

ENVIRONMENTAL PROTECTION AS A NEGLECTED ASPECT OF COVID-19 PANDEMIC LAWS: A REVIEW OF SRI LANKAN EXPERIENCE

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Introduction

The global economic fallout of the coronavirus (COVID-19) pandemic is anticipated to be far worse than anything experienced in the recent history. From a range of possible outcomes, developing economies face the most difficult situations, with greater exposure to contractions in world trade, decline in commodity prices, loss of foreign capital inflows, etc. In executing appropriate economic policy responses, developing countries tend to be thinly stretched to provide adequate resources to safeguard public health, job security and limited social security cover. Despite a commendable health policy response, Sri Lanka is one such country, facing the COVID-19 pandemics' economic effect with a public debt ratio of nearly 90% of the GDP and foreign debt settlements averaging USD 4 billion in the next few years.¹ Sri Lanka has leaned heavily on monetary policy interventions, including direct financing of government spending and yield curve control measures to keep borrowing costs down to maintain the economy. In the event of protecting public health and economic aspirations of the people, a country may pay less attention towards the environment. There remains room for Sri Lanka to address environmental concerns, such as COVID-19 health waste dumping, hazardous waste collection and waste management. The resilience and sustainability of that recovery process will depend on efforts to ensure equity concerns on the economy and the environment.

Effects of the Covid-19 pandemic on human life and economy in Sri Lanka

Sri Lanka confirmed its first case of COVID-19 on January 27, 2020; however, the first large outbreak did not occur until mid-March in the same year. The government reacted swiftly by closing the airport and halting all inbound and outbound international travel.² The initial outbreak led to an island-wide lockdown that lasted for a few weeks, and thereafter the restrictions were gradually relaxed.

As a developing country, the risks have spread to every section of our economy and society.

As a result of the COVID-19 pandemic, Sri Lanka faced negative growth in the export sector and it has negatively affected our foreign exchange rates. Table 1 illustrates the negative growth of main export categories in Sri Lanka.

Table 1- Export Income (Selected Sectors)						
	Income in USD million			Growth %		
	2018	2019	2020	2018	2019	2020
Total Export	11,290	11,940	10,077	5	0	(15)
Garments	4,960	5,205	3,939	5	5	(24)
Tea	1,428	1,346	1,240	(7)	(5)	(8)
Tourism	4,831	3,607	957	12	(6)	(74)

Source: Central Bank of Sri Lanka

As demonstrated in Table 1, the COVID-19 pandemic is affecting every aspect of human lives, not only health and well-being but also economic prosperity.

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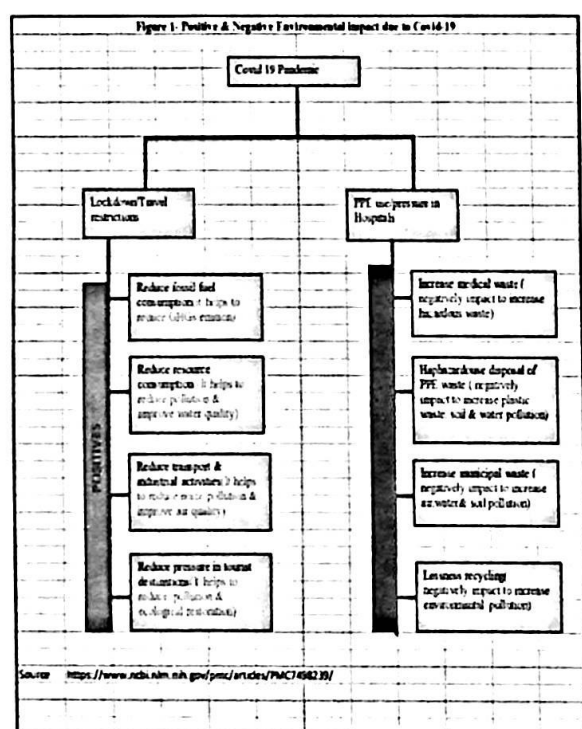
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¹ Dushni Weerakoon, "Impact of the Covid-19 Pandemic on the SDGs in Sri Lanka and the potential for regional cooperation". ESCAP-South & South West Asia Office. August 2021.

