STUDENTS' LEGAL RESEARCH SYMPOSIUM 2026

Abstract Proceedings

Justice and Sustainability
Legal Responses to Global Challenges

DEPARTMENT OF LEGAL STUDIES, FACULTY OF BUSINESS, NSBM GREEN UNIVERSITY

“JUSTICE AND SUSTAINABILITY: LEGAL RESPONSES TO GLOBAL CHALLENGES”

FOCUSING

Public Law

Commercial Law

Private Law

Technology & Emerging Legal Issues

Environmental & Sustainability Law

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ORGANIZED BY

DEPARTMENT OF LEGAL STUDIES

FACULTY OF BUSINESS

NSBM GREEN UNIVERSITY

SYMPOSIUM SECRETARY

MS. NAVINI PREMALAL

PREFACE

NSBM Green University continues to uphold its strong commitment to promoting academic excellence through research-driven initiatives that empower students as emerging scholars. The Students' Legal Research Symposium, organized by the Department of Legal Studies, serves as a significant platform through which students present their research and engage in constructive academic dialogue.

The Department of Legal Studies is dedicated to nurturing competent and socially responsible legal professionals. By integrating academic rigor with practical exposure, the department ensures that students develop the analytical, critical, and advocacy skills necessary to contribute meaningfully to the legal field and to broader questions of justice.

We are pleased to present the Students' Legal Research Symposium (SLRS) 2026, held under the theme *"Justice and Sustainability: Legal Responses to Global Challenges."* This theme reflects the growing importance of law in addressing complex global issues, including environmental sustainability, social justice, and emerging technological challenges.

We extend our heartfelt appreciation to Prof. E. A. Weerasinghe, Vice Chancellor of NSBM Green University, for his leadership, to Prof. Chaminda Rathnayaka, Deputy Vice Chancellor, for his continued support, and to Prof. J. Baratha Dodankotuwa, Head of Academic Development and Quality Assurance, for his guidance. We also convey our sincere thanks to Dr. Thilini de Silva, Dean of the Faculty of Business, for her support throughout this initiative.

We warmly acknowledge the contributions of all presenters, participants, and reviewers who have enriched this symposium through their dedication and scholarly engagement.

We wish everyone a productive and inspiring experience at SLRS 2026.

The Organizing Committee
SLRS 2026

MESSAGE FROM THE VICE CHANCELLOR

It is with great pleasure that I extend my warmest congratulations on the occasion of the Students' Legal Research Symposium (SLRS) 2026, organized by the Department of Legal Studies, NSBM Green University. This symposium stands as a proud reflection of our university's continuous commitment to fostering research excellence, intellectual curiosity, and academic innovation among our student community. The theme of this year's symposium, "Justice and Sustainability: Legal Responses to Global Challenges," perfectly encapsulates the collaborative and forward-looking spirit that drives NSBM's academic culture. In an era marked by rapid digital transformation and global connectivity, the ability to integrate knowledge across diverse disciplines has become essential for creating sustainable solutions and shaping the leaders of tomorrow.

I am confident that SLRS 2026 will provide an inspiring platform for our emerging scholars to present their research, exchange innovative ideas, and engage in meaningful academic dialogue. The diversity of perspectives and creativity shown through this symposium exemplifies the strength and potential of our students in addressing the evolving challenges of the modern world.

I extend my sincere appreciation to all presenters, faculty members, and organizers for their invaluable contributions toward making this event a success. May this symposium continue to serve as a catalyst for academic growth, interdisciplinary collaboration, and excellence in research for years to come.

Prof. E.A. Weerasinghe
Vice Chancellor
NSBM Green University

MESSAGE FROM THE DEPUTY VICE CHANCELLOR

It is with great pleasure that I extend a warm welcome to Students' Legal Research Symposium (SLRS) 2026, the second annual Student Research Symposium of the Department of Legal Studies, NSBM Green University.

This symposium continues to serve as an important platform for our students and researchers to collaborate, exchange ideas, and showcase their scholarly achievements. Through SLRS 2026, we take another significant step toward advancing academic inquiry and fostering innovation under the inspiring theme: "Justice and Sustainability: Legal Responses to Global Challenges." As a forward-thinking university, NSBM Green University remains steadfast in its mission to nurture globally competent graduates who can adapt to the evolving demands of modern industries.

Research and innovation stand at the heart of this mission, empowering our students to translate theoretical understanding into practical solutions that contribute to sustainable national and global development.

I extend my heartfelt congratulations to all presenters for their dedication and commitment to academic excellence. I also express my sincere appreciation to the organizing committee, faculty members, and participants whose collective efforts have brought this symposium to life. May SLRS 2026 continue to inspire creativity, collaboration, and a shared pursuit of knowledge among all who take part.

Prof. Chaminda Rathnayake
Deputy Vice Chancellor
NSBM Green University

MESSAGE FROM THE HEAD OF ACADEMIC DEVELOPMENT AND QUALITY ASSURANCE

It is with great pleasure that I welcome you all to the Students' Legal Research Symposium (SLRS) 2026 at NSBM Green University. This year's symposium, themed "Justice and Sustainability: Legal Responses to Global Challenges," celebrates the power of interdisciplinary collaboration and innovation. I am confident that SLRS 2026 will serve as a meaningful platform for students, academics, and researchers to exchange ideas, share findings, and inspire new perspectives in these dynamic fields.

At NSBM Green University, we continue to uphold our commitment to research-led teaching and continuous quality enhancement. Through initiatives such as SLRS, we encourage our students to engage in rigorous inquiry, critical thinking, and creative problem-solving skills that are vital for shaping future-ready professionals and thought leaders. This symposium exemplifies our dedication to fostering a vibrant research culture that bridges academic knowledge with practical relevance.

I extend my sincere appreciation to the organizing committee for their hard work and commitment in bringing this event to fruition. To all presenters and participants, I wish you an intellectually rewarding and enriching experience throughout the symposium.

Prof. Baratha Dodankotuwa
Head of Academic Development and Quality Assurance
NSBM Green University

MESSAGE FROM THE DEAN – FACULTY OF BUSINESS

It is with great pleasure that I welcome all participants to the inaugural Students' Legal Research Symposium (SLRS) 2026, hosted by the Department of Legal Studies at NSBM Green University. I wish you all the very best as you take part in this significant milestone event.

At the Faculty of Business, we remain steadfast in our mission to create an educational environment that promotes innovation, critical thinking, and meaningful engagement. Our efforts are focused on empowering students to connect with a vibrant community of academics, alumni, and industry professionals, fostering collaborations that inspire creativity and drive impactful outcomes. As we continue to nurture future leaders, we strive to equip our students with the skills and mindset required to make meaningful contributions to both organizations and society.

Research and development lie at the heart of our academic excellence. The theme of SLRS 2026, *"Justice and Sustainability: Legal Responses to Global Challenges,"* reflects our strong commitment to interdisciplinary collaboration and forward-thinking scholarship. This symposium provides a valuable platform for students and researchers to exchange ideas, explore emerging trends, and engage in meaningful dialogue addressing the evolving challenges of today's world.

I extend my sincere appreciation to the organizing committee for their dedication and hard work in making this inaugural event a success. I also congratulate all presenters for their scholarly contributions and wish every participant an inspiring and intellectually enriching experience at SLRS 2026.

Dr. Thilini De Silva
Dean – Faculty of Business
NSBM Green University

MESSAGE FROM THE HEAD OF THE DEPARTMENT OF LEGAL STUDIES

"If we knew what we were doing, it wouldn't be called research, would it?"
— Albert Einstein

It is a moment of profound pride and satisfaction to share this message with our young researchers on the occasion of the **Student Legal Research Symposium 2026**.

Research is often described as the search for the unknown. In the field of law, research may involve uncovering hidden truths, critically examining existing legal frameworks, identifying weaknesses, and proposing meaningful reforms. It is the pursuit of new knowledge through structured curiosity, seeing what everyone else has seen, yet thinking in a way what no one else has thought.

In this spirit, the undergraduate authors from NSBM Green University and other universities have made commendable efforts to explore and analyse legal issues to the best of their abilities. I warmly congratulate all the researchers who have successfully submitted full research papers and who will be presenting their work today before a distinguished panel of legal experts.

This marks the second consecutive year that the Department of Legal Studies has organised the Student Legal Research Symposium, which is offered free of charge to undergraduate participants. The primary objectives of this initiative are to encourage undergraduates to actively engage in legal research, to create a meaningful platform for emerging scholars, to introduce junior students to a vibrant research culture, and to disseminate the valuable findings of student researchers.

I sincerely hope that this experience will be an enriching and inspiring journey for all participants and that it will motivate them to continue engaging in research throughout their professional careers.

I take this opportunity to express my sincere gratitude to the NSBM administration for their encouragement and support in making SLRS 2026 a success. My appreciation also extends to the keynote speakers, panelists, reviewers, and my colleagues for their invaluable contributions. A special word of thanks goes to the SLRS Secretary, Ms. Navini, for her dedication and hard work in coordinating this event.

I wish all participants a successful and intellectually rewarding symposium.

Prof. Shanthi Segarajasingham
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Head, Department of Legal Studies
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NSBM Green University

MESSAGE FROM THE CONFERENCE CHAIR

It is with great pleasure that I welcome you to the Annual Student Research Symposium of the Department of Legal Studies.

While my own research background lies in the fields of transport, logistics, and economics, it is a privilege to be part of this important academic gathering in legal studies. The intersection of law with areas such as trade, mobility, sustainability, and economic systems highlights the vital role that legal frameworks play in shaping resilient and equitable societies. This symposium reflects that broader connection and the growing importance of interdisciplinary understanding.

This year's theme, "Justice and Sustainability: Legal Responses to Global Challenges," captures the pressing need for thoughtful and adaptive legal solutions in an increasingly complex world. From climate change and technological disruption to evolving commercial practices and governance structures, the law continues to serve as a foundation for fairness, accountability, and sustainable development.

A student research symposium plays a crucial role in nurturing critical thinking, structured inquiry, and intellectual curiosity. It provides students with a platform to engage with contemporary legal issues, present their perspectives, and contribute to ongoing academic and professional conversations. Such experiences are essential in developing the next generation of legal scholars and practitioners.

Following the main session, the symposium will feature five focused panel discussions that reflect key areas of legal scholarship. These include the Panel on Public Law, Panel on Commercial Law, Panel on Private Law, Panel on Technology and Emerging Legal Issues, and the Panel on Environmental and Sustainability Law. These sessions offer valuable opportunities for in-depth discussion, knowledge sharing, and engagement across diverse areas of law.

I encourage all participants to approach this symposium with openness, curiosity, and a willingness to learn from one another. May this event provide a meaningful space for dialogue, reflection, and the exchange of ideas.

Dr. Rashika Mudunkotuwa
PhD Coordinator- Faculty of Postgraduate Studies & Professional Advancement
Senior Lecturer- Department of Accounting and Finance

MESSAGE FROM THE KEYNOTE SPEAKER

The global context in which the theme 'Justice and Sustainability: Legal Responses to Global Challenges' is being discussed is a very volatile one. Unprecedented developments are taking place all around us. Many of us feel utterly helpless, even clueless, about what can be done to address the challenges confronting us. Justice and sustainability appear to be dreams which can never be realized; legal responses seem to be failing us. In such a situation, what can be done? What can we, in the wider legal community – as law students, academics and lawyers – do?

The key issue I wish to raise in this presentation is that we need to examine, or revisit, one of the central elements of the above-mentioned theme, namely: 'legal responses to global challenges'. More specifically, we need to revisit the issue of 'legal responses', which we, in the legal profession, are very fond of. The theme, interestingly, appears to be somewhat neutral on whether we should actively seek legal responses to global challenges. It neither encourages nor discourages us from seeking legal responses to global challenges. It poses the point in a way that enables us to engage critically with the broad idea of legal responses to global challenges.

In this regard, I raise three key considerations about which we may need to reflect more critically. These are only a few of the considerations which we in the legal community can consider.

