

Right of Way

A journey of resettlement

Sharni Jayawardena

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A journey of resettlement

by Sharni Jayawardena

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The Centre for Poverty Analysis (CEPA) is an independent professional service provider promoting a better understanding of poverty related development issues. CEPA places great emphasis on providing independent analysis, capacity building of development actors, and seeking opportunities for policy influence. CEPA is influenced by a strong orientation towards service provision that is grounded in sound empirical evidence while responding to the needs of the market. CEPA maintains this market orientation through client requests, and also pursues a parallel independent research agenda based on five broad thematic areas: such as post conflict development, vulnerability, migration, infrastructure and the environment.

Acknowledgements

This book is dedicated to all the people who lost their homes, property and livelihoods to make way for Sri Lanka's first highway. It is their experiences that are recorded in it.

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There are many people from CEPA – both past and present, who have made valuable contributions to this study and their efforts are gratefully acknowledged.

Preface

The Centre for Poverty Analysis (CEPA) has been engaged with the Southern Transport Development Project from 2006 to 2011, monitoring the resettlement and compensation of people displaced by the construction of the Colombo-Matara Expressway. The single largest road project ever implemented in Sri Lanka, this undertaking was not an easy task, and was fraught with tension, opposing interests and dissatisfaction among the affected persons. It had repercussions for those who were displaced, as well as for the implementers of the project, including those who advised, monitored, or provided other services to the process of relocation.

As with most life experiences, with the passing of time, we tend to forget the sacrifices made and hardships endured. This book then is an attempt to document what happened to the people who had to move, and the different impacts the project had on their lives. It is based on a structured monitoring process carried out over four years, that involved a survey of 400 households, more than 30 group discussions with affected households, and over 450 individual interviews with residents, experts, local government officials and donors. The information was collected mainly in 2006 with follow-up information on selected issues such as livelihoods, vulnerability, community resources and resettlement sites gathered periodically from 2007 - 2011.

Right of Way also shows how the Road Development Authority, comprising engineers whose primary task was supervising the road building, also implemented the project's social programmes, often under difficult and contentious circumstances, working with a diverse group of people who, as in any real-life situation, acted and reacted in diverse ways. It provides insights into one of the first large-scale implementations of the principles contained in the National Involuntary Resettlement Policy, with those who were affected by the

project as well as those who worked on it, sharing valuable experiences – so that future projects can deal better with similar situations. And finally, it attempts to visualise the place and circumstances as it used to be, before the road came - something to be aware of as we, the public, drive down the expressway.

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Abbreviations

ADB	Asian Development Bank
CEA	Central Environmental Authority
CEPA	Centre for Poverty Analysis
DS	District Secretariat
EMP	Environmental Management Plan
GRC	Grievance Redress Committees
GSMB	Geological Survey and Mines Bureau
HH	Household
IEM	Independent External Monitoring
IRP	Income Restoration Programme
JBIC	Japan Bank for International Cooperation
LAA	Land Acquisition Act
LARC	Land Acquisition and Resettlement Committee
NIRP	National Involuntary Resettlement Policy
PCRM	Public Complaints Resolving and Monitoring
RDA	Road Development Authority
RIP	Resettlement Implementation Plan
STDP	Southern Transport Development Project


RD

Chapter 1

Setting the course

Sri Lanka's first controlled-access expressway - variously known as the Colombo-Matara Highway, the Southern Expressway, the Southern Lanka Expressway, and the Southern Transport Development Project - was declared open in late 2011. The road covers a distance of 128 km from Kottawa in the western province to Matara in the southern province and is estimated to have cost 85 billion rupees, as reported by *Lankapuwath,* the National News Agency, in January 2011. The Government of Sri Lanka, the Japan Bank for International Cooperation (JBIC) and the Asian Development Bank (ADB) jointly funded its construction with the Road Development Authority (RDA) as the executing agency.

Successive governments have stated that the expressway will serve as a catalyst for economic growth that will in turn bring work opportunities for the poor. Expected to cut travel time by more than half, it was welcomed by both the wider public and big business - mostly from the manufacturing and tourism sectors. It was also regarded positively by people and agencies who saw an expressway as an obligatory indicator of a country's development. Perhaps unsurprisingly, the local communities, who would feel the largest impact, and have the least to gain, expressed both worry and fear. They did not want to lose their homes and lands, and face the disruptions to their lifestyles from such a large construction project. Neither could they see sufficient value from this road, which could justify such loss, as they already had access to the parallel coastal Galle Road.

Map 1: Route of the Southern Expressway



SRI LANKA

SOUTHERN TRANSPORT DEVELOPMENT PROJECT

The route

The expressway cuts through land with a population density of 940 per square kilometre – much higher than the national average of 351. A quarter of the inhabitants, who live mainly in semi-urban and rural settlements, are considered to be living below the official poverty line. Most of the land, which is ecologically diverse and geologically varied, is cultivated. Agriculture is the main economic activity for many of the people in this area. People have been growing paddy in the valleys and cash crops like tea, cinnamon and rubber on the higher areas. The road also traverses some forest areas, wetlands and the catchments of five rivers, including the Kalu Ganga, Bentota Ganga and Gin Ganga.

The project and its principles of resettlement

Involuntary displacement is the term that is used to describe a situation that leaves people no choice but to move to a new place. It's something that large numbers of people in Sri Lanka have experienced in recent decades, particularly as a consequence of the massive Mahaweli Development Project and the civil war. An estimated 1,338 families were displaced by the Southern Transport Development Project (STDP), of which 509 families obtained land in 32 sites provided and developed by the Road Development Authority (RDA). This figure would have been much higher if the project had not made a deliberate attempt to avoid highly populated areas, sometimes though at considerable cost to the environment as well as to agriculture. Much of the land acquired was agricultural; consisting of paddy, tea, rubber and cinnamon cultivation, and close to 4,000 households were affected due to loss of their landholdings. In addition, about 550 households were indirectly affected. They included people who worked as agricultural labourers and plantation workers on land lost to the road and those who worked in enterprises that had to close down. A further group of people may be forced to move as the road interchange sites are developed and the urban development zone along the expressway comes into effect.

The project recognised the sacrifice that some people would be making for the sake of development i.e. 'for the greater good'. Its plan therefore incorporated elements of the National Involuntary Resettlement Policy (NIRP), which the donors had promoted and helped formulate, to protect the rights of displaced people. Indeed, one of the key principles of the NIRP is that involuntary resettlement should be avoided or reduced as much as possible, by reviewing alternatives to the resettlement plan as well as alternatives within it. Thus, the preliminary technical route or alignment for the Colombo-Matara Expressway was modified to avoid or minimise negative social and economic impacts. However, having to give up homes and livelihoods was unavoidable for some, and the NIRP stipulated that those who were displaced and affected in other ways must receive fair compensation for losses and enough support to start again.

"If individuals or a community must lose all or part of their land, means of livelihood, or social support systems, so that a project might proceed, they will be compensated and assisted through replacement of land, housing, infrastructure, resources, income sources, and services, in cash or kind, so that their economic and social circumstances will be at least restored to the pre-project level."

Operational Manual, Involuntary Resettlement, ADB, p.2

The process

Among the range of innovative means adopted by the STDP to reduce disruption to people's lives, the most significant has been the Land Acquisition and Resettlement Committee (LARC) to determine compensation. Calculating compensation at "replacement value" that took it beyond market value and providing allowances for shifting and rebuilding, as well as compensating for livelihoods losses was another key principle of the Resettlement Implementation Plan (RIP). It also recognised payments for those without titles as well as support to restart livelihoods.

Moreover, the project recognised the notion of 'vulnerability' – that some groups are more adversely affected by an activity or change than others. At the planning stage, the project identified six vulnerable groups who would be offered an additional allowance and assistance to help complete houses and regain work: (i) female-headed households; (ii) elderly households; (iii) households with disabled members; (iv) households with incomes below the poverty line; (v) households with less than one acre of land; and (vi) households belonging to minority groups.

Some deviations

However, not everything went according to plan. Although the RDA began land acquisition activities in August 2000 and expected to complete the acquisition by June 2003, this target was reached only in November 2006. The project's concerns about maintaining schedules to keep costs low sometimes had the opposite result. It created problems that had to be resolved by higher authorities. The road trace or alignment was changed on numerous occasions and the RDA had to deal with objections from different groups and households to each change, which additionally caused much distrust and dissatisfaction among the affected people and long drawn out delays for the project.

In August 2001, a group of 49 people went to the Court of Appeal to challenge changes to the road alignment plan they had been originally introduced to, but the two appeals were dismissed in May 2003. Forty-two households then appealed to the Supreme Court against the decision of the Court of Appeal. The Supreme Court judgement, given in January 2004, stated that the deviations were not covered in the studies done for the Environmental Impact Assessment, that the RDA had altered the route after the Central Environmental Authority (CEA) approved an earlier route. Moreover, the CEA could not delegate its power of approval to the RDA. The Court also noted that the people affected by the deviations were entitled to prior notice and to be

heard, that the rights of the petitioners under the Constitution of Sri Lanka had been violated. The Supreme Court required the RDA to pay each householder a sum of Rs. 75,000 in addition to the compensation payable by the State under the Land Acquisition Act (LAA). It also ordered a payment of Rs. 150,000 to cover costs related to the appeals. The judge's verdict made the following point: *If it is permissible in the exercise of a judicial discretion to require a humble villager to forego his right to a fair procedure before he is compelled to sacrifice a modest plot of land and a little hut because they are of 'extremely negligible' value in relation to a multi-billion rupee national project, it is nevertheless not equitable to disregard totally the infringement of his rights: the smaller the value of his property, the greater his right to compensation.*

Some of these households took their case to the ADB's watchdog mechanism, the Office of the Special Project Facilitator and the Compliance Review Panel in Manila, where a compromise was reached and the project was able to go ahead, after a delay of a number of years when no work was carried out, to complete the acquisition process. This also delayed the completion of the project, which was originally scheduled for 2005.

Working with complexity

Inevitably, implementing the project – putting the principles into practice – has not been easy. But it has resulted in new experiences and knowledge for all involved. For example, it became evident that vulnerability is far more complex and multi-faceted than first believed. In fact, the project had not anticipated the extent of vulnerability that resulted from, or worsened because of, people's relocation. Certainly, the process of recovery was slower than the authorities had expected and the people had hoped, but there are some signs of positive change. The learning, then, will continue, as the next several years provide further evidence of both positive and negative impacts of the expressway on the people it displaced.



Chapter 2

Laying the groundwork

A noteworthy difference

The project's Resettlement Implementation Plan (RIP) took a radical departure from Sri Lankan law on land acquisition, compensation and resettlement and the Land Acquisition and Resettlement Committee (LARC) could be considered its most important mechanism. LARC was notably different from the instrument the State usually turns to when it wants to acquire private land for public purposes – the Land Acquisition Act (LAA) No. 9 of 1950. A key difference is that the LAA does not deal with the broader issues of restoring livelihoods or living standards of the displaced people.

The RIP operationalised through the LARC, attempted to fill some key shortcomings in Sri Lanka's land acquisition procedure. It was based on two important principles: (i) compensation will be calculated at 'replacement value' that covered all types of losses (house and property and livelihoods) but also included costs like renting a temporary house, preparing documents, shifting and replacing utilities, and (ii) people will be provided the space to participate in and be consulted during the process of determining the compensation. LARC acted as a forum for discussion between householders who would be relocated and government officials who would guide the process of relocation. To put it more simply, LARC was responsible for making the final decision on the amount of compensation a household would receive. The LARC meeting was mandatory for all households, not just for those who asked for a meeting, and it gave people an opportunity to state their views. This forum for negotiation helped bring about fairer compensation for lost homes, land, cultivations and enterprises.

LARC comprised the Divisional Secretary (or representative) as Chairman, Valuation Officer of the region, Superintendent of Surveys (or representative), RDA Technical Officer, Grama Niladhari (village leader/public official), and representatives of householders. Thus, it was a good balance of people – providing technical expertise and local knowledge. Although it was set up primarily to consider (monetary) compensation related to loss of assets, in reality it was a forum to present any type of grievance related to resettlement. The meetings provided people with the space to present their concerns not just relating to their physical assets but also regarding their family situation, particular hardships or issues like disability, poverty or losses which are difficult to capture in an asset valuation. Thus, the discussions and negotiations would quite often extend to several meetings.

There was almost 100% attendance by affected householders in the LARC process, with only a few exceptions, such as when the acquired lot size, and therefore the expected compensation, was very small. The location of the LARC meeting, the Divisional Secretariat, facilitated easy access, as it is the most localised level of the state administration system.

Understandably, there were mixed feelings of having to present their case to the LARC committee. Some were confident and took advantage of the opportunity to appeal their cases but some were anxious and overawed at having to appear in front of the officials.

"LARC is a very good concept. If it had not been there we would have had no place to talk, anthaasaranai. Here we could negotiate to increase what we would get. It was really good when we compare it to what happened in the Mahaweli project."

Householder, male, age 27, 2006

"There were some people from the RDA and DS [in the LARC]. I couldn't take time to think and answer because I was alone in front of 5 or 6 people. Mama thaniminiha. It's like a court of law."

Business owner, male, age 75, 2006

"We were able tell them all our problems, though the entire process got lengthened. And even though they were high-level State officers they listened to everybody's problems. They were able to be flexible; they tried to see both sides of the story."

Farmer, male, age 60, 2006

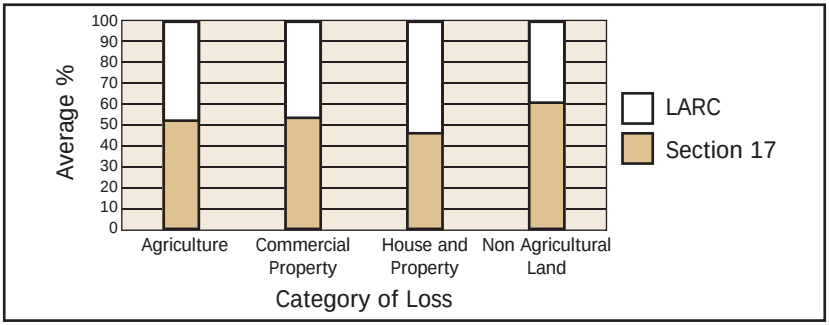
"I forgot some of the things I wanted to say because I was anxious… there was a well in the house plot and a gal wetiya (stone fence) too … I forgot to mention them and because of this, I couldn't get compensation for them."

Householder, female, age 46, 2006

From the viewpoint of the officials, both local government officials and STDP officials, there was general agreement that LARC facilitated decision making: *"LARC comprised officials that people meet all the time and know well, such as the Divisional Secretary and the regional officers of the RDA. The only strangers may be the valuation and survey officials. LARC succeeded in reducing the time for reaching agreement. The way the STDP was implemented showed that there are many small ways in which the statutory process can be implemented in the shortest possible time. This is good for the project as well as those affected by it."* (STDP Regional office staff member, 2006)

On average, LARC was able to double the compensation determined under Section 17 of the Land Acquisition Act in all categories of loss – house and property, agricultural land, commercial land and other types of land (non agricultural land).

