

Uprooting People from the Land

Land Grabbing Current Status and Trends in Sri Lanka



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Sri Lanka Nature Group

People's Alliance for Right to Land - PARL



Land Grabbing - Current Status and Trends in Sri Lanka

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Preface

The Sri Lankan government has launched an ambitious program of physical infrastructure development to completely upgrade the sea, air, road, power and energy and telecom are backbones of the country. *Nagenahira Navodaya, Uthuru Wasanthaya, Sancharaka Udanaya Dayata Kirula* are some of them development mega program.

Sri Lanka Nature Group as an organization which is taking its noble effort on find to sustainable development path. Environmental ethics has been identified several environmental and sustainable development related issues of the country with hindered the impact of the development for the general public of the country. It has identified the land grabbing issues as one of the major issues which are violating the right of people to utilize the land resources while contributing for the national agricultural production of the country.

We were engage with People's Alliance Right to Land (PARL) from the beginning. Mean time it received chance to discuss with OXFAM Australia in this regards. As an organization working for the sustainable development, it was generously supported us to make the effort of further studying the selected land grabbing issues. With that support SLNG could further study 25 selected issues among the already identified issues and analyzed them.

This report will be a good resource material for the people who are interested on the issue and the future studies. This will help to enhance the consensus on land grabbing among the general public, government, non government and public sector.

Specially we are thankful for all the members of PARL. Who gave different coordination to the study, information and guidance. We are also greatly appreciating the helping hand of Mr. Sandun Thudugala, Food Justice Coordinator and Mrs. Amila Jayamaha, Food sovereignty officer of Oxfam Australia.

Our generous gratitude goes for all who supported us for advising, data collection, reporting and type setting. We also indebted for all the community representatives and other officers who supported us provide information regarding this study.

Sri Lanka Nature Group

Land Grabbing - Current Status and Trends in Sri Lanka

1.0 Abstract

This study was carried out to determine the present status and trends of land grabbing in Sri Lanka. The study covered 25 projects where our teams could locate, access to the information and some practical issues also help to prioritize the cases for further studies. The selected cases are diverse and hence further studies on them will be important to take decisions on other cases referring as a model of issues. These cases were perceived to have profound social and environmental impacts in 13 Districts. During the study it was discovered that Monaragala District was the most affected. Throughout Sri Lanka a total of 36,611 hectares have been acquired through illegal means. All the activities violating the accepted laws of Sri Lanka are considered as an illegal involvement in this study. About 26,561 hectares have been seized by government institutions while 10,050 hectares have been reworded to the private sector. 8 types of projects are being carried out in these areas. When considered the number of cases most of the cases are related with the tourism while in terms of land area most has been allocated for agricultural projects.

Ministry of Irrigation and Water Resources Management, Sri Lanka Army, Sri Lanka Navy, Civil Defense Force (CDF) and the Sri Lanka Tourism Development Authority (SLTDA) are among the state institutions that engaged in land grabbing the most. These rewords have led to the displacement of thousands of people, loss of livelihoods of fishermen and farmers, rapid depletion of forest cover and resultant hydrological and environmental impacts and also creation and aggravation of the Human-Elephant Conflict.

When these most of land get affected by other industries will affect to the food production, mainly with loosing land of farmers and fisherman. As a result farmers and fisherman will move it other industries. Mainly for the construction sector, they get jobs as labors. After losing those lands and the people, as a result food production of the country will get affected. It will cause food insecurity of the country. However, acquiring of agricultural land is directly affecting to reduce household income of the poor farmers and food security of the country while reducing the entire national agricultural production.

2.0 Introduction

Large-scale land appropriations are taking place around the world, especially in the developing countries. Because of the dire consequences of land grabbing on natural resources and the wellbeing of the communities, it is of utmost importance to identify and analyze the different forms of operation and adverse effects of land grabbing as well as to formulate policy level mechanisms to prevent serious repercussions, most of which are irreversible.

For the purpose of this report, land grabbing is defined as, ‘ Legal or illegal appropriation of land for developmental projects affecting well-being of the present and future generations and their right to partake of the benefits of natural resources, directly or indirectly by any entity.

Large-scale land appropriations are taking place around the world, especially in the developing countries. Because of the dire consequences of land grabbing on natural resources and the wellbeing of the communities, it is of utmost importance to identify and analyze the different forms of operation and adverse effects of land grabbing as well as to formulate policy level mechanisms to prevent serious repercussions, most of which are irreversible. Although, the term ‘Land Grabbing’ has been in usage for a long time with the definition of, *“violation of human rights, particularly the equal rights of women; (ii) not based on free, prior and informed consent of the affected land-users; (iii) not based on a thorough assessment, or are in disregard of social, economic and environmental impacts, including the way they are gendered; (iv) not based on transparent contracts that specify clear and binding commitments about activities, employment and benefits sharing, and; (v) not based on effective democratic planning, independent oversight and meaningful participation.”*

The cases considered in the report are instances of land grabbing in line with the ILC definition but also goes beyond through contravening the sustainable use of natural resources, livelihoods and food securities of local communities. Currently, it refers to the large-scale land acquisitions following the 2007-2008 world food price crises in a broad sense. It is important to highlight that land grabbing compromises the ability of the present and future generations to meet their requirements. It should be emphasized that the procedure followed during acquisition is immaterial. Whether the land has been acquired conforming to the prevailing legal requirements of the country or otherwise, if it affects the well being of the present and future generations, it will be registered as land grabbing.