Firstly, how do we understand the phrase *legal responses*? What is a 'legal response'? Is it a response that is legal in character, and by that, are we suggesting that it should be something mentioned in a legal instrument such as an Act of Parliament or a treaty? Can the law refer to non-legal responses, such as political and diplomatic responses? Are those also to be considered legal responses? Secondly, and importantly, do 'legal responses' always promote justice and sustainability? If they do not, how should the particular legal response be suitably revised? What are some of the critical legal responses we have in our own laws which may require some serious reformation? What does the prevalence of such problematic legal responses in our laws suggest then, about the concept of 'legal responses'?

These two questions can be examined from the perspective of both domestic law and international law. On the one hand, we can visit many of our laws and see whether those laws promote justice and sustainability to individuals and groups in society. When we visit international law, we will see that international law itself is quite broad and varied in its approach to this question of 'legal responses'. It promotes different types of responses which can be legal, in a narrow sense, but widely political and diplomatic in a broader sense. It is particularly fascinating to engage in a critical reading of some of the key advisory opinions delivered by the International Court of Justice (ICJ) would help us to understand this matter more clearly. We can examine the opinions concerning environmental protection, nuclear weapons and the use of force. What did the ICJ say

about each of these issues in their well-known advisory opinions? Did they propose legal responses to global challenges, and if so, what were those legal responses? Did not the states and the international bodies, which requested these opinions, know what kind of responses were required to address these global challenges? And have the legal responses that were suggested worked in the final analysis? Answers to these questions may be varied, but they help us understand the concept of 'legal responses' better.

Thirdly, and finally, it is necessary to examine the issue of legal responses on the current law students. S/he is generally expected to do her/his legal research with an eye towards developing legal responses to contemporary problems, either of a global or local nature. I argue in this presentation that while there is certainly a need to look for legal responses to the burning issues confronting humanity, it is also very important to critically understand the nature and nuances of the problems we are supposed to address, before rushing to propose legal solutions. At times, what is more useful in the long term is not necessarily the cultivation of our ability to propose a legal response to a problem; rather, what is more useful, and even fruitful, is to know how to critically understand the nature of the particular problem confronting us. It is about asking the basic and often hard questions, about deeply understanding the problem, after which we may proceed to consider what kind of response would best address that problem. In this day and age of Artificial Intelligence (AI), suggesting legal responses to global challenges might take us only a minute (or even less). But careful and authentic research and critical thinking would take a little more time, a little more effort, and will be more enjoyable and satisfying to us in the long term. They will also be the skills we may require to establish a more sane and rational world order.

Dr. Kalana Senaratne
Head
Department of Law
University of Peradeniya

MESSAGE FROM THE KEYNOTE SPEAKER

The idea of justice has always been debated, shaped, and redefined across time. Aristotle understood justice as giving each person what is due, distinguishing between distributive and corrective justice. Much later, John Rawls framed justice as fairness, built on principles that would be chosen in conditions of equality. Amartya Sen moves the conversation even further by focusing on real freedoms and lived outcomes. What these perspectives collectively suggest is that justice is not just about rules or outcomes, it is about how people actually experience fairness.

Yet most of our legal systems continue to operate within a largely adversarial model. They are strong on procedure and legality but often fall short when it comes to addressing the human and relational dimensions of disputes. A case may be correctly decided in law, but still leave parties dissatisfied, unheard, or even further entrenched in conflict. This gap between legal justice and lived justice is where the conversation on sustainable justice becomes important.

Sustainable justice, in my view, is about outcomes that last, outcomes that people accept, comply with, and carry forward without reopening the conflict. It is not just about resolving a dispute, but resolving it in a way that preserves dignity, acknowledges interests, and where possible, relationships. This is where mediation has a particularly strong role to play. Mediation has the capacity to deliver sustainable justice because it allows parties to participate, to be heard, and to shape their own outcomes. By moving away from rigid rights-based positions to interest-based conversations, it creates space for solutions that are practical, context-sensitive, and more likely to endure.

That said, integrating mediation and other ADR processes into justice systems must be done carefully. If they are used merely as tools for efficiency or backlog reduction, their value is lost. What is needed instead is a shift in how we design justice systems, towards approaches that are more responsive, accessible, and centred on the people who use them. Ultimately, sustainable justice requires us to rethink justice not as a one-time decision, but as an ongoing, lived process, one that is meaningful, accepted, and capable of lasting impact.

Dr. Saranee Gunathilaka
Attorney-at-Law of the Supreme Court of Sri Lanka & the Court of Appeal
Co-founder & CEO of UDecide mediation
National ADR and Commercial Mediation Consultant to UNDP JURE project
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Shalomi Fernando, General Sir John Kotelawala Defence University

This study explores the legal frameworks and practical challenges associated with the protection of Intangible Cultural Heritage (ICH) in Bali, Indonesia, within the context of the 2003 UNESCO Convention and relevant national legislation. Tourism growth in Bali has provoked serious concerns over the commodification of traditional practices while simultaneously offering economic pathways for their sustenance. The research examines key ICH elements, including the Subak irrigation system, the Kris ceremonial dagger, and traditional dance forms, to illuminate the tension between preserving cultural authenticity and accommodating market-driven demands. The central research question asks whether regulated cultural tourism can satisfy UNESCO safeguarding principles under Articles 11-15 of the 2003 Convention while supporting community livelihoods and intergenerational transmission. This study employs a qualitative doctrinal methodology, analysing primary legal sources including the 2003 UNESCO Convention (2368 UNTS 3), Indonesian Law No 11/2010 on Cultural Heritage, and the Articles on State Responsibility, alongside secondary scholarship and Ministry reports. The findings reveal that rigid preservationism fails against commercial realities, while unregulated tourism undermines cultural sovereignty and ritual integrity. The study concludes that community-controlled regulatory frameworks integrating safeguarding assessments, sacred space zoning, and participatory inventorying under Article 13(d) offer the most viable path forward. These recommendations balance State responsibility under international law with local agency, offering a pragmatic alternative to both exploitation and prohibition.

Keywords: *Intangible Cultural Heritage, UNESCO 2003 Convention, Cultural Tourism Regulation*

E – WASTE AND ENVIRONMENTAL JUSTICE: ADDRESSING LEGAL GAPS IN THE REGULATIONS OF CROSS BORDER ELECTRONIC WASTE

Muhammadhu Parook Pathima Hisra, University of Jaffna

The rapid expansion of digital technology, combined with accelerated planned obsolescence, has significantly increased global electronic consumption and, consequently, electronic waste (e-waste). Recognized as the fastest growing waste stream worldwide, e-waste contains hazardous substances such as lead, mercury, cadmium, and brominated flame retardants. While developed countries in the Global North dominate the production and consumption of electronic goods, the environmental and health burdens associated with their disposal are disproportionately transferred to developing countries in the Global South. This transboundary movement is often facilitated through the misclassification of discarded electronics as “second-hand goods,” “recyclable materials,” or “charitable donations,” enabling hazardous waste to evade regulatory scrutiny. As a result, marginalized communities in importing states frequently lack adequate waste management infrastructure face environmental degradation, toxic exposure, and long-term public health risks. This practice raises serious concerns regarding environmental justice, equity, and sustainable development within international law. Despite the existence of international instruments such as the Basel Convention and its Basel Ban Amendment, as well as regional frameworks like the Bamako Convention, cross-border e-waste dumping persists. Weak enforcement mechanisms, ambiguities in distinguishing “waste” from “non-waste,” and limited binding obligations on exporting states and corporate actors create significant regulatory gaps. These deficiencies enable the continued externalization of environmental and health costs onto vulnerable populations, reinforcing structural inequalities in global environmental governance. This study further explores whether principles derived from international anti-dumping law under the World Trade Organization framework may provide conceptual and enforcement-based insights for regulating environmentally harmful trade practices. By drawing parallels between economic dumping and toxic waste dumping, the research considers whether trade-based accountability mechanisms could strengthen international responses to transboundary e-waste flows. The study adopts a doctrinal and comparative legal methodology, critically analyzing treaty provisions, enforcement practices, and relevant international reports. Through an environmental justice lens, it proposes reform-oriented recommendations aimed at enhancing legal clarity, strengthening enforcement, and promoting equitable and sustainable global e-waste governance.

Keywords: *E-Waste, Environmental Justice, Transboundary Waste, Anti-Dumping Law, Sustainable Development*

SUSTAINABLE DEVELOPMENT AND ENVIRONMENTAL GOVERNANCE IN THE COLOMBO PORT CITY PROJECT: A LEGAL ANALYSIS

Bawangi Layashari Perera, NSBM Green University

The Colombo Port City (CPC) is an ambitious reclamation and coastal development project, envisioned as a harbinger of economic transformation in Sri Lanka. However, this mega-scale development is accompanied by significant legal and environmental concerns. The core research problem lies in the structural flaws of Sri Lanka's environmental governance and the jurisdictional uncertainties created by the Colombo Port City Economic Commission Act (CPCECA) No. 11 of 2021. This new legislation creates a potential "regulatory escape" that marginalizes public participation and threatens the application of national environmental laws, specifically the National Environmental Act No. 47 of 1980 and the Coast Conservation Act No. 57 of 1981. The primary objective of this research is to present an exhaustive legal analysis of the CPC's environmental governance structure. It seeks to examine the transition from the initial 2011 Environmental Impact Assessment (EIA) to the 2016 Supplementary Environmental Impact Assessment (SEIA) to evaluate procedural adequacy regarding marine ecology, hydrodynamic stability, and fisheries livelihoods. Furthermore, the study aims to assess the legal gaps introduced by the CPCECA concerning public access rights and sustainable development goals. The research concludes that the CPC's governance under the CPCECA is beset by challenges that undermine environmental protection, as the creation of a separate regulatory body limits the effectiveness of national environmental agencies. The study highlights that the EIA procedures revealed inadequate public consultation and deep structural flaws. Ultimately, the outcome suggests that ensuring sustainable development requires an integrated governance structure; this necessitates rectifying the CPCECA's legal weaknesses, strengthening the supervisory authority of national agencies, and embedding robust mechanisms for public participation.

Keywords: *Environmental Governance, Colombo Port City, Environmental Impact Assessment*

TAX LAW DESIGN, ERADICATING INEQUALITY AND ENSURING SUSTAINABILITY: AN ANALYSIS OF CERTAIN ISSUES IN SRI LANKAN TAX LAW

Mohamed Rajabdeen Fathima Zahara, University of Jaffna

Taxation plays a crucial role in financing public services, promoting economic growth, and supporting sustainable development. Following Sri Lanka's severe economic crisis, the government introduced several tax reforms aimed to increasing revenue and stabilizing public finances. Despite these reforms, concerns remain regarding fairness and sustainability of the existing tax structure. Sri Lanka mostly relies on indirect taxation, especially Value Added Tax (VAT), while direct tax base remains comparatively limited. This structural imbalance raises important legal questions relating to tax justice, equity and sustainable development. Most research in Sri Lanka focuses on economic data like revenue collection and tax-to-GDP ratios. There is little legal research on how tax laws affect fairness and equality. This study addresses that gap by analyzing whether Sri Lanka's tax laws, as currently designed and implemented, promote equitable taxation or contribute to inequality. The research adopts a doctrinal legal research methodology, focuses on key statutory instruments, including the Value Added Tax Act No. 14 of 2002 and the Inland Revenue Act, with particular attention to tax structure, statutory exemptions, and enforcement mechanism. A comparative legal approach is used to assess Sri Lanka's tax framework against internationally recognized principles of equitable and sustainable taxation. In addition, a socio-legal analysis is used to examine how the legal design of indirect and direct taxes distributes tax burdens across different income groups. The study argues that indirect taxes apply equally to everyone, regardless of income, which is unfair. Also, direct taxes are not progressive enough. This weakens tax justice and long-term financial stability. The paper does not suggest removing indirect taxes but recommends reforms such as, increasing direct taxes, making taxes more progressive, reducing unfair exemptions, and improving tax administration. Aligning Sri Lanka's tax laws with principle of equity, good governance, and sustainability is essential to achieving a fair and stable tax system.

Key Words: *Tax Justice, Income Inequality, Sustainable development*

LEGAL PROTECTION OF CONSUMERS IN SRI LANKA'S DIGITAL MARKETPLACE: A REVIEW OF CERTAIN CHALLENGES.