Figure 1: Percentages of compensation received by category of loss



Source: Resettlement office files, CEPA sample survey 2006

The level of replacement of assets, particularly housing, indicates that the amounts paid were the replacement value, or very close to it. Negotiations have, in general, especially benefited two contrasting groups: households seen by the Committee to be particularly vulnerable and households with well-informed family members who were able to convincingly argue their cases. *"I searched for information and got to know that others have been paid well. Then I asked them why I have been paid less. The first estimate was only Rs.1,300 per perch. I continuously wrote to all those officers and authorities who were part of the STDP. Then they estimated Rs. 2,000 per perch. I didn't give up the attempt and continued to appeal to all possible authorities. Finally they agreed to pay Rs.7,000 per perch. I only accepted this when they sent me a letter telling me that my compensation was going to be cancelled if I didn't."* (Householder, female, age 55, 2006)

Some shortcomings

Despite the fact that LARC was essentially a democratic process, certain aspects of its decision-making, including the valuation criteria, lacked clarity – the result was dissatisfaction and tension, and the fairly widespread belief that similar problems were addressed with different solutions. *"There was no justice. While they paid Rs. 40,000 per perch for one plot, the land adjoining it was paid only Rs. 7,000 per perch. Some people received only minimum compensation. Only Rs. 9,000 was paid per perch, while Rs. 25,000 was paid to people who had land by the main road."* (Farmer, male, age 64, 2006)

All negotiations were carried out within the entitlement and value framework set out in the RIP, about which people had limited knowledge. Although efforts were made by officials to share information on all aspects of the project with the householders, this did not happen in a coherent and regular manner.

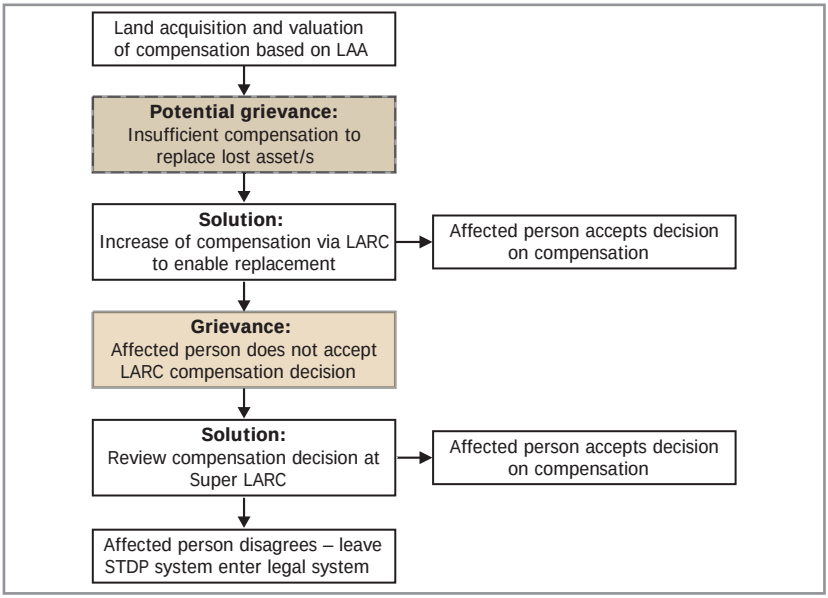
Moreover, LARC decisions, and the basis on which they were made, were not immediately shared in writing. Affected people signed multiple copies of their agreement to the compensation decided at the meeting, but no formal document was provided at the end of the meeting about agreements reached; any person who asked for it had to be satisfied with hand-written information with no authorisation. On average, the document providing the final LARC decision, which included the details of allowances, was received by people six months to one year after the final LARC meeting and the compensation payments had been made. This has led to dissatisfaction and suspicion even among those who had agreed to the LARC decision at the meeting, and eroded the positive feeling of having participated in a consultative process.

Clearly, the consultative approach that the project adopted posed a huge challenge to the staff, not only because of its scale, but also because of the lack of capacity to engage with people in a focused manner. In addition, there was little guidance to set boundaries and make consistent decisions that would have made it easier for LARC to operate more openly.

Super LARC

The project demonstrated considerable flexibility in response to ground realities, with some institutional structures and procedures being developed to address particular problems. The ‘Super’ LARC process was introduced midstream in the resettlement process, in 2003, because although LARC operated satisfactorily most of the time, there were instances when the compensation amount could not be agreed upon between the committee and the household. There was then, a need for a forum to appeal LARC decisions. Hence there were multiple levels of appeal that a person could resort to, as illustrated in Figure 2.

Figure 2: Levels of appeal that apply in relation to compensation



Source: CEPA 2010

Super LARC became responsible for the final review of compensation related grievances within the STDP and comprised the highest level of officers of the relevant ministries and departments. They included the Secretary, Ministry of Ports & Highways; the Secretary, Ministry of Land and Land Development; the Chief Valuer; the Surveyor General and the General Manager of the RDA. According to project officials, an estimated 4% of households accessed the Super LARC mechanism. The Committee however was careful not to create too much variance, and people's appeals were not always successful, while others were able to find an acceptable solution.

"I was not willing to agree to what they said at LARC. I went again to the Bandaragama office and they asked to appeal to the Super LARC. I think the Super LARC also had the Secretary to the Ministry. They said that that was the only amount they could give to me, that they are not in a position to increase it. So I walked out."

Farmer, male, age 54, 2006

"I am satisfied with the discussion and solutions given at Super LARC. They agreed to what I was saying. I agreed to move from the land because of that."

Householder, male, age 58, 2006

With Super LARC too, there were no publicly available guidelines about how decisions were made. Some people who had accessed the committee indicated that they had accepted its decision rather than prolonging the process through the courts because they did not want to take the risk of not receiving further redress, facing a reduction in compensation, or because they felt they were unable to represent themselves or handle the processes of a court case.

Grievance Redress Committees

Additionally, the project set up four Grievance Redress Committees (GRCs), which were less formal, semi-structured bodies at the district level to ensure that there was an on-going institution throughout the life of the project, through which complaints could be addressed, in a timely and cost effective manner. When the GRCs were first created in 2002 people hardly knew about their existence, so the system was restructured in 2005 and placed within the Divisional Secretary's office, a more familiar place for people. Since then, 22 GRCs have been operational. The membership of the GRC includes regional officers of the STDP, the Samatha Mandalaya (the community-level mediation instrument), a representative of an NGO and a community leader.

The committee has the right to request the Grama Niladharis, the technical staff from the STDP as well as officers from any State or non-State institution, to attend the hearings.

The need for such a specialised institution to address grievances was also due to the nature of the STDP, which was implemented through parallel structures to the usual implementation process of the State. Unlike other project-specific institutions dealing with grievances, such as LARC, which were active for only part of the project implementation period, the GRCs were designed to be active throughout the project period and to address any type of grievance, except those relating to the value of compensation.

One of the main weaknesses of the GRC has been in enforcing its recommendations, and monitoring enforcement. The problems arose because the GRC process ends with a recommendation, which is then implemented by a third party. Most often the institution/individual that is to implement the decision takes part in the GRC discussions and is party to the final decision, but the GRC has had very limited direct authority over the final enforcement of its recommendations: *"Though we suggested solutions for the issues forwarded to the GRC, we don't know whether those decisions were implemented or not. If those complainants came again and complained, it means those issues are not solved yet. The problem is that if the complainant does not come again, it doesn't mean that the issue is solved."* (GRC Chairperson, Karandeniya, 2006)

The Entitlements

Homes

Families who lost their homes to the highway were given two options: to relocate in resettlement sites or to places of their choice. In a departure from the LAA, households without documented titles to their lands and those who did not own the land they occupied were also awarded compensation, receiving alternative plots in resettlement sites. This 'Land for Land' principle of non-monetary compensation was particularly useful for poorer households with little capacity and resources to relocate.

Table 1: Types of land ownership and gender of the households sampled

Ownership Type	Estimated % population	Male	Female
Single owner	65.3%	69.1%	30.9%
Shared owner	19.3%	72.3%	27.7%
Ande or sharecropper	1.8%	66.7%	33.3%
Tenant	1.5%	100.0%	0.0%
Encroacher on private land	4.5%	73.3%	26.7%
Encroacher on state land	5.6%	63.2%	36.8%

Source: CEPA sample survey, 2006

Particularly significant of the RIP is its treatment of landless persons– a clear sign of its commitment to equity. Households that held title deeds to their homes and those who did not were both eligible for a house plot in a resettlement site. A titleholder was entitled to a 20 perch plot, the price of which was deducted from the total compensation. The non-titleholders were entitled to a 10 perch block, which, in the case of extremely vulnerable households, was given free.

House owners were entitled to cash compensation at the full replacement cost for material and labour without deduction for depreciation or materials that could be re-used. Compensation values for loss of house lots was arrived at by considering the ownership type, size of the lot acquired, proximity to a developed area, and the quality of the house. All households displaced by the road were entitled to a range of allowances and other payments such as a shifting allowance of Rs.1,500, an incentive payment of 25% of the compensation for vacating by the stipulated date, and a temporary rent allowance. People who relocated outside the resettlement sites were paid an additional self-relocation allowance as well as allowances to obtain utilities.

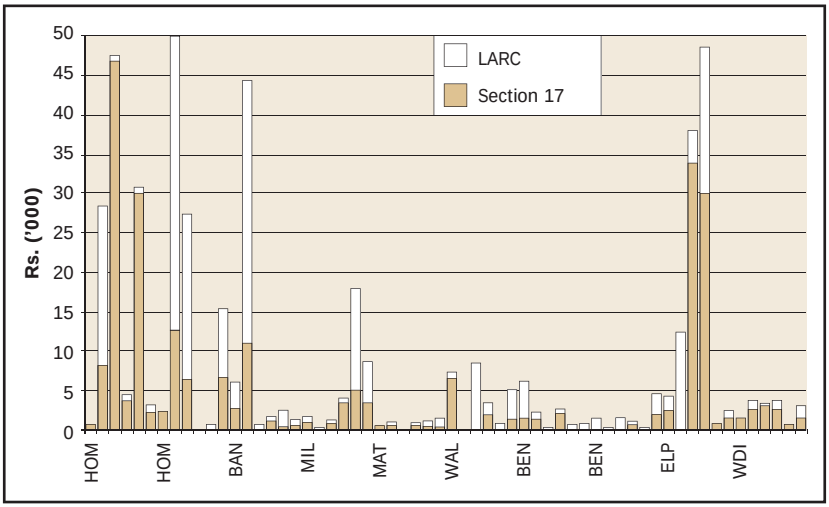
Households displaced from rented accommodation were entitled only to a temporary rent allowance and the shifting allowance. However, in practice, they too have been considered eligible for all the other displacement allowances titleholders are entitled to, like those for electricity and water connections and self-relocation. Some of them were even able to buy a plot of land by combining all their allowances: *"We were tenants at _____'s house and we lived there for 10 years. We paid Rs.100 monthly as the rent. We didn't have money to buy a piece of land. We didn't have any land before, now we have a 30 perch land of our own [which was bought with the compensation paid by STDP]. We were given a plot of land in the _____ site but we rejected it as it was far away."* (Householder, male, age 43, 2006)

Agricultural land

The project plan specified the many aspects of compensation to be paid to households losing agricultural land: full replacement cost of the land, market value for lost crops, cash compensation for future production loss and a livelihood restoration grant of Rs.15,000. But most payments have been recorded as compensation for loss of land, without reference to livelihoods. Project officials state that while no separate payments were made for lost crops, trees, value of future production, and restoring livelihoods, these were taken into account when considering the lump sum compensation for loss of agricultural land decided by LARC.

Though there were no written guidelines, patterns of compensation paid for agricultural land show four main variables: ownership type (single owner/not single owner); crop type (paddy/not paddy); size of lot acquired; and proximity to a developed area. Officials mentioned additional criteria to explain the variance, such as surface characteristics of the land lot (slope, fertility of the land), quality of the crop, and characteristics of the household (severity of loss suffered and the ability of people to present a case to LARC).

Figure 3: Variations in compensation for agriculture property in selected DS divisions



Source: Resettlement office files, CEPA sample survey, 2006

As shown in the above chart, there is a substantial variance in compensation paid per perch of agricultural land acquired. A similar pattern was seen for the entire length of the road from Kottawa to Matara. This was the case for the compensation amounts from both Section 17 (through the LAA) and LARC. While this is to be expected when implementation is flexible enough to take a case-by-case approach, the parameters for compensation could have been more transparent and more widely shared with the public. This has been one of the most common causes for dissatisfaction among the displaced people.

Businesses

All relocated enterprises, both registered formal enterprises and informal enterprises, were eligible for compensation under the project implementation plan. They included grocery stores, hardware shops, bakeries, rice and oil mills, brick and fibre manufacturing workshops and automobile service centres. They were entitled to the same

package of allowances as relocating households. Registered businesses affected by relocation were entitled to compensation equal to three years' future income under the LAA. Within the category of unregistered businesses, small informal businesses were paid up to Rs. 90,000 for the loss of business income calculated at Rs.15,000 per month for six months. Unregistered businesses on a larger scale were paid a loss of business income allowance, which depended on the valuation of the business, taking into consideration the nature of the business and the loss incurred due to the acquisition.

The right to participate and to be represented

Women made up 52% of the household population directly affected by land acquisition for the expressway, but were living mainly in male-headed households. Project staff were keen to ensure that there was good participation, irrespective of gender: *"When my husband went for the LARC discussions, the officers had told him, "You are not the owner of the land, the owner of the land is your wife, and therefore, she has to participate at the LARC Meeting."* (Householder, female, age 64, 2006). But there were some instances where female householders perceived that they were not taken seriously simply because they were women. *"My husband was abroad when the acquisition took place and I had to deal with it until he came down. I think they paid us less compensation because I am a woman."* (Householder, female, age 39, 2006)

While both males and females own land, there are more males identified as people affected by the project than females. This is likely to be due to the tradition in these areas of having property in the name of male persons or joint ownership being reported as the male owner. Thus, only about 30% of people officially identified as affected by the project are female, and this proportion holds in the categories of loss of agricultural, housing and non-agricultural properties. The figure drops sharply when it comes to commercial properties, with only 7%

under the names of women. This is possibly because a small home-based enterprise is less likely to be identified as a commercial property. There were, however, instances when such income generating activities carried out by males have been so recognised.