Moreover, the term clearly excludes expropriation of land by government to be declared as catchment areas, wildlife reserves, archaeological reserves or flood retention areas. These instances where land is acquired are regarded as conservation of resources for the benefit of the present and future generations.

2.1 Objectives of the Study

The research to understand the present status and trends of land grabbing, was carried out with several objectives based on socio-economic as well as environmental concepts, as follows:

- To identify the effects of land grabbing on present and future generations of the biological communities including humans as well as ecosystems.
- To understand current and future trends of land grabbing in Sri Lanka.
- To understand nature and extent of land grabbing in different geographical regions of the island.
- To understand nature of land grabbing taking place as a result of imprudent policy decisions.
- To provide insights into the different aspects related to land grabbing in Sri Lanka in order to facilitate establishment of a mechanism to assist communities affected or displaced by land grabbing.
- To identify the environmental and socioeconomic repercussions of land grabbing in the country in order to provide guidelines to devise a policy level mechanism to prevent and mitigate harmful impacts.

2.2 Definitions of land grabbing

Land grabbing is the contentious issue of large-scale land acquisitions: the buying or leasing of large pieces of land in developing countries, by domestic and transnational companies, governments, and individuals. Land grabbing is the contentious issue of large-scale land acquisitions: the buying or leasing of large pieces of land in developing countries, by domestic and transnational companies, governments, and individuals. (Borras Jr., Saturnino M.; Ruth Hall, Ian Scoones, Ben White & Wendy Welford (24). “Towards a better understanding of global land grabbing: an editorial introduction”. *Journal of Peasant Studies* 38 (2): 209.)

Meanwhile, Ruth Hall of the Institute for Poverty, Land and Agrarian Studies notes that "the popular term 'land grabbing', while effective as activist terminology, obscures vast differences in the legality, structure, and outcomes of commercial land deals and deflects attention from the roles of domestic elites and governments as partners, intermediaries, and beneficiaries. (Hall, Ruth (June 2011). "Land grabbing in Southern Africa: the many faces of the investor rush". *Review of African Political Economy* 38: 193.)

There are many definitions of land grabbing. Through this study we have formulated that land grabbing is ' Legal or illegal appropriation of land for developmental projects affecting well-being of the present and future generations and their right to partake of the benefits of natural resources, directly or indirectly by any entity'. In addition, we have perceived that although an area is taken for developmental activities legally, it is still a land grab if it negatively affects present and future generations through its adverse effect on natural resources. On the other hand, taking over and declaring land as protected catchment areas, wildlife and archaeological sanctuaries and flood control catchment areas are not considered as land grabs since they are beneficial for the present and future generations. This report is therefore based on a definition of land grabbing which is broader than the commonly used ILC one.

Further, the current report must be seen as a living document to be used by relevant actors and stakeholders to inform their work. This is just one of many collaborative efforts initiated by civil society actors to stand against land grabbing which impacts on individuals and communities.

2.3 Impact on food security, loss of livelihoods, impact on environment

Adverse impacts of land grabbing are many. It often raises issues such as displacement and unemployment of communities, loss of biodiversity, damage to local waterways, watersheds and disrupts local weather patterns. Land grabbing is mostly prevalent in developing countries with lower recognition of land rights. Moreover, the affected communities are often uninformed of negotiating powers and entitlements in land transactions. Further, affected people are often excluded from negotiations and are not compensated adequately to restore them in their original living standards. Conversion of local people into laborers of large-scale plantation operations is another harmful impact. The number of job opportunities is often

unsatisfactory since most projects involve mechanization. Large-scale developmental projects involving plantation and tourism often results in pollution of the environment leading to dire consequences in addition to destruction of ecosystems, watersheds and disruption of weather patterns. These issues often result in far reaching consequences which are not likely to be reversed once implemented, even if attempted. Communities affected by these repercussions are not entitled to compensation. More often than not, land grabbing is associated with imprudent developmental projects rather than viable, suitable business plans. It is remarkable that most of these projects are implemented in the absence of feasibility studies despite the concern on monetary gains.