Dilmi Wijerathna, NSBM Green University

The rapid expansion of digital commerce in Sri Lanka is transformed traditional buying and selling practices, making new opportunities for businesses and consumers while evolving legal challenges in the area of consumer protection. Increased internet penetration, smartphone usage, and the growing popularity of social media platforms have created consumers to purchase goods and services through online marketplaces due to convenience, accessibility, and broader product availability. Despite these advantages, the growth of online commerce has also increased the risks of unfair trade practices. Consumers report receiving goods that differ from the description or images presented online, including substandard products. This problem is especially common in transactions conducted through social media platforms, where many sellers operate informally without business registration. It makes it difficult for consumers to trace sellers and obtain legal remedies. This study examines whether the existing legal framework in Sri Lanka adequately protects consumers from substandard products in the digital marketplace. The research adopts a qualitative doctrinal legal approach combined with semi-structured interviews. The doctrinal analysis focuses primarily on three key legal instruments: the Consumer Affairs Authority Act No. 9 of 2003, the Sale of Goods Ordinance No. 11 of 1896, and the Electronic Transactions Act No. 19 of 2006. While the Consumer Affairs Authority Act provides regulatory mechanisms to address unfair trade practices and allows consumers to submit complaints regarding substandard goods, the Sale of Goods Ordinance establishes important implied conditions and warranties related to merchantable quality, fitness for purpose, and conformity with product descriptions. The Electronic Transactions Act, on the other hand, recognizes the legal validity of electronic contracts, digital records, and electronic communications, thereby facilitating the operation of e-commerce transactions. However, the study finds that these laws were largely developed to regulate traditional physical market transactions and therefore do not sufficiently address specific risks associated with digital commerce, such as anonymous online sellers, cross-border transactions, and platform-based trade. These findings show that although Sri Lanka has a basic legal framework for consumer protection, the current regulatory system faces difficulties in effectively responding to the difficulties of digital marketplace transactions. The study therefore recommends several policy and legal reforms.

Keywords: *Consumer protection, substandard products, E-commerce regulation*

CONSUMER PROTECTION AND RETURN POLICY REGULATION IN FURNITURE RETAIL IN SRI LANKA

Sathya Gunasekara, NSBM Green University

Consumer protection is important for fair and transparent markets. It is especially important in sectors that sell high-value goods. Furniture is one such sector. Defective, damaged, or unsatisfactory furniture often causes disputes between consumers and retailers. In Sri Lanka, consumer protection is mainly regulated by the Consumer Affairs Authority Act No. 9 of 2003. This law provides a general framework for protecting consumer rights. It gives powers to the Consumer Affairs Authority to regulate trade practices and handle consumer complaints. However, the Act does not contain specific rules for return policies in retail furniture. Because of this, there are gaps in regulation. These gaps often disadvantage consumers. They also create legal uncertainty in the retail market. Many disputes arise when consumers try to return products. This usually happens when furniture is defective, damaged, or unsatisfactory. In many cases, return policies are restrictive or unclear. Some retailers allow only very short time limits for returns. Others require products to remain unused or in original packaging. Some retailers also place the entire burden of proof on consumers. The absence of clear and standardized rules leads to inconsistent practices in the furniture sector. This study examines whether the current legal framework properly regulates return policies in Sri Lanka's furniture retail sector. The research focuses on statutes, regulations, and enforcement practices. It evaluates how these mechanisms protect consumer rights. It also identifies weaknesses in the current system. The study uses a doctrinal legal research method. It analyses legislation, regulatory materials, judicial decisions, and academic literature. Several problems arise frequently. Retailers sometimes refuse returns after short or arbitrary time periods. Some require products to remain unused or unassembled. There are also differences between verbal promises made by sales staff and written policies. In many disputes, consumers must prove that defects existed at the time of purchase. This burden can be difficult for consumers to meet. The analysis shows that the lack of clear legal standards allows retailers to apply unfair or ambiguous return policies. This situation reduces consumer confidence. It also increases the likelihood of disputes. The study identifies several key gaps in the legal framework. There are no mandatory written return policies for furniture retailers. Time limits for returns are not clearly defined. There is little guidance on acceptable product conditions for returns. Rules about the burden of proof are also unclear. To address these issues, the study proposes several reforms. First, retailers should provide written return policies at the point of sale. This will improve transparency and inform consumers about their rights. Second, the law should introduce reasonable time limits for returning defective or unsatisfactory goods. Third, minimum standards for returned items should be established. Minor use or assembly should not prevent a return. Fourth, rules about the burden of proof should be clarified. Defects discovered within a certain period should be presumed to exist at the time of sale unless the retailer proves otherwise. Fifth, consumer education and regulatory guidance should be strengthened. Written policies and clear rules would improve transparency. Standardized practices would reduce disputes. Consumers would feel more confident when purchasing furniture. Clear legal standards would also help courts and regulators resolve disputes more effectively. In conclusion, clear and enforceable return policies are essential. They protect consumer rights. They also promote accountability and trust in commercial transactions.

Keywords: *Consumer protection, return policies, furniture retail, Sri Lanka, Consumer Affairs Authority Act.*

THE ABSENCE OF COMPLAINT MECHANISMS IN SRI LANKA: A COMPARATIVE EVALUATION WITH ILO CONVENTION NO. 190

Kaveesha Divyanjali Jayasiri Gunesekere, NSBM Green University

Workplace sexual harassment is widely recognised as a form of violence and discrimination that undermines fundamental human rights and the right to a safe working environment. Across the world, international labour standards increasingly emphasise the need for comprehensive legal frameworks to prevent and address harassment at work[1]. One of the most significant developments in this regard is the adoption of the International Labour Organization's Violence and Harassment Convention, 2019 (Convention No. 190). This Convention establishes a global standard aimed at eliminating violence and harassment in the world of work and requires member States to implement accessible and effective complaint and dispute resolution mechanisms for workers. Despite growing international recognition of these standards, Sri Lanka's current legal framework addressing workplace sexual harassment remains limited. Although sexual harassment is criminalised under Section 345 of the Penal Code, the law does not impose a statutory obligation on employers to establish internal complaint mechanisms within workplaces. As a result, victims of harassment often lack practical and accessible avenues to report misconduct safely. The absence of workplace-based grievance procedures can discourage reporting, contribute to the underreporting of harassment incidents, and create an environment in which victims fear retaliation or social stigma. This research examines the implications of the absence of complaint mechanisms in Sri Lanka and evaluates the extent to which the current legal framework aligns with the standards set by ILO Convention No. 190 and Recommendation No. 206. The study adopts a qualitative methodology based on documentary and comparative legal analysis. Primary sources include international legal instruments such as Convention No. 190 and Sri Lankan statutory provisions, while secondary sources include academic literature and policy reports addressing workplace harassment and labour rights. The research demonstrates that while Sri Lanka recognises sexual harassment as a criminal offence, the absence of institutional complaint mechanisms within workplaces creates a procedural gap that undermines effective protection for victims. In contrast, ILO Convention No. 190 emphasises the importance of gender-responsive complaint mechanisms that ensure confidentiality, protection against victimisation, and effective remedies for complainants. These mechanisms include both internal workplace procedures and external legal remedies designed to promote accountability and encourage reporting. Through comparative analysis, the study highlights the importance of adopting comprehensive workplace policies that address harassment through prevention, reporting, and dispute resolution mechanisms. It argues that legal reform in Sri Lanka is necessary to ensure compliance with international labour standards and to create safer working environments for all individuals regardless of gender. Ultimately, the research concludes that incorporating internal complaint mechanisms into Sri Lanka's labour law framework would significantly improve access to justice for victims of workplace harassment. Aligning national legislation with the principles of ILO Convention No. 190 would strengthen protections against harassment, promote equality in the workplace, and contribute to the development of a more inclusive and respectful working environment.

Keywords: *Complaint Mechanism, ILO, Sri Lanka*

ENVIRONMENTAL AND SUSTAINABILITY LAW

SUSTAINABLE AGRICULTURE GOVERNANCE IN SRI LANKA: A COMPARATIVE STUDY

Yamangei Devindya Tharushani Samarasinghe, APIIT Law School

This study examines the adequacy of Sri Lanka's current legal framework in supporting sustainable agriculture, highlighting the continuing influence of productivity-oriented agricultural policies on agricultural regulation. Although agriculture is essential to national food security, Sri Lanka lacks a comprehensive statute regulating sustainable farming practices. Agricultural regulation is instead fragmented among multiple laws with different objectives. The Agrarian Development Act largely advocates land utilization and productivity, without mandating environmental or sustainability obligations for farmers. The National Environmental Act establishes institutional frameworks for environmental protection and governs major development projects; however, it does not clearly extend environmental compliance to regular agricultural practices. The Soil Conservation Act primarily focuses on erosion control and land management in designated areas, neglecting agrochemical use and integrating soil health. In addition, the Regulation of Fertilizer Act mainly regulates the production, importation and distribution of fertilizers to ensure quality standards and agricultural productivity, but it does not directly address the environmental impacts of fertilizer use. Consequently, chemical-intensive agriculture remains largely outside binding environmental regulation. This study identifies a statutory gap in sustainable agriculture governance, where agrarian, environmental, soil conservation and fertilizer laws function separately and fail to provide a unified legal framework that connects agricultural production with environmental protection and farmer welfare. Using a doctrinal legal methodology, this study analyses key Sri Lankan statutes, such as the Agrarian Development Act, the National Environmental Act, the Soil Conservation Act and the Regulation of Fertilizer Act, to determine the extent of existing duties, obligations and omissions. The study further conducts a comparative analysis of the Netherlands, which applies an integrated statutory framework for sustainable agriculture, where environmental protection is incorporated within agricultural governance through the regulation of nutrient and fertilizer use, land-use planning and ecological protection. This comparison illustrates how sustainability obligations can be integrated within binding legislation rather than being addressed primarily through policy.

Moreover, this study examines the degree to which Sri Lanka's agrarian and environmental laws prioritize productivity over sustainability, the efficacy of current laws in regulating agrochemical usage and safeguarding soil quality, and the impact of the absence of legal integration on environmental protection and long-term agricultural resilience. The primary objective of this study is to identify the legal gaps in Sri Lanka's sustainable agriculture regulation and to develop practical recommendations for legal reform. The research proposes the incorporation of sustainability obligations into agricultural legislation, strengthening regulatory control of agrochemicals, expanding environmental oversight of agricultural practices and creating a unified legal framework connecting agriculture, soil conservation and environmental protection. The paper argues that shifting from fragmented regulation to a more integrated statutory framework is essential for improving food security, safeguarding ecological integrity, and promoting agrarian justice.

Keywords: *Agrarian Justice, Comparative Agricultural Law, Sustainable Agricultural Governance*

INFLUENCE OF CLIMATE CHANGE ON THE SURVIVAL AND SPREAD OF BALLAST WATER TRANSPORTED INVASIVE SPECIES: AN ANALYSIS

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The global shipping industry plays a crucial role in international trade, yet it also contributes significantly to the translocation of non-native organisms through ballast water discharge. Ballast water is widely recognized as one of the primary pathways for the introduction of aquatic invasive species (AIS) into new marine and freshwater ecosystems, enabling organisms such as plankton, larvae, bacteria, and small invertebrates to be transported across biogeographical boundaries. Climate change has emerged as an additional factor that may amplify the survival, establishment, and spread of these ballast water–transported species by altering ocean temperature, salinity, and ecosystem dynamics. Rising sea temperatures and shifting environmental conditions increase the likelihood that invasive organisms will survive transport and successfully adapt to recipient ecosystems that were previously unsuitable for their persistence. Studies indicate that warming waters and reduced climatic barriers allow many thermophilic and adaptable species to colonize new habitats more easily, thereby increasing invasion risks in ports and coastal regions worldwide. Furthermore, climate-driven changes such as reduced sea ice, altered ocean circulation patterns, and increased maritime traffic are expected to expand shipping routes and intensify the transfer of organisms through ballast water systems. The interaction between climate change and biological invasions creates complex ecological consequences, including loss of biodiversity, disruption of food webs, and economic impacts on fisheries, tourism, and coastal infrastructure. Invasive species introduced through ballast water may outcompete native species, modify habitat structure, and introduce pathogens, ultimately altering ecosystem resilience and functioning. As climate change continues to modify marine environments, the probability of invasive species establishment and rapid geographic spread is expected to increase, particularly in vulnerable regions such as polar seas and tropical ports. Effective management strategies therefore require the integration of climate projections, ballast water monitoring, and international regulatory frameworks such as the Ballast Water Management Convention to reduce the risk of bio invasions. This study analyses the influence of climate change on the survival and dispersal of ballast water–transported invasive species by examining environmental drivers, shipping pathways, and ecological responses. The analysis highlights the need for adaptive management strategies, improved monitoring technologies, and stronger international cooperation to mitigate the combined threats of climate change and marine biological invasions in global shipping networks.

