



# Rights of Wetlands Policy Brief - Sri Lanka

## Introduction

Rights of Nature is both old and new. Old in that, at its essence, it is about recognising the relationship between natural communities, humans included, and the ecosystems they are a part of much like how traditional cultures are practiced or are practicing. New in that legal rights of nature are only 20 years in the making: A quite rapid rise in the evolution of lawmaking as pertains to expanding rights (e.g. civil rights).

To date, close to 40 countries have either adopted regional or national policy (some constitutionally) or have had their high courts recognise rights of nature in general, for specific ecosystems or for specific species. Regions like South America, Africa, and Asia continue to bring forward more laws and policy-making validating nature's rights. This includes the recognition of the Rights of Wetlands.



## Sri Lankan context

- Sri Lanka has rich religious and cultural traditions with Buddhist, Hindu, Muslim, and Christian belief systems among others. Many belief systems provide a receptive cultural context for the idea that wetlands and nature have inherent rights and people have a responsibility to respect those rights.
- The national government effort to develop a National Policy on Living Entities is an excellent opportunity to establish a strong Rights of Nature legal framework that aligns with existing cultural and religious values and beliefs.
- Local communities whose values align with Rights of Nature may be strong allies for establishment of Rights of Wetlands.

To learn more: [www.rightsofwetlands.org](http://www.rightsofwetlands.org)

Universal Declaration of the Rights of Wetlands<sup>1</sup>



## The right to...

1. Exist.
2. Their ecologically determined location in the landscape.
3. Natural, connected, and sustainable hydrological regimes.
4. Ecologically sustainable climatic conditions.
5. Have naturally occurring biodiversity, free of introduced or invasive species that disrupt their ecological integrity.
6. Integrity of structure, function, evolutionary processes, and the ability to fulfill natural ecological roles in the Earth's processes.
7. To be free from pollution and degradation.
8. Regeneration and restoration.

## Rights of Nature is transformative as it embeds human societies within ecosystems

### Key Messages

- 85% of the world's wetlands have been destroyed and the remaining are being degraded through pollution, alterations to natural water regimes through drainage or dams, invasive species, and over extraction of natural resources including water, plants, and animals. This wetland loss and deterioration is contributing to climate destabilisation and biodiversity declines.
- Achieving the future well-being and sustainability of life on earth requires rapid and transformative change.
- Recognising, implementing and ensuring Rights of Wetlands is a critically important transformative change toward aligning human activities with ecological reality.
- Humans have an ethical duty to recognise the Rights of Nature, including the Rights of Wetlands and other elements of Nature to exist, to have a place to exist, and to fully participate in the Web of Life.
- The 8 Rights of Wetlands are interconnected. Wetlands can't exist without all 8 rights.
- Indigenous Peoples and Local Communities are leaders in recognising these rights and the role and responsibilities of humans as members of the Web of Life.
- Legal structures for applying Rights of Nature exist, and they apply to Rights of Wetlands.
- Local communities can themselves take, and are taking, actions to change their relationship with wetlands.
- Rights of Wetlands can be promoted and supported through cultural, educational, legal, and wetland management strategies.



### Principles to consider when including Rights of Nature / Rights of Wetlands into policy and legislation

- Recognise the inherent, inalienable legal Rights of Nature and its constituent ecosystems, habitats, and natural communities to exist, flourish, self-organise, evolve, and regenerate, and to restoration, recovery, and preservation when harmed, interpreting these rights in the manner most favourable to the protection of Nature and constituent ecosystems such as wetlands.
- Define Nature and ecosystems so as to convey “a naturally occurring structural, functional, and organizational unit, consisting of a community of organisms and the biotic and abiotic environmental variables that live and interact as a symbiotic whole in a given environment;” or stated differently, “Nature is a unique, indivisible, self-regulating community of interrelated beings that sustains, contains, and reproduces all other beings. The term “being” includes ecosystems, natural communities, species and all other natural entities which exist as part of Nature.” (Article 1, Section 1 of the Ponca Tribal Law of Nature).
- Apply the Rights of Nature and Ecosystems such that “All beings are entitled to all the inherent rights recognised in this law without distinction of any kind, such as may be made between organic and inorganic beings, species, origin, use to human beings, or any other status; all beings have rights which are specific to their species or kind and appropriate for their role and function within the communities within which they exist; and the rights of each being are limited by the rights of other beings and any conflict between their rights must be resolved in a way that respects Nature and each being within Nature.” (Article 1, Section 4 of the Ponca Tribal Law of Nature).
- Ensure that the Rights of Nature are free from violation, regulation, and subordination to other laws, legal and financial liabilities, economic priorities, commodification, monetisation, or classification by legal concepts such as “juristic personhood” where financial liabilities or resource valuations are imposed.
- Emancipate Nature, ecosystems, such as wetlands, and living beings from the legal status of “property;” as the status of property allows for the violation of Nature’s rights by giving deference to vested legal claims.