Many women, whether identified as the main householder or not, were active in the process of negotiation: *"We used to go there with a lot of determination. When they told us to wait, that the relevant officer would come, we waited till he came… When everything finished and we got compensation for all the lots, we thanked the RDA officials at the head office…. We spent so much time there talking to Mr... and Mr. … They were very helpful. Honda sahayogayak dunna. It was always the two of us [mother and daughter] who went to the RDA head office. Thaththa said he couldn't be bothered with going up and down carrying files. I started going for work only after this was sorted."* (Householders, females, ages 58 and 26, 2006)

New locations, new homes

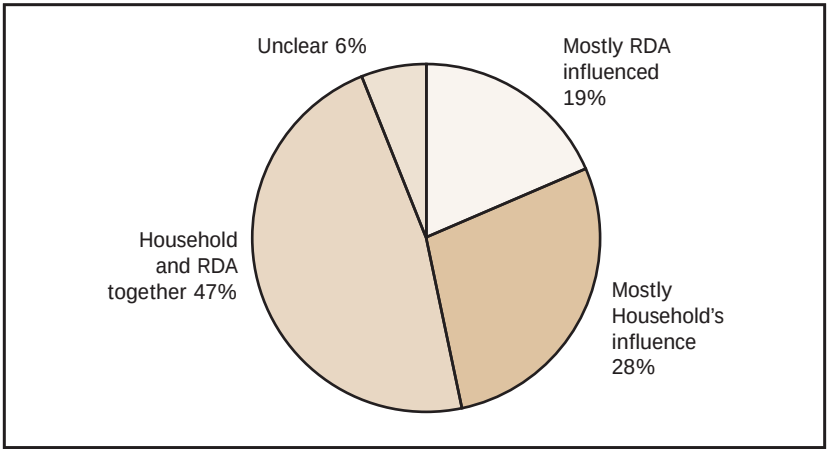
About 14% of the lots acquired for the road's right of way contained houses and the loss of house plots and houses was compensated for by both cash and replacement land. About 60% of the displaced householders opted to move into other plots they owned or to buy a new plot. The project also provided 32 resettlement sites, which was the preferred choice for relocation of the balance 40% of displaced householders, who did not have a viable alternative or could not afford to purchase land: *"We don't have enough money to go on our own and settle down like that. Who can buy lands for Rs. 100,000? People raised their land prices when we got our compensation, they thought we had money and could afford it. They forgot we had to begin from scratch."* (Focus Group Discussion, Dodangoda, 2006)

Resettlement sites were created as the RIP included an entitlement of providing developed land as an option for displaced households.

The RDA negotiated with the land owners (either State or private) to acquire large extents of land, which helped overcome the difficulties associated with the high cost and limited availability of land for purchase by people individually. This also meant that communities were able to resettle together in close proximity to their original location, minimising social disruption.

According to the project plan, resettlement sites were to be selected in consultation with the community and located less than 1 km from the affected village, less than 1 km from the main highway and schools, and less than 6 km from a town and medical facility. The site also had to be developed with water supply, electricity, and internal roads and drainage. A high degree of consultation occurred in choosing the resettlement sites – although the final decision may not have always been reached through consensus. In certain cases, for example in the St Edward's site, the householders had a stronger say in the final decision, while in others such as the Diyagama site, it was mainly the RDA's decision.

Figure 4: Household's opinion on "Who Selected the Resettlement Site?"



Source: CEPA sample survey, 2006

The requirements as set out by the RIP, and people's choice that they remain as close as possible to their original homes and villages, resulted in 40% of the resettlement sites being within the 200m radius of the highway that was being constructed. This has in-turn exposed them to the inconveniences of living next to a construction site, and dealing with the vibrations, cracks to structures and dust, that were not adequately planned for: *"We paid a lot of attention to the requests and requirements of people who were being resettled in new sites. We wanted to respond positively to them; for example, agreeing with them as far as possible on the allocation of plots. I think it's a good thing. But it also caused some problems. People suffered adversely due to the dynamiting and pollution caused by construction activities. We should have paid more attention to these aspects. We wanted to be responsive to people, but we should have had a better plan to address these issues."* (Resettlement Officer, STDP Regional Office, Galle, 2006).

Map 2: Location of resettlement sites along the road's right of way



Source: GIS Mapping on resettlement sites, CEPA 2006

When allocating plots within the sites, a lottery system was offered to settlers in all sites. Plots with greater proximity to the road, plots considered ideal for particular enterprises, or plots for households that did not own their land (and who were allocated different sized plots) were considered separately. Most householders felt that the lottery method was a fair way of allocating plots while some people saw discrepancies in its application.

"Households were separated into two categories as those who lived near a main road and those who lived inside. Two raffles were used. Everyone thought it was a fair method of choosing as it was based on how it was earlier."

Focus Group Discussion, resettlement site, 2006

"The plots were allocated using the lottery method. But some plots were not included. Initially the roadside plots were said to be reserved for banks and other common services for the community. Then the so-called reserved plots were allocated to an influential few who came later. Even in the lottery, they didn't tell us what the 'A' plot is and the 'B' plot is and so on. After we got the number they told us. So the decision was in their hands."

Focus Group Discussion, resettlement site, 2006

People in resettlement sites were also unhappy about delays in the provision of basic infrastructure; internal roads, drainage, water and electricity. Another grievance was about delays in handing over deeds legitimising the ownership of land bought by the households in resettlement sites.

Snapshots

of

A journey of resettlement

All photographs in this section were taken by CEPA Staff during monitoring visits from 2006 - 2011.



RDA road marker, in front of house

property marked for acquisition

demolished house, by the side of expressway

ancestral house

...and after demolision



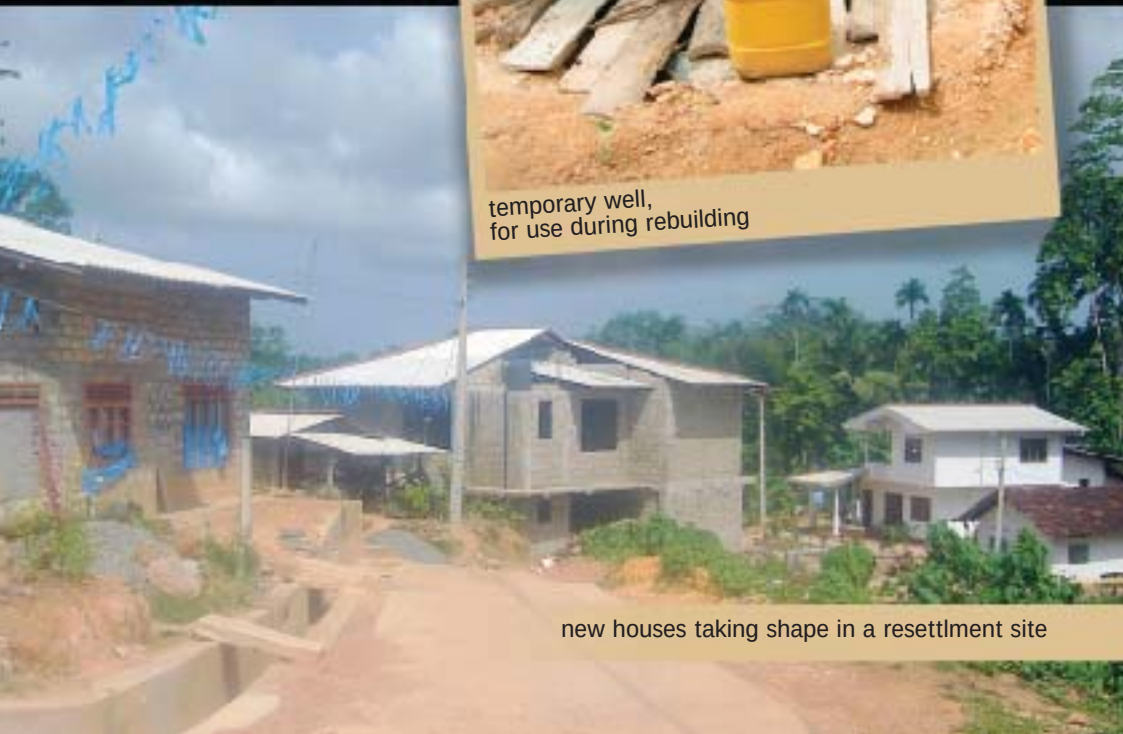
dismantling and recycling for the new house



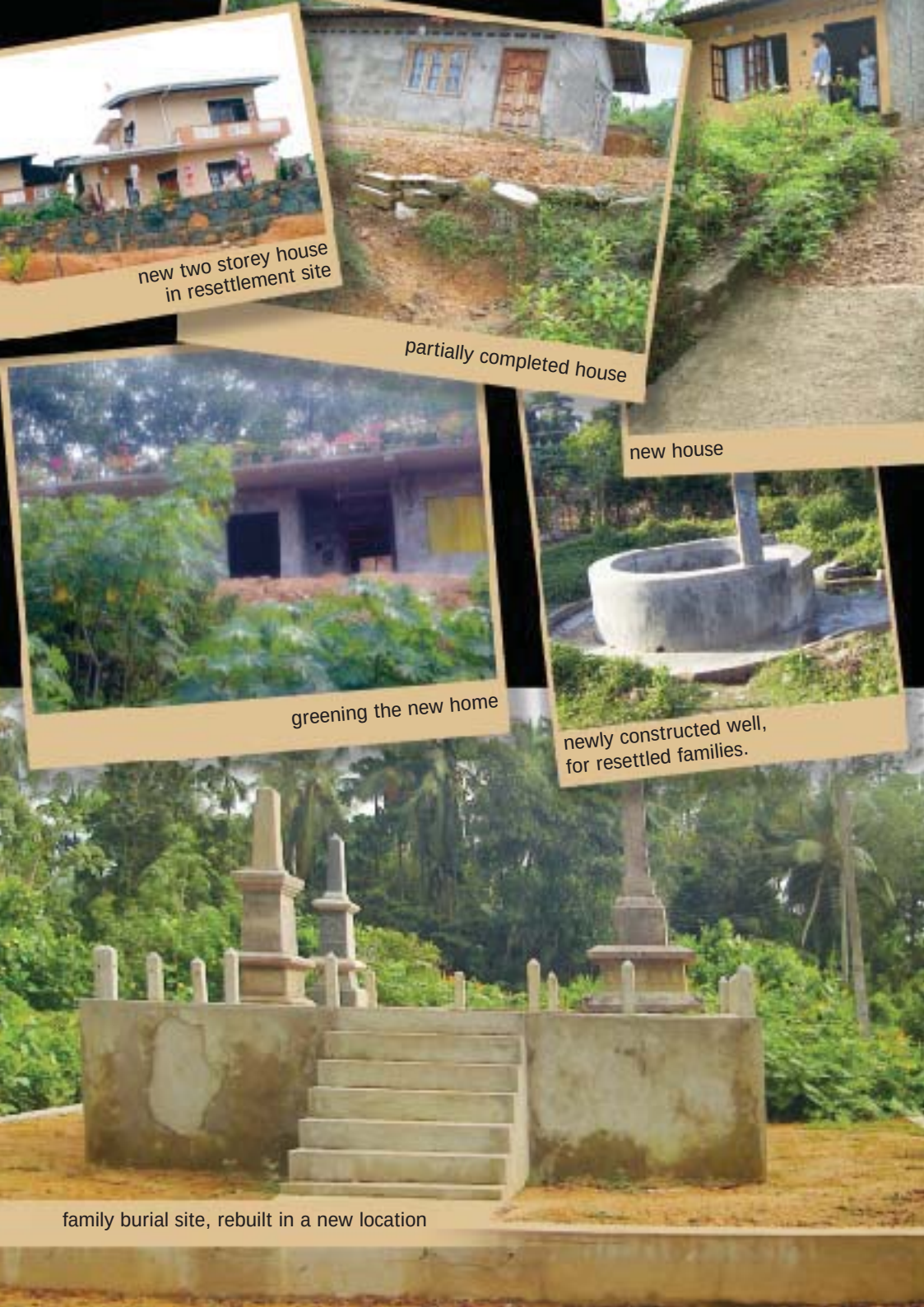
temporary house



temporary well,
for use during rebuilding



new houses taking shape in a resettlment site



new two storey house in resettlement site

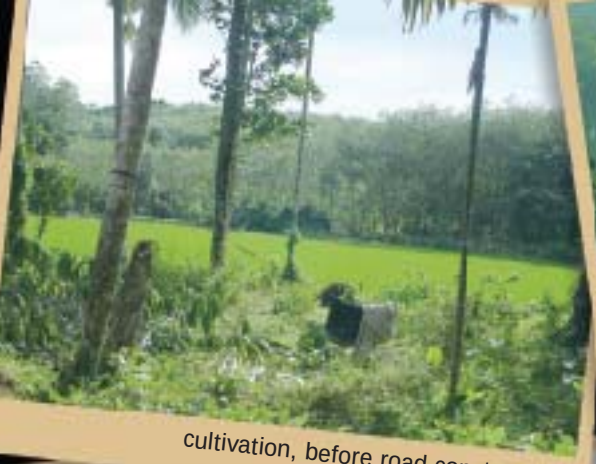
partially completed house

new house

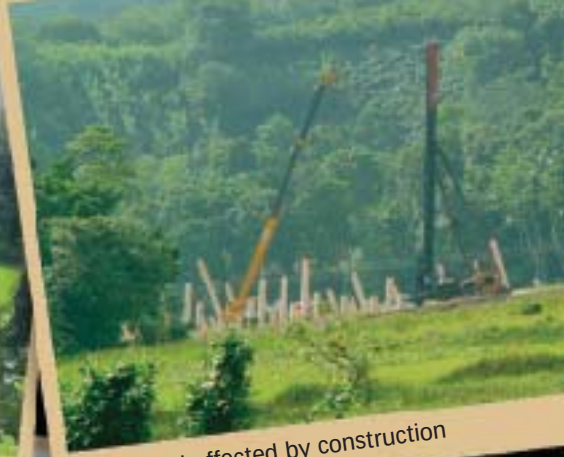
greening the new home

newly constructed well, for resettled families.