Keywords: *Climate Change, Ballast Water, Invasive Species*

AN INTERDISCIPLINARY STUDY ON THE PARADOX OF THE PURE ECO-CENTRISM OF GREEN CRIMINOLOGY AGAINST THE ENFORCEMENT OF ENVIRONMENTAL LAW IN SRI LANKA

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Discourse on Environmental Criminology or Green Criminology has remained a vital element of socio-legal conversation in the interests of environmental sustainability. Zemiology, a principle of green criminology, discusses harm in spite of legality and subsequently argues that anthropocentric bias in environmental laws affect sustainability, and further affects enforceability of laws related to licensing and the use of the environment. As far as legal perspectives have been concerned thus far however, eco-centrism has been integrated in the conservation aspects of environmental laws. Anthropocentrism is generally visible in human driven aspects of environmental law, including licensing procedures and permissions established in law, such as infrastructure development, industry and human sustenance. Green criminology suggests that the presence of anthropocentrism generates bias which causes damage to environmental victims, which entails nature, and by extension, animals and humans affected by environmental harm, paradoxically placing the human at both the role of offender and victim simultaneously. As such, the study addresses the research problem in light of the clear rift between theoretical perspectives on the use and regulation of the environment, and the actual regulation of the use of the environment. The study is an interdisciplinary study between principles of green criminology and environmental law specifically framed in Sri Lankan law. It takes a mixed-methodological approach in combination of socio-legal research and a doctrinal study, alongside a normative analysis of the practicability of balancing the arguments of green criminology with the existing environmental law of Sri Lanka. Through extensive analysis, this study questions the plausibility of, and ultimately argues that anthropocentric and eco-centric approaches to environmental law cannot exist in mutual exclusivity to one another. While Green Criminology proposes an elaborate analogy towards the need for regulation of human actions upon the environment, the study ultimately suggests that its quality remains demonstrative rather than remedial. It rejects the notion that environmental law should necessarily be purely eco-centric and proposes a balance of rights in approaching environmental governance, and regulatory measures in enforcing it.

Keywords: *Enforceability, Green Criminology, Environmental Law*

THE SILENT SUFFERERS: THE IMPORTANCE OF INTEGRATING GREEN CRIMINOLOGY INTO SRI LANKAN ENVIRONMENTAL LAW

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Sri Lanka has always received the purest gifts of the earth. However, its environmental laws suffer from critical inefficiencies. Foundational laws, such as the Fauna and Flora Protection Ordinance of 1937, are outdated colonial-era statutes inadequate for modern challenges. Enforcement is hampered by weak penalties; The persistence of daily fines lets offenders legally continue polluting. The command-and-control approach, centered on concentration-based standards in Environmental Protection Licenses, ignores pollution loads, allowing industries to meet technical standards yet degrade ecosystems. Implementation of the polluter pays principle is weak, and financial investigations into environmental crimes are lacking. The Environmental Impact Assessment (EIA) process, though mandatory for large projects, suffers from poor post-EIA monitoring, This study addresses the critical inefficiencies of Sri Lanka's existing environmental legal framework as discussed above through the selective analysis of the National Environmental Act No.47 of 1980, the Coast Conservation Act No.57 of 1981 the Fauna and Flora Protection Ordinance and the Prevention of Cruelty to Animals Ordinance No. 13 of 1907. The objective of this study is to explore how integrating "Green Criminology" which is a concept which proposes that crime be defined more broadly than just by its legal definition, incorporating the concept of environmental damage and justice into Sri Lanka's environmental law can provide a transformative framework to address these deficiencies by broadening the legal and societal recognition of environmental crimes, emphasizing ecological harm, and including non-human victims such as ecosystems and species. Methodologically, the research employs an interdisciplinary approach combining traditional criminology and environmental crime analysis to address the existing legal gaps in the Environmental law of the country. It also uses qualitative data collection, doctrinal research, and comprehensive literature review of legal statutes, case law, and academic sources. Key findings show that green criminology expands the notion of crime beyond narrow legal definitions to encompass acts causing ecological damage regardless of their current legal status, increasing accountability of corporate and state actors for environmental crimes and political interference. Furthermore, green criminology champions restorative justice practices focusing on environmental healing and community involvement, encourages interdisciplinary coordination among agencies, advances proactive prevention via risk assessments and corporate due diligence, and contextualize enforcement within Sri Lanka's socio-economic realities. The study concludes that integrating green criminology into Sri Lankan environmental law is vital to establish a comprehensive, justice-oriented, and practical governance regime that effectively protects both human and ecological victims while addressing structural causes of environmental degradation and enforcement failures. This integration is essential to prevent future environmental disasters and promote sustainable development in Sri Lanka.

Keywords: *Environmental Law, Green Criminology, Law Reform*

FROM SOFT LAW TO ENFORCEMENT: INTEGRATING RIGHTS OF NATURE AND PUBLIC TRUST DOCTRINE

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International environmental law has developed significantly over recent decades. However, it continues to remain predominantly anthropocentric, protecting the environment primarily insofar as it serves human interests. Despite progressive developments, recent findings of the Intergovernmental Panel on Climate Change indicate that existing frameworks remain insufficient to prevent escalating environmental damage. This persistent failure raises fundamental questions about the conceptual foundations of international environmental law and the adequacy of exclusively human-centered approaches. The Earth Charter and the Universal Declaration of the Rights of Mother Earth are soft laws that reflect recognition of ecocentric values at the international level. Nevertheless, their non-binding character has limited their practical impact. This paper examines two legal frameworks that have influenced contemporary environmental protection: The Public Trust Doctrine and the Rights of Nature movement. While the Public Trust Doctrine has traditionally operated to safeguard natural resources for the public benefit, it has largely reflected anthropocentric priorities. Conversely, the Rights of Nature movement advances a more ecocentric approach by recognizing nature as a subject of rights with intrinsic value. Although these approaches are often treated as conceptually distinct, this paper argues that they are complementary. The central research problem addressed is the absence of a coherent and enforceable framework within international environmental law that simultaneously recognizes the intrinsic value and legal personhood of nature while providing effective mechanisms for its protection. Existing scholarship has largely examined the Public Trust Doctrine and the Rights of Nature in isolation, leaving a significant gap in understanding how these frameworks may operate together when applied to environmental disputes. Through a doctrinal and comparative analysis of jurisdictions including Ecuador, New Zealand and Colombia, it is argued that meaningful environmental protection requires both the rights-based recognition with trustee-based enforcement to provide a pragmatic and coherent pathway towards more effective and sustainable environmental protection.

Key words: *Anthropocentric, Ecocentric, Rights of Nature*

A CRITICAL LEGAL ANALYSIS ON CLIMATE CHANGE IMPACTS ON THE VULNERABLE COMMNUITIES AND EFFETIVENESS OF THE CURRENT ENVIORONMENTL LEGAL FRAMEWORK IN SRI LANKA

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Climate change is one of the most pressing global environmental challenges, affecting ecosystems, economies, and human livelihoods. Developing countries such as Sri Lanka are particularly vulnerable to its impacts, including floods, droughts, coastal erosion, and extreme weather events. These consequences predominantly impact populations most vulnerable communities such as low-income groups, rural populations, women, children, and the elderly, all of whom generally lack the resources and capacity necessary to adequately adapt to these types of climate changes. Therefore, strong legal and policy frameworks are essential to ensure environmental protection and safeguard vulnerable communities from climate-related risks. This study evaluates the extent to which the environmental legal framework of Sri Lanka protects vulnerable communities from the impacts of climate change. The study identifies a key research problem: although Sri Lanka has several environmental laws and policies few specifically relate to climate change or provide appropriate protections to vulnerable populations. The research adopts a doctrinal legal research methodology by evaluating international environmental frameworks, particularly the United Nations Framework Convention on Climate Change and the Paris Agreement, together with Sri Lankan constitutional provisions, environmental legislation, policies, and relevant case law. The study finds that although Sri Lanka has ratified key international climate agreements and introduced certain climate-related policies, the existing legal framework provides only limited protection for vulnerable communities. Therefore, stronger legal reforms and updated policies are necessary to better address climate change and protect vulnerable communities in Sri Lanka.

Keywords: *Climate Change, Environmental Law, Sri Lanka*

PLASTIC POLLUTION IN THE ENVIRONMENT: A COMPARATIVE LEGAL ANALYSIS OF SRI LANKA AND THE UNITED KINGDOM WITH FOCUS ON LEGISLATIVE GAPS IN SRI LANKA

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Plastic pollution constitutes one of the most pressing environmental challenges of the twenty-first century. Sri Lanka generates 1.59 million tonnes of plastic waste annually, of which only 33% is formally collected and a mere 3% recycled, leaving an estimated 171,561 tonnes unmanaged each year. Despite successive gazette notifications implementing plastic bans since 2017, legislative proliferation without effective enforcement has yielded meagre environmental dividends. This paper undertakes a comparative legal analysis of the plastic waste regulatory frameworks of Sri Lanka and the United Kingdom, identifying critical legislative gaps in Sri Lanka's regime. The UK's holistic architecture combining mandatory Extended Producer Responsibility under the Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024, a Plastic Packaging Tax of £200 per tonne on packaging containing less than 30% recycled content, substantial penalties of up to £100,000 per violation, and the independent oversight of the Office for Environmental Protection has produced measurable results, including a 98% reduction in supermarket plastic bag use. Sri Lanka's critical legislative gaps include: the absence of mandatory EPR legislation; a policy vacuum for post-consumer waste management; legal ambiguity in the Marine Pollution Prevention Act; the absence of fiscal instruments; inadequate enforcement mechanisms; and the lack of an independent environmental protection authority. Drawing upon Sri Lanka's constitutional jurisprudence, including the Supreme Court's recognition of public trust doctrine in Bulankulama v Secretary, Ministry of Industrial Development, this paper proposes evidence-based legal reforms including mandatory EPR legislation, a graduated plastic packaging tax, amendment of the Marine Pollution Prevention Act, and establishment of an independent environmental enforcement authority.

