact and create unique habitats for endemic species (Point endemic). Entering into the SNR is prohibited but it is not restricted for the purpose of discharging any official duty or authorized scientific research. Both purposes can be deployed along with the permission of the Director General of Department of Wildlife Conservation.



Special Management Areas (SMA):

Areas that need extra care and special rules because they are sensitive or important. They are not fully closed areas, but, fishing may be controlled, development may be limited, and conservation rules apply.

National Parks:

Twenty Eight (25) National Parks have scattered throughout the country by providing scientific, educational, recreational and aesthetic opportunities to visitors. These areas are declared under the provisions of Fauna and Flora Protection Ordinance. Visitors are allowed to enter the national park with permits in accordance with the conditions, issued by prescribed officer of Department of Wildlife Conservation on the payment of the prescribed fee.

Marine National Parks:

Legal provisions of a Marine National Park are almost similar to National park declared under the Fauna and Flora Protection Ordinance. Visitors are allowed to enter marine national parks for the purpose of observing and studying the fauna and flora. But any activity that has been carried out by a law or custom or usage, or traditional practice before establishment of the Marine National Park are allowed by imposing conditions. Adam's bridge was declared as the 1st Marine National Park in Sri Lanka under the provisions of Fauna and Flora Protection Ordinance.

Marine Reserves:

Marine reserve is a kind of marine protected area that has not been declared so far, under the provisions of the Fauna and Flora Protection ordinance.



Buffer zone:

Buffer zone has to be comprised with state owned lands; extend from the outer border of the national park. It provides better protection and minimized the human influence on National Park. No buffer zone has been declared so far. However the human influence on national park has curtailed, according the section 9A of Fauna and flora Protection Ordinance.

Fisheries Management Areas (FMA):

specific parts of the sea or coastal waters where fishing activities are managed with special rules to make sure fish populations are not overused and marine ecosystems remain healthy. These areas are designed so that fishing is controlled in a way that supports both nature conservation and long-term livelihoods of fishing communities.

Fisheries Management Areas, authorities may introduce rules such as:

- limiting how many fish can be caught,
- setting fishing seasons (open and closed periods),
- restricting harmful fishing gear (like destructive nets or methods),
- protecting breeding and nursery areas where fish grow,
- monitoring illegal or unreported fishing activities.

The goal is not to stop fishing, but to make fishing sustainable so fish are still available in the future.





Other Effective Area-Based Conservation Measures (OECM):

Other Effective Area-Based Conservation Measures - areas conserving biodiversity outside protected areas.

International Conventions & Frameworks

CBD - The Convention of Biological Diversity:

The Convention on Biological Diversity (CBD) is a global agreement between countries to protect nature and biodiversity. It was created during the 1992 Earth Summit in Rio de Janeiro. Most countries in the world, including Sri Lanka, are members of the CBD.

National Biodiversity Strategies and Action Plan (NBSAP):

An NBSAP is a country's national biodiversity plan created under the CBD. Each country develops its own plan for protecting biodiversity, restoring ecosystems, managing natural resources, and achieving global biodiversity goals. This includes protected area plans, mangrove restoration, marine conservation, fisheries management, climate adaptation, species protection, and community participation.

This report will influence government policies, funding, conservation projects, environmental laws, and future development plans. NBSAP can affect fishing rights, coastal access, tourism projects, conservation restrictions, and livelihood opportunities.

National Determined Contribution (NDC):

NDCs are climate action commitments made by countries under the Paris Agreement. Each country explains: how it will reduce climate pollution, adapt to climate change, and protect people from climate impacts.

These commitments shape national development priorities, climate funding, energy policies, conservation programs, and international support. Because NDCs directly influence how land, oceans, forests, and livelihoods are managed, they can significantly affect coastal communities, fisheries, and local resource use. For this reason, meaningful community participation is essential, as those most affected by climate change should have a voice in shaping the solutions.





Kunming–Montreal Global Biodiversity Framework (KMBGF):

The KMBGF is a global biodiversity action plan adopted in 2022 under the, Convention on Biological Diversity. It guides countries on how to protect biodiversity by 2030. The framework includes and tries to achieve 23 global biodiversity targets, protecting ecosystems, reducing pollution, restoring damaged environments, protecting Indigenous and community rights, and improving conservation.

30 by 30 Targets:

Global goal to protect 30% of land and 30% of ocean by 2030. This goal comes from the KMGB framework, that government support to stop biodiversity loss, protect ecosystems, restore oceans and forests, and reduce climate impa

Regional Fisheries Management Organization (RFMOs):

Regional Fisheries Management Organization; where countries work together to manage fish stocks that move across borders. They help to regulate fishing, set fishing quotas, protect fish populations and monitor illegal fishing.

Locally Managed Marine Areas (LMMA):

A marine area managed mainly by local communities. In this community create rules for fishing, conservation, seasonal closures and resource protection. In this way it recognise local knowledge, community leadership and local stewardship.

National Environmental Action Plan (NEAP):

National Environmental Action Plan explaining environmental priorities, problems and government actions. It includes pollution control, biodiversity protection, climate adaptation and coastal management measures.



Environmental Assessments & Principles

Environmental Impact Assessment (EIA):

is a detailed study done before a large project begins. It examines whether a project could damage the environment, fisheries, water, forests, coastal areas or community livelihoods.

Environmental Social Impact Assessment(ESIA):

similar to an EIA but also studies how a project affects people and communities socially and economically by looking at environmental impacts, loss of fishing areas, impacts on livelihoods, relocation risks, cultural impacts, women and vulnerable groups and health and safety issues.

Strategic Environment Assessment (SEA):

This examines environmental impacts at the level of national plans, policies, programs or large development strategies. This will help identify problems early before many harmful projects are approved.

Initial Environmental Examination (IEE):

preliminary environmental study done before a project starts to identify possible environmental impacts and determine whether a full Environmental Impact Assessment (EIA) is needed or whether environmental risks are small.