family burial site, rebuilt in a new location



cultivation, before road construction



paddy land affected by construction



rubber cultivation
by the side of the expressway



expressway going through paddy lands



paddy and rubber cultivations
affected by construction

new business opportunities



village shop, reconstructed in new location



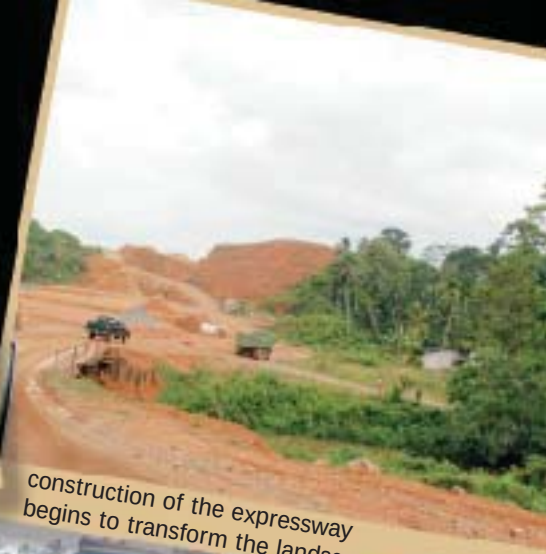
temporary business opportunities



restarting the home garden



construction of expressway begins



construction of the expressway begins to transform the landscape



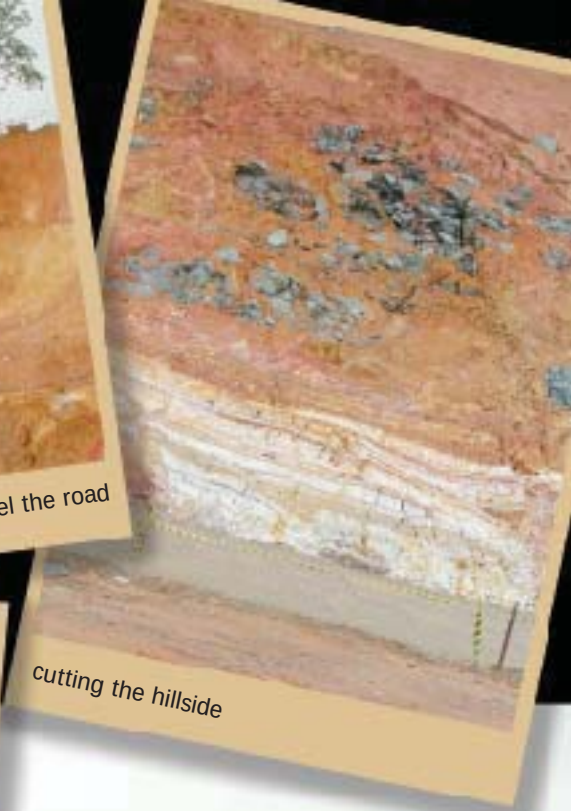
heavy construction activity, close to houses



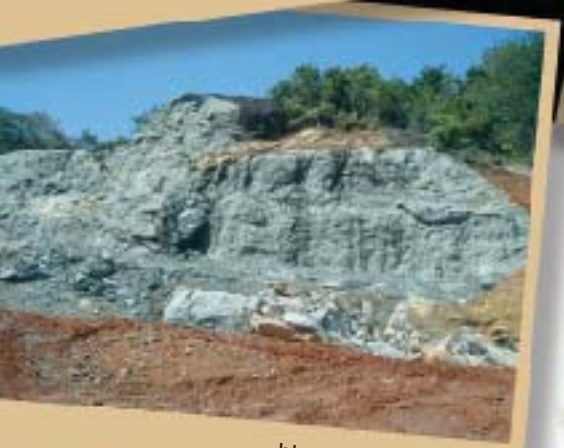
construction obstructing village roads



cutting the land to level the road

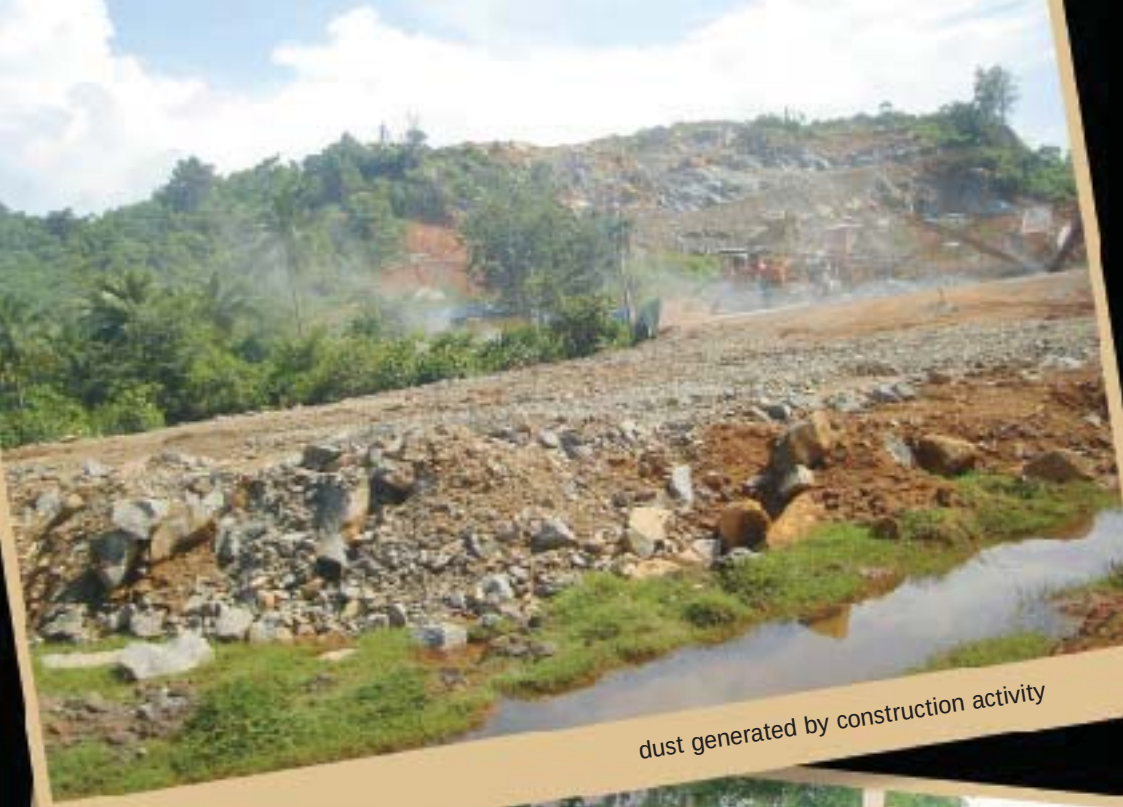


cutting the hillside



blasting through rock

cutting through plantations



dust generated by construction activity



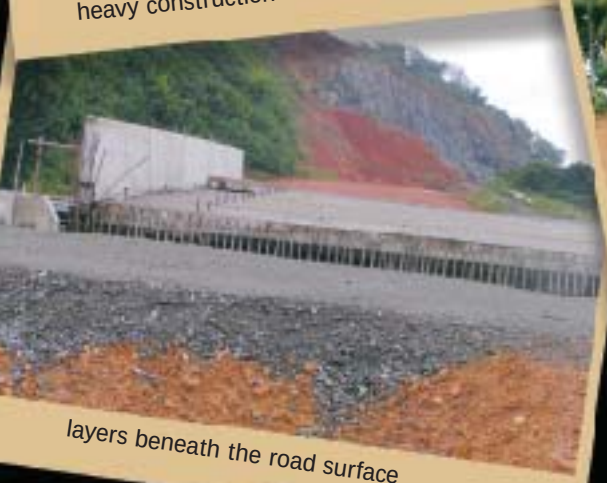
watching the changes

construction close to house

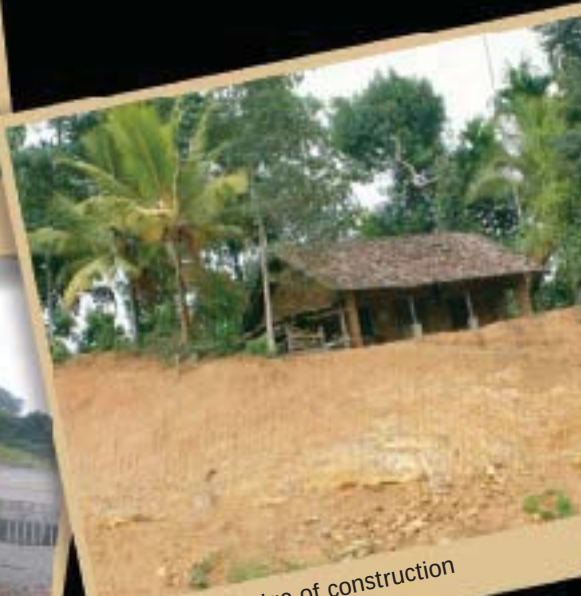




heavy construction



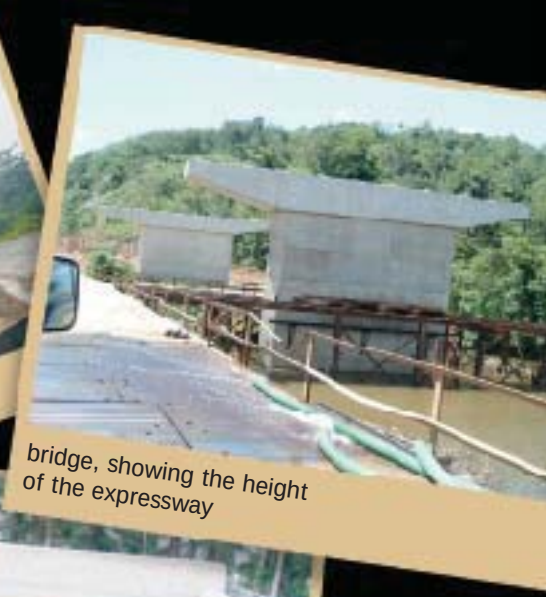
layers beneath the road surface



living on the edge of construction



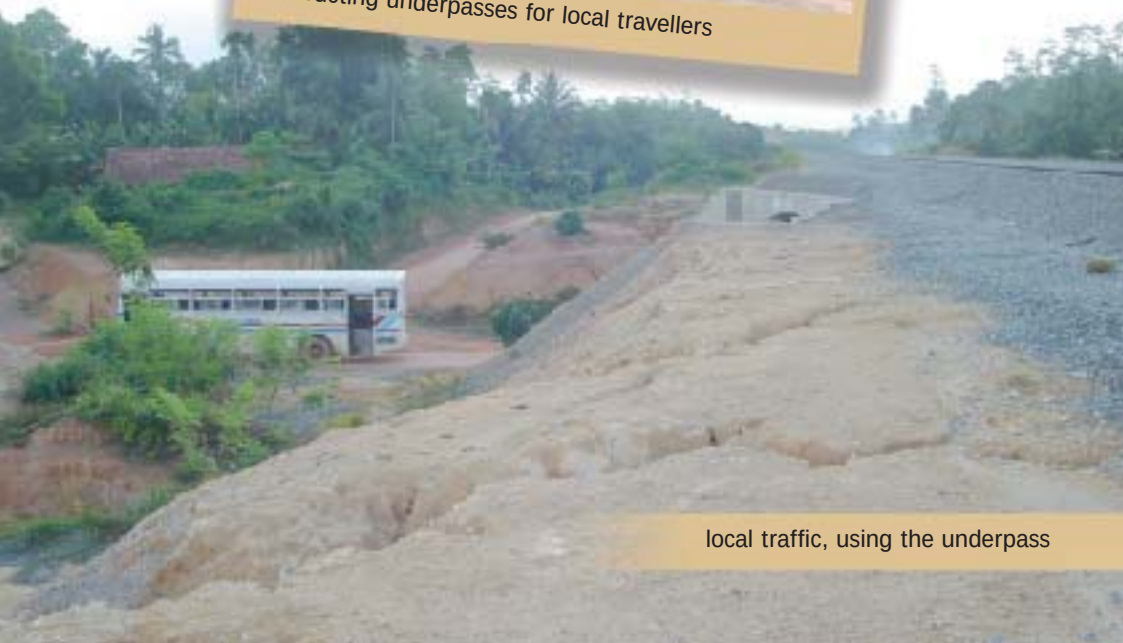
expressway, and changes to the landscape



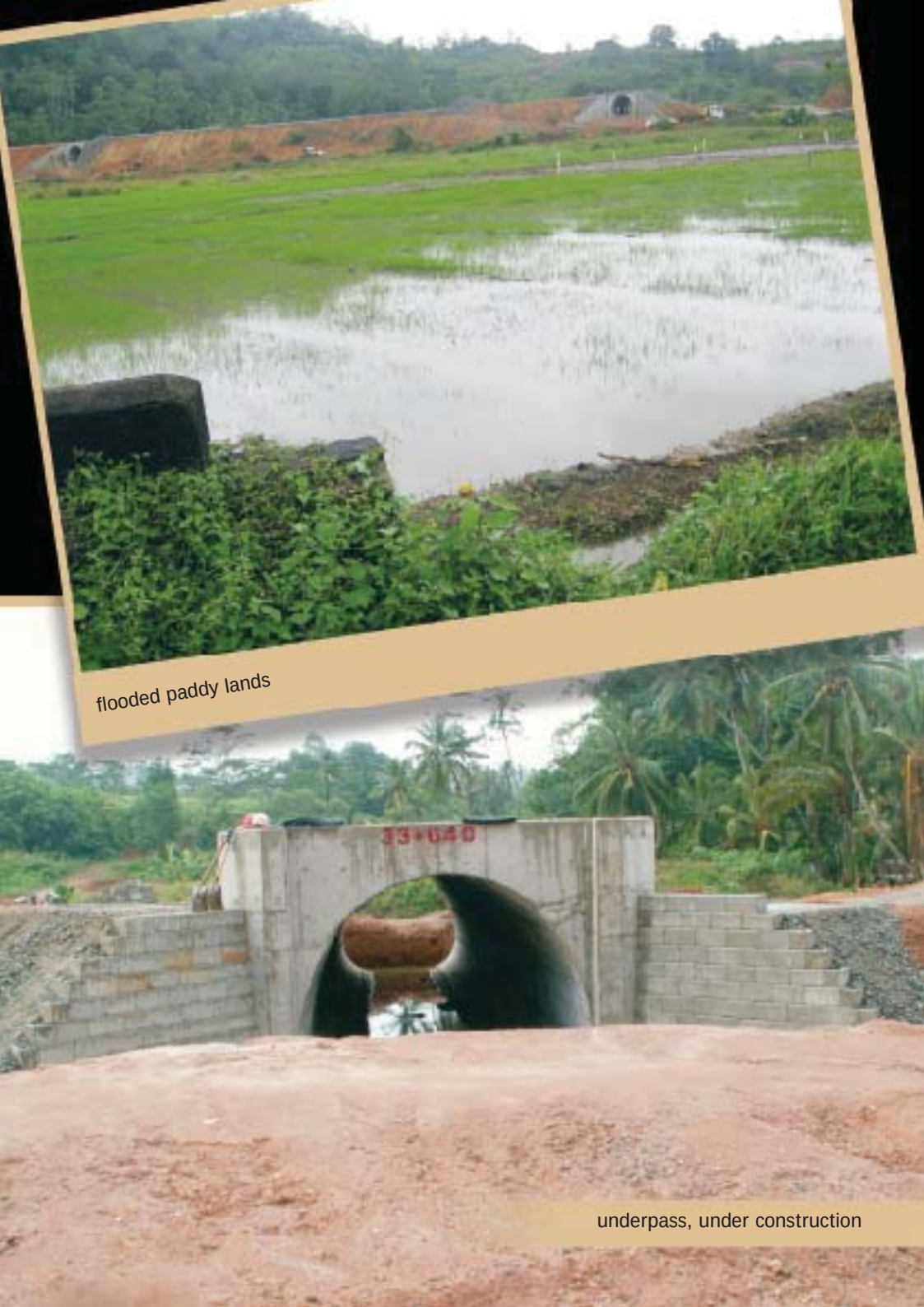
bridge, showing the height of the expressway