Keywords: *Plastic pollution, Environmental law, Sri Lanka, United Kingdom*

EFFECTIVENESS OF THE LEGAL FRAMEWORK IN CONTROLLING VESSEL SOURCE MARINE POLLUTION IN SRI LANKA

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One of the biggest environmental and legal issues facing Sri Lanka, an island nation strategically situated along important international shipping lanes in the Indian Ocean, is marine pollution. With special attention on the years after independence in 1948, when Sri Lanka achieved sovereignty over its maritime zones, this study investigates the efficacy and applicability of the country's legal system in combating vessel-source marine pollution and safeguarding marine resources. In addition to endangering the environment, marine pollution poses serious economic hazards, particularly to public health, tourism, fisheries, and biodiversity. Marine traffic, which includes oil tanker movements, waste oil discharge, contaminated ballast water, and unintentional oil spills, is a significant source of this pollution. According to statistics, there is an increase in ship traffic close to Sri Lankan waterways, which raises the possibility of hazardous discharges and oil spills. Additionally, invasive alien species brought in by ballast water pose a threat to marine ecosystems. The study uses both qualitative and quantitative methods, depending on reports, legal papers, questionnaires, interviews, and decided cases. There is broad agreement that marine pollution is rising in Sri Lanka and that vessel-based pollution is a major source, albeit land-based pollution also has an impact, according to a study of 100 people with expertise of maritime law. The majority of respondents agreed that despite Sri Lanka's membership in numerous international accords pertaining to marine preservation, the country's legal enforcement is still inadequate. With rules for reporting oil discharges, making backup plans, and preventing the release of pollutants into territorial waters, the Marine Pollution Prevention (MPP) Act of 1981 and the Marine Environment Protection Authority (MEPA) are essential components of the legislative system. To manage even medium-sized oil spills, there are, nevertheless, shortcomings in implementation, agency coordination, inspections, and resource availability. Results indicate that the issue is more about poor litigation procedures, overlapping regulations, inefficient enforcement, and limited institutional capacity than it is about the lack of laws. Many people believe that marine pollution has long-term environmental effects on marine biodiversity as well as significant economic repercussions, especially for fisheries and tourism. The need to update national contingency plans, ratify and implement pertinent MARPOL annexes, strengthen MEPA, boost ship inspections, and improve interagency cooperation was highlighted by respondents. The study comes to the conclusion that, notwithstanding Sri Lanka's extensive legislative foundation and participation in international regulatory frameworks, more effective implementation, improved institutional cooperation, technical assistance, and international cooperation are necessary for the success of marine pollution control. In order to confront this transboundary environmental concern, sustainable management of marine resources necessitates both national commitment and international cooperation.

Keywords: *Vessel-source Marine Pollution, Environmental Governance, Sri Lanka*

EVALUATING THE EFFECTIVENESS OF SRI LANKA'S WILD ELEPHANT LAWS: FOCUSING ON FLORA AND FAUNA ORDINANCE

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Sri Lanka faces a critical challenge in conserving its wild elephants (Elephas maximus maximus), with approximately 7,500 individuals threatened by habitat loss, human-elephant conflict, poaching, and inadequate legal protections. The Fauna and Flora Protection Ordinance (FFPO), enacted in 1937 and amended multiple times (e.g., 2009, 2022), serves as the primary legislation. It prohibits killing, capturing, or injuring elephants outside designated reserves, establishes National Reserves, Sanctuaries, and Managed Elephant Reserves, mandates reporting of carcasses, and regulates tusk trade. Penalties were strengthened in 2022 to fines of Rs. 100,000–200,000 or imprisonment of 10–20 years, or both, for offenses like killing elephants in protected areas. Despite these provisions, enforcement remains weak, exacerbated by corruption, resource shortages, and rising conflicts affecting over half the country.

This study evaluates the FFPO's effectiveness in protecting wild elephants, focusing on post2022 amendment outcomes. Using a mixed-methods approach, it analyzed legal texts (ordinance, 12 gazettes), quantitative DWC mortality data (439 deaths in 2022; 455 in 2025), GPS-mapped corridors (16 routes: Balalau Wewa, Dahaiyagala, Thabbowa-Iginipitiya, Puwakkele, Nachchaduwa-Wilpattuwa, Wetahirakanda, Koholankathala, Unawatuna Wewa, and others), and semi-structured interviews with 8 informants (DWC officers, lawyers, villagers). Descriptive statistics showed a 3.6% death rise despite expected 20–30% decline; thematic analysis revealed low convictions (15%), construction in corridors, and enforcement gaps. Literature, including Prakash et al. (2020) on illegal captures (55 cases 2008–2018) and Springer studies on conflict, contextualizes persistent threats like gunshots (58 in 2022), electrocution, and habitat fragmentation.

Results indicate amendments failed to reduce mortality or secure corridors, lacking gazette status and specific obstruction offenses. Elephants' migratory instincts clash with developments, fueling conflicts (60% of deaths). Literature review highlights weak enforcement amid cultural demand for captive elephants and elite involvement. This study critically analyzes the legal and practical challenges affecting the implementation of wild elephant protection laws in Sri Lanka. It examines the existing framework, including the Fauna and Flora Ordinance's provisions on protected areas and penalties; identifies institutional hurdles like delayed prosecutions and corruption; assesses the impact of conflict on enforcement; and evaluates responses such as electric fencing and compensation schemes.

Guided by key research questions—assessing the framework's effectiveness, pinpointing legal/institutional barriers, and exploring strengthening measures, the study employs doctrinal analysis of statutes, case law review, stakeholder interviews with DWC officials and affected communities, and conflict data from 2015-2025. Findings reveal persistent gaps: despite penalties up to Rs. 100,000 and imprisonment, conviction rates remain below 20% due to evidentiary challenges and judicial delays. The research proposes recommendations, including amending the Ordinance for stricter "no-cull" policies, enhancing DWC capacity through technology (e.g., GPS collars), community education programs, and integrated land-use planning for sustainable coexistence. By bridging policy and practice, this study advocates robust enforcement to reduce conflicts and ensure wild elephant conservation.

In conclusion, the FFPO protects species on paper but neglects connectivity. Recommendations include gazetting all 16 corridors with poaching-level penalties, mandatory impact assessments, farmer compensation funds, increased patrols, community education, and annual ordinance updates. Future research should monitor post-reform trends and pilot funds. Urgent reforms are essential to prevent extinction of Sri Lanka's iconic elephants, vital for biodiversity and cultural heritage Keywords: FFPO Effectiveness, Wild elephant, Sri Lanka FFPO Amendment

Keywords: *FFPO, Wild Elephant Law, Sri Lanka*

PRIVATE LAW

FLOOD DISASTER AND LEGAL PREPAREDNESS: A COMPARATIVE ANALYSIS OF SRI LANKA'S DISASTER MANAGEMENT FRAMEWORK WITH JAPAN

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Sri Lanka has faced increasingly frequent and severe flood disasters in recent years, with catastrophic incidents such as the 2017 and 2025 floods resulting in significant loss of life, widespread property damage, and the displacement of vulnerable communities. These disasters have disrupted livelihoods, affected critical infrastructure, and placed considerable strain on government and humanitarian resources. The recurrence of such events highlights the combined impact of climate change, unsustainable land-use practices, and inadequate urban planning, raising pressing questions about the adequacy of the country's legal and institutional preparedness for flood management. Despite the existence of a formal disaster management system, these events continue to disproportionately affect marginalized and vulnerable populations, underscoring gaps in justice, equity, and sustainable development. This study evaluates Sri Lanka's disaster management framework, with particular focus on the Disaster Management Act No. 13 of 2005 and the functional role of the Disaster Management Centre in coordinating prevention, response, and recovery measures. The primary objectives of the research are threefold: to assess the effectiveness of existing legal provisions in addressing flood prevention and mitigation, to identify specific institutional and operational gaps exposed by recent flood events, and to propose a sustainable legal and policy framework that strengthens disaster resilience while ensuring justice and protection for affected communities. Employing a doctrinal legal research methodology, the study analyzes primary sources, including national statutes, regulations, and official policy documents, alongside secondary sources such as academic literature, government reports, and international disaster risk reduction guidelines. The research identifies persistent weaknesses in long-term planning, inter-agency coordination, early warning systems, and proactive preparedness, which often compromise timely response and equitable protection. In addition, challenges in community engagement and accountability mechanisms have limited the effectiveness of disaster interventions. To provide comparative insights, the study draws lessons from Japan's disaster management system, internationally recognized for its comprehensive approach to flood risk reduction. Japan's legal framework emphasizes clearly defined institutional responsibilities, robust early warning mechanisms, community participation, and continuous investment in infrastructure and training. By analyzing Japan's best practices, the research highlights gaps in Sri Lanka's approach, particularly in strategic planning, enforcement of regulations, and integration of community-based preparedness initiatives. The findings underscore the need for targeted reforms in Sri Lanka's disaster management laws and policies, including enhanced legal clarity regarding institutional roles, improved coordination among agencies, mandatory risk assessments, and proactive community engagement strategies. By incorporating lessons from Japan, the study proposes a multi-layered framework that integrates legal, institutional, and community-based measures to promote sustainable flood management. Ultimately, the paper argues that strengthening legal preparedness and institutional accountability is essential for protecting vulnerable populations, reducing the socioeconomic impacts of floods, and supporting long-term sustainable development in Sri Lanka.

Keywords: *Disaster Management; Floods; Institutional Accountability*

THE ABSENCE OF THE INDIGENOUS AND TRIBAL PEOPLE CONVENTION,1989 (NO. 169) RATIFICATION IN SRI LANKA AND ITS IMPLICATIONS FOR THE RIGHTS, CULTURE, AND LIVELIHOOD OF THE SRI LANKAN VEDDA COMMUNITY

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Sri Lankan Indigenous people, historically referred to as 'Veddas' or 'forest dwellers', possess a history spanning over forty thousand years, with origins that can be traced back to the Paleolithic age. However, the forces of modernization, colonization, and external influences have profoundly undermined the rights, cultural heritage, and traditional livelihoods of these indigenous communities, leaving them in continuous struggle to preserve their identity as the native people of Sri Lanka. The non-ratification of the ILO Convention No.169 by Sri Lanka, a landmark international legal framework designed to safeguard the rights of indigenous communities worldwide, has further exacerbated this situation. The absence of a dedicated domestic legal foundation to incorporate and enforce this convention has significantly weakened the ability of the Veddas to assert and protect their rights effectively. The objective of this research is to provide a comprehensive examination of the implications arising from the non-ratification of this pivotal treaty on the lives of the Veddas. Through a detailed exploration of numerous instances in which these people have faced systemic challenges, the research seeks to illustrate the tangible consequences of the convention's absence in domestic legal frameworks. The Veddas have been dwelling in the tropical dry monsoon forests of Uva, Eastern, Sabaragamuwa, and North Central provinces. From the post-colonial era, the Vedda community has been continuously facing socio-economic marginalization and exclusion from policy formulation by the governments. As a state with a prolonged history of the existence of the Vedda community, there is an absence of a domestic constitutional mechanism to ensure the protection of the rights of the Vedda Community. Development programs such as the Gal Oya and Mahaweli development programs have forced the Veddas to relocate or resettle, leaving their native lands and cultural roots behind. The Research aims to profoundly explore how the non-ratification of the ILO Convention No. 169 contributes to relegating the land rights of the Vedda community and socio-economic marginalization and exclusion, and to identify that the ratification of the ILO Convention No. 169 would create a sustainable path for the legal and political security of the rights of the Vedda Community. Therefore, this study responds to the question of how Sri Lanka's non-ratification of ILO Convention No.169 affects the legal recognition and protection of the land rights, cultural practices, and livelihood systems of the Vedda Community. This study adopts a qualitative doctrinal legal research methodology primarily based on domestic secondary sources, supported by the method of comparative and systematic analysis of interpretation of legal texts, and comparison between international and domestic legal instruments. The utilized sources include the Constitution of Sri Lanka, land-related legislations such as the Crown Lands Ordinance, Forest Ordinance, Land Development Ordinance, and Fauna and Flora Protection Ordinance. Moreover, government policies related to the protection of the Vedda community in Sri Lanka and Sri Lankan case laws regarding the land and cultural rights of the Vedda Community will be analyzed. Finally, this research contributes to the advancement of the rights of the Veddas and the promotion of a sustainable future by highlighting the significance of Sri Lanka's ratification of ILO Convention No.169.

KEYWORDS: *Veddas, Indigenous Communities, Sustainability*

THE RELEVANCE OF THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES TO SRI LANKA'S DOMESTIC LEGAL FRAMEWORK.

