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主 論 文 の 要 旨

論文題目 Integration of Sustainable Development Principles into South Asian Legal Systems: Transnational Insights into Laws and Judicial Decisions in Sri Lanka

(持続可能な開発原則の南アジア法制度への統合：スリランカの法と判例のトランスナショナルな考察)

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論 文 内 容 の 要 旨

The concept of Sustainable Development (SD) has evolved from a normative to a legal framework, gaining scholarly attention for its integration into domestic environmental law. Despite its promise in South Asia, SD integration into Sri Lankan legislation and Public Interest Litigation (PIL) remains underexplored from a transnational perspective. Law can accelerate SD through state mandates, while judicial decisions address environmental issues, strengthening legal institutions and promoting citizen engagement.

This research aims to refine the conceptualisation of cross-border SD integration through legislative frameworks and landmark PIL in South Asia, with a focus on Sri Lanka. It seeks to offer new insights into the limited success of SD in Sri Lanka, emphasising law enforcement, institutional mechanisms, and the judiciary's reactive approach to environmental issues in PIL related to foreign development projects.

Using the case study research design, this research critically examines Sri Lanka's Sustainable Development Act (SDA) and a landmark PIL—the *Chunnakam* case. The first study evaluates the legislative integration of the Sustainable Development Goals (SDGs) through the SDA from a transnational perspective, drawing from Canada's Federal Sustainable Development Act (FSDA) due to structural parallels, despite differing national contexts. While many countries integrate SD through existing legal frameworks, Sri Lanka stands out with dedicated legislation for the SDGs. However, enforcement remains inconsistent due to procedural gaps, the absence of a multistakeholder approach, and weak

government commitment.

The second study examines the judiciary's role in integrating SD by adopting international law and foreign case decisions, focusing on the Chunnakam case through the lens of legal transplantation. Supported by an NGO, this case established a new legal norm for holding private investors accountable for environmental pollution, addressing a constitutional gap. It adopted Indian judgments and Principle 16 of the Rio Declaration—the polluter pays principle (PPP)—fostering SD despite the critics of transnational judiciary power in legal transplantation.

This study is the first to examine the transnational integration of SD into Sri Lanka's legislative and judicial processes. It finds that the SDA requires clearer procedures and more efficient multistakeholder mechanisms to meet its objectives. While the judiciary advances SD, the government must enforce laws and monitor investment projects to ensure compliance with SD and environmental concerns, preventing economic setbacks and social and environmental harm.