2.4 Global Trends and Current Situation

In the global scenario, as published by the World Bank in September 2010, 46 million hectares in large scale farmland acquisition or negotiations were announced between October 2008 and August 2009. Out of the 464 examined acquisitions, only 203 included the land area. Therefore, it can be inferred that the total land area involved could more than double the record.

2.5 Local Contexts

In the case of Sri Lanka, land grabbing has been prevailing since the colonial era in its many forms vectored by the colonial masters who were immediately followed by the successive regimes. Through the years, it has shown exponential growth and has now reached unprecedented proportions with blatant violation of the legal requirements. In the backdrop of current population growth rate which demands more ecosystem services and the scanty remnants of forest cover existing in the country, extent of land grabbing is alarming.

With culmination of the LTTE terrorism in the North, an explosive growth has been observed in developmental activities. Different facades of developmental concepts, such as '*Uthuru Wasanthaya*' (Northern Spring), '*Negenahira Navodaya*' (Eastern Revival), '*Sancharaka Udanaya*' (Tourism Dawn) and '*Deyata Kirula*' have been imposed concealing the true nature of these developmental operations.

This study was carried out throughout the island with the hope of identifying the scale and scope of land grabbing as well as current trends and its multifaceted repercussions.

3.0 Methodology

Initially, information on locations affected by land grabbing and nature of projects was obtained from local organizations affiliated to Sri Lanka Nature Group, published information and environmental activists around the island and documented in a database. 25 projects involving land grabbing in different geographical areas and ethnic groups were selected for expansive investigation based on the following criteria.

- Projects resulting in displacement of people, loss of livelihood and well-being of communities.
- Harmful impacts on protected forests
- Appropriation of land for developmental activities without following the proper legal procedure
- Degradation of land
- Negative impacts on the environment/ecosystems

Secondary data was obtained from project reports when available and field visits were conducted and data was gathered according to the questionnaire, included as annexure 1. During field visits, information was obtained from the affected parties as well as from the stakeholders, where possible.

The overall time period for the study, was 6 months from January to June 2012. Preparatory activities were done during the first two months of the study while the data collection was done during the months of March and April of the year. The last two months were spent on data analysis, preparation of the report, discussion, and compilation of comments and finalization of report.

4.0 Limitations and Changers of the Study

- The biggest obstacle we faced was the tendency of those carrying out the project to provide false information. The secrecy surrounding the nature of the projects, techniques used and the extent of the land creates difficulties in the final analysis.
- As we are specialized in the sector of environment even though this issue has economic, legal and social impacts our focus was on the environmental impact, but we have put our attention to the other areas as well.

- The allocated period was not enough for the conducting of social and economic analysis on the issue – time constraints and budgetary issues were affected.

5.0 Results and Analysis

The 25 investigated projects were spread throughout 13 Districts. The highest number of projects (5) is situated in the Puttalam District while the Districts of Monaragala, Mannar and Trincomalee hold 3 projects each. As mentioned above, Monaragala District is the most affected by land grabbing, with the largest area of land grabbed, and followed by Trincomalee and Polonnaruwa Districts. (Tables: List of Projects Analyzed 01 and 02.)

Table 02: The Number of Projects in Each District and the Land Allocated

District	Number of Projects	The area taken for the project	
		Hectares	Percentage of total land area grabbed %
Badulla	1	254	1
Anuradhapura	1	19.4	0.07
Monaragala	3	8703	33
Puttalam	5	1439	5
Polonnaruwa	1	6110	23
Galle	1	No data	9
Mannar	3	2513	9
Hambantota	1	400	1
Gampaha	1	20	0.07
Trincomalee	3	6230	24
Ampara	1	494	2
Batticaloa	2	189	0.7
Mulathivu	1	240	1
TOTAL	25	26611.4	

(Land taken for Uma Oya project, which spans across 10,000 hectares in Badulla, Monaragala, Hambantota 3 Districts)

According to findings of the study, 8 types of projects are being carried out in these reworded lands including tourism, agriculture, aquaculture, resettlement/colonization, salt production, mining, multi-purpose projects, energy production and industry. Tourism projects outnumber the other categories with 9 projects accounting for 36% of the total of 25 followed by agricultural projects which make up 24% of the total number of projects. (See Chart 03)

Table 03: Land Allocations Made for Different Categories of Developmental Projects

Nature of project	Projects		Land taken in documented 25 projects	
	Number	Percentage ¹	Hectares	Percentage ²
Tourism	9	36%	2565	7 %
Agriculture	6	24%	17 273	47%
Aquaculture	1	4%	68	0.2%
Colonization	3	12%	464	0.6%
Salt Production	2	8%	831	2%
Energy and industry	1	4%	5000	14%
Multi purpose irrigation	1	4%	10 000	27%
Mining	2	8%	410	1%
Total	25		36 611	