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The rights of indigenous peoples have become an important issue in international law in recent years. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is one of the main international documents that recognises and protects the rights of indigenous peoples. It includes important principles such as equality, protection of culture and traditions, rights to land and resources, and participation in decision-making. Although these standards exist at the international level, many countries still face difficulties in applying them within their domestic legal systems. This situation can also be seen in Sri Lanka. Sri Lanka has an indigenous community known as the Vedda community. This community has its own traditional lifestyle, culture and a strong relationship with forests and natural resources. However, the legal protection given to indigenous peoples in Sri Lanka is limited. Sri Lankan law does not clearly recognise indigenous peoples as a separate legal category and there are no specific laws that directly address their rights. Instead, the protection available to them mainly comes from general constitutional rights and certain laws related to land, forests and environmental protection. Because of this situation, there is a question about whether the existing legal framework in Sri Lanka provides adequate protection for indigenous peoples according to international standards. This research therefore examines the relevance of UNDRIP to Sri Lanka's domestic legal framework. The study first identifies the main rights and principles recognised under UNDRIP, including rights relating to cultural identity, equality, land and resources, and participation in decision-making processes. The research then examines the current constitutional and statutory legal provisions in Sri Lanka that affect indigenous peoples, particularly laws related to land ownership, environmental protection, and fundamental rights. Through this analysis, the research trying to assess the extent to which Sri Lanka's domestic legal framework reflects the standards set out in UNDRIP. Another important aim of this study is to identify the gaps between the principles of UNDRIP and the legal protections currently available in Sri Lanka. By identifying these gaps, the research hopes to highlight areas where the protection of indigenous peoples may need improvement. This research mainly uses a doctrinal legal research method and analyses international documents, national legislation, and academic writings related to indigenous peoples and their rights. Overall, this study aims to evaluate how relevant UNDRIP is to Sri Lanka and whether the country's legal framework adequately protects indigenous peoples according to international standards, while contributing to the discussion on improving the legal protection of indigenous communities in Sri Lanka.

Keywords: *Vedda community, UNDRIP, Human Rights*

ENHANCING CHILD ABUSE LAWS IN SRI LANKA: A COMPARATIVE ANALYSIS WITH THE UNITED KINGDOM ON PRIVACY SAFEGUARDS IN CHILD WITNESS EVIDENCE

Jeny Anthony, NSBM Green University

Child abuse remains a critical legal, social, and psychological concern in Sri Lanka, demanding a justice system capable of safeguarding children not only from perpetrators but also from the traumatizing nature of legal proceedings. Although Sri Lanka has introduced several child-sensitive reforms most notably the Evidence (Special Provisions) Act No. 32 of 1999, the Children and Young Persons Ordinance, and the Victims of Crime and Witnesses Protection Act gaps in implementation and consistency remain evident. Section 163A of the Evidence Ordinance permits video-recorded interviews to avoid repetitive testimony, while courtroom-clearing provisions and anonymity safeguards aim to protect a child's dignity and privacy. Recent infrastructural improvements, such as the introduction of child-friendly witness rooms equipped with audio-visual technology, demonstrate progress; however, their limited availability perpetuates unequal access. Case law, including CA/HCC/0046/22 and Perera v Attorney General, highlights ongoing judicial inconsistencies in applying child-sensitive procedures, revealing weaknesses in operational practice. In contrast, the United Kingdom has developed a comprehensive and mandatory framework through the Youth Justice and Criminal Evidence Act 1999 (YJCEA) and the Achieving Best Evidence (ABE) Guidelines. Under these safeguards, all child witnesses under eighteen automatically qualify for "special measures," including screens, live video links, pre-recorded evidence-in-chief, and pre-recorded cross-examination. Judicial decisions such as R (D) v Camberwell Green Youth Court, R v Barker, and R v Lubemba reaffirm the legal duty to ensure that procedure adapts to the child never the reverse requiring trauma-informed interviewing, simplified questioning, and proactive judicial management. This integrated system ensures a predictable, structured, and child-centred approach throughout all stages of legal proceedings. A comparative analysis demonstrates that Sri Lanka's framework, while conceptually aligned with international best practices and the UN Convention on the Rights of the Child, lacks the enforceable, standardised protections found in the UK model. Sri Lanka's legislative provisions are fragmented across statutes and remain heavily dependent on judicial discretion, resource availability, and ad hoc institutional coordination. The absence of pre-recorded cross-examination procedures, intermediaries, mandatory ground rules hearings, and nationally uniform interviewing standards contributes to secondary victimisation, delays, and diminished evidentiary quality. To strengthen its child-protection framework, Sri Lanka would benefit from adopting UK-inspired reforms: automatic eligibility for special measures, statutory anonymity, nationwide implementation of child-friendly infrastructure, and a binding procedural code equivalent to ABE guidelines. This research concludes that while Sri Lanka's legislative foundation reflects a commitment to child-sensitive justice, systemic, procedural, and infrastructural reforms are urgently needed. Aligning Sri Lanka's framework with established UK models would significantly reduce trauma, preserve child witness reliability, and create a justice process anchored in dignity, protection, and psychological wellbeing. A more unified and mandatory system of child-witness protections would mark a critical step toward realising the best interests of the child within Sri Lanka's legal system.

Keywords: *Child Abuse, Child-Friendly Justice, Child Witness Privacy*

THE IMPACT OF COURT DELAYS ON CHILD CUSTODY CASES IN SRI LANKA

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Child custody disputes are among the most sensitive and complex matters handled by courts because they directly affect the welfare, stability, and long-term development of children. In Sri Lanka, issues relating to the custody, care, and control of children are generally determined by the District Courts under the general civil jurisdiction rather than through specialized family courts. Although the legal framework governing child custody emphasizes the principle of the best interests of the child as the paramount consideration, the practical functioning of the judicial system often undermines this objective due to significant delays in court proceedings. The Sri Lankan judiciary has long been confronted with structural challenges such as a heavy backlog of pending cases, shortage of judicial officers, procedural inefficiencies, frequent adjournments, and inadequate court infrastructure. As a result, many custody disputes remain unresolved for extended periods, sometimes lasting several years before reaching a final determination. These delays can have serious consequences for children who are already experiencing the emotional impact of parental separation or conflict. Prolonged litigation may lead to psychological stress, uncertainty regarding living arrangements, disruption of education and social relationships, and exposure to ongoing parental disputes. In addition, the extended duration of custody cases may intensify conflicts between parents and increase financial and emotional burdens on families. The absence of specialized family courts and limited availability of child-friendly judicial procedures further contributes to the inefficiency of the system, making it difficult to ensure that children's interests are adequately protected during legal proceedings. Therefore, the issue of court delays in custody disputes raises important concerns regarding access to justice, protection of children's rights, and the effectiveness of the family justice system in Sri Lanka. This study critically examines the impact of court delays on child custody cases in Sri Lanka by identifying the key institutional and procedural factors that contribute to such delays. The research also evaluates how these delays affect the well-being of children and the functioning of family relationships. Furthermore, the study explores potential reforms that may improve the efficiency of the judicial process, including the establishment of specialized family courts, strengthening mediation and alternative dispute resolution mechanisms, introducing child-friendly court procedures, and improving judicial resources and administrative efficiency. By analyzing these issues, the study aims to highlight the urgent need for legal and institutional reforms that can ensure timely resolution of custody disputes while safeguarding the rights, welfare, and best interests of children involved in such proceedings.

Keywords: *Child Custody, Court Delays, Family Justice, Sri Lanka, Child Welfare*

SECTION 27 OF THE EVIDENCE ORDINANCE AND THE SAFETY OF ACCUSED PERSONS IN POLICE CUSTODY

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Section 27 of the Evidence Ordinance No. 14 of 1895 creates an important exception to the general rule that confessions made by accused persons in police custody cannot be used in court. Under this provision, information given by a suspect can be admitted as evidence if it directly leads to the discovery of a fact or object relevant to an investigation. While this rule helps law enforcement recover crucial evidence and supports criminal investigations, it also raises serious concerns about the safety and legal protection of the accused. In practice, suspects who assist the police may face real dangers, including injury or even death, during recovery operations carried out under police supervision. High-profile cases in Sri Lanka, such as the deaths of Makandure Madush, Kosgoda Tharaka, and Uru Juwa, highlight the risks that cooperating suspects can face. Reports from the Human Rights Commission of Sri Lanka further point to ongoing issues, including custodial deaths, torture, and the lack of independent oversight in such operations. Moreover, political influence appears to play a role in some cases, with allegations suggesting that suspects involved in sensitive investigations may be deliberately placed in high-risk situations to prevent them from revealing information about criminal networks or politically connected individuals. This paper examines the legal protections offered under Sections 24, 25, and 26 of the Evidence Ordinance, evaluates how Section 27 is applied in practice, and explores the gap between allowing evidence and ensuring the safety of accused persons. By analyzing statutes, case law, official reports, and documented real-world incidents, the study highlights the urgent need for stronger judicial supervision, clear procedural guidelines, independent monitoring, and effective witness protection mechanisms. Suggested reforms include requiring independent witnesses during recovery operations, video-recording all such procedures, and obtaining judicial authorization for high-risk operations. These measures aim to strike a balance between effective law enforcement and the protection of fundamental human rights. In conclusion, while Section 27 plays a valuable role in investigations, this study emphasizes that additional safeguards are necessary to ensure that cooperation by suspects does not put their lives or safety at risk, thereby maintaining both justice and public trust in the legal system.

Keywords: *Section 27, Evidence Ordinance, Custodial Protection*

EVALUATING THE EFFICACY OF LEGAL REPRESENTATION FOR MINORS IN SRI LANKAN CUSTODY DISPUTES

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The principle of the best interests of the child, enshrined in the United Nations Convention on the Rights of the Child, remains the cornerstone of modern child-friendly justice. Yet its practical application within Sri Lanka's custody dispute framework reveals a profound Procedural Reality Gap. This article evaluates the efficacy of legal representation for minors in Sri Lankan custody proceedings, arguing that the current framework systemically silences the child's independent voice within an adversarial legal structure. Through a comparative analysis of domestic case law, international benchmarks, and foreign jurisdictions including the United Kingdom, the United States, and India, the article demonstrates that Sri Lanka's reliance on state probation mechanisms rather than independent legal advocacy fails to satisfy UNCRC obligations, perpetuates the psychological victimization of minors, and privileges parental rights over the child's autonomous interests. It argues that this failure is structural rather than incidental, rooted in a colonial legal inheritance that historically conceptualized children as legal disables1 rather than independent rights-holders, and proposes targeted legislative and institutional reforms including the statutory appointment of a Guardian ad Litem to bridge the gap between Sri Lanka's international commitments and its domestic legal reality.

Keywords: *Minors, Legal Representation, Custody Disputes*

PUBLIC LAW

CLIMATE LITIGATION AS A TOOL FOR ADVANCING CLIMATE JUSTICE:AN ANALYSIS OF THE URGENDA CASE

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Climate change has impacted massively, which is not only an environmental concern but also a matter of legal accountability and human rights protection. Climate litigation has evolved to keep state responsibility while government struggles to meet emission reduction commitments. One of the important cases is Urgenda Foundation v State of the Netherlands revealed that the supreme court Netherlands ordered the Dutch government to minimize the emission of greenhouse gas in line with its international obligations. This case created an important turning point in climate jurisprudence by identifying climate change as a human rights issue and affirming judicial intervention as a legitimate tool for advancing climate justice. The research problem addressed in this study concerns whether climate litigation can effectively promote climate justice by holding states legally accountable for inadequate climate action. The International agreements such as Paris agreement establish global commitments, enforcement mechanism remain weak. This raises the question of whether domestic courts can bridge this accountability gap through rights based judicial review. The primary objective is to evaluate the role of climate litigation as a tool for advancing climate justice through an analysis of the Urgenda decision. Specifically, the study aims to assess how human rights principles were integrated into climate obligations, examine legal reasoning adopted by the Dutch Supreme Court and analyze the broader implications of the case for global climate accountability and sustainability governance. This research adopts a doctrinal legal methodology. It analyzes judicial reasoning in the Urgenda case alongside relevant international legal instruments, including the Paris agreement and the United Nations Framework Convention on Climate change. The Urgenda decision represents a transformative development in climate justice by establishing that governments may be legally compelled to adopt more ambitious climate policies when existing measures are insufficient measures to protect fundamental rights. Climate litigation, as demonstrated by the Urgenda Case, has the potential to function as a meaningful instrument of climate justice by enhancing state accountability and reinforcing rights-based climate governance. While not a substitute for political action, judicial intervention can play a critical role complementary role in ensuring that sustainability commitments translate into concrete legal obligations. The case provides a model for future climate accountability efforts in the pursuit of global environmental justice.