## Rights of Wetlands moves us away from a world view that places people outside of and above Nature

- Recognise that Nature includes human beings, when they are present, as a constituency, and that the very existence of humanity is inevitably tied to that of Nature, and that the Rights of Nature necessarily encompass the right of humanity to its existence as a species, and the right of Indigenous People and permanent residents to dwell undisturbed in their natural habitat.
- Guarantee the ecosystem has legal standing to appear as the real party of interest in administrative proceedings and legal actions affecting its rights.
- Authorise residents of communities to represent an ecosystem and ensure that they do so in the name of that ecosystem, for the sole purpose of advancing its rights, recognising that they are part of that ecosystem and have legal standing, in any and all legal proceedings, to do so.
- Require full, transparent, understandable, accurate, and timely consultation and the informed consent of the resident human community representing an ecosystem that may be affected regarding proposed industrial, extractive, development, political, and financial activities before any activity begins.
- Apply the precautionary principle and restrictive measures, including locally promulgated prohibitions, for activities that may lead to the extinction of species, the destruction of ecosystems, or the permanent alteration of natural cycles whenever a human community representing an ecosystem declares any action or omission may cause a violation of nature's rights to occur.
- Require that damages derived from administrative, legal, contractual, or other proceedings be used solely and exclusively to protect, repair, and restore Nature in the affected ecosystem to assist in bringing it to its prior natural state.



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## A Rights of Wetlands approach is concerned with legal recognition, management, and practical action

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### Ways to apply Rights of Wetlands in Sri Lanka

#### Build on existing strengths:

- When the National Policy on Living Entities (NPLE) goes into effect, subsidiary, ecosystem-specific rights policies, regulations, trainings, tools, and guidance could be developed, and additional Living Entities locations could be identified and added to the original sites.
- Religious, cultural traditions and practices, and world views that are aligned with Rights of Nature are identified. This provides a cultural base for acceptance of Rights of Nature.
- Sri Lanka is a signatory of the Ramsar Convention on Wetlands and can leverage Rights of Nature scientific and technical guidance and demonstrate Rights of Nature implementation to the Convention and other member countries.

#### Opportunities to advance Rights of Wetlands:

- After adoption of the NPLE, and as it will be the first of its kind in the country, the development and implementation of a strong education and training program on the NPLE will prevent misunderstandings, misapplication, and undermining of the policy.
- Empower local governance systems to defend Rights of Wetlands through education within the local Wetland Management Committees (established through the 2006 National Wetland Policy & Strategy and 2024 Colombo Wetland Management Framework) and local Non-Governmental Organisations that concentrate on environmental litigation, about Rights of Wetlands and enlist their support in advancing and operationalizing Rights of Wetlands.
- Develop local advocates and networks (community-building), including collaborating with local communities and local Non-Governmental Organisations, to advance Rights of Wetlands.
- Build local government support and acquire funding to address lack of resources.
- Evaluate existing Sri Lankan laws to identify opportunities to integrate Rights of Wetlands into them. For example:
  - The 2020 National policy on conservation and sustainable utilisation of mangrove ecosystems
  - The 2020 National policy and strategies on traditional knowledge and practices related to biodiversity
  - The 2006 National Wetland Policy & Strategy
  - Use the Environmental Impact Assessment public participation process to integrate Rights of Wetlands
  - Address the gap between conservation and development branches of the Sri Lankan Government. Explore the possibility that Rights of Wetlands could serve as a way of negotiating or bridging current gaps.
- Continue to advocate for Rights of Wetlands in international fora such as the Ramsar Convention on Wetlands and the Convention on Biological Diversity.
- Rights of Wetlands could be implemented as a management approach for eco-tourism areas, which could then serve as models for improved wetland and Nature outcomes, and thereby attract more attention from eco-tourists and provide Rights of Wetlands educational opportunities to those tourists. This effort would support local economies in a non-extractive way.
- Identify, anticipate, and address obstacles to implementation of Rights of Wetlands proactively in the Sri Lankan context.