² COVID-19, Health Promotion Bureau, Sri Lanka <<https://www.hpb.health.gov.lk/en/covid-19>> (logged on 10th November 2021).

Environmental effect of the Covid-19 pandemic in Sri Lanka

Several studies indicate, that the pandemic has significantly improved air quality in different cities across the world, reduced Green House Gas (GHG) emission, dilute water pollution and noise, and has reduced the pressure on the tourist destinations, which may assist with the restoration of the ecological system.³ In addition, there are also some negative consequences of COVID-19, such as increase of medical waste, haphazard use and disposal of disinfectants, masks, and gloves; and burden of untreated wastes continuously endangering the environment. As it seems, economic activities would return soon after the pandemic; however, the environmental damage of the pandemic would not be easily worn off. Figure 1 shows both positive and negative environmental impacts of COVID-19 pandemic.⁴



In general, a lockdown period can be considered as a pause to the highly evolving world, and

perhaps a resting time for the environment. The shutdown of industrial facilities, power plants, decreased transportation and shipping resulted in decreased levels of environmental pollutants. For example, water pollution is a common phenomenon of developing countries like India, Sri Lanka, and Bangladesh, where domestic and industrial wastes are dumped directly into rivers without treatment.⁵ During the lockdown period, the major industrial sources of pollution have shrunk or completely stopped, which helped to reduce the pollution load. Over the past few years, the tourism sector has witnessed a remarkable growth because of technological advancements and development of transportation networks; which contribute significantly to the global gross domestic product.⁶ It is estimated that the tourism industry is responsible for 8% of global GHG emission.⁷ As indicated in Table 1, Sri Lanka earned foreign gain worth of 4.8 million USD by tourism. Although Sri Lanka is a world renowned tourism hub, there are a lot of weaknesses in the ecotourism practices followed in Sri Lanka. Therefore, it is argued that Sri Lankan tourism industry is also responsible for the GHG emission. However, with the decline in tourism as a result of the COVID-19 pandemic, this rate could be decreased.⁸

However, these positive effects were due to the lockdown imposed, particularly during the initial phase of Covid-19 and these positive impacts were only short-term benefits. As various activities resume to normal levels, these positive environmental effects have started to vanish.⁹

On the other hand, the COVID-19 pandemic has some negative impacts that may continue for long periods. Mass disinfection and worldwide usage of hand sanitizers containing alcohol and

³ Tanjena Rume, S.M. Didar –Ul- Islam “Environmental effects of COVID-19 and potential Strategies of Sustainability” *Heliyon*, 2020 Sep; 6(9): e04965.

⁴ Rume, Tanjena, and S M Didar-Ul Islam. “Environmental effects of COVID-19 pandemic and potential strategies of sustainability.” *Heliyon* vol. 6,9 (2020): e04965. doi:10.1016/j.heliyon.2020.e04965.

⁵ Islam S.M.D., Azam G. Seasonal variation of physicochemical and toxic properties in three major rivers; Shitalakhya, Buriganga, and Turag around Dhaka

city, Bangladesh. *J. Biodivers. Environ. Sci.* 2015;7(3):120–131.

⁶ Lenzen M., Sun Y.Y., Faturay F., Ting Y.P., Geschke A., Malik A. The carbon footprint of global tourism. *Nat. Clim. Change*. 2018; 8:522–528.

⁷ *Supra* note 12

⁸ <https://ourworldindata.org/co2/country/sri-lanka>.

⁹ Amit kumar, Jain Vartika, Ankit Deovanshi “Environmental impact of COVID-19 pandemic: more negatives than positives” *Environmental Sustainability* (2021) 4:447–454.

isopropanol are on the rise.¹⁰ Disinfectants such as sodium hypochlorite, hypochlorous acids and chlorine are used in large quantities in almost all places where there are human habitations. They are rapidly degraded in the presence of organic matter and therefore, do not bio accumulate and persist in the environment. Sodium hypochlorite is used for mopping floors, lobbies, elevators, corridors, offices, rooms, hospitals for killing the virus.¹¹ Since the outbreak of COVID-19, medical waste generation has increased globally, which is a major threat to public health and the environment. For sample collection of the suspected COVID-19 patients, diagnosis, treatment of huge number of patients, and disinfection purpose, lots of infectious and biomedical waste are generated from hospitals.¹² Sri Lanka also faced severe problems in hospital capacity in the third wave of the pandemic. Most of the time, mass media pointed out that the waste management system of hospitals have not been activated properly and it is affecting the environment.