Ecocide:

Every destruction of ecosystems; it refers to environmental damage so serious that, ecosystems collapse, species disappear, communities lose livelihoods, and long-term harm occurs. For example large oil spills, destroying coral reefs, illegal mining,
toxic pollution, massive deforestation, destroying mangroves, and severe ocean pollution.

Many activists and legal experts want ecocide recognized as an international crime similar to crimes against humanity. The idea is to people and companies causing massive environmental destruction should be legally responsible.

Polluters Pay Principle (PPP):

A principle saying the people or companies causing pollution must pay for clean-up, restoration, compensation and environmental damage.

Blue Carbon:

Carbon stored in coastal ecosystems such as in mangroves, seagrass, salt marshes. These ecosystems absorb carbon from the atmosphere. Blue carbon ecosystems help fight climate change, protect coastlines, support fisheries and reduce flooding.

Human Rights-Based Approaches (HRBAs):

An approach to ensuring environmental and conservation decisions respect human rights. This principle includes participation, transparency, accountability, non-discrimination, community consent and fairness. Conservation should not remove communities, violate rights, destroy livelihoods, or silence local voice.

















This booklet was developed by **Greenpeace South Asia** to support community centred discussions and strengthen the voices of coastal communities.

We invite you to use this resource to foster fair, informed, and participatory dialogue on coasts, oceans, livelihoods, and community rights.

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Annex 3: Recommandations on the National Environmental Bill to the Ministry of Environment

Recommendations on the National Environmental (Amendment) Bill 2026 Prior to Parliamentary Debate

We, the undersigned, write to you regarding the National Environmental (Amendment) Bill gazetted on 22 April 2026.

We wish to be clear at the outset: we welcome this Bill as a long-overdue effort to strengthen Sri Lanka's environmental governance. The introduction of Strategic Environmental Assessment, hazardous waste licensing, wetland conservation provisions, and significantly increased penalties for environmental violations represent meaningful progress on gaps that civil society has documented for decades. We acknowledge this effort and the intent behind it.

We write because the Bill, in its current form, contains provisions that will undermine the very communities it is meant to protect, concentrate unchecked power in executive institutions without adequate judicial or community oversight, and fail to meet Sri Lanka's obligations under international human rights and climate frameworks. We raise these concerns in the spirit of constructive engagement, and because we believe that addressing them will strengthen rather than weaken the legislation's ability to deliver lasting environmental protection for all of Sri Lanka's communities and for the future generations.

We respectfully urge you and the Cabinet to ensure the following recommendations are incorporated before the Bill proceeds to parliamentary debate and enactment.

Part I: Community Rights and Free, Prior and Informed Consent

The Bill currently contains no requirement for governments and developers to obtain communities' informed consent or the communities right to withhold informed consent before decisions are made that will affect their lands, waters, and livelihoods. The right to free, prior and informed consent is inseparable from the right to full, timely, and accurate information, including the nature and scope of proposed decisions, all potential environmental and livelihood risks, available alternatives, and the legal and financial interests of the proposing party. Consent that is not grounded in complete and accessible disclosure is not consent in any legally or ethically meaningful sense."

Across every new regulatory regime introduced by this Bill, communities are nowhere constituted as rights-holders in these processes. Their agreement is not required. Their existing relationships with land and water are not recognised. Their knowledge is not sought.

This is a structural exclusion, embedded in the architecture of the Bill itself, that will determine how this law operates in practice.

The international legal framework governing these rights is well established and directly applicable to Sri Lanka's obligations. Article 19 of the UN Declaration on the Rights of Indigenous Peoples, which Sri Lanka endorsed in 2007, requires states to consult and cooperate in good faith with indigenous peoples through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them. Articles 26, 27, and 32 of UNDRIP further require that states ensure indigenous peoples' rights to their lands, territories, and resources are recognised and protected, and that development affecting those rights requires free, prior and informed consent, including the right to withhold it.

The ICJ Advisory Opinion on Climate Change Obligations, delivered on 23 July 2025, affirmed that procedural rights, the right to information, the right to participate, and the right to effective remedy are binding legal requirements under customary international law, not aspirational standards. Sri Lanka was an active participant in those proceedings, presenting oral arguments before the Court in December 2024. The standard the Opinion establishes is one Sri Lanka itself helped to shape. This Bill should reflect it.

Recommendation 1: Introduce a mandatory Free, Prior and Informed Consent requirement

All decisions under this Bill that will materially affect the lands, waters, livelihoods, or cultural practices of communities, including but not limited to wetland declarations under section 23MM, site clearance approvals under section 23A(2A), hazardous waste facility licensing under section 23F, and project approvals under section 23BB, must be human rights based and require documented evidence of free, prior and informed consent from affected communities before the decision is made.

This requirement should be defined in the Bill itself, not left to regulation, and should include clear guidance on what constitutes meaningful consent as distinct from notification or consultation.

Recommendation 2: Strengthen the public participation mechanism in the SEA provisions

The current public participation provisions require only that the Authority, under section 23KK(6), 'have regard to' public comments. Section 23KK(5) governs notification only and sets no participation standard at all.

We recommend that this standard be replaced with a requirement that the Authority and the relevant Government institution must justify, in writing and in accessible language, how each substantive community concern has been addressed, and where recommendations have not been incorporated, why not. This written justification should be publicly available and subject to judicial review.

Recommendation 3: Reform the notification mechanism for community participation

Newspaper publication in Sinhala, Tamil and English is insufficient as a notification mechanism for diverse communities in Sri Lanka. The Bill must require direct community-level notification through local government structures, community organisations, and where relevant, through Tamil and Sinhala language materials distributed at the community level. Participation deadlines must be long enough to allow communities to organise, seek advice, and respond meaningfully.

Recommendation 4: Recognise Customary, Traditional, and Indigenous Rights

The Bill contains no reference to customary land use, customary fishing rights, traditional ecological knowledge, indigenous territorial rights, or community-based natural resource governance. Every regulatory regime is constructed around the model of a formal actor with a state-issued licence or permit. This renders invisible the relationships between communities and their environments that have developed over generations, including relationships that predate the Sri Lankan state itself and that have no formal legal document attesting to them.

