

## **Request for Compliance Review:** **Southern Transport Development Project**

### **Harm being suffered by the Requesters.**

We are, or are likely to be, directly affected materially and adversely by the ADB assisted project known as the Southern Transport Development Project in Sri Lanka.

**Homes** - We have lost or will lose our homes, our land and our livelihoods as a direct result of the Expressway being built through our homes and lands and destroying our communities.

The ADB RRP and its attached documentation were for a trace known as the Combined Trace (CT). At least 40% of this trace has since been altered by the Road Development Authority (RDA) to a trace referred to as the Final Trace (FT). The alterations are most significant in the North near Bandaragama and in the South near Akmeemana. This change has multiplied the housing loss and is destroying the social and religious cohesiveness and economic self-sufficiency of our villages.

There are 1,315 homes at least being destroyed along the Final Trace. The ADB RRP had estimated 810 as per the Combined Trace and expected this number to be reduced when the final trace was drawn. The EIA stated the CT would destroy 622 houses. The RDA has recently told the media that 4,000 homes will be damaged. Further details have not been released to the Public.

Of the 1,315 homes to be destroyed by the FT 270 are in the Northern Deviation and 470 are in the Southern Deviation. The CT that was approved in the loan documentation would have destroyed only 40 and 50 homes respectively. **This is an eight-fold increase in these two deviations alone.**

**Environment** - The recent judgment in the Supreme Court confirmed that environmental studies and consequently agricultural, irrigation, social studies, economic analysis, etc., have not been done on the FT. This has resulted in unquantified and unforeseen damage. The facts below illustrate this further.

Livelihoods of many Farmers' have been irreplaceably lost with the change of Trace. The FT runs through productive paddy fields rather than abandoned ones as well as tea and rubber estates. Replacement agricultural land has not been provided to the majority of farmers. Many of us are suffering with loss of our homes as well as loss of our productive lands. This impacts severely on our future lives as compensation will not feed our families for generations as our lands have done.

The estimate of lands to be directly lost is nearly 1000 hectares of which 300 hectares are Paddy fields. The majority of the rest is rubber, tea and fruit and vegetable gardens, which contribute significantly to our economic well-being. The water flows and the water table itself will also be damaged and make fertile areas that are outside those acquired unproductive. The choice of the FT going through productive lands has caused material loss for many of us both directly and indirectly.

**Wetlands** - Our environment will also be considerably degraded. An example is the Panape Wetland close to Bandaragama. **This wetland was not in any of the areas**

**studied.** It is very important as an area of high bio-diversity and flood protection. The FT goes through Panape along with other wetlands and huge tracts of productive Paddy Fields. This trace will cause irreparable damage to this area of high biodiversity. *If the Panape is left untouched as it has been for years it will be one of the places close to Colombo where people will be able to come and appreciate nature. The Panape is rich in biodiversity and would also be preserved for scientific study.*

One of the reasons for changing the trace was concern for wetlands, notably Bolgoda recreational area in the North and Koggala in the South. However Wetland Experts value the Panape Wetland, the paddy fields and the other wetlands along the Final Trace more highly than the area of wetlands the CT was passing through.

**Social Structure** - Hitherto integrated communities will be dispersed. We have extended family structures and up to 4 generations live within walking distance of each other. We will now be displaced and forced to live away from each other.

**Temples** - In the Bandaragama deviation there are 5 temples that will be damaged. Previously on the CT there were none to be affected. One of the Temples has an Orphanage and two have Meditation Centres. The loss of parts of our Temples and the severance of community from the temple is destroying the religious and cultural base of our society. Running an Expressway close to a temple means that the peaceful atmosphere, which is of intrinsic value to a temple, will be destroyed. There will be vibrations from the Expressway and constant noise of traffic. As the affected Monks say, sound barriers will not restore the peaceful environment. This means that Bana and Pirith will not be able to be practiced in a tranquil setting, as they should be. Affidavits from the Monks regarding the damage to the Temples are attached to the SPF Complaint Appendix 10(a).

Some of our members took the change of trace to the Court of Appeal. The Court appointed a Judicial Committee of three retired Supreme Court Judges chaired by a retired Chief Justice to investigate the change of trace. They took evidence directly for several days and spent two days visiting the various traces. The Committee strongly noted the lack of information to the affected people and damage to a Temple in particular. A copy of the Judicial Committee Report is attached. It is pertinent to note that on the approved Combined Trace no temples were to be affected.