¹ As a percentage of the total number of examined projects

² As a percentage of the total land area appropriated for projects

Chart 01: Diversity of the Investigated Projects

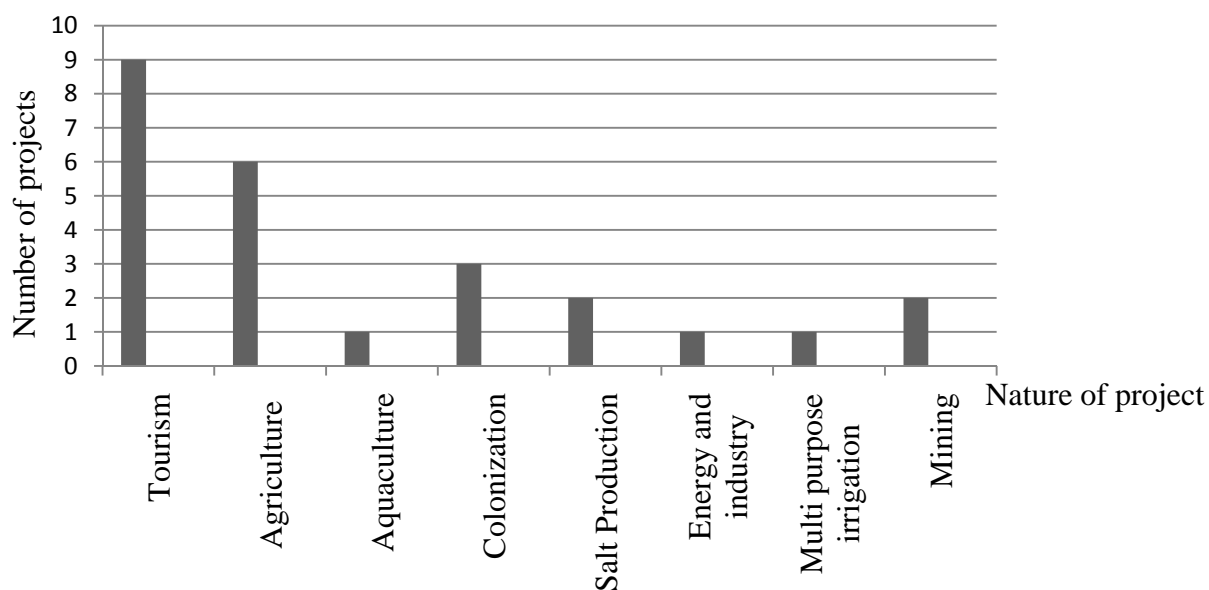
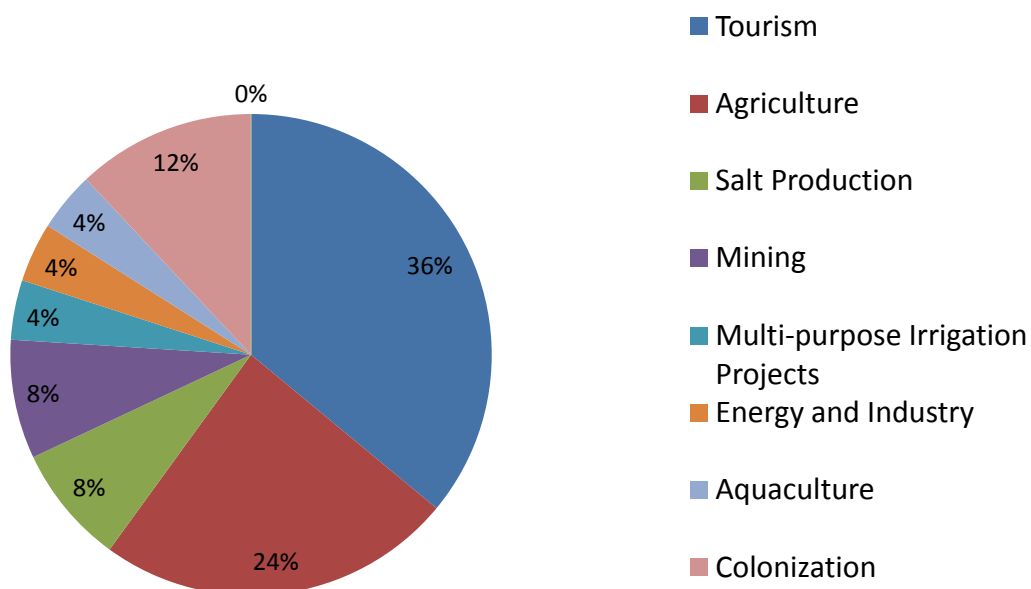
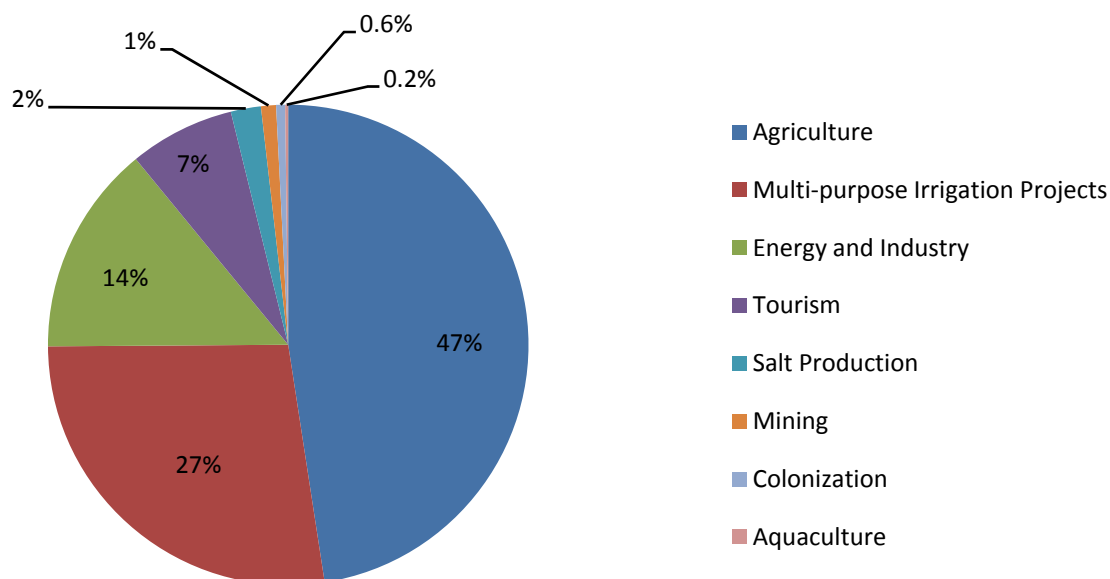