Sri Lanka voted in favour of the UN Declaration on the Rights of Indigenous Peoples in 2007. That Declaration recognises the right of indigenous peoples to own, use, develop, and control their lands, territories, and resources, and to maintain, control, protect, and develop their cultural heritage and traditional knowledge. The Bill as drafted is inconsistent with these commitments. The Vedda community's relationship with forest and water resources, Tamil fishing communities' relationships with coastal and marine environments, and Malayaha Tamil communities' relationships with highland land and water systems all fall within the scope of rights the Declaration protects. None are acknowledged in this Bill.

We recommend that the Bill explicitly recognise existing customary, traditional, and indigenous rights as a factor that all licensing, declaration, and approval decisions must take into account. No licence, permit, declaration, or approval should result in the restriction, displacement, or criminalisation of existing customary or indigenous use without prior recognition of those rights, good-faith negotiation with the rights-holding community, and documented community agreement. We further recommend that the Bill establish a mechanism for communities to register and have formally recognised their

customary and traditional resource use relationships, so that these relationships are visible to regulatory decision-makers before, not after, decisions are made.

Recommendation 5: Define "affected community" and distinguish community participation rights from commercial actor participation

The Bill uses the phrase "any member of the public" as its participatory subject across all consultation mechanisms. This treats a company with a legal team and a woman in a rural fishing community as equivalent participants in a thirty-day comment process. They are not equivalent, and this silence will consistently advantage the actor with greater resources and institutional access.

We recommend that the Bill introduce a definition of "affected community" that recognises people whose livelihoods, residences, cultural practices, or customary resource use are directly connected to the environment under consideration. Participation rights, notification obligations, and consultation requirements should be specifically calibrated to ensure that affected communities have meaningful and prioritised access to decision-making processes that cannot be crowded out by commercial submissions. This definition should include, without being limited to, fishing communities, plantation communities, post-war resettlement communities, communities with customary land and water use relationships, and women-headed households dependent on natural resources.

Recommendation 6: Amend the wetland declaration provisions to prevent dispossession

Section 23MM empowers the Minister to declare wetlands by Gazette Order, after which activities within those wetlands require Director-General approval. Violations carry fines of up to Rs. 10 million and imprisonment. There is no prior consultation requirement, no recognition of existing use rights, and no transitional mechanism for communities whose livelihoods are located within declared areas.

We recommend that wetland declarations be preceded by a mandatory community mapping and consultation process, that existing livelihood activities be documented and protected during any transition period, that communities dependent on declared wetlands be formally represented in governance of those wetlands, and that no criminal penalty be applicable to existing livelihood activities during any transition period.

Furthermore, section 23PP(1)(b) requires any person convicted of an offence within a declared wetland to restore the wetland to the satisfaction of the Director-General. This provision, applied without recognition of existing use rights, could compel communities to

dismantle livelihood infrastructure built and maintained over generations. We recommend that this restoration requirement explicitly exempt existing customary and traditional livelihood structures from its scope.

Recommendation 7: Integrate climate change into the SEA framework

The Strategic Environmental Assessment provisions must be amended to require that all SEA reports include an assessment of climate resilience, climate risk, and alignment with Sri Lanka's Nationally Determined Contributions and any national adaptation frameworks. A policy, strategy, plan or programme that would increase climate vulnerability in already-exposed communities or that conflicts with Sri Lanka's international climate commitments should be required to demonstrate how it addresses these conflicts, not merely that it has considered them.

Furthermore, while Clause 33 provides for the assessment and recovery of damages from responsible parties under section 24CA, the definition of recoverable harm is limited to immediate, physically assessable environmental damage. This is insufficient in a context where communities are experiencing compounding losses from climate change that are not attributable to a single identifiable act of pollution or environmental harm. We recommend that the Bill's damage assessment framework be broadened to include climate-related loss and damage, recognising that harm to communities, livelihoods, and ecosystems can accumulate over time and across events in ways that a single-incident assessment model cannot capture.

Recommendation 8: Remove the emergency exemption from SEA requirements or narrow it significantly

The provision to section 23KK(1) exempts policies prepared in response to national security concerns or national emergencies from SEA requirements. Post-disaster reconstruction programmes, including those following climate events, will fall within this exemption. These are exactly the programmes most likely to reshape coastal territories, alter livelihood geographies, and introduce built environment features that permanently affect communities without their agreement. We recommend that this exemption be narrowed to genuine acute security emergencies, with a defined time limit, and that reconstruction programmes following climate or environmental disasters be explicitly excluded from the exemption and made subject to expedited SEA with mandatory community consultation.

Recommendation 9: Create a pathway for affected communities to access environmental remediation funds

The damage assessment and recovery mechanism in section 24CA creates a fund credited with damage recovery sums and wastewater fees, to be maintained for "affected

ecosystems and affected parties." Affected parties are not defined. There is no community access mechanism, no participatory governance of the fund, and no connection to climate-attributable harm.

We recommend that the fund established under section 5 and credited under sections 23FG and 24CA be governed by a body that includes community representatives, and that the fund be explicitly accessible to communities that have suffered environmental and climate harm, including through a simplified claims process that does not require litigation.

Recommendation 9A: Remove consumers from the Extended Producer Responsibility framework

Section 23QQ(2) and (3) establish an Extended Producer Responsibility mechanism that places responsibility for the life cycle management of goods and products on importers, manufacturers, vendors, handlers, and consumers. The inclusion of consumers in this framework is inconsistent with the foundational principle of Extended Producer Responsibility, which exists precisely to shift the burden of end-of-life product management away from individuals and communities and onto the entities that design, produce, and profit from those products.

Consumers, particularly low-income consumers with no meaningful ability to influence product design, packaging, or disposal infrastructure, should not bear legal or financial responsibility under an EPR mechanism. Their inclusion creates the conditions for enforcement against individuals and households for the consequences of industrial and commercial decisions they had no part in making.