constructing underpasses for local travellers



local traffic, using the underpass



flooded paddy lands

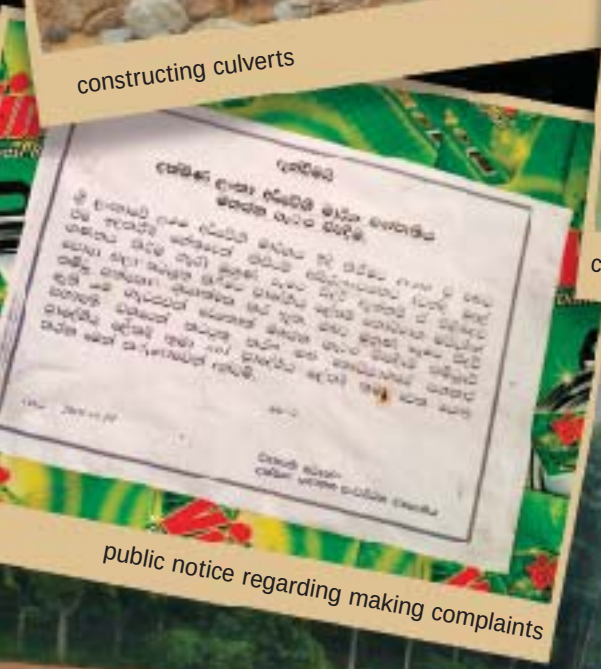
underpass, under construction



constructing culverts



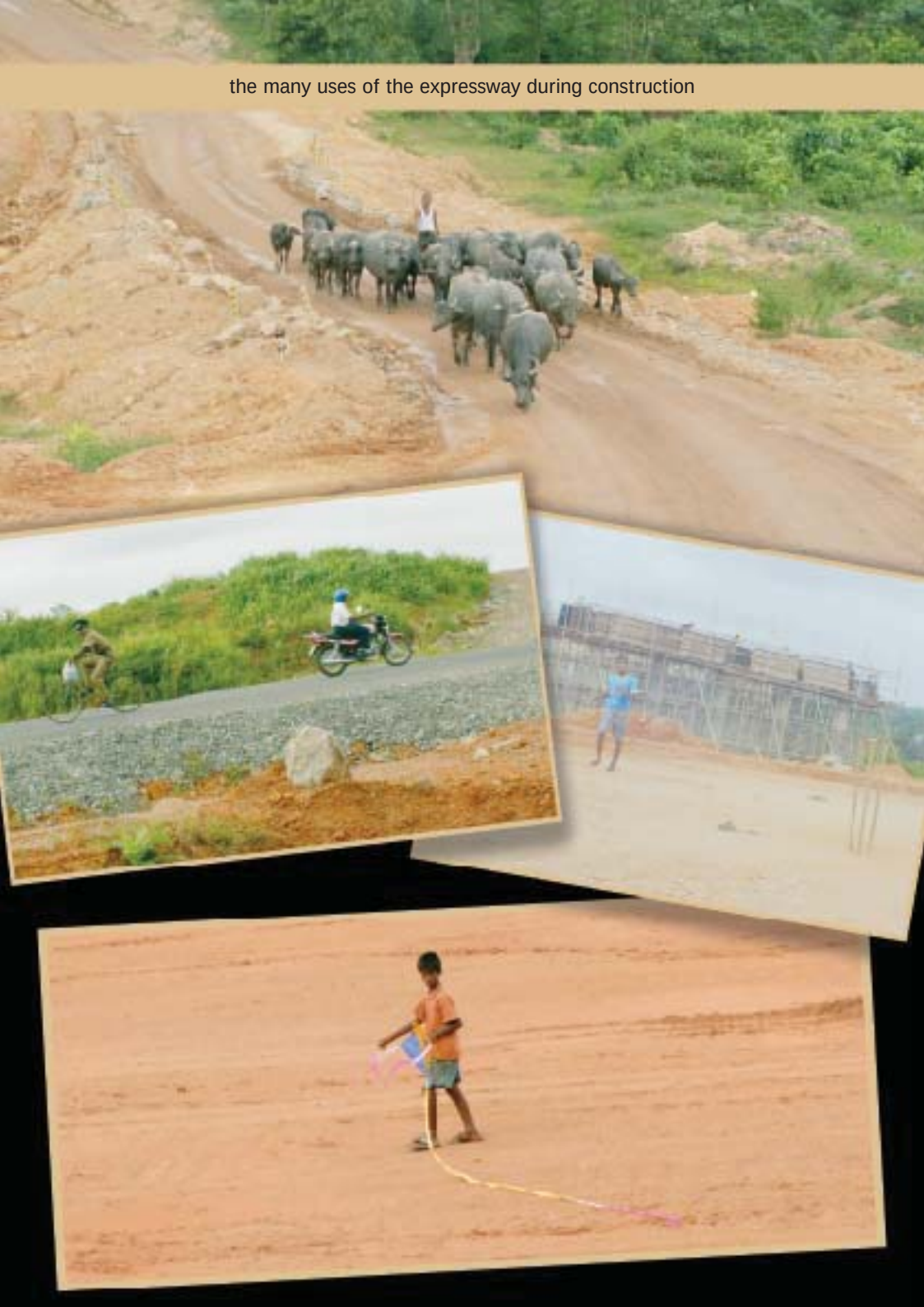
culverts blocked during construction



public notice regarding making complaints

water pipe in highway

the many uses of the expressway during construction

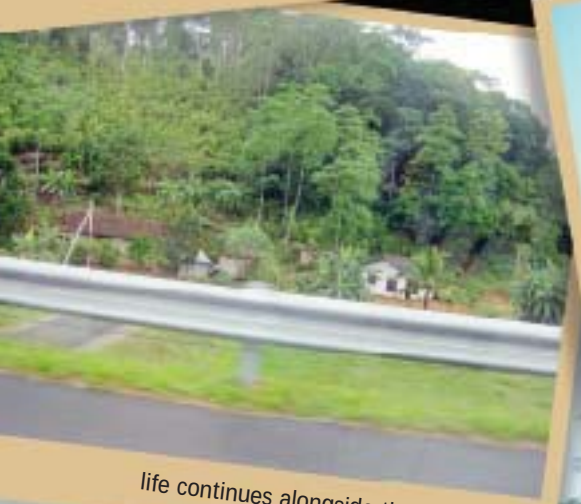




entering the expressway



overhead passes for local travel



life continues alongside the expressway



exposed slopes



vegetation starting to cover the exposed slopes



Chapter 3

Settling down

The vast majority of families who were displaced moved into better quality houses, with pipe-borne water, electricity, private wells and better toilets. The change was most apparent in the housing conditions of the poorer households. However, this trend of improved housing hides a steep downturn in living conditions during the period of transition, worsened by the emotional problems associated with displacement and the pollution and other impacts from the road building work.

The transition

About three-fourths of families that were displaced spent time in temporary accommodation of poor standard before moving into their new houses, most often before they were completed. This time was both disruptive and traumatic; with feelings of anxiety, anger, frustration, hopelessness and resignation.

Households with members needing care – such as young children, the aged and the sick – were particularly affected. And so were families that were going through critical life cycle events: *"They asked us to demolish the house and said they would not pay if we didn't. At the time my wife was pregnant with the second baby. So we couldn't think of a solution as we had to think of her safety and wellbeing too."* (Householder, male, age 44, 2006)

The repercussions often went beyond physical discomfort: *"My daughter could not complete her A/L examination. She sat for her A/Ls for the first time when we were moving house and then after we came*

to the temporary location on this same land, everything was disorganised and she said she couldn't do the exam again." (Householder, male, age 50, 2006)

Families did receive a rent allowance of Rs. 50,000, to tide them over this period, but most of them chose to invest as much as they could in house building. This is reflected in the deterioration in physical quality of housing conditions during the transition period. People living in houses without brick walls increased from 21% before displacement to 50% during temporary housing. The average number of living spaces in a house dropped from 5.2 before displacement to 3.3 during transition.

Households were in temporary accommodation on average for 1.16 years. However, 7% of the displaced households had been in these 'transit homes' for more than three years. This is because of on-going family problems like ill health and changes in employment which delayed the process of reconstruction. People who began their relocation early and those whose relatives provided accommodation and care were better able to deal with this period of adversity. Some households were also able to minimise the time spent in temporary housing by delaying the demolition of their homes as long as they could.

The losses

The losses experienced by the rural middle class in terms of social, environmental and economic capital seem to be of the largest magnitude. As a group, they tended to think that the compensation payments were not fair and that the replacement values were not based on realistic assessments. Moreover, because compensation was paid in instalments and some families chose ambitious house designs; they were often left without enough money to complete their new homes. The resettlement seemed to take both a financial and

emotional toll on them as many had left behind either recently built new houses or ancestral homes that had been in the family for generations.

Moving, however close by, is too far to go

Guneratne* and family had been living in a substantial old-style two storeyed walauwa house inherited from his grandfather, on 230 perches of land, including 30 perches of coconut. His income was derived from a paddy mill he owned close by. The extended family, of a high caste and social status, owned much land in the neighbourhood.

Since most of his land was acquired for the Colombo-Matara Expressway and the house was demolished, Guneratne and family were living, extremely uncomfortably, in a small makeshift house put up with the help of relatives, within sight of the ruins of their old house. He retained another bit of land, but it was low lying and needed substantial filling if it was be put into use. It was also too close to the highway, in the zone where the RDA did not allow building.

He bought some adjacent land from his relatives with the compensation he received but complains that the amount left over is not sufficient for him to build a house; that his house, which was in a good enough state of repair for another generation or two, was undervalued as being old. He was reluctant to relocate away from his ancestral village and extended family, especially to a lower caste area. He must also remain close to his paddy mill, his main source of income.

Guneratne is not optimistic about gaining any economic mileage from the road. He believes that the expressway will not be of much benefit to the people as it is a limited access highway that cuts through the village but offers development only to those who live close to the interchange sites.

Source: CEPA survey, 2006. * The names have been replaced.

A considerable number of families experienced the loss of traditional and ancestral land – and the lifestyle that went with it. They were disappointed by the smaller home plot size, the distancing from familiar localities and the more formal nature of landholdings in resettlement sites. People also felt a loss of identity; they defined themselves in relation to their homes, families and communities – displacement removed the foundations of their social life and productive activities. However, many households succeeded in retaining a certain degree of continuity with their social environment, despite overall disruptions. They decided to stay close to their extended families and to maintain their social networks.

Yet another group of people who felt the loss acutely were the elderly. Most people who were forced to move had not previously experienced migration either at the level of the individual or the household. They had lived in the same location for several generations. As such, the elderly found the disruption of land acquisition and resettlement particularly difficult to adjust to. In many of the households affected by the project, elderly parents were living with their children, either in their own homes or in their children's homes. The resettlement process often resulted in a rearrangement of these living arrangements, with traditional extended families breaking up into multiple units. There are instances where the elderly are now living alone, even though they have entered a phase in their lives when they most need support, sometimes having also lost livelihood activities they were engaged in.

Resettlement Sites

The ability to find replacement land depended on not only its availability but also its affordability – land prices in the area rose because of the development of the road. Besides, the current trend is that available habitable land, both state and private, is declining, particularly in the intensely populated wet zone. As much as finding

land for relocation was not an easy task for people, choosing resettlement sites was difficult for the State, a task for which the Road Development Authority sought the help of the Divisional Secretariat. Even though sometimes the land may not have been entirely suitable for settlement, the RDA went to great lengths to make it so.

The infrastructure facilities at resettlement sites are generally well developed, even if this development did not always take place at a consistent pace. However, there seems to be some differences in the quality of the infrastructure provided both within and across sites, often due to factors that could not be immediately dealt with by the project. In Kandaadarawatte/ Pubudugama, for example, the terrain and climatic conditions are causing high erosion levels and there is a need to improve the gravel roads and put in adequate drainage. According to the people there, the RDA had intended to improve the drains (with cylinders), which would have also reduced the erosion of roads, but there had been some friction between the settlement (as an RDA site) and the village (a Pradeshiya Sabha territory) over this issue and work had to be abandoned.

Sometimes, however, the problem may have been with the selection of the site itself. In Hallalawatte, the settlement is on a steep incline and mobility is a major concern for the settlers. The road is cut at a very steep angle, making it hard for people to walk or take a vehicle up the road. In addition, the access roads to some of the houses on the site are poor. The community has proposed an alternative road to the RDA.

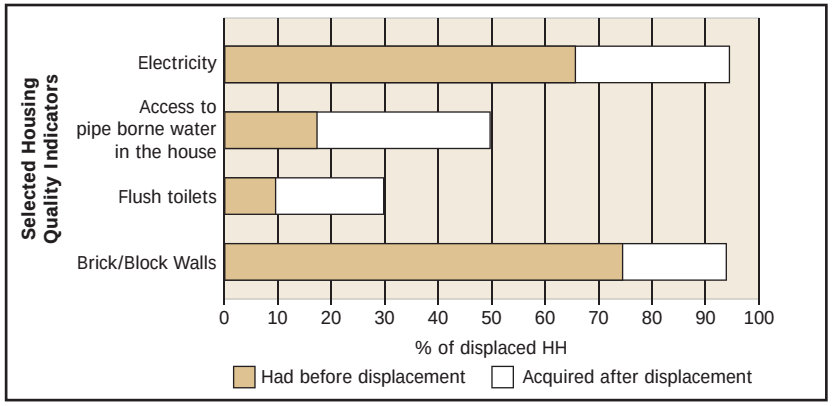
People who moved to resettlement sites also experienced some problems that were more social than physical. The host communities, residents who had been occupying neighbouring land, often for generations, resented the settlers who they believed would disrupt their everyday activities. However, the development of the sites and housing construction provided opportunities for work for people in these communities. They were sometimes able to benefit from the development of community infrastructure as well.

The project specified that there should be a sustainability plan for the resettlement sites at two levels. The first was the forming of a housing committee within the site to encourage partnerships with host communities and maintain harmony within the community. The second was the taking over of site administration by the Pradeshiya Sabhas when the RDA phased out of the project. Increasing interaction with host families and integration with the locality through the 'taking over' of resettlement sites by the Pradeshiya Sabhavas were key aspects of inclusion and acculturation. The Pradeshiya Sabhavas are expected to carry out future maintenance of these sites; however a mechanism was not introduced to allocate funds and the responsibility to the local authorities.

Building back better

Significantly, the majority of households have built houses that are better than those they left. Brick houses increased from 74% to 94%, and houses with electricity from 68% to 94%. About 60% of those who did not have their own water supply before the project now have either a private well or a private tap. Ninety five percent of those who lived in wattle and daub houses before the project now live in brick houses and 93% of those who used kerosene or petromax lamps for lighting have got electricity connections.

Figure 5: Improvements in housing quality



Source: CEPA sample survey, 2006

The homes of people who had previously not owned land showed the most improvement. People who did not own their land, such as squatters on State land, accounted for almost a fifth of displaced households. The improvement in the quality of housing among these families has been remarkable.