Chart 02: Number of Projects in Each Category



In terms of land area appropriated under each category, Agricultural projects predominate with 47%, followed by Multi-purpose Irrigation projects (27%) and Energy and Industry (14%). (Chart 3)

Chart 3: Land Area Appropriated for Each Category



Nine of the total number of projects are carried out by the private sector (38%). This accounts for an area of 10,050 hectares. Meanwhile, 15 (68%) are being carried out by State Institutions which include Tourism Development Authority, Ministry of Aquatic Resources, National Aquaculture Development Authority, Department Irrigation and Water Management, Sri Lanka Navy, Sri Lanka Air Force, Sri Lanka Army, Special Task Force, Civil Defense Force, Wanathavilluwa Divisional Secretary and Puttalam District Secretary. The total land area grabbed by the State Institutions/persons affiliated is 26,321 hectares (72%). Land area appropriated for all the projects examined is 36,371 hectares which is 0.55% of the total land area of the country.

Department of Irrigation and Water Management, Sri Lanka Army, Sri Lanka Navy, Civil Defense Force and Tourism Development Authority are among the leading land grabbers of the country according to the findings of the study.

Nature, adverse impacts and rules violated by each project have been listed in Annexure II. Detailed information and Photographs have been attached at Annexure III.

6.0 Findings

- Most of the studied projects have appropriated land for the implementation of tourism projects. 2,565 hectares have been grabbed from the Districts of Trincomalee, Batticaloa, Putalam, Badulla and Galle destroying coastal ecosystems and forestland. Communities directly dependent on these ecosystems are composed of fishermen and farmers. Further, these projects pose a direct threat to the livelihood of the affected communities which contribute to the food production of the country. Moreover, the operation of these projects results in the displacement of these communities leading to many socio-economic problems.
- Meanwhile 17,273 hectares have been taken for agricultural projects. Six agricultural projects have been implemented (24% of the total number of projects) all of which are large-scale plantation projects. Dry Zone forests have been used for all these projects. Moreover, these project sites are located within protected forests, marginal areas of protected forests which are habitats of the elephants or are Elephant Corridors. Plantation projects involve production of banana and other fruits for export, cashew plantation and corn as animal feed. Forestland has been cleared in order to facilitate these projects. Consequences of these operations include loss of watersheds, loss of habitats of wildlife including elephants and migration routes of elephants, and creation and aggravation of Human-Elephant Conflict. As a result of property destruction and crop raids by elephants, the people of these areas have been displaced. Further, they have abandoned farming activities affecting the food production of the country and also the nutrition and health of the community.
- Six of the examined tourism projects are situated in coastal areas. In addition, four projects, involving aquaculture, salt production and energy and industry are also located in coastal areas. Hence, 10 of the studied projects (40% of the number of projects) are being implemented in the Coastal Zone. 8,116 hectares of land which amounts to 22% of the total have been allocated for these projects. These areas comprise Mangrove Forests, Salt Marshes, Coastal Sand Dunes, Lagoons and areas with coastal plant communities and are also the settlements and operational grounds of fishing communities. Therefore, project operations have caused large-scale direct and indirect displacement of fishing communities.