We recommend that the definition of responsible parties under section 23QQ be amended to remove consumers, and that responsibility under the EPR mechanism be confined to importers, manufacturers, vendors, and handlers, the actors with actual capacity to alter product design, packaging, and disposal systems.

Part III: Gender and Intersectionality

The Bill does not address gender, caste, or disability. This has material consequences for how its provisions will operate in practice.

Environmental harm does not fall equally on all people. Tamil fishing women, Malayaha Tamil women in plantation communities, Muslim women in coastal villages, and women across Sri Lanka's rural and peri-urban landscapes carry a disproportionate burden of ecological degradation through their roles in water collection, food production, and care

work that depends directly on the condition of their surrounding environment. A law that does not name this reality cannot address it.This reality is well documented in international human rights frameworks. The OHCHR report on gender-responsive climate action (A/HRC/41/26, 2019), the CEDAW Committee's General Recommendation No. 37 on gender-related dimensions of disaster risk reduction in the context of climate change (CEDAW/C/GC/37, 2018), and successive UN Women reports on women and climate resilience have each confirmed that women, particularly those in rural, coastal, and plantation communities in the Global South face disproportionate and compounding impacts from environmental degradation and climate change.

Recommendation 10: Conduct and publish a gender impact assessment of the Bill

Before enactment, a full gender impact assessment of the Bill's provisions should be conducted, with particular attention to the wetland declaration provisions, the criminalisation architecture, the damage assessment mechanism, and the penalty escalation provisions. This assessment should be conducted with the participation of women's organisations and should be made publicly available.

Recommendation 11: Mandate gender and community representation on Technical Expert Committees

The Technical Expert Committees established for hazardous waste management (section 23FC) and chemical management (section 23FE) have no gender, community, or civil society representation requirement. Their composition is entirely at the discretion of the Authority. Advisory bodies built without diversity requirements reproduce the homogeneity of the class they are drawn from.

We recommend that all Technical Expert Committees established under this Bill be required to include at least one-third women members, at least one representative from affected community organisations, and at least one representative from a civil society organisation with relevant environmental expertise.

Recommendation 12: Protect subsistence and women-led livelihoods from disproportionate criminalisation

The penalty provisions in this Bill apply equally to large industrial operators and to individuals and small enterprises operating at subsistence or near-subsistence level. A woman drying fish within a subsequently declared wetland, a small-scale farmer using chemical inputs without knowing they require a permit, a home-based producer handling

goods subject to EPR requirements, faces the same fines and imprisonment as a large industrial polluter.

We recommend that the Bill include graduated penalty provisions calibrated to the scale and commercial nature of the activity, that imprisonment provisions not be applicable to subsistence livelihood activities, and that enforcement guidelines issued under the Act explicitly direct enforcement resources toward industrial and commercial actors rather than subsistence and community-scale activities.

Part IV: Constitutional Accountability and Rule of Law

The Bill concentrates significant power in the Director-General and the Minister without adequate judicial oversight, defined standards, or community accountability mechanisms. This creates constitutional concerns and practical risks of selective, arbitrary, and politically shaped enforcement.

The Bill also fails to provide meaningful access to justice for communities affected by decisions made under its authority. Access to justice requires more than the formal availability of courts, it requires that affected people can realistically reach those courts and receive outcomes that genuinely address the harm they have suffered. Where harm has occurred, international human rights law, including the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation, establishes that an effective remedy must encompass restitution, compensation, rehabilitation, measures of satisfaction, and guarantees of non-repetition. The Bill's damage assessment mechanism under section 24CA addresses compensation in a limited form only. The remaining elements, restitution, rehabilitation, satisfaction, and non-repetition are entirely absent. The recommendations in this section address both the concentration of power in the Bill and this gap in effective remedy.

Recommendation 13: Remove the "final and conclusive" ouster of judicial review

Section 23FA(3) declares that the Director-General's decision to issue or refuse a hazardous waste licence "shall be final and conclusive." This provision impermissibly restricts access to judicial review and is inconsistent with Article 12(1) of the Constitution, separation of powers principles, and the rule of law. Hazardous waste licensing decisions will determine which communities live adjacent to hazardous facilities and which do not. These decisions must be subject to meaningful judicial scrutiny.

We recommend the removal of the "final and conclusive" formulation from section 23FA(3) and the express provision of a right to judicial review of all licensing decisions under the new Parts introduced by this Bill.

Recommendation 14: Define objective criteria for licensing discretion

Sections 23B(4) and (5) permit the Director-General to assess whether applicants have the "capacity" to take corrective measures, and to reject applications where the Director-General "has reason to believe" capacity is lacking. Neither "capacity" nor "reason to believe" is defined. Undefined discretionary standards in licensing decisions create the conditions for arbitrary, inconsistent, and politically shaped outcomes.

We recommend that the Bill define objective, published criteria against which licensing capacity is assessed, that these criteria be developed through a transparent consultative process, and that licensing decisions include written reasons that are publicly accessible.

Recommendation 15: Remove the evidentiary presumption favouring executive enforcement documents

Section 12(5) provides that a Directive for Enforcement issued by the CEA "shall be admissible in evidence and shall be prima facie proof of the facts stated therein." This shifts the evidentiary burden onto those against whom enforcement action is taken, undermining procedural fairness and the constitutional right to a fair hearing. In the context of enforcement against community livelihoods, this provision will operate to presume the CEA's characterisation of community activities as correct and to require communities to disprove official documents using resources they frequently do not have.

We recognise that the precautionary principle is a legitimate basis for regulatory action where serious or irreversible environmental harm is at risk. However, the precautionary principle justifies precautionary measures to prevent harm, it does not justify reversing the burden of proof in proceedings against individuals and communities. These are distinct legal contexts and must be treated as such.

We recommend that Directives for Enforcement be treated as admissible evidence but not as prima facie proof, and that the standard evidentiary burden in Magistrate court proceedings be maintained. Where urgent precautionary action is needed, this should be pursued through time-limited interim orders subject to prompt judicial review.

