

Environmental Damage Caused by Shipwrecks in Sri Lanka: A Legal Analysis

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Sri Lanka which is geographically located at the centre of international shipping lanes has had to frequently deal with shipwrecks. The X-Press Pearl shipwreck can be identified as an irreversible damage caused to the territorial sea. This research is expected to ascertain the effectiveness of the domestic laws in addressing the impacts of shipwrecks on marine biodiversity, its compatibility and inter-relationship with international laws governing the same and to identify the loopholes in the domestic law in conserving marine environmental resources against the environmental disasters linked with shipwrecks. The research methodology includes the black letter approach based on international conventions and case laws as primary sources and journal articles, books, web articles as secondary sources. The Marine Pollution Prevention Act, which was enacted to protect the marine system, provides for criminal and civil liability for those who pollute the ocean. The Coastal Conservation and Coastal Management Act can be indirectly identified as a unique act that includes provisions on the ocean and criminal liability that can be imposed on an offense committed under the Act. The National Environment Act deals with the protection of the territorial sea. Sri Lanka has not ratified vital conventions on maritime security and has lost the protection that comes with them. The failure of domestic law to be strengthened by International Conventions is a serious weakness. The research recommends the need to ratify International Conventions and thereby to take steps to strengthen domestic law including in the Constitution of Sri Lanka for protection of the marine environment and to establish a special court or tribunal for matters related to shipwrecks.

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