

Right to clean and healthy environment and E-waste in Sri Lanka: A way forward

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Electronic waste or E-waste is one of the serious problems which creates many health and environmental problems in Sri Lanka, as they may contain a lot of hazardous constituents. In the era of human right-based approaches, global and regional human rights bodies have considered the link between the environmental degradation and human rights, including the right to clean and healthy environment. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (1989) and The Rotterdam Convention (2004) are dealing with some issues regarding E-waste and chemicals. In the domestic scenario, National Environmental Act, No 47 of 1980, being the principal piece of legislation for the protection of environment, as amended by Act No 56 of 1998 states that no person shall discharge, deposit, or emit waste into the environment without a license. National Environmental (Protection and Quality) Regulations, No 1 of 2008 was also aimed to prevent and minimize the negative impacts to the environment and health due to the disposal of waste. Despite this, there is no specific law dealing with E-waste in Sri Lanka. This research mainly follows a qualitative research method based on a literature review and carried out by the reference of primary and secondary sources of law. The aim was to investigate whether there is an inadequacy of the current legal framework in Sri Lanka to protect the right to clean and healthy environment. The results led to the conclusion that the legal framework in Sri Lanka regarding the proper disposal of E-Waste is not adequate, and need of a reform is an emerged issue. Introducing new legislation, which include the responsibilities of stakeholders and extended producer liability on E-waste and covers matters such as, generation, transportation, treatment, storage, and disposal within all stakeholders regarding the E-products is necessary. Furthermore, promoting research and development activities on products free of hazardous materials, and on safe E-waste recycling technology is needed while enhancing public awareness on E-waste management is among recommendations. A comparative analysis of successful examples from India has been carried out in order to assure these recommendations.

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