Recommendation 16: Require warrants for premises entry and seizure

Sections 23WA and 24A authorise entry, inspection, and seizure of materials based on "reason to believe," without requiring prior judicial authorisation or a warrant. We recommend that all powers of entry, inspection, and seizure under this Bill be made

subject to prior judicial authorisation except in defined and genuinely urgent circumstances, and that the evidentiary threshold for such authorisation be set at an objectively reasonable standard rather than the subjective "reason to believe" formulation currently used.

Recommendation 17: Narrow and define the general penalty provision

Section 23RR creates a residual penalty provision of Rs. 250,000 to Rs. 15 million and up to two years imprisonment for offences "for which no penalty is expressly provided." This provision applies to undefined conduct across the full scope of the Act and its regulations. Such broad, open-ended criminalisation, with a penalty range that gives courts no legislative guidance on calibration, raises serious constitutional concerns about vagueness and disproportionality.

We recommend that section 23RR be replaced with a narrowed provision that identifies the categories of conduct to which the general penalty applies, sets a proportionate maximum penalty, and provides legislative guidance on the factors a court should consider in determining the appropriate sanction.

Recommendation 18: Establish an independent environmental complaints and oversight mechanism

The Bill does not create any mechanism through which civil society, communities, or individuals can raise concerns about the CEA's exercise of its powers that does not involve either litigation or political appeal to the Minister. The CEA functions simultaneously as investigator, complainant, and assessor in environmental damage proceedings under section 24CA, without structural checks on that accumulation of roles.

We recommend the establishment of an independent environmental ombudsman or oversight body, accessible without litigation costs, to which communities and civil society can bring complaints about CEA decisions and enforcement actions. This body should have the power to review, recommend, and where appropriate, refer matters to the Supreme Court under the fundamental rights jurisdiction.

Closing Statement

Sri Lanka needs strong environmental law. The communities most affected by environmental harm have been waiting for decades for a regulatory framework that takes their situation seriously.

This Bill moves in the right direction. It does so with genuine ambition and on important fronts. We do not oppose it. We are asking that it be made worthy of the communities it is meant to serve.

The recommendations in this statement are not technically complex or financially costly to implement. They require political will and a willingness to place community rights at the centre of environmental governance rather than at its margins.They require acknowledgment that the gaps identified in this statement are not optional refinements but conditions for the law to deliver what it promises.

Sri Lanka has made commitments at the UNFCCC, at the Human Rights Council, the Convention on Biological Diversity, and in its own Constitution that this Bill, in its current form, does not honour. We ask the Cabinet to ensure that it does before this legislation becomes law.

We remain available to engage further on any of the recommendations in this statement and to participate in any consultative process the Government wishes to convene on the Bill.

Respectfully submitted on behalf of the undersigned organisations,

Signatories:

Climate Action Now Sri Lanka

Greenpeace South Asia

Law & Society Trust

People's Alliance for Right to Land

The Biodiversity Project

Yukthi Collective

GREENPEACE

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Annex 4: Community Consent letter to the Sri Lankan Government

List of recipients:

1. Hon. Minister of Fisheries, Aquatic and Ocean Resources of Sri Lanka
2. Hon. Minister of Environment
3. Hon. Minister of Foreign Affairs, Foreign Employement and Tourism
4. Hon. Parliament Secretary General
5. Hon. Sajith Premadasa, Member of Parliament
6. Human Rights Commission of Sri Lanka
7. Director of Biodiversity Division at Ministry of Environment
8. Director of Coast Conservation & Coastal Resource Management Department (CC&CRMD)
9. Marine Environment Protection Authority (MEPA)
10. National Aquatic Resources Research and Development Agency (NARA)
11. Sri Lanka Coast Guard (SLCG)

Greenpeace South Asia
6th Floor, Access Towers 1, Union Place, Col 2
www.greenpeace.org/southasia/
17th August 2026

Letter for the Sri Lankan Government to consider Indigenous Peoples and Local Communities' Free, Prior and Informed Consent mechanisms in the conservation and management of coastal areas.

Minister of Fisheries, Aquatic and Ocean Resources of Sri Lanka
Hon. Minister of Fisheries
Mr. Ramalingam Chandrasekar

Copy:
Biodiversity Department MOE
Marine Environment Protection Authority (MEPA)
Coast Conservation & Coastal Resource Management Department (CC&CRMD)
Sri Lanka Coast Guard (SLCG)
National Aquatic Resources Research and Development Agency (NARA)

Dear Sir,

We write to respectfully urge the Government of Sri Lanka to strengthen the recognition and implementation of Indigenous Peoples' and Local Communities' rights within national biodiversity policies, particularly through the meaningful application of Free, Prior and Informed Consent (FPIC). As the world prepares for the 17th Conference of the Parties to the Convention on Biological Diversity (CBD COP17) in October 19-30, Sri Lanka has an important opportunity to demonstrate leadership on the 30x30 targets (30% protection by 2030) by embedding human rights-based approaches within biodiversity conservation and coastal governance, including redressing priorities in favour of which ecosystems should be protected, how, and who needs to be involved.

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Across forests, oceans and coastal ecosystems, Indigenous Peoples and local communities are already protecting biodiversity through customary governance systems, traditional knowledge and community-led conservation practices. However, Sri Lanka has yet to adequately recognise and support these systems and practices at political, legal and finance levels.

Progress towards 30x30 targets must be measured by 'how well', not only 'how much'

Indigenous Peoples and Local Communities are already among the world's most effective biodiversity protectors and stewards of ecosystems. As such, rights-based and community-led conservation is not a secondary or optional approach to biodiversity implementation – it is fundamental to achieve credible and durable implementation of the Kunming-Montreal Global Biodiversity Framework (KMGBF).

Consequently, Greenpeace South Asia respectfully recommends that the Government of Sri Lanka:

- Make Free, Prior and Informed Consent (FPIC) mandatory, through a clearly defined legal mechanism, moving from simple consultation to meaningful participation of Indigenous Peoples and local communities regarding all industrial, coastal development, and biodiversity conservation projects.