The other major impact is the increase of municipal waste (both organic and inorganic) generation which has direct and indirect effects on the environment like air, water and soil pollution.¹³ Disposal of solid waste has become one of the major environmental issues in Sri Lanka. Dumping of garbage on roadsides, and sensitive areas such as wetlands, marshy lands, reservations have been a common practice adopted by the public. Sri Lanka generates approximately 16000 metric tons of solid waste per day in urban areas which has been increasing over the last two decades.¹⁴ As seen in Table 2, in the COVID-19 pandemic, a Sri Lankan generates an average of 6.1 kilo grams

of waste per day which is far higher than most of the other countries in the world.¹⁵

Table 2- Municipal Solid Waste generation in south Asian countries

Country	MSW Generation Per Capita (kg/capita/day)			
	2017	2018	2019	2020
Sri Lanka	5.1	5.3	5.5	6.1
India	0.34	0.39	0.41	1.2
Pakistan	0.84	1.1	1.1	1.9
Nepal	0.12	0.12	0.13	0.13
Bhutan	1.46	1.52	1.52	1.6
Maldives	2.48	2.51	2.53	2.84

source World Bank 2020

Although there are a few positive impacts of COVID-19 on the environment, these were short-term, induced largely by nation-wide lockdowns. Indeed, the pandemic is expected to pose long-term adverse effects on the environment.

Are Sri Lankan pandemic regulations, human centric or environmentally friendly?

In order to bring Sri Lanka's COVID-19 pandemic under control, the government of Sri Lanka implemented a set of control strategies including social distancing, quarantine, lockdowns, travel restrictions, and isolation of villages. Many of them are issued under the Quarantine and Prevention of Diseases Ordinance.¹⁶ Further, the Sri Lankan government has issued several gazettes to control the rapid spread of the virus. The first gazette relating to COVID-19 was enforced on 26 March 2020, which was to appoint a Special Presidential Task Force to direct, coordinate, and monitor the delivery of continuous services for the sustenance of overall community life.¹⁷ With the primary objective of controlling the spread of the virus island wide, the government issued several gazettes considering health, medical, economic and social factors.¹⁸

¹⁰ *Supra* note 10.

¹¹ Geller C, Varbanov M, Duval RE (2012) Human coronaviruses: insights into environmental resistance and its influence on the development of new antiseptic strategies. *Viruses* 4(11):3044–3068. doi:https://doi.org/10.3390/v4113044.

¹² Zambrano-Monserrate M.A., Ruanob M.A., Sanchez-Alcalde L. Indirect effects of COVID-19 on the environment. *Sci. Total Environ.* 2020;728:138813.

¹³ Islam S.M.D., Rahman S.H., Hassan M., Azam G. Municipal solid waste management using GIS application in Mirpur area of Dhaka city, Bangladesh. *Pollution.* 2016;2(2):141–15.

¹⁴ Wasantha Athukorala, Muditha Karunaratne "Environmental challenges and the sustainable development goals: A study about the emerging environmental issues in Sri Lanka" *Applied Economics & Business.* 2(2) 38-51.

¹⁵ *Supra* note 19.

¹⁶ Quarantine and Prevention of Diseases Ordinance No3 of 1897.

¹⁷ Extraordinary Gazette No 2168/08 dated 2020/03/26.

