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# International Outlook for Privately Protected Areas

Country Profile: SRI LANKA

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## Introduction:

This country profile is part of a study by the International Land Conservation Network (ILCN) and United Nations Development Program (UNDP) summarizing the **legal, policy, and institutional mechanisms used to establish and incentivize privately protected areas (PPAs) in 30 understudied countries.**

PPAs contribute to the achievement of global conservation goals and biodiversity targets by contributing to landscape-scale conservation, connectivity and ecological-representativeness of protected areas.

For the purposes of this profile, an area is considered a PPA if it conforms to the definition agreed upon by the International Union for the Conservation of Nature (IUCN). Generally speaking, a PPA's protection must be recognized and durable (with long term conservation intent); it must be governed by a private or non-governmental entity; and it must be governed and managed to meet the general conservation standards of a protected area (PA) as laid out by the IUCN.<sup>1,2</sup> **Note: Alongside currently existing mechanisms in these countries, this study also references mechanisms that represent *potential opportunities for the creation of PPAs.***

The data in this profile is based on a 2018 desk review of law and policy documents, government reports, publications by multi-lateral organizations, scholarly literature, and other sources. For 28 of the 30 country profiles, data was reviewed by a volunteer in-country expert. We are grateful to these experts, whose names and the profiles they reviewed are listed in the appendix to the [International Outlook for Privately Protected Areas summary report](#).

Finally, this profile is intended to be a living document, which will be updated periodically as more information is submitted and time and resources allow. If you have a contribution, please contact the authors at [landconservation@lincolninst.edu](mailto:landconservation@lincolninst.edu).

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<sup>1</sup> Mitchell, B.A., Stolton, S., Bezaury-Creel, J., Bingham, H.C., Cumming, T.L., Dudley, N., Fitzsimons, J.A., Malleret-King, D., Redford, K.H. and Solano, P. (2018). *Guidelines for privately protected areas*. Best Practice Protected Area Guidelines Series No. 29. Gland, Switzerland: IUCN. xii + 100pp.

<sup>2</sup> Dudley, N. (ed.) (2008). *Guidelines for Applying Protected Area Management Categories*. Gland, Switzerland: IUCN. x + 86pp. WITH Stolton, S., Shadie, P. and Dudley, N. (2013). *IUCN WCPA Best Practice Guidance on Recognising Protected Areas and Assigning Management Categories and Governance Types*, Best Practice Protected Area Guidelines Series No. 21. Gland, Switzerland: IUCN

# SRI LANKA ( *Democratic Socialist Republic of Sri Lanka* or ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජය (*Sinhalese*))

## Outlook for Privately Protected Areas

### I. Country Overview

#### *Land Area*

Sri Lanka is a densely populated island nation in the Indian Ocean, located at the tip of the southern point of the Indian subcontinent. Sri Lanka's rich and distinctive biological diversity is defined by the ecosystems, species and genes that occur in the island's diverse array of forests, wetlands, coastal and marine and agricultural systems.

According to 2017 estimates by the World Bank, Sri Lanka's land area totals 6,271,000 hectares (ha), of which roughly 33 per cent (2,069,430 ha) is forested, and about 43.7 per cent (2,740,427 ha) is used for agriculture.<sup>3</sup> Traditional forest-like agricultural systems known as tree gardens cover approximately 13-15 per cent of Sri Lanka's agricultural land area (about 858,490 ha), and constitute 30-40 per cent of cultivated land in the country.<sup>4, 5</sup> Tree gardens are not included under Sri Lanka's definition of 'forest.'

Despite its small size, Sri Lanka has a varied climate and topography, which has resulted in rich biodiversity, distributed within a wide range of ecosystems.<sup>6</sup> The global importance of the island's biodiversity has placed Sri Lanka together with the Western Ghats of India among the 34 biodiversity hotspots in the world.<sup>7</sup>

According to Sri Lanka's Fifth National Report to the Convention on Biological Diversity, the total forest cover in Sri Lanka has depleted from 31.2 per cent in 1999 to 29.7 per cent in 2010, the actual forest cover depletion is estimated at about 0.23 per cent of forest area or 4,445 ha annually. The national report deems this as a positive feature when compared with the annual deforestation rate of around 40,000 ha during the period 1956 and 1992 (MALF, 1995).