Keywords: *Climate Litigation, Climate Justice, State Accountability*

SELECTIVE ENFORCEMENT OF THE UN CHARTER: HUMANITARIAN INTERVENTION AND THE NON-INTERFERENCE PRINCIPLE

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The prohibition of the use of force under Article 2(4) of the United Nations Charter remains the cornerstone of the post-1945 international legal order. Yet the evolution of humanitarian intervention and the Responsibility to Protect (R2P) has complicated the relationship between sovereignty, non-intervention, and prevention of atrocity. This article examines how selective enforcement particularly within the United Nations Security Council undermines the legitimacy of humanitarian intervention. Through a comparative analysis of Kosovo, Libya, Syria, Venezuela and Gaza the article demonstrates that inconsistent intervention patterns erode compliance with Article 2(4), fuel perceptions of double standards, and weaken international law's credibility as a constraint on power. It argues that selective enforcement is structural rather than accidental, rooted in geopolitical hierarchies embedded within the collective security system.

Keywords: *Humanitarian Intervention, Non-interference, Responsibility to Protect, State Sovereignty, UN Charter*

PROTECTING LIFE BEYOND BORDERS: A LEGAL ANALYSIS OF THE RIGHT TO LIFE AND DIGNITY OF MIGRANT WORKERS

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This research assesses whether existing legal frameworks are adequate to protect the 'right to life' and the 'dignity' of migrant workers while analyzing their contribution to sustainable community and social justice. International labour migration is a critical global trend in recent history, as millions of individuals from their native countries are seeking exceptional job opportunities and living standards. Migrant workers play a crucial role in sustaining the economy of the countries, particularly in the Gulf Cooperation Council (GCC) countries, with their immense labour force. Labour migration is not an issue constrained to the Asian population, as many around the world are exposed to migration issues. Despite their assistance for a sustainable society, they remain invisible, leading authorities to neglect their rights and forcing them to endure harsh working conditions, abuse, restricted mobility and limited access to justice. In spite of the intellectual and technological advancement of nations, certain countries enforce a rigid immigration regime, making many immigrants vulnerable to exploitation. Although the migration issue has not been directly imposed in Sustainable Development Goals (SDG) established by United Nation, ineffective legal framework for migrants hinders from achieving the SDGs. The unavailability of proper global immigrant worker's statistics depicts that weak governance of migration issues are not unintentional, portraying how the ineffective statutory framework leads to limited access to justice and undermine of achieving a sustainable community. The study examines the scope of the right to life and the dignity of migrant workers, evaluates the adequacy of the domestic legal framework and assesses the existing enforcement of protecting migrant workers' rights. The study adopts a doctrinal research methodology, as it delves into Sri Lankan migrant Acts, the Sri Lankan Constitution, ILO Conventions, ILO. Reports and scholarly articles. Eventually, the research concludes by highlighting structural weaknesses in the current legal system and emphasizes the need of reforms to protect migrant rights and promote sustainable social justice.

Key words: *Migrant Workers, Sustainability, Right to Life, Dignity*

MONISM AND DUALISM: A CRITICAL ANALYSIS OF THE RECEPTION OF INTERNATIONAL LAW UNDER THE SRI LANKAN CONSTITUTION

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This study examines the reception of international law under the Sri Lankan Constitution, focusing on the tension between its formal dualist structure and inconsistent judicial practice. Although the Constitution requires legislative incorporation for treaties to have domestic effect, courts have selectively relied on international norms in constitutional interpretation. This unpredictability creates uncertainty regarding the enforceability of international human rights obligations and risks weakening legal certainty and rights protection. The study argues that Sri Lanka does not presently operate as a coherent hybrid system and proposes structured constitutional reform whereby ratified human rights treaties acquire direct effect subject to prior parliamentary approval.

Keywords: *Monism, Dualism, International Law, Sri Lankan Constitution*

ARMED CONFLICT AND GLOBAL ENERGY DISRUPTION: JUSTICE AND SUSTAINABILITY IN AN INTERCONNECTED WORLD

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This study examines the impact of modern armed conflicts on global energy disruptions and the extent to which international law responds to the challenges of justice and sustainability. Contemporary wars, particularly the Russia–Ukraine conflict, affect not only the countries directly involved but also disrupt global energy supply chains and international shipping networks. Damage to ports, maritime insecurity, sanctions, and blockades can interrupt the transportation of coal, natural gas, and petroleum products, creating shortages in energy-importing countries and increasing global energy prices (IEA 2022; UNCTAD 2022). Consequently, countries geographically distant from conflict zones may experience significant economic and energy-related consequences. These disruptions generate economic instability and threaten sustainable development in both belligerent and non-belligerent states. Countries such as Germany, Japan, and Sri Lanka demonstrate how energy-import-dependent economies may face fuel shortages, rising electricity costs, and pressure on domestic energy systems despite not being directly involved in the conflict. The indirect consequences of war therefore raise important concerns regarding fairness and justice within the international legal order, suggesting that belligerent states should bear greater responsibility for the wider global effects of their actions (ICRC 2023). The aim of this research is to examine how international law addresses global challenges caused by armed conflicts, particularly disruptions to energy supply chains and the economic consequences experienced by non-belligerent states. The study evaluates whether existing legal frameworks effectively promote justice and sustainability while identifying areas where legal responses remain inadequate. The research is guided by three central questions: how armed conflicts affect the supply of gas, fuel, and other energy resources in countries not directly involved in the conflict; what international legal mechanisms exist to manage the impact of war on energy supply, trade, and economic stability; and how effectively these legal frameworks protect affected states while promoting fairness and sustainable development. Methodologically, the study adopts a doctrinal and analytical approach. Doctrinal analysis examines primary legal sources, including international conventions, the United Nations Charter, relevant World Trade Organization agreements, the United Nations Convention on the Law of the Sea (UNCLOS), and principles of International Humanitarian Law. The analytical component evaluates the effectiveness of these frameworks in addressing real-world disruptions to global energy systems. The study argues that although international law recognizes civilian protection and sustainability in principle, its response to the indirect economic consequences of war remains limited. Existing frameworks regulate hostilities but insufficiently address disruptions to global energy markets or the vulnerabilities of non-belligerent states, revealing significant gaps that require stronger legal mechanisms for accountability and energy security.

Keywords: *Armed conflict, Energy supply disruption, Non-Belligerent States*

DOES DIPLOMATIC IMMUNITY PRECLUDE LEGAL LIABILITY? A CRITICAL EXAMINATION OF VIOLENCE AGAINST CHILDREN PERPETRATED BY THOSE VESTED WITH DIPLOMATIC IMMUNITY

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Diplomatic immunity, as codified in the Vienna Convention on Diplomatic Relations (VCDR), remains a cornerstone of international law, justified by the principle of functional necessity to ensure the effective conduct of diplomatic relations. However, its expansive protections, particularly immunity from criminal jurisdiction and the extension of privileges to family members have generated increasing concern where serious human rights violations are alleged. This tension becomes especially acute in cases involving violence against children, where the immunity framework intersects, and often conflicts, with the obligations imposed by the Convention on the Rights of the Child (CRC), which requires states to prioritise the protection and best interests of the child. This paper argues that the existing legal framework does not merely create theoretical inconsistencies but produces tangible accountability failures in practice. Recent incidents highlight this concern. Notably, the 2025 case involving the son of a Kenyan diplomat in New Delhi, accused of sexually assaulting a five-year-old child, demonstrates how Article 37 of the VCDR can effectively bar host-state jurisdiction, despite the existence of stringent domestic child protection laws. In such instances, legal enforcement is rendered dependent on the discretionary waiver of immunity by the sending state which is an outcome that is neither guaranteed nor subject to consistent standards. The earlier case of Gueorgui Makharadze further illustrates this structural flaw, where accountability was achieved only through voluntary waiver, underscoring the absence of any enforceable obligation to ensure prosecution. By contrast, the CRC establishes a rights-based framework that imposes positive obligations on states to prevent, investigate, and remedy violations of children's rights, including protection from sexual abuse and exploitation. The coexistence of these regimes reveals a fundamental normative imbalance: while diplomatic immunity operates as a near-absolute procedural bar, child protection obligations lack equivalent mechanisms of enforcement when confronted with jurisdictional limitations. As a result, children within the receiving state may be left without effective legal remedies, exposing a critical gap between formal legal commitments and their practical realization. Adopting a doctrinal methodology, this study critically analyses the relevant provisions of VCDR and CRC, supported by case studies and scholarly commentary, to assess whether international law adequately reconciles diplomatic privilege with the imperative of child protection. It contends that the current framework disproportionately favours diplomatic immunity at the expense of accountability, thereby enabling conditions in which impunity may persist in cases involving vulnerable victims. The paper concludes that incremental interpretative approaches are insufficient to address this imbalance. Instead, it calls for a recalibration of the legal framework through a presumption in favour of immunity waivers in cases of serious harm to children, strengthened obligations on sending states to prosecute, and a more integrated approach to treaty interpretation that gives substantive weight to human rights norms. Without such reforms, diplomatic immunity risks functioning not as a tool of international cooperation, but as a shield against justice in cases where protection is most urgently required.

Keywords: *Diplomatic Immunity, Child Protection*

GENDER IDENTITY RECOGNITION AND COMPETITIVE FAIRNESS IN WOMEN'S SPORT: A LEGAL ANALYSIS

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Due to the physiological differences between women and men that affect physical performance, women's sports have historically been organized around sex-based classifications to assure fairness, safety and equal opportunity for female athletes. However, there has been much discussion about eligibility requirements in women's competitive sport due to the growing legal acceptance of gender identity under national and international human rights frameworks. Through the concepts of equality and non-discrimination principles a large portion of the current legal and social conversation has prioritized the inclusion of transgender women in women's sport, mainly focusing on gender identity rights. However, the possible result of such inclusion for the defence of sex-based rights while maintaining the competitive fairness for female athletes have received relatively little consideration. This gap shows the difficult legal issues on how equality law should balance conflicting rights claims in the context of sports. Therefore, this study aims to study how the protection of sex-based rights and competitive fairness under equality and non-discrimination law are impacted by the legal recognition and inclusion of transgender women in women's competitive sport. This study uses a doctrinal legal research technique, which includes analysis of main legal sources such as statutory frameworks, international human rights instruments, constitutional provisions and case law. In addition, this research incorporates the perspective review of established biological and medical literature on sex-based physiological differences relevant to athletic performance. This material is used only to contextualise legal arguments relating to fairness and does not involve independent scientific or empirical inquiry. Secondary sources including academic commentary and policy documents are also examined to support the analysis. The research argues that while equality and non-discrimination law increasingly recognises gender identity, it does not seek absolute inclusion in all contexts. Instead, it permits distinctions where they pursue a legitimate aim that is proportionate. Within women's sport, the protection of competitive fairness may establish an important legitimate aim. Accordingly, this study concludes that legal frameworks must adopt a balanced approach that recognises gender identity while also safeguarding sex-based rights ensuring that policies around participation in women's sport remain both fair and legally justifiable.