**Resettlement Practice** - Direct harm has been caused to many of the Affected People by the way Involuntary Resettlement has been carried out. None of the people have access to the Resettlement Plan and their Entitlements. The ADB informed us in 2001 that the plan was available in Sinhala, but the Sinhala translation promised to the Chief Representative of JBIC in May 2004 is still not available to the people.

The Resettlement is being done in a very cruel and harsh manner contrary to the ADB Involuntary Resettlement Policy. Many people are suffering, particularly the disabled, the women and the elderly. People are being forced onto Resettlement sites without even water and electricity.

Affected Persons are told that they will get no compensation if they do not do as the RDA insists. Many have been forced to destroy their homes and live in wooden shacks, even elderly and widows are forced to break their houses and live in the kitchen or bathroom

only as the rest of the house is destroyed. Wells have been filled in, toilets destroyed, and the families left without any water or toilet facilities.

As a matter of practice throughout the trace full compensation has not been paid prior to eviction. Some are forced to fall into debt when they relocate, some to live in half built homes awaiting the money.

As the Resettlement sites in some cases are a long way from their homes many are also losing their livelihoods. No attempt has been made to replace these livelihoods. The labouring work being done on construction of the Expressway has been given to people from outside the area. We were informed and have since checked, and found this to be true. The labourers were employed by a company owned by the brother of the former Minister who was put in charge of the STDP by the previous Prime Minister.

The RDA's failure to inform and involve people has resulted in resistance in many places along the trace. They are now penalising these people by terrorising and forcing them out of their properties. They are neither fully compensated nor are there properly prepared resettlement sites or places to go.

Details of the way that Resettlement has been done can be found in the Additional Evidence supplied to the SPF. This was the result of site visits and interviews by Friends of the Earth Japan in the presence of the Chief Representative of the Japan Bank for International Cooperation. These were carried out mainly in the ADB section, as well as the one site in the JBIC section.

Further details of the harm being suffered can be provided.

### **Harm is due to ADB's Actions and Omissions**

ADB has a series of Safeguard and other Policies which ADB Management is duty bound to follow. Many breaches of these have occurred and continue to occur. The harm we are suffering is because ADB Management has not complied with these Policies.

The Final Trace has not been covered by an EIA. The FT is outside the corridor recommended in the RRP and approved by the Board in 1999. There have been no Social Studies on the 48km of the Final Trace that are deviations from the Combined Trace. The viability of the Combined Trace was a marginal 12.2% with costs increased by 10% and benefits reduced by 10%. Costs have more than doubled compared to those used in the Economic Analysis of the RRP. Benefits have been reduced by much more than 10% by moving the trace away from the sources of traffic. No reappraisal of the Project has been done that is publicly available. The Final Trace has more than doubled resettlement. The actual number of homes for which resettlement is necessary is not being disclosed by the RDA only those within the Acquisition line of the Expressway. Those to be resettled because of underpasses overpasses or interchanges are not counted, nor their compensation assessed.

In 2001 ADB Management was advised of the harsh and inhumane way that Resettlement was being done. The methods used for Resettlement have not improved. The direct breaches of the Involuntary Resettlement Policy were advised to ADB and

they have ignored all these. Neither the Resident Mission nor any of the visiting Missions have monitored Resettlement practices otherwise the suffering that is being forced on those who have been removed from their homes, their lands and their livelihoods would not be continuing. No information is supplied to those being resettled, neither a Resettlement Plan, an Entitlement Matrix, not even an analysis of the Compensation they are receiving. No information for them to understand their rights or even whether they have been robbed by the Resettlement Officers.

All the above are breaches of ADB Policies. From 2001 the ADB has been advised of this. In August 2001 President Chino was advised directly. An Inspection request in October 2001 gave details of the breaches. Inaccurate information given by ADB Management to the Board Inspection Committee denied us this Inspection. This inaccurate information shows ADB Management's complicity in the harm being done. ADB Management denials and active assistance to the Government of Sri Lanka is a direct cause of our suffering.

If the ADB had ensured compliance with policies, then we would not be suffering harm.

**Human Rights violations are being committed within ADB's knowledge and connivance. ADB is party to those violations. This is clearly against Policy.**

**There are breaches of covenants of the Loan Agreement of which ADB management is aware. Disbursements of the Loan could have been suspended if not terminated. ADB Management has taken no action.**

The disbursement of funds whilst the breaches occur permits the RDA and other authorities to continue to do harm to us. The granting of permission by ADB to the Government of Sri Lanka to sign a contract with Kumagai Gumi when the contract was for a trace that was not permissible within ADB's policies and cases were still in the Courts is causing harm to us. All these omissions and actions make ADB the direct and indirect cause of harm to us.