- Clearance and land filling operations carried out in of mangrove forests, salt marshes and other coastal ecosystems have affected the biodiversity of the areas. Fish, shrimp and crab species face extinction and population declines due to loss of these ecosystems which are their breeding grounds. This in turn, affects the harvest of fisheries and the income of the fishermen and gives rise to many socio-economic issues. Further, reduction of the fish yield affects the nutrition and health of other communities also since fish is a popular, cheap protein source for the local communities.
- 13 of the projects have been carried out in cleared mangrove forests and dry mixed evergreen forest in the custody of the Department of Forest Conservation. This massive clearance of forests leads to many repercussions including localized changes in weather and climate. Reduction of ground water levels causes problems in drinking water availability. This leads to displacement of people due to water scarcity.
- With the post war expansion in developmental activities, many unplanned and unsystematic developmental projects are implemented by the Government under several development drives including *Negenahira Udanaya* (Eastern Revival), *Uthuru Wasanthaya* (Northern Spring), *Deyata Kirula*, *Sancharaka Udanaya* etc. The projects implemented under these initiatives do not follow the EIA procedure or adhere to environmental laws. Further, in the absence of feasibility studies, the viability and sustainability of these projects are highly uncertain. These activities have led to environmental degradation, displacement of local communities and in certain instances, waste of natural resources.
- Land grabbing is also taking place as a result of imprudent policy decisions. Salt production has been encouraged with the goal of restricting import of salt. The serious repercussions of this decision include destruction of coastal ecosystems and displacement of thousands of fishermen.
- Implementation of large-scale developmental projects in areas that are unsuitable leads to direct and indirect land grabbing and displacement of communities. For example, these repercussions have been observed taking place due to diversion of water under Uma Oya Multi-purpose irrigation project to facilitate the development of the Hambanthota District. The same consequences can be expected with the diversion

of water for tourism projects in Kalpitiya which also is an area with limited water resources.

7.0 Conclusion

Those most affected by the land grabs are small scale farmers and fishermen, which comprises a majority of these communities. This will have a direct effect on the production of food leading to nutritional issues as more than 60% of the total agricultural production is contributed by the small scale farmers and fishermen. Livelihood activities of all these communities are closely linked with the land and surrounding natural resources. As the land grabbing limits access for them to utilize their land, it will affect their family nutrition level as it is mostly dependent on their own crops for daily consumption and earn money to buy food.

- Government actors carry out most of the land grabs while powerful politicians back most private projects. Therefore most often the displaced are not properly compensated. As compensation the original owners of the land have received some sort of land but it is not relevant to their original livelihoods. We can give examples just like Kalpitiya, and Uma oya displaced people have received new land where the existing natural resources and culture is not suitable for them to continue their living previous livelihoods.
- Forestland and coastal ecosystems are affected most by these projects. This will have an adverse effect on the biodiversity of the nation. The target lands are rich in biodiversity value. After the utilization of them for the development program the entire ecosystems will be lost. The species diversity of flora and fauna will be reduced due to the loss of their ecosystems.
- Social issues will arise due to displaced farmers and fishermen. After the relocation, farmers or fishermen will receive a new habitat for living. In most cases this new settlements are not related to their economic, social and cultural activities. The possibility of arising social and cultural issues with the surrounding communities is higher and has been occurred.

8.0 Recommendation

- A proper land policy based on current and future trends must be formulated following comprehensive analysis and discussion of the issues among all involved parties. Feasibility studies and environmental impact assessments should be carried out before the allocation of land for developmental projects. Transfer of land extraneous to this procedure should be prevented. Ministry of Land, ministry of Tourism, ministry of Defense and Urban Development, Ministry of Economic Development are the responsible parties for that.
- Opportunities must be provided for all the communities affected directly or indirectly by the projects to express their views and objections during feasibility studies and environmental impact assessments. These should be carried out with the participation of Community Organizations and Non-governmental Organizations.
- Land transfers and project implementations should be carried out with absolute transparency and a mechanism should be formulated to provide open access to the communities.
- National Involuntary Resettlement Policy (NIRP) should be adopted during land acquisition and resettlement of displaced people ensuring adequate compensation.

