

## Notes on the Seminar (30/05/05) on the Effects of the Proposed Sethusandran Ship Channel Project

Professor Katupotha, University of Sri Jaywardenapura

- The professor introduced the seminar hosted by Green Movement of Sri Lanka

Mr Gunarathna, Treasurer in the GMSL

Presenting the objectives of the conference; discussing the potential effects from the Proposed Sethusandram Ship Channel Project

- Mr Gunarathna told the audience the proposed channel is 167km long, 300m wide, and 14.5m deep.
- Action taken: GMSL have written to the ministries of the environment, and the ministries of foreign affairs in India and Sri Lanka, asking them to study the environmental aspects of the proposed project – GMSL received no response to their enquiries, and as such have held today's seminar.
- The key GMSL concerns are:
  - Environmental: hydrodynamics, dumping of dredged materials, pollution from ships, change in ecosystems, effects on biodiversity (especially in the sanctuary in Gulf of Manner)
  - Social: effects on fishing communities, possibility of flooding, and displacement of northern Sri Lankan people
  - Economic: Financial loss on Colombo port when ships don't pass Colombo harbour
  - Legal
- The Sri Lankan government has not done an Environmental Impact Assessment (EIA) of the proposed channel.
- Mr Gunarathna proposes there should be a joint EIA by India and Sri Lanka

Professor T. Jayasinhham, Dr. in Botany from the University of East, Sri Lanka

Commenting on the Indian EIA from an ecological standpoint.

- The professor welcomed the opportunity provided by the seminar to discuss the effects of the proposed project.
- Adam's ridge will be dredged to 9-12metres deep and 300-500metres wide. Other routes have been historically proposed, but the Adam's ridge route was proposed by an Indian environment agency (IEE).
- There is a national marine park of 623hectares in Tamil Nadu, India.
- There is a 150km stretch of mangroves, and 3600 species of flora and fauna in the proposed channel site. There are also rare and endangered species in the region.
- The objectives of the Indian governments' EIA were stated as being to do a rapid assessment (which the professor felt was problematic), an environmental

management plan, and to enable the ministry to get environmental clearance for the project. The professor felt these objectives contradicted the purpose of a thorough EIA, and he made criticisms of the language used. He further highlighted that the assessment provided no details on what species of flora and fauna etc would be lost if the channel is constructed.

- The professor further emphasised the EIA failed to analyse or even consider the ‘zero option’ – that is to continue sending ships around India, as is currently the case.
- He stressed that there was also no detailed assessment of the social impacts and loss of fishing activity and livelihoods.
- The EIA focuses heavily on Indian issues, neglecting Sri Lankan and international considerations.
- The professor highlighted that the projected 11000 ships using the channel (estimated from a channel dept of 12,5m) may not be cost-effective, especially if one adds on annual upkeep of the channel.
- The professor summarised his perceptions of the pros and cons of a channel versus a bridge:

<b>Bridge</b>	<b>Channel</b>
Link	Divide
Environmentally friendly (1-time impact)	Environmentally damaging (annual dredging)
Save heritage of Rama bridge	Destroy heritage
1 time effects	Continuous potential threats
Cooperation	Competition
Natures way	Damaging to nature

- The professor further noted that tidal currents will affect certain areas of the channel, as the currents reverse during different monsoons
- The professor noted that the EIA concludes that the route is *only* viable if management plans and recommendations are *strictly* followed – the assessment, therefore, does not conclude that it is viable.

Mr T. Mohan, lawyer from India working as an environmental consultant with several NGOs.

In this forum he was not representing any NGO but advocating his personal views. Elaborating on the history and background of the channel project and making comments on the EIA.

- Mr Mohan stated the idea of a channel was first conceived of as early as 1860, where there was limited knowledge of environmental issues, and the project was driven by economical arguments. Whilst environmental knowledge has grown, Mr Mohan feels the project is still being justified with economic arguments.
- Mr Mohan also emphasised that the EIA fails to address the ‘zero project option’, which he feels makes more economic sense. Whilst the promised savings of the channel are 36 hours, these will be decreased because ships

prefer the safer at-sea route, ships must slow down if they use the channel, and ships must wait for pilots to guide them through the channel.