- Ensure the protection of environmental human rights defenders and uphold the right to peaceful assembly and freedom of expression.

- Harmonise and align national laws in line with international standards, including the International Labour Organisation Convention 169, the UN Declaration on the Rights of Indigenous Peoples and the Voluntary Guidelines on Responsible Governance of Tenure, and with full participation of Indigenous Peoples and local communities.

Human rights-based approaches are already recognised within the KM-GBF (e.g. Target 22) and should now be operationalised. Therefore, we respectfully call on the Sri Lankan government to deliver on its global commitments under the Convention on Biological Diversity (CBD) and the Kunming-Montreal Global Biodiversity Framework (KM-GBF) to curb biodiversity loss through a human rights-based approach with the following specific recommendations:

- **Ensure community consent for development and conservation activities through stronger environmental and social assessment policies and practices, and strengthen the foundation for Free, Prior and Informed Consent (FPIC).**

As a top priority, community participation should move beyond consultation to meaningful engagement, ensuring that Indigenous Peoples and local communities have timely access to information, genuine opportunities to participate in decision-making, and the ability to give or withhold consent for activities that may significantly affect their lands, waters, cultures, livelihoods, and customary rights.

- Ensure that any proposed development activities – such as power generation infrastructure or minerals mining – are comprehensively assessed for their environmental, social and human rights impacts, taking an ecosystem-based approach and using independent research.

- Ensure that all proposed development and conservation initiatives are subject to transparent, inclusive, and mandatory consultation and consent processes that are accessible, culturally appropriate, and conducted before decisions are made.

- Review existing development and conservation projects to ensure compliance with national legislation, international human rights standards, and environmental safeguards.

At a policy level, effective community consent requires:

- Policy reform to integrate the Eppawala judgement's principles on environmental rights, and Free, Prior and Informed Consent (FPIC) in natural resource governance.

- Guaranteeing communities' access to information on all proposed projects, conditions for fair public consultation processes and informed consent criteria, and access to justice and redress for negative impacts, including as part of the new national mining policy.

- Increased protections for environmental human rights defenders.

❖ **Strengthen the foundations for rights-based and community-led conservation and natural resource governance in Sri Lanka.**

- As Sri Lanka's updated National Biodiversity Strategic Action Plan (NBSAP) is developed, ensure that it integrates the new human rights-based provisions of the KM-GBF on indigenous and community rights and contributions, with practical measures for their effective implementation.

- Improve protected area management plans to make them more practical, with effective, fair and just mechanisms for community consultation and engagement.

- Pursue legal reforms that recognise and protect community tenure and customary rights to lands, coastal areas, and natural resources as a foundation for effective conservation.

- Ensure community-led management and co-management approaches that simultaneously strengthen biodiversity conservation and sustainable livelihoods, particularly within fisheries, agriculture, and nature-based tourism.

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- **Pilot community-led marine conservation.**

Sri Lanka has a significant opportunity to demonstrate leadership by piloting community-led marine conservation initiatives that place local communities at the centre of decision-making. Community-led conservation can regenerate biodiversity and benefit local livelihoods. Areas that are locally designed, managed, and monitored with legal recognition or co-management agreements can align conservation with fisher livelihoods, reduce conflict over access, mobilise low-cost monitoring and enforcement (community patrols and norms), and build legitimacy for complementary measures such as no-take zones. Piloting community-led marine conservation measures in Sri Lanka will require moving beyond conventional co-management approaches to ensure that community decision-making and action are at the core of conservation area design and management.

Potential pilot initiatives could be explored in Mannar Island and other coastal landscapes, including areas identified as Special Management Areas (SMAs) under the Marine and Coastal Spatial Plan (2024–2029). Any pilot programme should be developed through site-specific community consultations and be based on the free, prior and informed consent of affected communities.

However, decisions on site selection, governance structure, and conservation measures would require further, site-specific community consultations and agreement. In addition, management of these areas must improve upon existing SMA practice by centering community decision-making power in their design and ongoing governance. Monitoring and evaluation (M&E) for community-led conservation should also be strengthened, including through the

development of a national M&E framework for these areas, plus capacity building for communities in participatory methods and customised indicators reflecting local priorities.

We respectfully encourage the Government of Sri Lanka to consider these recommendations as part of the ongoing review of the National Biodiversity Strategic Action Plan (NBSAP) and the development of the national framework for Other Effective Area-Based Conservation Measures (OECMs). Greenpeace South Asia would welcome the opportunity to contribute as a constructive stakeholder through technical discussions, consultations, and validation processes in support of these national efforts.

Yours sincerely,
Greenpeace South Asia

Annex 5: Op'ed article on Free, Prior and Informed Consent

Sri Lanka's Biodiversity Commitments Mean Little Without Community Consent

By Anita Perera

Sri Lanka stands at a critical moment in its environmental governance. As the country advances its national reporting and planning under the Convention on Biological Diversity (CBD), it has an opportunity to position itself as a regional leader in biodiversity conservation. But that leadership will be judged not by what is written in reports; but by who is heard in the process of writing them.

Across coastal, forest, and rural landscapes, communities whose lives are intertwined with biodiversity are too often absent from decision-making spaces. Policies are drafted in Colombo, consultations, if they happen, are limited, and consent is rarely sought. This disconnect is not just a procedural flaw, it is a governance failure with real consequences.

A Rights-Based Obligation, Not a Technical Choice

The global CBD framework guiding this moment, the Kunming-Montreal Global Biodiversity Framework (KMGBF), is explicit. It calls for the full, equitable, and inclusive representation and participation of indigenous peoples and local communities in decision-making processes related to biodiversity as well as to foster inclusive, participatory and rights-based approaches to biodiversity conservation (Target 22).

Similarly, the United Nations Declaration on the Rights of Indigenous Peoples affirms the principle of Free, Prior and Informed Consent (FPIC). This is not a vague aspiration. It is a clear standard: communities must have the right to accept, reject, or shape decisions that affect their lands, resources, and livelihoods.