¹⁸ Extraordinary Gazette No. 2169/03 dated 02 April 2020, Order under section 22 of the Foreign Exchange Act No 12 of 2017, Extraordinary Gazette No. 2168/06 dated 25 March 2020, Regulations made under sections 2 & 3 of the Quarantine & Prevention of Disease

The Central Bank of Sri Lanka (CBSL) also issued some directions and regulations¹⁹ to the Banks and Non-Banking Finance institutions²⁰ for the support of those who have been affected by COVID-19 to manage their cash flows. The Department of Inland Revenue enforced some regulations (e.g., Notice dated 13 May 2020 - on extension of time to remit tax on terminal benefits to retiring employees to the Inland Revenue Department) for the betterment of income affected sector due to COVID-19. All regulations have been imposed relating to the health and economic aspects of humans and for damage to their income and not a single regulation or gazette addresses the environmental harm caused as a result of the COVID-19 pandemic and the changing nature of consumption of personal protective equipment. Therefore, it is reasonable to argue that almost all COVID-19 regulations imposed in Sri Lanka are more human centric but less concerned on the existing and potential environmental damages which could be caused by the pandemic.

Sri Lanka also prepared and revised an Environmental and Social Management Framework in response to the COVID-19 emergency in 2020.²¹ This framework provides general observations on Healthcare Waste Management and specific measures to address environmental and social issues. It provides specific measures based on World Bank groups Environmental Health and Safety guidelines and WHO guidelines for COVID-19 to mitigate existing and potential harms of the COVID-19 medical and clinical waste.²² This approach seems to be pragmatic and much needed in ensuring the environmental stability in the time of the COVID-19 pandemic in Sri Lanka.

Ordinance, Extraordinary Gazette No. 2208/33 dated 31 December 2020, Presidential Secretariat establishment of a Presidential Task Force for National Deployment & vaccination plan for COVID-19 Vaccine.

¹⁹ Central Bank of Sri Lanka <<https://www.cbsl.gov.lk/en/laws/directions-circulars-guidelines-for-banks>>

²⁰ the Monetary Board, Central Bank of Sri Lanka Circular No. 08 of 2021 dated 26 August 2020- for COVID-19 affected business & individuals in Tourism Industry

²¹ Ministry of Health and Indigenous Medical Services *Environmental and Social Management Framework: Sri Lanka COVID-19 emergency response and Health system*

Countries such as India, Kenya and South Africa started awareness programs among the office staff and schools in relation to the waste management of Personal Protective Equipment and minimising the dumping of medical wastes in the environment.²³

Further, Environmental and Social Management Framework: COVID-19 Response Project introduced by Yemen in September 2020, explicitly refers to the substantial environment, health and safety risks of the COVID-19 medical wastes and provides proposals for minimising such risks at planning and Designing stage, Rehabilitation stage and Operational stage.²⁴ Sri Lanka may consider broader policy approaches such as integrating long term sustainability, developing a shared understanding, identifying smart strategies and aligning policy instrument in further modification of Environmental and social management measures in response the COVID-19 pandemic.²⁵

Conclusion

Seemingly, Sri Lankan pandemic laws favours human health and well-being, while giving less attention to protecting the environment. This seems to be justifiable, as restoration of human health and normal lifestyle of people would be the most important task of any government, in these uncertain times. However, restoration of nature and its riches would also be important, simultaneously protecting public health in the time of pandemic. Therefore, Sri Lankan law and policymakers need to consider the protection of the environment, more importantly consult, the Central Environmental Authority, and other environment protection organisations in designing COVID-19

preparedness Project. (April 2020). This framework revised in June 2020 and December 2020 respectively.

²² *Ibid*, 74-79

²³ Nisikas U.Benson, David E Bassey "COVID-19 pandemic and emerging plastic-based personal protective equipment waste pollution and management in Africa" *Journal of Environmental Chemical Engineering* 2021.

²⁴ World Health Organization, *Environmental and Social Management Framework: COVID-19 Response Project* (P173862, WHO/EM/YEM/005/E, September 2020).

²⁵ Golam Rasul, 'A Framework for Improving Policy Priorities in Managing COVID-19 Challenges in Developing Countries 2020 *Front Public Health*, 8, pp1-9.

prevention laws in Sri Lanka. This paper suggests green pandemic laws (pandemic regulations which include environment protection clauses) to be introduced in Sri Lanka.