Weighing the gains and the losses

Ramila's* parents had settled as encroachers on state owned land, for which they were later granted a deed. They had given a part of this, 28 perches, to Ramila, where she lived alone with her two school-going sons in a wattle and daub house. They had neither electricity nor running water, and shared a well with her parents.

Half of Ramila's land, 14 perches, was acquired for the Southern Expressway. With the compensation received, she was able to buy a further 20 perches adjoining it and build herself a better house, "exactly as I wanted it," with both water and electricity. She has planted fruit trees on her new land to make up for the ones they lost, some of which were used for timber for the new house. She is happy in her new home and thinks she made the right decision, now having enough land, 34 perches, to even build houses for her two sons.

Although disappointed by the fact that she will not be able to open a small shop by the roadside, she hopes the country as a whole will benefit from the highway.

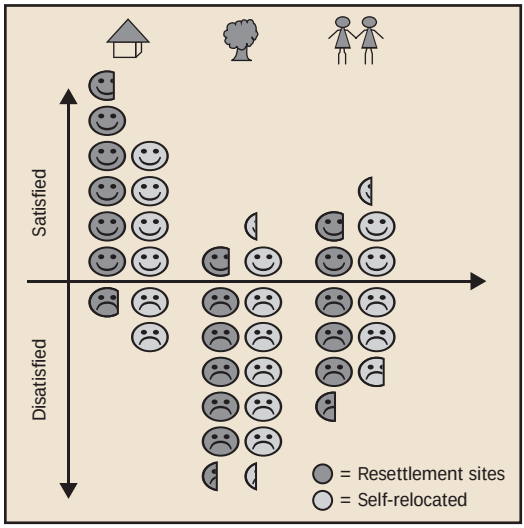
Source: CEPA Survey, 2006. * Names have been replaced

Some reservations

Despite remarkable improvements in the quality of housing, people do tend to be unhappy about the reduction in access to land and green environment space: the loss of a quiet rural environment, the loss of shade and coolness, the loss of access to fruit and other produce

bearing trees, are a few examples. People also experienced problems with water drainage and garbage disposal. In most cases, the families were unhappy not only about the loss of the land they owned, but also about the cumulative impact of losing shared private land and commonly held land.

Figure 6: Satisfaction on quality of housing, green environment and social networks after resettlement



Source: CEPA sample survey, 2006

The project defined community facilities as spaces that have a common use: institutions like schools, temples and health clinics; infrastructure like footpaths, local roads, bridges and irrigation systems; and resources like common forested areas. In all 1,220 lots or about 12% of all acquired lots, were community facilities and resources.

While only the loss of community buildings was entitled to cash compensation, all other community losses had to be replaced by consulting people. Thus, the project focused on replacing, rather than compensating for, lost community facilities. Not all lost roads needed to be replaced. Some smaller village roads have lost their users due to land acquisition and relocation. Where some users remained, alternative access has been provided. There are indications that the disruption to waterways and their use seems to be more acute than disruption to roads and their use.

There is no questioning the fact that for most people, being displaced by the road was a traumatic experience. But a lot of effort was made to lessen the severity of the impacts and help people move and set up again. And most certainly, the outcome, from the housing perspective, has been mainly a good one.



Chapter 4

Regaining crops

Many factors influenced a downturn in people's incomes: loss of agricultural land, loss of or disruption to enterprises, and changes in access to employment. Of all these categories, agricultural land saw the largest losses and the contribution of agriculture to the household steadily and sometimes sharply, declined. Yet, this was a problem that wasn't adequately addressed. The Income Restoration Programme (IRP) of the project focused more on people who were on resettlement sites, although it did achieve some success in the area of home gardening.

Most residents, highly dependent on natural resources for income generation, were directly affected when land with crops like tea, rubber, cinnamon, paddy, fruits and vegetables were acquired for the road. Some of these lands had provided not just money but also food for the household.

Declining paddy cultivation

Losing paddy land was particularly difficult for households, and this loss was compounded by the low compensation received for the land acquired by the project and the environmental impacts of road building on the remaining paddy fields, which included muddied fields, reduced water supply, and restricted access.

Compensation rates for paddy lands have generally been lower than for other types of agricultural lands. According to officers of the Valuation Department, paddy lands were generally valued at the market price, in the range of Rs. 750 to Rs. 1,250 per perch. This low

valuation was because paddy brings lower profits in the wet zone and, unlike other lands, paddy fields are bonded with regulations; they cannot be filled or used for other activities. Few people wanted to sell their paddy fields and those who lost their fields found it difficult to replace them.

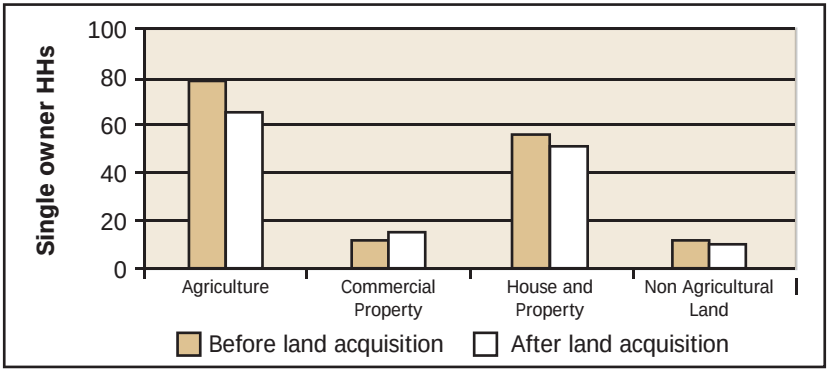
While economic analysis focusing on productivity and market valuation gives a low value to paddy farming in the wet zone, farmers have a different perspective on it. The consumption of rice from their own paddy fields is highly valued by these households, partly from a food security perspective and partly from a lifestyle perspective. Because most of these small-scale farmers use traditional cultivation methods with minimal chemical inputs, they value the quality of their own rice and were self-sufficient in it. Only the surplus was sold. Losing their paddy cultivation meant that instead of having a major part of their food consumption needs met through their own cultivation they had to bear the additional cost of buying rice for food: *"Now we have to buy rice by paying money. If we have our own rice we could live by eating rice with coconut sambol. But, now we don't have that opportunity. Our status has gone down further and the quality of our lives has got worse."* (Farmer, male. age 74, 2006)

Thus, the fate that befell paddy cultivation had other ramifications as well. Joint production systems were disrupted and informal social networks on which people were strongly dependent have broken down. People also started turning to other forms of crops and cultivation. *"We have 115 perches of paddy land remaining with us but now we can't use it because the drainage system has been blocked as a result of the land acquired for the road. So I decided to buy a different land from here. This land is a one-acre land and I didn't have enough money to buy the whole land so I bought it with a friend. We have two separate deeds for the two plots. We have mortgaged this land and taken a bank loan for tea cultivation."* (Householder, male, age 46, 2006)

Looking for alternatives

It is evident that livelihoods are taking longer to replace than housing. The number of households owning productive, that is agricultural land, has decreased and those holding non-productive land has increased. Non-productive land has been bought primarily to build a house or start an enterprise. Where agricultural land has been bought, the potential for income generation has been the primary motive, and these purchases are mainly of tea and cinnamon land.

Figure 7: Changes in patterns of landholding of affected households



Almost 90% of households report a decrease in land ownership. Non-replacement of agricultural land has occurred due to a number of reasons: the high prevalence of shared ownership as well as relatively low compensation amounts meant many households received small amounts of compensation. Thus, people have been inclined to spend their compensation on repairs to the house, to buy durables such as telephones and TVs, and to deposit the money in savings accounts. The compensation was also used for immediate and unexpected household needs like sickness, funerals, and marriages.

The lack of productive land on the market, especially in the vicinity of the lost land, the rising prices in the area, and the receipt of compensation in instalments, constrained the purchase of replacement land. In general, the trend has been a definite drop in productivity related to all crops.

Table 2: Changes in productivity, by crop type

Crop Type	Increase in Productivity	No change	Decrease in Productivity	Stopped cultivation
Tea	0.0%	0.0%	71.0%	29.0%
Rubber	12.5%	12.5%	43.7%	31.3%
Cinnamon	14.4%	0.0%	42.8%	42.8%

Source: CEPA Household Survey, 2006

Though agriculture was the primary source of income for only 27% of the households that took part in the survey, a further 59% stated that agriculture was a supplementary source of income before their land was acquired. These figures reduced to 12% and 33% after the takeover of land. This change indicates a reduction in agriculture as a significant supplementary income as well as increased expenses related to household food consumption. The reduction in land holdings has had a direct impact on both the income of households as well as the expenditure patterns. This change is most visible in households that lost cash crops as well as mixed crops. People felt that the drop in productivity of cash crops is due to the reduced care of land and crops in the unsettled period following land takeover and the overall disruption to agriculture in the area due to land acquisition and road construction related disruptions such as water logging, flooding and shrinking of water supplies.

Recovery

Two key factors have affected the recovery of agricultural livelihoods: the intensity of the loss, and the continued disruption to agricultural activities due to on-going construction. In the case of households that lost cash crops like cinnamon, tea and rubber, those who lost large land holdings or small percentages of land were better able to recover than those who had smallholdings and lost most of it. Those with large holdings, irrespective of the proportion lost, were able to absorb the risk either by increasing the productivity of the remaining land or by replacing land with the compensation received.

Households with large holdings of cash crop cultivated lands still available to them are showing an increased household income due to increases in market prices for cash crops, particularly rubber and tea. The rise in prices at the time has supported the recovery process for households that have succeeded in re-cultivating land or had sufficient un-acquired land to make up for lost household income. It has also acted as a motivator for households that were taking their time to restart cultivation. Most tea and rubber growers felt the highway would facilitate greater access to markets, especially if a complementary road network was developed.

After a difficult initial period, over time those who lost cash crops are showing a positive trend in re-establishing their cultivations. However the time period for recovery has extended over 3-4 years.

Households which are on a downward income trend are mainly those who had lost their entire income from cash crops, either directly due to land acquisition, or indirectly because they are unable to cultivate the remaining land, and those who no longer have access to the land they cultivated: *"I never thought of leaving that land. My children were born there and we had a good income. I cultivated cinnamon and earned Rs.50,000 from the harvest. I also cultivated another government land near my house. That land was an abandoned one so people in that area cultivated cinnamon there. I had another income from that land."* (Farmer, female, age 69, 2006)

The inability to replace the land and lack of finances to re-invest in cultivation activities, have also affected the ability of some households to re-establish their cultivation activities to previous levels.

Cultivating at home

Although the project plan states that households severely affected by the loss of agricultural land would be provided a range of non-monetary assistance - such as help to increase production on remaining land, for example, by introducing more productive crops, as

well as agricultural extension assistance from the Department of Agriculture, Tea Smallholding Authority, and Agrarian Services Department, most government officials at the local level had little knowledge of such entitlements. Moreover, large numbers of households lost the income they gained from home gardening, which increased pressure to find outside work. They also felt that the current land available for home gardening was smaller and less fertile when compared to the land they lost, and additionally that they did not have enough water for the plants.

Under the Income Restoration Programme (IRP), 348 households, mainly living in resettlement sites, had received assistance in the form of training in the use of bio fertilizer and techniques for upgrading soil fertility. Under this home gardening component of the IRP, families received new plant types for home gardens. Others who were qualified to join the programme if they so wished, included self relocated households and households who lost agricultural land.

The vast majority of families, who took part in the programme, over 83% of them, gained good harvests from the plant seedlings, used mostly for household consumption but also to make some additional money: *"We planted long beans, ladies fingers and spinach. We used vegetables for home consumption, and also sold the spinach. The papaw tree is still bearing fruit. We earn about Rs. 1,000 in a month from the papaw tree."* (Householder female, 65, Millaniya, 2011). Almost all the participants in the home gardening programme had been engaged in home gardening before the road displaced them.

The home gardening programme appears to have contributed to the greening of the resettlement sites - most of the sites were newly cleared, bare land when the families first settled. While many families felt that the transformation was due to their own efforts, others do acknowledge the contribution of RDA's home gardening programme.

The hands-on involvement of the RDA, particularly the regular visits to check on progress during the project implementation period, was appreciated by the people. The involvement of housing societies to generate participation, and the Provincial Departments of Agriculture to provide expert inputs and continuity, were noted as two key positive features.

Reaping the benefits of the home gardening

Siripala* is 52 years old, and lives with his wife and two grown children. He passed his O/Ls and worked as a labourer in a number of public institutions. Before being displaced by the STDP, the family had lived in a large 80 perch plot of land which had coconut trees, fruit bearing trees like jak, lemon and rambutan, and vegetables for household consumption. Siripala was able to keep aside sufficient coconuts for household consumption and sell 500 to 750 nuts every three months or so, to supplement the household income.

With the loss of their land to the expressway, the family had moved to a 20 perch plot in a resettlement site. Siripala, who is no longer the main income earner of the household as both his wife and son are employed, focused on the home garden. He started by planting for household consumption, vegetables such as brinjals and okra, greens such as gotukola, sarana and kan kun, and root vegetables such as kukulala and sweet potatoes.

Under the home gardening programme, he was given several coconut seedlings, fruit seedlings (such as mango, rambutan, lemon, orange, guava and avocado) and several types of vegetable seeds. These had cost very little and, in addition, had been delivered right to his house. Some of the fruit trees and coconut trees have already reached fruit bearing stage and are being used for household consumption, as is the harvest from the vegetable seeds.

Siripala has been given training and advice on preparing cultivation beds, planting in bags/pots, compost making and fencing. However, he thinks that some of the training and advice was not suitable or applicable. For example, if they cultivate in pots, watering needs to be done frequently. Further it is difficult to practice composting, because the resettlement sites do not have the needed ingredients, such as grass and leaves, in plentiful supply. Siripala thinks that the training was useful for those who knew little about cultivation but that they were of not much use to him, since he had prior knowledge and experience in farming.

Source: CEPA Data collection, 2011, *Name has been replaced



Chapter 5

Restarting business

Most people were inclined to invest heavily in house building at the expense of restoring or developing their livelihoods. This was clearly a problem, as the recovery of resettled people was closely linked to their capacity to earn. Consequently, some people who were not abjectly poor became more vulnerable because they lost their minimal assets and social capital. For example, for a family whose income was based on making lunch parcels for a company in their locality, using resources available in their neighbourhood, restarting the enterprise in a new location meant finding new customers as well as new sources of vegetables and firewood for cooking. Thus, despite improvements in their housing, most people found it difficult to replace or improve their circumstances and living environment: *"Our earning capacity went down completely when our land was taken over, because we lost our business. Now I'm a dependent of my children and on the government. At that time my income was over Rs. 500 a day from the business, now there is nothing. Even if we were earning Rs.1000 it won't be enough for the medicines. Now we also cannot fulfil our obligations. When there is a funeral or a pinkama we can't do anything to help and we can't go either. We cannot help our neighbours. Those days it was not like this. We were able to do everything without any shortcomings."* (Business owner, male, age 80, 2006)

There were still other factors that impeded the recovery of enterprises. Most businesses moved from larger to smaller spaces, restricting the activities they could carry out. Where commercial activity had been abandoned, it was mostly due to the age of the business owner or operator. When enterprises were relocated close to the expressway, they were so affected by the construction activities that people found

it difficult to make decisions about developing their businesses. And the drop in pedestrian and vehicular traffic dramatically reduced the customer base of many small businesses.