- Mr Mohan notes the main beneficiaries will be the dredging and engineering industries, as actual costs will shoot up astronomically with annual costs.
- The EIA argues the Gulf of Manna is huge, and that the disruption would therefore have a minimal percentage impact – but there is no assessment of how significant that impact would be, even on a *relatively* small area.
- There is also no assessment of the direct impact on jobs or livelihoods, only promoting the idea that the project will create jobs.
- Mr Mohan argues people must globalise their dissent against the project or there will be polarisation between the fishing industry and political parties in both India and Sri Lanka.
- Mr Mohan highlights the need for modification, consultation and negotiation in the EIA.
- He stresses that Sri Lanka's environmental sector must demand consultation and negotiation from their government, as there has – to date – been no public discussion about the channel on the Sri Lankan side yet.
- He further argues for a rational cost-benefit analysis which takes into account the environmental costs
- Mr Mohan emphasised the report neglects tectonic/cyclonic/tsunami activity which is on the increase in the region, and highlights that the EIA should be reviewed in the light of it. He also states that more lives could have been lost in the recent tsunami, had the channel already existed.
- Mr Mohan prompts the citizens of Sri Lanka to demand answers from their government and insist on a joint EIA

#### Discussion:

- Legal aspects: 'soft law' – UN Convention on Biological Diversity & UN Convention on the Law of the Sea. Both countries are signing members of the Convention on the Law of the Sea and the Sri Lanka government has the possibility to make request to the international court for an environmental assessment by a third independent party.
- Indian shipping benefits: Benefits to the Indian shipping will be large. At present 70% of the transshipment cargo in Colombo harbour comes from East Indian coasts and with an extension of the channel depth to 14,5m the benefit will be raised even more.
- Real motivation: Some participants argued against commercial benefits as a reason for building the channel identifying its strategic importance.
- No baseline environmental on the Sri Lankan side of the channel.

*Tea Break*

### Mr David Soyza – Former Director of Merchant Shipping

Highlighted that he does not represent anything but his own personal views. Talking about the consequences on international and domestic shipping and plausible Indian incentives for constructing the channel

- He draws the audience's attention to the EIA's provision for specially trained pilots who would allegedly stand watch to make sure the ship did not hit any flora/fauna/sea life – he is concerned that this is an indicator of India's seriousness.
- He feels India is hiding the true reasons for the channel – the EIA was prepared by a “mysterious team of experts” whose vested interests and professional backgrounds are not known. He also mentions there is something strange going on with the funding of the project.
- He brings attention to the conflict of interest between India and China over regional control of crucial maritime transport routes. Both countries are highly dependant on petroleum supply mainly from the Middle East. China has recently signed a MoU with Sri Lanka for the construction of an oil refinery and harbour facilities in Hambantota giving the country a strategic stronghold. India's sudden decision to make the channel 2m deeper could be a response to this and in the long run a way of diverting the international petroleum traffic within their national boundaries.

### Mr. Gethakumar E. Chetty, Resource person on Maritime Law

Talking about international aquatic law and its implications on the Sethusandran Shim Cannel Project.

- The Law of the Sea Convention applies – an international treaty to which 145 countries have signed. There is a chapter on the marine environment, laid down in part 12 (article 192) of the convention, which emphasises national obligations to preserve and protect the marine environment.
- Article 300 of the convention defines obligations to other states under the heading ‘good faith and abuse of rights’ – this article emphasises no nation should have detrimental impacts on the rights of other states (i.e. India on Sri Lanka).
- A similar case is between Singapore and Malaysia, and can be found on the internet – the proposed land reclamation is on hold, as Singapore did not get adequate EIA, and this must be rectified before the project is allowed to proceed.
- Giving emphasise on the fact that Sri Lanka can give a motion to international court for an independent assessment to be undertaken.

### Discussion

- Youth from the Green Brigade wanted to know in there was any UN or EU funding in this project. This was not the case.
- Several people stressed the importance of a people's movement to make the government act now.

- Mr. Gethakumar once again put emphasis on the fact that there was room for action and that this possibility should not be left untried. The legal framework provided such a possibility.
- A person from the audience mentioned security as a reason for India wanting to construct the Channel. If the LTTE should gain independence this would represent a security risk to India, thus having a Channel to navigate naval vessels would be of importance. No comments on this.

### Concluding remarks

- Suranjan Kodituwakku, in conclusion, gave a brief summary in Sinhala of all points discussed since there was a large Sinhala speaking group within the audience.
- He stated that the topics discussed and knowledge gained will be communicated to the entire country in Sinhala and Tamil as a preliminary awareness activity as a precursor to the planned agitation campaign amongst the people of Sri Lanka.
- It was stated by Suranjan Kodituwakku that lobbying against this project should not be only limited to the peoples of the coastal regions but the entire country since the environmental damage can have great impact on the country as a whole.
- It is planned to bring pressure on both governments as well as the whole of South Asia since the significance of the potential fallout of this project may not be limited to Sri Lanka and India.
- Suranjan Kodituwakku thanked the generosity of all presenters for their time and effort as well as those from the government sector, trade unions, NGOs and media who participated.