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<sup>3</sup> World Bank. 2017 "Sri Lanka" Country Profile Page. Accessed online at <https://data.worldbank.org/country/sri-lanka?view=chart>

<sup>4</sup> Pushpakumara, D.K.N.G., Marambe, B., Silva, G.L.L.P., Weerahewa, J. & Punyawardena, B.V.R. 2012. "A review of research on home gardens in Sri Lanka: The status, importance and future perspective." *Tropical Agriculturist* 160, 55–180.

<sup>5</sup> Sri Lanka UN-REDD Programme. 2016. Final Report on Land Tenure Considerations in Sri Lanka's Proposed National REDD+ Strategy, 19. Accessed online at: [https://www.unclearn.org/sites/default/files/inventory/land\\_tenure\\_considerations\\_in\\_sri\\_lanka\\_25576.pdf](https://www.unclearn.org/sites/default/files/inventory/land_tenure_considerations_in_sri_lanka_25576.pdf)

<sup>6</sup> Biodiversity Secretariat, Ministry of Environment & Renewable Energy. 2014. Sri Lanka's Fifth National Report to the Convention on Biological Diversity. Accessed online at: <https://www.cbd.int/doc/world/lk/lk-nr-05-en.pdf>

<sup>7</sup> Ibid.

## *Land Ownership and Tenure*

Sri Lanka features two prevailing systems of land tenure: land under State control, and land under private ownership. A 2016 report by the Sri Lanka UN-REDD Programme estimated that about 82.25 per cent of the Country's land is owned by the State while 17.75 per cent is privately owned.<sup>8</sup>

Lands under state control includes (1) State lands which the government and provincial councils may alienate and regulate (2) lands in custody of State corporations and departments (3) state leaseholds where the government retains absolute title and (4) lands given as State grants. Private lands are freehold titles which the owner has the right to transfer or dispose of.<sup>9</sup>

Customary tenure rights under the legal and administrative system are relatively weak or non-existent in Sri Lanka. However, in many rural areas, customary, traditional, and religious rights in Buddhism, Hinduism<sup>10</sup> and Islam are still in effect and influential, particularly those related to inheritance, transfer and land tenure.

There are instances where the State has recognized customary tenure rights. For example, as part of customary tenure rights to Sri Lanka's small population of indigenous Veddha people, the Department of Wildlife Conservation, has partially recognized and thus granted the community access and usufruct rights to non-timber forest products.<sup>11</sup>

While customary tenure exists in a number of different forms, due to a lack of data, it is difficult to determine even approximately how many people are engaged in the various land use activities, in which locations, and covering how much forest area.<sup>12</sup>

### ***Protected Areas in Sri Lanka***

According to the World Database on Protected Areas, as much as 1,989,700 ha (31.7 per cent) of Sri Lanka's land area is protected.<sup>13, 14</sup> The overwhelming majority of protected areas are located on State lands under the following two ordinances.

The primary legislation for legal protection of ecologically sensitive and biodiversity rich areas in Sri Lanka is the Fauna and Flora Protection Ordinance (FFPO) of 1937, which enables the protection of habitat through the declaration of protected areas.<sup>15</sup> These protected areas fall mainly into two categories: *national reserves*, which can be established only on state lands; and *sanctuaries*, which can be established where ecologically rich areas comprise a mix of State and private lands. There are seven categories of natural reserves, which vary to the extent that they permit entry: *strict natural reserves*, *national parks*,

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<sup>8</sup> Sri Lanka UN-REDD Programme. 2016. Final Report on Land Tenure Considerations in Sri Lanka's Proposed National REDD+ Strategy, 19. Accessed online at: [https://www.unclearn.org/sites/default/files/inventory/land\\_tenure\\_considerations\\_in\\_sri\\_lanka\\_25576.pdf](https://www.unclearn.org/sites/default/files/inventory/land_tenure_considerations_in_sri_lanka_25576.pdf)

<sup>9</sup> FAO Gender and Land Rights Database. 2007 "Sri Lanka" Country Profile Page. Accessed online at [http://www.fao.org/gender-landrights-database/country-profiles/countries-list/land-tenure-and-related-institutions/en/?country\\_iso3=LKA](http://www.fao.org/gender-landrights-database/country-profiles/countries-list/land-tenure-and-related-institutions/en/?country_iso3=LKA)

<sup>10</sup> Ibid, 48.