Changes in incomes and livelihoods

The more formal enterprises affected included rice and oil mills; brick and coir manufacturing workshops; stone quarries and automobile service centres. Most of the enterprises were, however, informal, including small groceries and hardware shops. Almost a quarter of households owned livestock, mainly cattle and poultry, before displacement. After relocation, more than two-thirds of them stopped or reduced this activity. The reduction in land holdings and the smaller extent and greater formality of home plots, particularly in resettlement sites, has had an impact on people's ability to maintain livestock, which had been an important source of income, particularly for women.

Compensation and allowances

An important factor in the recovery process was, not surprisingly, the size of the compensation payment. People who were able to subsist on the compensation until their livelihood activities were restored to previous levels felt the least impact of relocation. In contrast, enterprises that received lower compensation had less cushioning effect to help them through the recovery period.

In addition to the compensation entitlement, about 70% of the households that lost an enterprise have been paid a livelihood related allowance while just over 50% have been paid a shifting allowance to relocate the business. The low rate of payment of the shifting allowance is linked to a number of enterprises also losing a house plot, on which their displacement allowances are paid. In addition, a number of businesses have not yet relocated and restarted their businesses.

Informal workers on private or family run enterprises were also entitled to an allowance of Rs. 15,000 (calculated at Rs. 2,500 a month for six months). But this payment was not made consistently – some of the workers were paid while others were not. Workers were identified and compensated mainly through the recommendation of the employers, and this led to the exclusion of some of them: *"I did not get any compensation when I left. Even the other labourers didn't get money other than their salary. The Mudalali got compensation and he said the government should give us our share of compensation. I don't know about the workers in other shops but my friend who worked in the neighbouring shop also didn't get any compensation."* (Informal worker, male, age 30, 2006)

People whose businesses were lost or disrupted were also entitled to non-monetary assistance such as help to identify and buy replacement plots and professional help to reinvest the money and to set up a business elsewhere. Some of the larger enterprises borrowed money from banks to supplement compensation payments. But even for people with access to an additional income, restoring livelihoods was a particularly difficult challenge: *"I bought new machines for this metal crusher by getting a bank loan. But crushing is not the same as doing your own quarry. We also have less workers now. Some of the other equipment that is used to cut hard granite is stacked at the back of the house. I can't use it till I find new granite. I couldn't buy proper granite land with the compensation given. I looked at many lands. I asked for three acres where cultivation could not be done. It belongs to a plantation company. I took a letter from the RDA telling them to reduce the price of the land. They said they have no partnership with the RDA and they can't do it. Now I am trying to work out a long lease with them."* (Business owner, male, age 46, 2006)

Where a small business was run as a supplementary source of income, the compensation received was rarely reinvested in it. Many households who lost their commercial plots also lost their home plot.

Their business was being carried out within the same structure, and so the supplementary income was lost to the household and the compensation received was absorbed into household expenditure during the period of transition and relocation.

Recovery

The disruption created by displacement and the continuing construction activities in the area, the uncertainty about when construction will be completed and the longer-term impact on the area, have made many smaller businesses postpone decisions of investment and restarting.

The lack of reliable information has led to less than optimal decisions on the part of medium scale enterprises as well, sometimes with severe effect. The experience of commercial resettlers on Old Batapola Road in Kurundugahahethkma is a good example. Here, a group of entrepreneurs were guided to a location that was meant to help their businesses thrive, only to find that the complete opposite happened.

"We bought 7 perches of land provided as commercial land by the RDA. All compensation, money from selling the equipment and a Rs. 300,000/- loan, was spent on the land and four-room shop building we put up. We thought the new place was good for shops as it was right in the middle of town. But now we find that the new road is going in another direction, our new shops are now in a dead-end street at the back of the expressway development. We have not been able to start the business yet… We hope that when the construction is over and the area gets developed we will be able to start the business and it will do well. When that will be, we have no idea." (Business owner, male, age 49, 2006)

Enterprises that had not restarted include those who had completely abandoned commercial activity and moved to non-commercial income sources and those who are still waiting to start again. Those who

restarted quite often reduced the scale or scope of the enterprise or started an entirely new one.

The IRP provided training on enterprise development in the context of the project and also helped the most vulnerable families find employment for their members who lost work or needed an income. For example, a householder received assistance from the RDA to build her house, which enabled her to rent some rooms and obtain an income. She found this assistance crucial for her recovery as she lived alone in the house and had no permanent livelihood activity. However, the IRP focused on physically displaced families rather than those who lost their primary livelihood asset, whether commercial property or agricultural land.

IRP training programmes have also helped families to learn new skills such as sewing and mushroom cultivation. Yet, they continue to need support to find markets. People were generally happy about the quality of training but people were discouraged from participating due to a lack of continuity of the programmes, and a lack of programmes to suit their age, skills and situation.

While a number of households stated that the assistance they most need is financial, there was very little take-up on the loans offered under the IRP. People felt that the procedure to obtain a loan was too cumbersome and unsuitable for their situation. Some felt they were neither literate enough to fill all the required forms without assistance nor well-connected enough to find two government servants to act as their guarantors: *"We asked for a loan and they said that they are ready to give Rs 50,000 as a loan. I planned to get that to complete the shop and house. But it needs to be signed by two guarantors working for the government. But how can we find them to sign it?"* (Business owner, female, age 40, 2006)

Others, however, were able to find loan schemes offered outside the IRP to suit their purpose: *"I'm in the 'Isuru' programme of the Sri*

Lanka Central Bank. They gave us training on enterprise development and helped us by giving loans at very low interest. I got a 50,000/- loan to start the boutique. They gave us racks to use in the shop too."
(Business Owner, female, age 51, 2006)

While some enterprises have restarted, many are yet to gain momentum. Recovery has been higher among larger enterprises, which had greater investment and resilience, and were able to maintain as many factors of production and marketing as before. For example, when a business was able to restart in close proximity to the previous location, using the same employees and the same equipment, the recovery was quicker.

The dominant trend among formal employees has been to re-join the commercial venture when it was set up again. This is mainly due to limited opportunities for formal employment in these areas. Where the employee possessed marketable professional skills such as accountancy, however, they moved to new employment. This is because the period of waiting for the business to restart had varied from six months to longer time periods and most households could not manage to survive without replacing the source of income for such a long duration.

Compared to the formal employees, there has been a lesser tendency among informal workers to stay with the original commercial venture. They had also been unemployed for a shorter period, before finding alternative employment. Those who had skills, particularly related to construction, or an established network of contacts, have had a speedier recovery.

There has been a strong link between the replacement of enterprises and having land on which the commercial activity could be restarted. About 40% of households that were able to replace their enterprises did so on land owned by them, often on the remaining portion of the land on which their house was located. About 40% of households had

not replaced the commercial activity affected by the land acquisition. They mostly comprised retail shops, but also included cement works and tealeaf trading. Close to three years after land acquisition, households which lost commercial properties were showing a recovery trend, with about 53% having replaced their commercial activity. Most however, have not replaced commercial land, but had restarted on existing land. For about 60%, their income is now at the level of their income before their land was acquired. Smaller and medium scale family based activities such as retail shops are now part of the recovering group.

Table 3: Commercial properties: Changes in income of businesses compared to pre-land acquisition

Percentage of HHs			
Positive	**No change**	**Negative**	**Missing**
22%	53%	3%	22%

Source: CEPA data 2010

One of the sub objectives of the Southern Transport Development Project was to create and expand employment opportunities and improve access to markets. However, people have in general felt a negative impact on their means of production with falling outputs. The RIP had indicated that there would be business hubs, bus terminals and interchange sites where people could connect on to the road and come off it. But there continues to be little clarity on this, with people feeling much uncertainty and disappointment. It remains to be seen how the interchanges will be developed; how it will involve those who were displaced or how it will improve local businesses.


NO
ENTRY
KUMAGAI GUMI

Chapter 6

Dealing with road construction

If the impact on livelihoods was one of the key factors that impeded people's recovery from their displacement, the impact of road construction was another. In fact, the construction activities worsened the disruption of livelihoods. For example, the filling of marshlands and land that contained canals had a direct and immediate impact on livelihoods based on agriculture and livestock of families living close to the road. Not just that, paddy and other agricultural lands were abandoned due to either the lack of water or too much of it. In addition, the overall environment of dust made large strips of land on either side of the road unusable. Households relocated close to the road and those that had never moved felt the impact of the road building most strongly. People had to live for an extended period of time with severe air and noise pollution, and vibrations caused by blasting, compaction, pilling, and heavy vehicle movement.

The trade-offs and consequences

The expressway directly affect local authorities in 24 divisional secretariats in the Western, South-western, and Southern provinces. The huge construction effort resulted in many environmental trade-offs. The land use in the immediate vicinity of the expressway changed along with the road building. Service roads for the construction work acted like dams, flooding large areas of land. What was meant to be temporary structures often lasted more than five years, extending the negative impacts on people.

People clearly saw flooding, water stagnation, erosion and siltation as inter-related to the expressway construction and that it is adversely affecting cultivation: *"Most of the cinnamon nurseries have been destroyed because of the water logging in this area. It has had a*

direct effect on us." (Cinnamon cultivator, male 58, 2007). Moreover, people's mobility and access was also disrupted, transportation of produce such as rubber, tea and cinnamon was affected as vehicles could not follow the previously set pattern of collection.

Uncertainty

The long period of construction left people in a state of frustration; households did not know which plan of action would be best to deal with a particular problem. This problem was compounded by a certain lack of information: *"We don't know what to do. We'd really like to cultivate the land that's left but at the moment we can't do anything there. And we don't know for how long it is going to be like that."* (Farmer, male, age 60, 2007)

People's businesses too were affected by the construction work. The environment of uncertainty and change in the vicinity of the construction site has had an adverse impact on the ability of small and medium scale enterprises to re-start, carry on, or develop their businesses. However, some households were able to mitigate the impact of construction on livelihoods by gaining employment at the construction sites.

Ironically, the construction of the expressway also had an impact on smaller roads, with consequences that went beyond livelihoods: *"The other roads which we use daily are hardly usable – abalanwela. When they are constructing the highway the water gets blocked and the roads are broken. There is mud in the roads. People will continue to face a lot of problems until they finish building this road."* (Householder, female, age 78, 2006)

Two resettlement sites severely affected were Citruswatte and Divithura Agro, which are located very close to the road. However, some sites such as Kolahakada, Kokara Kande and Thutuduwa watte despite being located close to the road were not badly affected as

they are shielded by naturally occurring buffers like tree cover and small hills.

For private property, the compensation system in place for construction related damage is quite different to that of land acquisition. In many cases the contractor issued a letter agreeing to repair damages or pay compensation to those affected, but compensation was paid only once the construction activities were completed and only when the damage was proven to be caused by the construction activity (and not, for example, because of inherent weaknesses in the structure). Moreover, where houses and facilities were damaged, contractors discouraged rebuilding as any damage to new constructions would not be compensated. Sometimes families were forced to either rebuild at their own expense and forego compensation for future damage or manage without the facility for the duration of construction: *"They informed me that our toilet needed to be broken down. They said not to build it again because they will not pay if the new structure gets damaged. So we can't replace the toilet. They don't allow us to do any construction in this land until they finish. It was supposed to finish in 2005 but now they say it will be 2010. For 10 years we are to face this situation? We can't even build a wall around the land. We are not safe."* (Farmer, male, age 76, 2006)

Safeguards – and problems with implementing them

A considerable level of disruption is to be expected in a large construction project. While households will usually cope with short periods of disruption, extensive disruption over a continuously long period calls for effective safeguards to be in place. The majority of households affected by land acquisition were affected for a second time by construction impacts. The system in operation tacitly expected households to live with the damage caused by construction for a substantial period of time.

The Environmental Impact Assessment (EIA) of the project covered construction impacts with critical areas identified and mitigation recommended through the Environmental Management Plan (EMP). The EIA, although mainly environment related, involved a social component that looked at the potential impacts to communities and affected people. It also recommended the funding needed for mitigation. The responsibility for mitigating the impacts of construction and enacting the EMP lay with the contractor, with the Road Development Authority and Supervision Consultants playing a supervisory role to ensure that action is taken. Other government departments/authorities such as the Geological Survey and Mines Bureau (GSMB) and the Irrigation Department also have particular responsibilities based on the construction activity (i.e. blasting or drainage). Hence, a high level of coordination, as well as timely and suitable action, was needed.

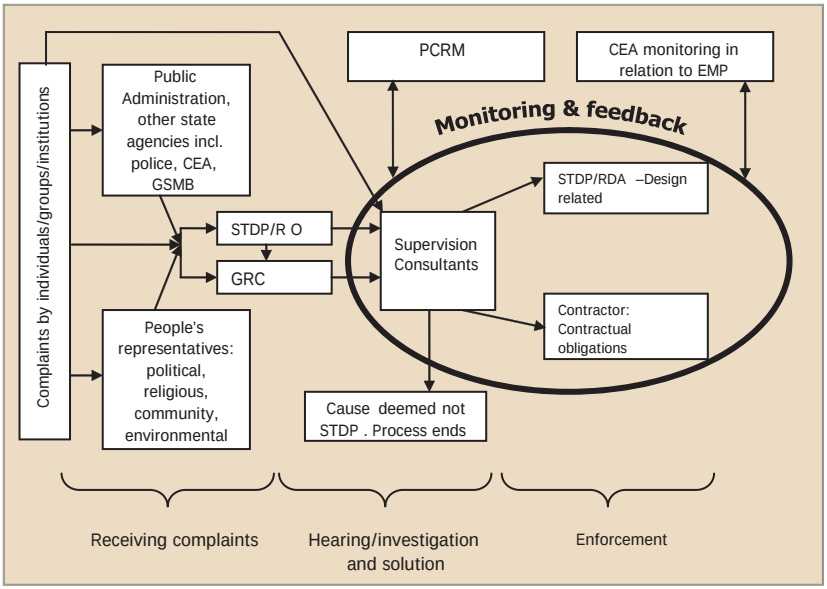
The RIP also had many safeguards in place, which the project found difficult to enforce. For example, according to the plan, the contractor would take extreme care to minimise damage and when damages occur to public or private property as a result of construction works, compensation would be paid to the affected groups, families, communities or government agency immediately. However, this was not the case in practice. People as well as local government authorities were concerned about the lack of headway made in providing interim solutions to disruptions created in the road system and particularly, the drainage and irrigation system.

Public grievances – and difficulties in addressing them

Neither the CEA nor the RDA was prepared for the level, depth and amount of complaints on road construction impacts. The complaints may have been significantly less if people had been better aware about the likely impacts to be expected and protection to be taken.