Table 01: List of Projects Analyzed

	Project	Name of the implementing organization	Nature of the project	District	Total land taken (ha)
1	Construction of Hotels and Operation of Quarries in Andarawewa Forest Reserve	Farm Garden Hotel Corporation	Tourism	Anuradhapura	19.4
2	Grabbing of Land in Buttala for Agricultural Purposes and Construction of Holiday Resorts	Several individuals	Agriculture	Monaragala	8094
3	HVA farm project	HVA Farm (Pvt.) Ltd	Agriculture	Puttalam	136
4	Kalpitiya Tourism Project	Sri Lanka Tourism Development Authority	Tourism	Puttalam	1100
5	Kandakaduwa Banana Plantation Project	Army, Letsgrow (Pvt.) Ltd	Agriculture	Polonnaruwa	6110
6	Karukapane Illegal Hotel Complex	Laugfs Leisure Ltd	Tourism	Puttalam	2
7	Koggala Seaplane Project	Ministry of Tourism/ Air Force	Tourism	Galle	-
8	Magama - Kirinda Mineral Sand Extraction Project	ETA Lanka natural Resources (Pvt.) Ltd	Mining	Hambantota	400
9	Nilaveli- Pulmudei Large-Scale Tourist Hotel Project	Sri Lanka Tourism Development Authority	Tourism	Trincomalee	500

10	Pasikuda Hotel Project	Sri Lanka Tourism Development Authority	Tourism	Batticaloa	121
11	Soragune Proposed Golf Course and Hotel	Alpha and Omega developers (Pvt.) Ltd	Tourism	Badulla	254
12	Vakarei Prawn Farming Project	National Aquaculture Development Authority	Aquaculture	Batticaloa	68
13	Lunugamwehera mass scale banana plantation project	Dole Lanka (Pvt.) Ltd	Agriculture	Monaragala	405
14	Excavations in Madu sanctuary	IRCON International (Pvt) Ltd	Mining	Mannar	10
15	245 acres of forestland in Morandawilluwa given to agricultural projects	Wanathawilluwa Divisional Secretary - Puttalam District Secretary	Agriculture	Puttalam	100
16	Settling people in Mutturajawela sanctuary	Local and national level politicians	Colonization	Gampaha	20
17	Resettlement of people in Boelle forest	Government	Colonization	Monaragala	204
18	The occupation of land in Panama by Navy and Special Task Force (STF)	Navy/ Special task Force	Tourism	Ampara	494
19	Puttalam lagoon salt manufacturing project	No data	Salt production	Puttalam	101
20	Salt manufacturing at	Raigam Eastern Salt	Salt	Trincomalee	730

	Salapearu lagoon	(Pvt.) Ltd	production		
21	Sampur coal power project and industrial zone	Sri Lanka navy has cordoned off the area	Energy and industry	Trincomalee	5000
22	Silawathurei mass scale cashew planting project	Civil Defense Force	Agriculture	Mannar	2428
23	A 75 hectare hotel project in Yoda Wewa sanctuary	Department Irrigation and Water Management	Tourism	Mannar	75
24	Establishment of a Resettlement for IDPs in Kombavil	Sri Lanka Army	Relocation	Mullativu	240
25	Uma Oya multipurpose development project	Department Irrigation and Water Management	Multi Purpose Project	Badulla, Monaragala and Hambantota	10000

10.0Annex – I

(See PDF File)

11.0Annex - II

(See Excel File)

12.0Annex - III

1.0 Construction of Hotels and Operation of Quarries in Andarawewa Forest Reserve

Location

- District : Anuradhapura
- DS Division: Nochchiyagama
- Grama Niladhari Division: No 341, Andarawewa

Introduction

Andarawewa Reserve (Fig. 1.0 a), situated at System H of Mahaweli, has been under the control of Mahaweli Authority since 1982. It encompasses an area of 1050 acres and has been named and spared as a Wildlife Protection Zone as well as an Elephant Corridor. Unauthorized entrance, clearing and timber extraction were prohibited by the Mahaweli Authority. Sign boards displaying these regulations had been installed in the reserve. However, since 2010 Mahaweli Authority has begun dividing the area into allotments and renting out to the private sector to carry out various projects. Allegedly, the Resident Project Manager of system H of Mahaweli, has facilitated removal of the sign boards allotment of land to the businessmen involved while political support has been extended by a certain Deputy Minister.

First, a 48 allotment had been allocated for construction of 'Forest Rock Garden' hotel. This plot is located at no 663 of the final village map, of Andarawewa Grama Niladhari Division No. 341 of Nochchiyagama DS division. This land has been assigned to the owner of Farm Garden Hotel, Korakahawewa, Pandulagama, Anuradhapura. 300 million rupees were invested in the 1st stage of the project by an Italian national. Although the project commenced (Fig.1.0 b&c depicts the construction activities carried out at the project site) ignoring the regulations imposed under the National Environmental Act No. 47 of 1980, a suspension order was issued by the CEA on 14th October 2010 following strong opposition of local farmers and environmental organizations. Later, the owners were ordered to conduct an Environmental Impact Assessment (EIA) as per Gazette Notification bearing no. 722/22 of June 24th, 1993 published under the provisions of National Environment Act No. 47 of 1980. According to this regulation, any developmental activity carried out in a forest area exceeding 1 hectare (2.5 acres), prior written approval should be obtained from Central Environmental Authority subject to the EIA process. Following the court order, an

extremely weak EIA report was produced by the owners based on one day field visit. The fact that this area is inhabited by elephants has not been mentioned in this report, where as assessment of alternatives has been completely excluded. The Central Environmental Authority (CEA) left this open for public comments, for a period of 30 working days without much publicity though, over 50 comments were submitted. All these comments have been rejected by CEA stating that these were produced after the deadline. After that, the improper and deficient EIA had been approved by the CEA and continuation of the project was recommended subject to conditions.