<sup>11</sup> Ibid, 21.

<sup>12</sup> Sri Lanka UN-REDD Programme. Final Report on Land Tenure Considerations in Sri Lanka's Proposed National REDD+ Strategy, 19. Accessed online at: [https://www.unclearn.org/sites/default/files/inventory/land\\_tenure\\_considerations\\_in\\_sri\\_lanka\\_25576.pdf](https://www.unclearn.org/sites/default/files/inventory/land_tenure_considerations_in_sri_lanka_25576.pdf)

<sup>13</sup> This calculation is based on the latest protected land area estimated by the WDPA and total land area estimated by the World Bank (2017). Note that these statistics might differ from those reported officially by countries or institutions due to differences in methodologies or out of date reporting at the time of the preparation of this publication.

<sup>14</sup> Protected Area Profile for Sri Lanka. 2018. World Database on Protected Areas. UNEP-WCMC. Accessed online at <https://www.protectedplanet.net/country/LK>.

<sup>15</sup> Marasinghe, M.L.L.R.P. 2013. "Strategic Conservation: A Review of Protected Area Management." Journal of Environmental Professionals Sri Lanka. 2(2). 67.

*nature reserves, jungle corridors, refuges, marine reserves, and buffer zones.* All protected areas designated under the FFPO fall under the jurisdiction of Sri Lanka's Department of Wildlife Conservation.

The second most important legislation for protected areas is the Forest Ordinance of 1907, now the Forest Conservation Ordinance (FO). The FO allows for the establishment and protection of *forest reserves, conservation forests, village forests, and other state forests.* All protected areas designated under the FO fall under the jurisdiction of Sri Lanka's Forest Department.<sup>16</sup>

The more recent National Heritage Wilderness Act of 1988 allows for land protection for aesthetic and recreational purposes, alongside their geological and hydrological significance, which permits entry for non-extractive uses such as tourism. Currently, the Sinharaja Forest Reserve and National Heritage Area is the only protected area designated by this Act.<sup>17</sup>

In addition to its national protected areas, Sri Lanka has internationally recognized protected areas, including two World Heritage Sites (including Sinharaja), four UNESCO Man and Biosphere Reserves (including Sinharaja), and six Ramsar Wetlands.

### ***National Biodiversity Strategy and Action Plan (NBSAP)***

Under the Convention on Biological Diversity (CBD), member countries produce National Biodiversity Strategy and Action Plans (NBSAPs) to guide national efforts for environmental stewardship. The most recent NBSAP produced by Sri Lanka covers the period from 2016 to 2022.<sup>18</sup> This document outlines no explicit strategy for the incorporation of privately protected areas (PPAs). It does, however, generally highlight the importance of expanding the protected area network beyond State lands to ensure that it is representative of all critical ecosystems and species. In Target 3 of 12, actions include "promoting other conservation models such as community-based, public-private partnerships."<sup>19</sup>

## **II. Law and Policy for Private Land Conservation**

### ***Privately Protected Areas***

No formal definition has been formulated for privately protected areas (PPAs) in Sri Lankan environmental or protected area legislation.

However, while most protected areas must be declared on State lands and if not, are protected via land acquisition by the State, the National Environmental Act of 1980 (NEA) offers another means of protecting land while allowing that land to remain privately owned. The NEA allows for the designation of 'Environmental Protection Areas' which have high biodiversity or ecological value by Sri Lanka's Central Environmental Authority. Under this designation, such areas are subject to more regulated activity although the land remains under private ownership.<sup>20</sup> Between 2006 and 2010, eight such Environmental Protection Areas were created in Sri Lanka.<sup>21</sup>

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<sup>16</sup> Sathurusinghe, Anura. 2008. *Forest Cover Rehabilitation – Sri Lanka*. Accessed through International Union of Forest Research Organizations (IUFRO) online at [https://www.iufro.org/download/file/7402/5122/Sri\\_Lanka\\_pdf/](https://www.iufro.org/download/file/7402/5122/Sri_Lanka_pdf/)