Sri Lanka has endorsed these commitments. The question now is whether it will implement them.

Why Free, Prior and Informed Consent (FPIC) Matters

FPIC is often misunderstood as a bureaucratic step. In reality, it is the foundation of legitimate and effective conservation:

- **Free**: decisions made without coercion
- **Prior**: engagement before policies are finalized
- **Informed**: access to clear, accessible information
- **Consent**: the power to say yes, no, or negotiate

Without consent, conservation runs the risk to become exclusionary: Protected areas can restrict access to fishing grounds, forest conservation can limit livelihoods, climate and biodiversity protection projects can ignore or otherwise extract local knowledge without recognition or benefit-sharing.

On the other hand, with informed consent, the same interventions can become **collaborative, sustainable, beneficial, just, and efficient**

The Risks of Exclusion

If Sri Lanka continues on a path of limited participation, the consequences will extend far beyond reputational damage. Yes, there are challenges in each community area but failing to understand and address community consent can lead to:

Policy Failure: Conservation policies designed without local input often fail in implementation. Communities resist, compliance weakens, and ecosystems remain vulnerable.

Economic Risk: Biodiversity governance is increasingly tied to international financing. Donors and multilateral agencies are aligning funding with rights-based safeguards. Failure to demonstrate inclusive governance could jeopardize access to climate and biodiversity finance.

Social Conflict: Exclusion breeds distrust. When communities are not part of decisions, conservation becomes a source of conflict rather than cooperation.

Loss of Knowledge: When traditional and local ecological knowledge – which are critical for resilience and sustainability – are sidelined or extracted without consent, conservation outcomes are weakened in the long-term..

A Better Path Exists

Around the world, countries are demonstrating that **rights-based biodiversity governance is not only possible, it is more effective**.

Community-led forest management in Nepal has improved both biodiversity and livelihoods. Coastal co-management systems in the Philippines have strengthened fisheries and increased compliance. Across parts of Latin America, Indigenous-led conservation has delivered some of the most effective biodiversity protection in the world.

The lesson is consistent: conservation works best when power is shared. These models have a common principle: **power is shared, not centralized**.

What Sri Lanka Must Do Now

If Sri Lanka is serious about its biodiversity commitments, several steps are urgent and achievable:

- ➔ Institutionalizing FPIC is important when developing and adopting national guidelines, to ensure that adequate consultation and consent are mandatory in all biodiversity-related decisions and reporting processes.
- ➔ Ensure transparent consultation, and publicly disclose who is consulted, how consultations are conducted, and how these inputs influence final decisions.
- ➔ Enable community participation in CBD Reporting, National reports and National Biodiversity Strategic Action Plan (NBSAP). Updates must include documented and verifiable community inputs.
- ➔ Strengthen co-management or community-led management systems building on existing policies to give communities real decision-making authority, and not just advisory roles.
- ➔ Recognize and protect traditional and local Knowledge to ensure it is used with consent and equitable benefit-sharing mechanisms.

An Urgent Moment

This is not a theoretical debate. Sri Lanka's biodiversity is under pressure, from climate change, overexploitation, pollution and development pressure. Further, suitable recognition of climate-induced extreme weather events is desperately missing. At the same time, the country faces economic constraints that make inclusive, effective and sustainable governance more important than ever. .

Excluding communities is not only unjust, it is inefficient and unsustainable.

The path forward is clear. Conservation must move from control to collaboration, from consultation to consent, and from policy compliance to genuine accountability.

If Sri Lanka embraces this shift, it can become a model for rights-based biodiversity governance in South Asia. If it does not, it runs the risk of repeating a familiar pattern: strong commitments on paper, weak outcomes on the ground.

The message is simple, and it is urgent:

No conservation or land and coastal use change without consent.

Annex 6: Coastal Community Quotes

Kalpitiya:

Recalling the expansion of tourism, a participant described the consequences as a sequence of rights and livelihood losses: “First, we lost our rights within our own villages; second, we lost our livelihood; and third, we lost access to our natural resources” (Focus Group Discussion participant, Kalpitiya, Video 1)

As the secretary of a fishermen’s association explained, “We only come to know about government policies/regulation after they are gazetted and declared by the government” (FGD participant, Puttalam District, Video 15)

Participants also questioned the representativeness of official consultation. One participant cautioned: “They consult only a few specific associations and reach their decisions based on that. It shouldn’t be like that” (FGD participant, Puttalam District, Video 11)

When asked what decision-making authority should look like, a male participant proposed a community-led process: “We will gather all the local community groups in one place and address our issues. We will consult among ourselves on how to utilize our resources” (male FGD participant, Video 12).

Participants did not reject technical assessment; they called for it to be combined with community decision-making. One participant stated that a project should proceed “only after seeking technical expertise from technical officers and ensuring that no harm will be caused” (male FGD participant, Video 12).

The President of a fisheries association emphasized that consultation could improve project decisions: “Without gaining or seeking clarity from the people on these matters, past governments used their unilateral authority and power to push through these developments. This has created a massive negative impact among the community. If they had sought our advice, we would have provided clarity regarding this.” (Fisheries Association President, Kalpitiya/Puttalam District, Video 13)

The community’s request was for institutionalized participation rather than occasional consultation: “We request the government to involve fishing association representatives and make decisions centered around the community” (Fisheries Association President, Kalpitiya/Puttalam District, Video 13)

The Secretary of a fishermen’s association distinguished between accepting necessary safeguards and rejecting opaque implementation: “The government must properly implement these policies by providing clear explanations to the people before execution” (Fishermen’s Association Secretary, Puttalam District, Video 15)

Negombo:

A Negombo fisher described the link between marine decline and household survival: “We feed our children from this sea and lagoon. Before, we used to get fish wherever we went; now we can’t even find fish, even when we go searching for them” (fisher participant, Negombo)

