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Linking human rights to education with sustainable development towards achieving social justice: A review of international and Sri Lankan law

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Sustainable development is an important principle of the modern world. In an effort to achieve sustainable development, science education has a substantial role to play. The term 'sustainable development' has become a much used concept both internationally and nationally. The Report of the World Commission on Environment and Development (WCED) called *Our Common Future* (1987) defined sustainable development as the development which meets the needs of the present without compromising the ability of future generations to meet their own needs. It is a feature of many countries in the modern world to incorporate human rights in their Constitutions. In Sri Lanka, while many civil and political rights are incorporated into the present 1978 Constitution of Sri Lanka, there is no fundamental right related to education, an omission in our Constitution, despite express provisions in the International Bill of Rights. Therefore, this study seeks to examine how far this constitutional defect can be remedied within the existing Constitution. The most important Sri Lankan statute which relates to the concept of sustainable development is the National Environmental Act No. 47 of 1980 (as amended by Act Nos. 56 of 1988 and 43 of 2000). It contains two tools to achieve sustainable development, namely the environmental protection license process (EPL) and environmental impact assessment process (EIA). In order to implement these two rules science education is essential. EIA requires the public to actively take part in the decision making process. The fundamental rights are a set of basic human rights elevated from the level of statutes law to the Constitution which is the supreme law of the country. While Sri Lanka has been enjoying free education since mid 1940s, there exists a glaring inequality in terms of facilities-physical and teaching staff-regional wise throughout the country due primarily to the fault of successive governments. In other wards equal opportunity in relation to education to which students are entitled to in terms of international human rights law, is denied to them due to the fault of the government. If the fundamental right to education is made a fundamental right in our constitution, then government can be made liable and the Supreme Court can compel State compliance to remedy such violations. Supreme Court in cases such as *Grade I Admission case, Perera V. UGC* and *Pathiratna V. UGC* also indicated the importance of incorporating fundamental right to education in our Constitution.

This study in conclusion points to the fact that the benefits of free education cannot be fully realized by the children and therefore, education does not contribute to sustainable development unless education is made a fundamental right in compliance with international human rights law to which Sri Lanka is a signatory.

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