Keywords: *Gender Identity Recognition, Sex-Based Rights, Competitive Fairness*

BRIDGING THE GAP: A COMPARATIVE ANALYSIS OF FEMICIDE LAWS IN MEXICO WITH HUMAN RIGHTS STANDARDS

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Femicide is the killing of women and girls because of their gender, is consider as an extreme forms of gender-based violence and a serious violation of human rights. In recent decades the international community has increasingly treated femicide as a distinct issue linked to structural gender inequality, discrimination and repeated failures by states to protect women. Because of this, some countries have introduced laws that specifically address femicide instead of relying only on general homicide offences. Mexico is often described as a key example, as it has created an clear legal definition of femicide, specific criminal provisions and institutional measures aimed at responding to gender related killings. However, ongoing concerns remain about how effective these laws are in practice and whether they fully reflect international human rights standards. This study addresses the problem that Mexico's femicide laws, although advanced compared to many national systems, may not fully meet international human rights obligations. The concern is not only whether femicide is criminalized, but whether the legal framework matches international expectations on state responsibility, prevention, accountability and protection of women's rights. These expectations are reflected in instruments such as the Convention on the elimination of all forms of discrimination against women (CEDAW), the international covenant on civil and political rights (ICCPR), the Belém Do Pará Convention and the guidance of international monitoring bodies. The study is based on the view that strong criminal laws alone may not be enough to address the deeper structural and systemic causes of femicide. The main aim of the research is to critically analyze Mexico's femicide laws against international human rights standards. It will examine how femicide is defined in Mexican law, assess the key legislative and penal provisions that regulate femicide related offences and evaluate the limit to which these rules align with international norms. The research also aims to identify gaps in Mexico's legal framework that may prevent full alignment with international standards, even where the domestic legal approach appears strong on paper. The research is guided by the main question of where Mexico's femicide laws fall short of meeting international human rights standards. To address this issue, the study examines the legislative frameworks and penal provisions that exist in Mexico to address femicide, compares these national laws with relevant international human rights standards, and identifies the legal gaps that prevent full alignment with those international obligations. Methodologically, the study uses a doctrinal legal approach. It involves close analysis of primary legal materials, including Mexican legislation, international human rights treaties and authoritative interpretations by treaty bodies and international organizations. This is supported by academic literature and policy reports on femicide, gender-based violence and state responsibility. Using this approach, the research aims to show that although Mexico's femicide laws represent important progress, gaps remain when they are measured against international human rights standards. In doing so, this study hopes to clearly identify where Mexican femicide legislation falls short of international obligations, and to highlight the areas where stronger rights-based protection and prevention measures are still needed.

Keywords: *Femicide, Gender-based violence, International human rights*

TECHNOLOGY AND EMERGING LEGAL ISSUES

THE TECHNOLOGY DRIVEN WORKPLACE: LEGAL CHALLENGES AND SUSTAINABLE PROTECTION OF WORKERS' RIGHTS IN THE DIGITAL ERA

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Technological development has significantly transformed modern workplace environments, giving rise to what is widely described as the technology driven workplace. Since the 1990s, organizations across various sectors have increasingly adopted digital technologies, automation, artificial intelligence, and data driven management systems to enhance efficiency and competitiveness. These technological developments have created new opportunities for economic growth, global connectivity, and flexible working arrangements. However, the rapid integration of digital technologies into employment practices has also generated complex legal and ethical challenges relating to workers' rights, privacy, equality, and job security. In particular, the expansion of workplace surveillance technologies, algorithmic decision-making systems, and digital labour platforms has raised concerns regarding the adequacy of existing labour law frameworks. Employers now possess advanced technological tools that allow them to monitor employee activities, analyse productivity, and make employment decisions based on automated systems. While these tools may improve organizational efficiency, they may also threaten employee privacy and autonomy if used without appropriate legal safeguards. Similarly, the growth of gig and platform-based employment has blurred the boundaries of traditional employment relationships, often leaving workers outside conventional labour protections. This research examines the legal challenges arising from the expansion of technology driven workplaces and evaluates how existing labour law frameworks respond to these emerging issues. The study adopts doctrinal legal research methodology, analysing international labour standards, academic literature, and regulatory approaches relating to digital labour governance. Attention is given to issues such as employee monitoring technologies, artificial intelligence in recruitment and performance management, and the employment status of gig workers. The research further explores the importance of sustainable labour governance in the context of technological transformation. Sustainable legal frameworks must balance technological innovation with the protection of fundamental labour rights, ensuring that economic progress does not undermine fairness, dignity, and equality in employment relationships. The findings suggest that although current labour regulations provide certain protection, they often struggle to keep pace with rapid technological change. Consequently, updated regulatory frameworks, stronger data protection mechanisms, and clearer accountability standards are necessary to ensure the sustainable protection of workers' rights in the digital era.

Keywords: *Technology Driven Workplace, Labour Law, Workers' Rights*

ONLINE HARASSMENT AND DIGITAL GENDER-BASED VIOLENCE: WAY FORWARD FOR A MODERN LEGAL FRAMEWORK

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The growth of digital platforms has created both positive and negative impacts on all the genders across all age groups globally. Women, men and gender-diverse persons experience different kinds of online harassments including cyberstalking, non-consensual image sharing, hate speech, impersonation, trafficking of women, disclosing private information, trolling, unauthorized access to information or devices and digital sexual violence are some examples of Technology-facilitated gender-based violence (TFGBV). Despite widespread and growing prevalence, jurisdiction over online harms remain fragmented, reactive, and slow. This legal gap remarkably affects victims across genders, resulting in negative impact on psychological and physical health, lifestyles, safety and reputation. When legal frameworks lag behind technological innovation, both justice and the sustainability of legal protection are fundamentally compromised which undermines both justice and the sustainability of legal system. This study aims to explores how comparative insights from the United Kingdom may inform the development of a modern and sustainable legal framework. The study addresses the to what extent does the existing legal framework in Sri Lanka effectively address online harassment and digital gender-based violence and how does the United Kingdom's legal framework regulate online harassment compared to Sri Lanka. These questions aim to identify both strengths and weakness within existing legal responses and to assess the effectiveness of legal protection in a digitally connected world. This research approaches a doctrinal methodology, analyzing legislation and regulatory frameworks governing online harassment and digital gender-based violence. Comparative approach assesses the efficiency of legal responses to digital harm by integrating viewpoints from Sri Lanka and United Kingdom. This paper evaluates existing legal mechanisms on online abuse, identifying gaps and limitations with aiming to assist in reforms and developing responsive, practical and sustainable regulatory frameworks.

Keywords: *Online Harassment; Digital Gender-Based Violence; Sustainable Justice*

DISPLACED BY CLIMATE, UNPROTECTED BY LAW? AN ANALYSIS OF JUSTICE AND SUSTAINABILITY IN SOUTH ASIA'S LEGAL FRAMEWORK

Udani Madugalla, Sathiyamoorthy Swetha, Weerasekara Wasala Mudiyanselage Nethmi Tharuka Kumari Weerasekara

General Sir John Kotelawala Defence University

Climate change has emerged as a serious global challenge, with South Asia recognized as one of the most climate vulnerable regions in the world. Countries in this region are increasingly affected by sea level rise, cyclones, floods, droughts, landslides and other extreme weather conditions. These impacts place additional pressure on fragile ecosystems, dense populations and existing socio-economic inequalities. Global projections suggest that by 2050, up to 200 million people may be displaced due to climate related causes. This highlights the urgent need for justice oriented and sustainable legal responses to climate-induced displacement. Despite the growing scale of climate related displacement, affected populations remain inadequately protected under existing international and domestic legal frameworks. Individuals displaced due to climate change face significant legal uncertainties. The 1951 Refugee Convention and its 1967 Protocol provide protection only to persons fleeing persecution on limited grounds and do not recognize displacement caused by environmental degradation or climate disasters. Although international human rights law offers certain basic protection, it does not establish a specific legal status for climate displaced persons. As a result, protection mechanisms remain fragmented and inconsistent, leaving climate migrants with insecure legal status and limited long-term solutions. This research examines whether existing international refugee and human rights frameworks are sufficient to address the protection needs of persons displaced by climate change, with specific reference to South Asia. It focuses on identifying legal, institutional and policy gaps in national displacement regimes with an emphasis on human rights protection. Using a qualitative legal research methodology, the study undertakes a substantive and content-based analysis of key international legal instruments, including the International Covenant on Civil and Political Rights, the 1951 Refugee Convention and the Paris Agreement. It also analyses national legislation, disaster management laws and relevant judicial responses in selected South Asian countries to assess institutional preparedness and the practical implementation of rights-based protections. Further, the study situates climate induced displacement within the historical and socio-political context of migration in South Asia, highlighting the influence of colonial legacies, development models and governance structures. The study argues that the absence of a coherent and binding legal framework to address climate induced displacement undermines climate justice and the achievement of the Sustainable Development Goals.

Keywords: *Climate Induced Displacement, Climate Justice, Sustainability*

GLOBAL WARMING AND CLIMATE JUSTICE: LEGAL RESPONSES TO UNEQUAL ENVIRONMENTAL BURDENS

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Global warming imposes disproportionate environmental costs on vulnerable nations and communities, despite their minimal contributions to emissions, raising fundamental concerns on climate justice. Legal responses through international and domestic litigation seek to achieve accountability and equitable remedies. Global warming, caused by anthropogenic greenhouse gas emissions, exacerbates global inequalities as developing countries and marginalized communities suffer severe impacts like sea-level rise and extreme weather, while high-emitting industrialized nations hold even a historical responsibility. Climate justice frames this imbalance, advocating for differentiated responsibilities under principles like, Common But Differentiated Responsibilities (CBDR) from the UNFCCC and Paris Agreement. Landmark cases are there to illustrate growing judicial intervention to address these issues. This research aims to assess objectives like legal frameworks addressing unequal climate burdens, evaluate efficacy of judicial responses, and suggest enhancements for equitable justice. It seeks to spotlight how courts enforce state and corporate duties during global warming. Ultimately, it contributes to jurisprudence on climate accountability and justice for vulnerable populations around the world. Unequal environmental burdens continue due to insufficient legal enforcement against high pollutant emitters, weak international obligations, and challenges in attributing climatic crisis. Domestic and international courts experience barriers like sovereignty and causation, limiting reparative justice for affected Global nations. This study aims to examine three central questions, such as, how do international legal principles like CBDR support claims for climate justice in litigation, what role key cases have played in mandating emission reductions to alleviate unequal burdens, can judicial remedies effectively bridge gaps in multilateral climate agreements. Doctrinal and comparative legal methodologies are incorporated to evaluate the adequacy of current legal instruments and to explore other related challenges. The study proposes legal and policy developments to address the fundamental concerns on climate justice for vulnerable communities.

Keywords: *Global Warming, Climate Justice, Environmental Litigation*

ADMISSIBILITY OF DIGITAL EVIDENCE IN 21ST CENTURY

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The rapid development of digital technology has significantly transformed the nature of evidence presented before courts. In Sri Lanka, electronic materials such as emails, mobile phone records, CCTV footage, and social media communications are increasingly relied upon in both civil and criminal proceedings. This research examines the admissibility of digital evidence in the present context with specific reference to civil litigation under the Sri Lankan legal system. This study aims to analyses judicial interpretation relating to admissibility of digital evidence as well as to critically analyses the weaknesses and practical challenges within the current legal framework and to suggest recommendations for improving legal standards concerning digital evidence, in the interest of all stakeholders. It seeks to answer four key questions based on the current legal framework governing digital evidence, the manner in which courts assess its reliability, the practical and legal challenges faced in its use, and whether existing laws are adequate to address technological advancements. This study adopts a qualitative research methodology and is primarily doctrinal in nature. It analyses black letter law, including statutory provisions and judicial decisions relating to digital evidence. Through an examination of relevant legislation and case law, the research evaluates how principles such as authenticity, reliability, and chain of custody are applied in practice. The findings indicate that while Sri Lanka has enacted legislative provisions to recognize electronic evidence, certain ambiguities and practical difficulties remain. Courts often face challenges relating to technical expertise, proper authentication, and evolving forms of digital data. The research concludes as per the research done so far that although the current framework provides a foundation for admitting digital evidence, legal reforms and clearer procedural guidelines are necessary to address modern technological developments effectively and to ensure fairness in the administration of justice.

Keywords: *Admissibility, Digital Evidence, Sri Lanka*

SOCIAL MEDIA REGULATION AS A TOOL FOR JUSTICE AND SUSTAINABILITY

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Social media platforms have transformed communication, access to information, and engagement in social, political, and economic activities. Platforms like Facebook, Instagram, Twitter, and YouTube allow individuals and communities to share knowledge, express opinions, and participate in global conversations. They support activism, education, business promotion, and civic engagement, but they also create substantial risks. Misinformation, cyber harassment, hate speech, political manipulation, and privacy violations are widespread, often targeting vulnerable groups such as women, children, and minority communities. The regulation of social media has historically been considered nearly impossible due to concerns over freedom of expression, technological complexity, and the global reach of these platforms. However, recent policy developments, legal frameworks, and international initiatives show that regulation can be practical if approached carefully. This research explores how social media regulation can be designed to achieve justice, protect human rights, and ensure long-term sustainability, while maintaining a balance with freedom of expression.

Keywords: *Social Media Regulation, Justice and Sustainability, Digital Governance*