While explaining a community map, a Negombo fisher recalled the former wetland and canal system and contrasted it with the present lagoon: “The vegetation and ecosystem were lush, with small rivers and canals. Now we can’t see any of those. Now the lagoon is like a fish tank” (fisher participant, Negombo)

A Negombo participant challenged the marginalization of fishers’ knowledge: “People think fishermen are uneducated, but they are not. In their subject they are experts” (fisher participant, Negombo)

The community’s expectation was not to reject development, but to participate in decisions affecting their area: “The government needs to actively get the people who live in the areas involved” (fisher participant, Negombo)

A woman participant cautioned that signatures should not be collected without prior explanation and community discussion: “Before taking signatures, they need to raise awareness in the communities and then get the signature” (women’s group participant, Negombo)

A participant linked the proposed beach-park development to women’s livelihood security: “It will affect our dry-fish income” (woman participant, Negombo)

Participants also described an institutional gap in representation and remedy: “Fishermen don’t have a place to go and talk about their problems” (community participant, Negombo)

Rakawa:

P.K. Padmasiri, a member of the Rakawa Lagoon Fisheries Society, explained that successful interventions should be designed with fishers: “We are the ones who fish and work with the sea. If [projects or decisions] are carried out according to the situation and with the support of fishermen, we think they will help improve our livelihoods” (P.K. Padmasiri, Lagoon Fisheries Society member, Rakawa)

Padmasiri reported that the community was not aware of the shrimp-farming project before it proceeded: “No society member was aware of it. They continued doing it and we couldn’t stop it” (P.K. Padmasiri, Lagoon Fisheries Society member, Rakawa)

“There is no income from this lagoon since the shrimp farming started,” Padmasiri told the FGD team (P.K. Padmasiri, Lagoon Fisheries Society member, Rakawa)

Padmasiri described repeated attempts to obtain a response from authorities: “We went again and again and gave the same letters and concerns. We went two or three times, and then we stopped” (P.K. Padmasiri, Lagoon Fisheries Society member, Rakawa)

The community proposed a specific alternative: “If the old bridge concrete is removed, the sea water will do the rest and the lagoon will return to normal” (P.K. Padmasiri, Lagoon Fisheries Society member, Rakawa)

Padmasiri emphasized the community’s willingness to cooperate with evidence-gathering and public institutions: “We support everything ... we are ready to support” (P.K. Padmasiri, Lagoon Fisheries Society member, Rakawa)

“We are the ones who fish and work with the sea.”

“If projects or decisions are carried out according to the situation and with the support of fishermen, we think they will help improve our livelihoods.”- P.K. Padmasiri, Lagoon Fisheries Society member, Rakawa)

Vakarai:

Vakarai participants described a process of announcement rather than participation: “They just say, ‘Something like this has come, and we are going to do it.’ They don’t ask whether you like it or not” (community participants, Vakarai)

Participants also reported that raising concerns did not necessarily influence decisions: “Even if we say something, it won’t be taken into account” (community participant, Vakarai)

Krishnapillai, a Vakarai fisherman, described the bridge as beneficial but criticized the process: “They just built it. They didn’t discuss anything with us. But ... it is still good for us that they built this bridge” (Krishnapillai, fisherman)

Reflecting on poorly constructed houses, an Indigenous participant stated: “We should have asked people who knew these types of work ... We should ask always” (Velayudham, Coastal Indigenous Leader, Vakarai)

“We have used this forest since the time of our ancestors. Now it is being destroyed, while the Forest Department is placing its markers on our land” (Ambalawage Nallathambi Velayudham, Coastal Community Leader, Adivasee Community, Vakarai)

An Indigenous participant proposed a shared conservation approach: “They need to give one side of the forest to animals and one side for us to keep our livelihoods. If that happens, only then can we live”

“If we protect them, only then can we protect [ourselves], and we have to protect the land also. Only then can we live.”

“I have talked and given letters to the Prime minister and officers ... they come and check, but nothing happened.”

“When we cut wood and come and work, they come and arrest [us]. That is our life.”

“My grandmother and father were hunters. They passed down deep traditional knowledge of how nature works, and we use this inherited wisdom to protect our families and the environment.” (Ambalawage Nallathambi Velayudham, Coastal Community Leader, Adivasee Community, Vakarai)

“We do not kill female animals.... We kill and share the meat with all. For elephants, leopards, and bears, we do not kill them.”

“When the bees are on the flowers, their sound is different ... when they return home, it is a different sound. We follow that, and then we find the nest.”

“They won’t ask for our preference.”

“They just say, ‘Something like this has come, and we are going to do it.’”— Community participants, Achchu”

Specific Quotes	Speaker
“They didn’t talk to us at all. They just built it.”	Krishnapillai, fisherman living near the bridge, transcript labelled; discussing bridge construction and lack of consultation affecting their fishing activities.
“Then, if you look, about 20 boats would go out in a day. Now ... only about 5 boats go out into the sea.”	Achchu, fisher, discussing declining catches, fuel costs, and debt.
“Those who go to sea and can only pay for fuel after selling the catch; now they don’t go.”	Achchu, fisher, discussing fuel costs and debt.

“If you catch the fish that come to lay eggs, there won’t be any reproduction.”	Achchu, fisher, describing a seasonal restriction on catching breeding queen fish.
“Scientific knowledge and community knowledge should not be treated as opposing approaches.”	Participant in the Kalpitiya Focus Group Discussion.
“I have talked and given letters to the President and officers since the road is broken, but nothing happens; even though they come and check, nothing happened.”	Ambalawage Nallathambi Velayudham, Adivasi Community Leader, Vakarai; translated Sinhala.
“We have the forest; we had it since our ancestors ... now they have destroyed the forest.”	Velayudham, Vakarai, translated transcript excerpt, discussing ancestral forest access and deforestation.
“The main reason they clear the forest is to farm, and all the rich people do paddy farming in the area.”	Velayudham, Vakarai, translated transcript excerpt.
“Now, when it looks like a rainstorm is coming, it doesn’t rain at all.”	Achchu, fisher, Vakarai, discussing changing weather predictability.