<sup>17</sup> Environmental Foundation Limited. 2017. *Biodiversity and the Law: Overview of Sri Lanka*. Accessed online at <http://efl.lk/v3/2017/05/20/biodiversity-law-overview-sri-lanka/>

<sup>18</sup> Convention on Biological Diversity, 2016. *Sri Lanka NBSAP*. Accessed online at: <https://www.cbd.int/doc/world/lk/lk-nbsap-v2-en.pdf>

<sup>19</sup> Ibid. pp. 121.

<sup>20</sup> Environmental Foundation Limited. 2017. *Biodiversity and the Law: Overview of Sri Lanka*. Accessed online at <http://efl.lk/v3/2017/05/20/biodiversity-law-overview-sri-lanka/>

<sup>21</sup> Central Environmental Authority. 2013. Accessed online at <http://www.cea.lk/web/en/2013-05-07-07-51-07/environmental-management-and-assessment-division/natural-resources-management-monitoring-unit>

## ***Servitudes***

Sri Lanka is governed under Roman-Dutch Law. Under Roman-Dutch Law, servitudes limit the rights of private ownership and allows the State or any other party to use the land for the benefit of the public or the benefit of an individual other than the owner. To the knowledge of this study, servitudes have not been used as a tool for private and civic land conservation in Sri Lanka, but offer a potential opportunity for private land conservation.

### **III. Financial Incentives for Privately Protected Areas**

The Sri Lankan government offers no financial incentives to private landowners engaging in land conservation, as known to this study.

### **IV. Organizations for Private Land Conservation in Sri Lanka**

#### ***Government***

- The Central Environmental Authority (CEA) of Sri Lanka can declare specific areas as Environmental Protection Areas through the National Environmental Act No. 47 of 1980. Once the CEA declares an area as an Environmental Protection Area, any planning scheme or project in the protected area under the provision of any law which is in conflict with the National Environmental Act, ceases to operate in that area.<sup>22</sup>
- The Department of Wildlife Conservation maintains a network of protected areas in Sri Lanka for the purpose of conserving the natural resources, including protected areas known as *sanctuaries* which encompass both State and private lands.
- Sri Lanka's Forest Department maintains and administers forest reserves, and has been involved in the transfer of lands to the Forest Department for local community management and conservation.

#### ***Non-governmental***

- Conservation International is active in Sri Lanka in promoting the creation of conservation areas, particularly areas that can be reforested and developed as Primate Conservation Areas. An objective of this effort is to legally transfer responsibility for managing and administering such areas to local communities under the supervision of the Department of Wildlife Conservation.<sup>23</sup>
- The Wilderness and Wildlife Conservation Trust aims to preserve, protect, and create wilderness areas in Sri Lanka to protect and conserve its wildlife population. One of the Trust's primary goals is the direct conservation of wildlife and wilderness.<sup>24</sup>
- The Conservation Coalition of Sri Lanka is a network of partners and collaborators working to protect wildlife throughout the country; it has received funding from Conservation International, Margot Marsh Biodiversity Conservation Fund, The Mohamed bin Zayed Species Conservation Fund, Zoological Society of London, Conservation Leadership Program, BBC Wildlife Fund, among others.<sup>25</sup>
- Land Owners Restore Rainforests in Sri Lanka (LORRIS), is a Sri Lankan NGO involved in scientific research, reforestation, public education and community development activities in the cloud forest zone.<sup>26</sup>

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<sup>22</sup> Ibid.

<sup>23</sup> Conservation International. Page on "*Restoring forests and educating communities In Sri Lanka*": Accessed online at: <https://www.conservation.org/projects/Pages/restoring-forests-and-educating-communities-in-sri-lanka.aspx>

<sup>24</sup> The Wilderness and Wildlife Conservation Trust, Sri Lanka. Accessed online at: <http://www.wwct.org/Default.aspx>

<sup>25</sup> Conservation Coalition of Sri Lanka. Accessed online at: <http://www.spearsfoundationsrilanka.org/our-partners.html>

<sup>26</sup> Ibid.