




ADB TTT INDIA 2020

Session XIII – Environmental Law Research and Writing
Camena Guneratne
Open University of Sri Lanka.



Environmental law research – trends in Sri Lanka

- Environmental law as an academic discipline and as the practice of law – moved beyond conservation and management of natural resources.
- Moved into the realm of human rights and development founded on the sustainable use of natural resources
- Moved parallel with sustainable development law
- Initially driven by legal practitioners rather than scholars –
 - *practitioners filed on a range of development issues*
 - *Often on the basis of human rights violations*
- Environmental Law transitioned into human rights and social justice
- Now reinforced by the SDGs

Reconceptualizing Environmental Law Research

- Purpose
- Methodology
- Beneficiaries

Purpose of research and publishing

- For career development?
- More instrumental purposes?

Contribution and impact of Environmental law scholarship

- For whom should we be writing – students (law and non-law), lawyers, judges, policy makers, development specialists, technocrats
- Must have an impact beyond legal scholars if the objective is to contribute to development and rights and social justice
- Help to influence law and policy

Methodology

- Must be comprehensible to non lawyers
- Crossing boundaries in areas of law – constitutional law, administrative law, human rights – intellectual property, investment law, trade law, consumer protection etc
- Take an instrumental approach to research
- Limit to black letter law?
- Interdisciplinary? If so how?
- Be receptive to the contribution of other disciplines? Sociology, economics
- Problems of methodologies? Doctrinal? Socio-legal? Sociological?
- Challenges for legal scholars?