The diagram below explains the different entry points and process followed to address complaints. Although it was possible to complain to different authorities, it then needed to be directed on to the RDA or GRC who raised it with supervision consultants, who worked with the contractor to find solutions.

Figure 8: Process for handling complaints



Source: CEPA

People learnt about whom to complain to and what can be complained about only over a period of time. The GRC was publicised as the complaint receiver, and in addition, the STDP regional office, the police, the Grama Niladhari and the District Secretariat offices, the GSMB and the CEA were frequently used as entry points though not publicised as such. When people found out through experience that these were not necessarily the problem solving institutions - they started to take complaints directly to the Supervision Consultant as well as the contractors. This, however, was not the way the complaints were meant to be addressed.

Critically, householders lacked the information about what kind of grievance would not be considered for redress. For example, damages to any structures that have been built after the STDP construction began were not considered. There were also no mechanisms to handle impacts that were felt beyond the road, like downstream flooding.

The main gaps

The construction related grievance redress process did not provide a clearly defined space for a household to participate in, beyond the point of making a complaint. There was no formal role allocated to the householders. Informally, however, the Supervision Consultants in particular ensured that a substantial degree of householder participation occurred, out of necessity, to find solutions. This participation however, was limited to the field investigation and was very much at the discretion of the officers involved and the resourcefulness of the householder. Feedback to the complainant on the steps taken was institutionalised only with some types of complaints, such as damage to structures due to blasting and vibrations, which are made by individual households.

In addition to the time taken for complaints to enter the formal process, investigating the complaint, deciding on a solution, and finally, its implementation, took time. Evidence from institutional documentation and household interviews show that the process took much longer than was acceptable to those affected. Complaints about foreseen disruptions such as blasting, vibrations and dust, and those about severe impacts like earth slips, received faster redress. For example, the response related to blasting adopted a specific procedure that was publicised and put into practice, while complaints that took longer to investigate and solve like drainage and siltation were addressed in a less systematic manner, with no set procedure, and often left the complainants disappointed.

Yet another concern was that solutions recommended and adopted were strongly biased towards technical knowledge and institutions involved in the construction process. Because it was necessary to establish that the damages and disruption had been triggered by the STDP construction, there was a further bias in favour of technical decisions, rather than stakeholder negotiations.

Despite the problems, there were continuous improvements in the process of handling construction related impacts. The STDP also benefited from the experience of the implementation of the ADB-funded sections of the road, which took place first. In addition to restructuring the Grievance Redressal Committee mechanism, the Public Complaints Resolving and Monitoring Committee (PCRM) that comprised representatives from the RDA, supervision consultants, and contractors, was put in place. This allowed for a more systematic process not only to track the complaints but also to follow up on the recommended action. It also enabled the project to work more easily with other government agencies to ensure that social safeguards and the EMP requirements were met.

Table 4: Construction Related Complaints, STDP

Category	JBIC Section		ADB Section*		Total
	Package 1, as at Jan. 2009	Package 2, as at Jan. 2009	Cumulative to July 2008	2007-2008	
Flood related	66	82	Not categorised	Not categorised	**148**
Blasting related	8	79	Not categorised	Not categorised	**87**
Dust related	37	41	Not categorised	Not categorised	**78**
Danger to public	Not categorised	11	Not categorised	Not categorised	**11**
Access road related	Not categorised	28	248	65	**341**
Additional acquisition	Not categorised	13	Not categorised	Not categorised	**13**
Material transportation and use of public roads	Not categorised	20	Not categorised	Not categorised	**20**
Water quality & quantity	9	19	Not categorised	Not categorised	**28**
Noise related	6	31	624	63	**724**
Vibration related	99	31	4804	795	**5729**
Property damages	Not categorised	83	Not categorised	Not categorised	**83**
Crop damages	Not categorised	37	1110	212	**1359**
Soil erosion & siltation	15	39	Not categorised	Not categorised	**54**
Contamination due to oil spillage	2	Not categorised	Not categorised	Not categorised	**2**
Drainage/Irrigation related	37	Not categorised	Not categorised	164	**201**
Heavy vehicle movement	61	Not categorised	Not categorised	195	**256**
Others	52	35	19	17	**123**
Total	**392**	**549**	**6805**	**1511**	**9257**

Source: - Supervision Consultants of STDP

* Supervision Consultant contract restructured. Data cannot be consolidated to enable cumulative figure. Certain complaints overlap.

Chapter 7

Moving forward

Development induced displacement and resettlement, happens as a result of human driven economic activity, mainly related to large-scale infrastructure projects like irrigation, power and roads. This displacement is usually justified on the premise that the project is for the greater good and on the assumption that all other possible alternatives have been considered, with displacement being the last resort.

Sri Lanka has a long history of people being displaced due to development projects, with generations of families having had to deal with the repercussions of being relocated and resettled. The Gal Oya Scheme, which provided irrigation, and the Mahaweli Development Project, which provided both irrigation and power, are two examples. Ongoing and future development plans involving the acquisition of land for road building or widening, and buildings or landscaping, are also expected to displace large numbers of people.

The STDP

The STDP took a new approach to the displacement of people caused by development. The NIRP on which it was based was formulated in 2000, with substantial support from international funding agencies such as the Asian Development Bank, and approved by Cabinet in 2001. Described as the first such policy in South Asia, the NIRP provides principles, rules and norms to protect displaced populations and ensure a fair, equitable and transparent process of resettlement. The NIRP requires project implementing agencies to submit detailed Resettlement Implementing Plans (RIP) for all projects displacing

twenty or more people and project authorities to pay compensation for land at replacement value. Crucially, it also states that impoverishment should not take place as a result of the land acquisition.

By enacting the NIRP, the STDP was able to introduce some new features to protect the interests of the displaced. The key feature was the concept of Replacement Value, which includes - in addition to the value of the land and structures - all costs related to moving and resettlement, when calculating compensation. This market value plus relocation costs approach resulted in more relevant and fair compensation than calculations based on market value alone. Not less importantly, people were also able to resettle sooner.

While replacement of loss was one of the two important principles brought into the resettlement process by the STDP, the other was participation in the process, through the LARC. LARC provided the space for people to speak and negotiate decisions. In an environment where most people found the valuation process complicated, and even mysterious, they were able to benefit from decisions that were based on both technical inputs as well as local knowledge. People also felt that a committee was able to give fairer decisions than a single technical person.

The project's commitment to equity meant that compensation was also given to householders who did not have documented titles to their land. Many householders had lived and worked in a particular plot of land for years although they did not have legal ownership. Compensating these people is likely to have helped avert landlessness and impoverishment that may have taken place because of the project. Moreover, families that were particularly vulnerable, like single parent families and those with elders and disabled people, were also provided special assistance to deal with the process of relocation. Although there are some examples of the RDA helping extremely vulnerable households build their houses, more could have been done in general to facilitate their resettlement.

The STDP also recognised that livelihoods are difficult to replace, and indeed, that it takes a considerable period of time to do so. The project provided special assistance, including loans, to support the recovery of people's livelihoods. But it could have gone even further. It could have supported householders by giving land for land; for example, people who lost their work sites could have been offered land close to the interchange sites. By facilitating the replacement of livelihood land – not just the house and property that was lost but also commercial and agricultural land that was acquired – the recovery of people would have been faster.

Looking back

Resettlement processes have limited financial and human resources and are often not fully planned. Implementers learn through trial and error, but the learning acquired is often lost once the resettlement is completed, and rarely transferred to other contexts or institutions. Recognising this gap, the STDP project staff began an internal reflection on their experience to share their learning with other highway projects. This has opened up some space for discussion, and for the STDP staff to give some warning of what to expect and suggestions on how to supersede, mitigate or deal with the issues that may arise.

The STDP recognised the need to take time to plan and prepare properly before starting a project, as a lot of the problems of the STDP occurred due to poor planning and management. The project also saw the need to include more staff with social and environmental backgrounds – rather than counting on engineers – to manage the resettlement process. Thus it hired and created new positions to handle the resettlement process as well as work with the Environmental and Social Division (ESD) set up within the RDA to monitor the adherence to social and environmental safeguards.

There was, however, another area that needed improvement. There was a need to get the people who were affected involved in a more interactive way and share information more comprehensively. But officials needed more time and the skills to do this. In hindsight, the STDP staff also recognised that sharing information within the project, between staff at various levels of the project as well as with other entities involved is crucial to avoid miscommunication and to send out accurate information to all concerned.

There are also discussions within the STDP to set up pools of expertise to help consolidate and continue the learning process. The publication of this book is an attempt to capture what the STDP learnt and share it with others.

Going forward

In the aftermath of the war, Sri Lanka is embarking on a heavily infrastructure led economic growth driven development strategy. While infrastructure is a key development facilitator or precursor, the manner in which they are decided on and the sacrifices that will have to be made must also be given due consideration. In terms of resettlement, the STDP has shown how the NIRP and a resettlement package were used in order to safeguard the rights and entitlements of those who were forced to move.

The NIRP, which is meant to ensure that the resettlement process is as equitable as possible, is a huge step in the right direction. It gives structure and accountability to the resettlement process – no matter who is implementing the project and who is affected. However, although the NIRP and other Special Cabinet Papers were introduced as a result of the STDP resettlement activities, this was done without formal legal backing and no institution or even committee was set up to review the resettlement activities. Thus, it is not mandatory that development projects adopt the policy, and there are signs that recent

urban development activities that are displacing people are not taking it on board. For example, householders who do not hold titles to their land have been affected because the implementation of the NIRP in full is still optional. Many development projects such as the Outer Circular Road project, the National Highways project, the Moragahakanda reservoir project and the Kukuleganga hydropower project have adopted the policy in parts. Both the STDP and the Lunawa Environmental Improvement and Community Development Project adopted NIRP principles because of donor influence.

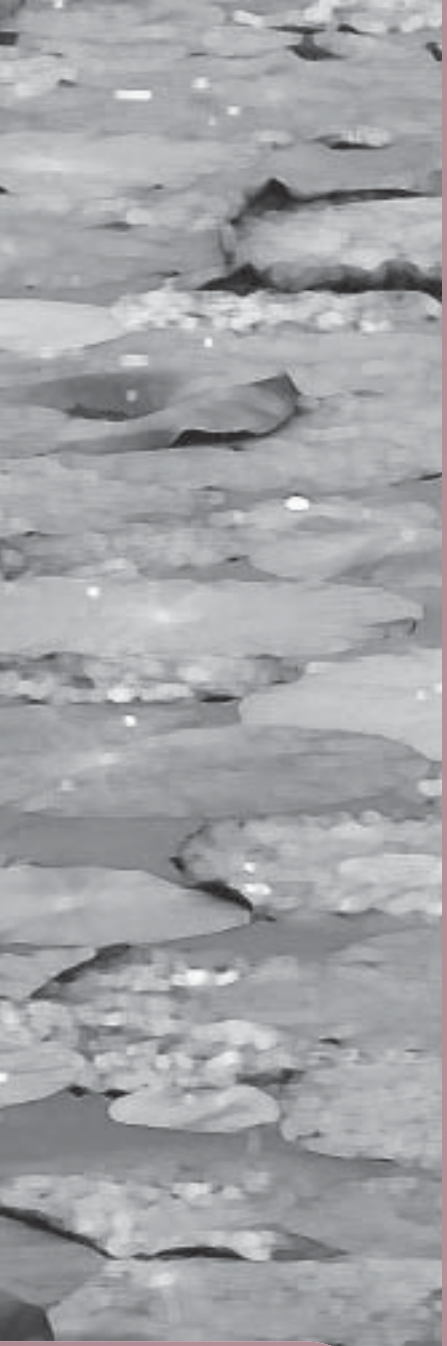
Towards the conclusion of the project, however, some aspects of the NIRP became legally binding. The Land Acquisitions Regulations of 2008 (gazetted on April 7, 2009 as an amendment to the LAA) stipulates the payment of replacement value (market value plus allowances for relocation, loss of business, re-building etc., and therefore a more realistic compensation). It has also recognised payment based on the development value for paddy lands (if deemed suitable for filling and development by the Agrarian Services Commissioner General), and compensation for relocation for those paying rent.

In the case of STDP, the Land Acquisition and Resettlement Committee was key to a more equitable outcome and has been recognised as such. But plans to adopt LARC by later projects appear to be focused only on adopting the name, with the committee members replaced by the Valuation Officer acting alone. Such a 'LARC' is unlikely to have the same effect, as then both the LAA Section 17 compensation and LARC compensation will be effectively decided on by the same institution without allowing the householder any recourse. The people displaced by the Colombo-Matara expressway however had the benefit of a process, which, to a large extent, allowed negotiation. This was able to avert or avoid greater dissension and dissatisfaction among those who were displaced – and highlights the importance of having a similar process in future projects.

Final thoughts

When people are forced to move, even in the name of a broad and beneficial development project, the disruption it will cause can easily reach crisis proportions. China's Three Gorges Project displaced over a million people, and so did India's Narmada Valley Development Project. Because of these and similar crises of the past, organisations and institutions are increasingly conscious of the risks to those displaced: landlessness, joblessness, homelessness, marginalisation, food insecurity, poor health – in other words, a sharp rise in impoverishment. Questions will inevitably be asked about whether the cost of the project – both the more easily calculable financial costs and the almost impossible to calculate personal, social, cultural and environmental costs – have been worth the outcome.

RoW is the term used by road engineers to refer to the road trace, for which land is acquired to make way for road projects. It stands for *'Right of Way'*, and implies granting of rights to use the land as a road. When we take to the expressway, perhaps we should spare a thought for the many who gave up their rights over this land - their right to use it as a home, a business a cultivation - to allow others the right to travel on an expressway.



Built at a cost of over eighty billion rupees, primarily with loans from the Asian Development Bank (ADB) and the Japan Bank for International Cooperation (JBIC), the Southern Expressway is the first of its kind in Sri Lanka, and has been declared a milestone in Sri Lanka's history. Although measures were put in place to map out a route that minimised the need for displacement, it was inevitable that some people would have to give up their property for the sake of development. An estimated 4000 families were displaced by its construction, losing homes, agricultural land and commercial properties.

This book looks at the process of resettlement that took place to make way for the Southern Expressway. It records the journey of the communities who lost their homes and livelihoods and experienced changes to their living environments. It shows how the Road Development Authority, whose primary task was to supervise the road building, also implemented the project's social programmes, under difficult and contentious circumstances, working with a diverse group of people who acted and reacted in diverse ways. The book also provides insights into one of the first large-scale implementations of the principles contained in the National Involuntary Resettlement Policy (NIRP) of Sri Lanka formulated to protect the rights of displaced people.

The Centre for Poverty Analysis (CEPA) worked for four years as independent external monitors of the resettlement from the Southern Transport Development Project. *Right of Way* documents the impacts of the involuntary displacement and resettlement - both positive and negative. It attempts to share the story of how resettlement was carried out through the experiences of the affected communities and the Road Development Authority so that future projects may benefit from this experience.

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