As an institution responsible of the ocean, amend the Act expeditiously and increase its legal strength - The COPE informs the Marine Environment Protection Authority (MEPA)

Date : 14-03-2022

- **Instructions to expedite the recovery of the unpaid amount of Rs. 3480 million from the MT New Diamond shipwreck**
- **Immediately investigate the situation governing the Legal Division of the Authority and take necessary action, recommendation extended to the Secretary to the State Ministry**
- **Recommendations to submit a report regarding the 10-year delay in taking legal action against the ship "Thermophile" which sank in 2012**

Hon. (Prof.) Charitha Herath, Chairman of the Committee on Public Enterprises (COPE) directed the Marine Environment Protection Authority (MEPA) to expedite the amendment of the Marine Pollution Prevention Act, No. 35 of 2008 to strengthen the legal authority of the institution which has a major responsibility to protect the marine environment of the country.

Officials of the authority stated that work is currently underway on the matter. As the amendment to this Act is an urgent need, COPE made recommendations to Mr. L.L.A. Wijesiri, Secretary State Ministry of Coast Conservation & Low-Lying Lands Development and its officials to attend to it without further delay. Furthermore, the Committee was of the notion that the role of the Legal Division, including its Legal Manager should be expanded as an institution involved in legal matters and therefore, if there are any internal problems, they should be resolved and immediate action should be taken, the Committee further instructed the Chairman of the Marine Environment Protection Authority, Attorney-at-Law Ms. Darshani Lahandapura.

There was also a lengthy discussion on the charges to be levied on the MT New Diamond shipwreck in September 2020 off the northeast coast. It was revealed that a sum of Rs. 12 million had been recovered under sections 26 and 38 of the Act. However, it was disclosed that although the estimated value under Section 34 of the Act is Rs. 3480 million, the amount has not been received yet. It was further disclosed that an amount of Rs. 51.3 million had been received in response for the ship's fire and oil spill in particular.

This estimate of Rs. 3480 million is an estimate obtained through a committee of experts to repair the damage caused to the environment under civil liability. The report has been submitted to the Attorney General's Department and will be discussed in the future, the Acting General Manager of the Authority Mr. Jagath Gunasekera said. The Committee emphasized the need to liaise with the Attorney General's Department to prevent these delays and to recover the money due to the country as soon as possible.

The Committee pointed out that the Legal Manager of the Authority should be more involved in these matters. The chairperson of the Marine Environment Protection Authority said that the file related to the accident of the MT New Diamond ship was lost after being handed over to the Legal Manager.

When the committee inquired about this from the Legal Manager, she denied that such an incident had taken place and said that the chances of her even attending these meetings were slim. The COPE Chairman recommended to the Secretary to the State Ministry to conduct an immediate inquiry and submit a report as such internal issues are a major obstacle to the progress of the Authority.

There was also a lengthy discussion on the issue of compensation for the MV X-Press Pearl shipwreck near the Port of Colombo in May 2021. The Committee also made note that the amount received was significantly less than the values assessed under the Civil Liability Act. Although it was estimated that US $ 44 million was to be obtained under the Civil Liability Act, the Committee questioned at length as to why only US $ 6 million had been received so far and the Members of Parliament stressed that discussions should be held to obtain the maximum amount of compensation which is due to the country. The committee also drew attention to the fact that out of the expenditure of Rs. 823 million for cleaning and other activities, Rs. 18 million was spent on accommodation. The Committee also directed that a proper audit of these expenditures be carried out and a report be submitted. Instructions were also given to recover the money which is due from the shipping company within a specified time frame. The COPE Chairman also recommended that the Ministry prepare a plan in this regard and inform the Board of Directors of its progress by way of a monthly report.

The committee also noted the 10-year delay in taking legal action against the ship "Thermophile" that sank in 2012. The officials said that all the necessary information has been provided to the Attorney General's Department. The COPE Chairman recommended to the Secretary to the Ministry that the Attorney General's Department prepare an immediate intervention plan to prevent delays in taking legal action and submit a report to the COPE.

Disposal of large quantities of pollutants into the ocean from Modara and Wellawatte in the Colombo District was also discussed. The COPE Chairman Hon. (Prof.) Charitha Herath recommended to the Secretary to the Ministry to look into this and submit a report within three months.
The COPE chairman inquired as to why the two posts of General Manager of the Authority and Director of Finance and Administration remain as acting posts. The COPE chairman advised that necessary interviews be conducted and recruitments be made as it was not a favorable situation.

The Chairman also instructed the Secretary to the Ministry of State to work with the Department of Management Services to prepare a proper plan for all these posts again as both the administrative and financial management divisions are under one person and it is problematic.

The COPE expressed its displeasure over the holding of two meetings of the Authority's Audit and Management Committee for the years 2020 and 2021 and stressed the importance of holding these meetings properly in the future.

State Ministers Hon. Indika Anuruddha, Hon. Nalaka Godahewa, Parliamentarians Hon. (Dr.) Susil Premajayantha, Hon. Eran Wickramaratne, Hon. Nalin Bandara, Hon. Madhura Withanage, Hon. Shanakiyan Rasamanickam and officials from the Marine Environment Protection Authority were also present at the occasion.

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