Another 20 acre plot has been given to 'Access International' for the operation of a stone quarry. This was acquired by a local councillor for the Madyama Nuwara Palatha Pradeshiya Sabha and son of a Deputy Minister. This land has been leased to the above mentioned company and the necessary equipment is currently being installed on the land.

Moreover, 5 acres of the forest reserve have been allotted to Women's Development Foundation, Matale. At present, plans are being laid out to assign another 20 acres to the Chief Incumbent of Udamaluwa, Sri Maha Bodhi Vihara in Anuradhapura by the Resident Project Manager of system H of Mahaweli.

It is apparent that currently, attempts are being made to deny provision of custodianship of this area to Mahaweli Authority under which it was controlled for a period of 28 years from 1982 to 2010. But the fact that legal charges were brought against persons involved in illegal timber extraction on numerous occasions in the past by Mahaweli Authority proves that this indeed was under the jurisdiction of the Authority.

Environmental Significance of the Area

- Andarawewa Forest Reserve serves as an Elephant Corridor linking Wilpattu National Park to Thalawa Mahamukalana and Galgamuwa areas. They migrate to Andarawewa through Kukulkatuwa, Eettikulama, Ranawarawa, Mahalidawewa, Periyanaankalli and Adampane during August to October, the driest time of the year. Andarawewa, Seerambaagamawewa, Pahamuneegama wewa, Helamba wewa and Ilandakkulama wewa are among the numerous tanks providing for the fulfillment of water requirements of these elephants. Since all these tanks are fed by this forest reserve, it is imperative to conserve the forest.
- In addition to Elephants, a large number of other animals including Indian Pangolin, Porcupine, Spotted Deer, Sambur, Wild Boar, several varieties of migratory and endemic

birds, Jungle Fowl (Wali kukula.), Ceylon Gray Hornbill (Alu kaendaetta.) and Common Wood-shrike (*Tephrodornis affinis*) are also reported from this forest. Ebony (Kaluwara), Kalumediriya, Palu, Weera, Teak (Thekka), Kunumella, Weewarana, Keeriya and Bolpana are some of the plant species recorded.

- The communities residing in close proximity to the forest obtain all medicinal plants, tubers and other material needed for agricultural purposes from the forest.

Harmful Effects of the Project

- Clearance of the forest leads to drying out of the tanks during the dry season. This deprives Elephants and other wildlife of their sources of food and water. As a result, Elephants are impelled to enter nearby villages, an issue which has already manifested itself. Villages such as Andarawewa Puranagama, Maaduruwaagama and also Mahaweli villages like Nawa Hanguranketha, Nawa Haarispattuwa are among the villages that never faced any threats from elephants previously but are now facing human elephant conflict due to these unwarranted activities. In addition, paddy field No. 419 D1 which involves 274 families, paddy field No. 419 D2 with 164 families and also, paddy field no. 411 are also affected by wild elephants. As a result, agricultural activities of the associated farmer communities will be disrupted. Serious social issues can be anticipated to rise due to degradation of livelihood and standard of living.
- The local communities will be deprived of the benefits like medicinal plants and food crops offered by the forest previously. Extra expenses will be inflicted on them leading to dire social consequences.
- Furthermore, in addition to elephants, animals like porcupine and wild boar tend to enter villages and farm lands due to loss of habitat causing significant damage to the lives of villagers.

The Legal Background

- For any developmental activity carried out in an area extending one hectare (2.5 acres), prior written Environmental Recommendation should be obtained subject to the EIA process as per Gazette Notification bearing no. 722/22 of June 24th, 1993 published under the provisions of National Environment Act no. 47 of 1980 and its amendments.
- This forest had been conserved as a protected area with The Mahaweli Authority extending monetary provisions for legal actions and local communities contributing in various ways.

Granting these unwarranted developmental activities sets a bad example for many potential offenders to follow while violating the rights of the local communities to access and benefit from the forest.

Photographs





Fig. 1.0 : a - Mahaweli Reserve, Andarawewa, **b&c** – Construction in the project site

2.0 Grabbing of Land in Buttala for Agricultural Purposes and Construction of Holiday Resorts

Location

District: Monaragala District

Divisional Secretariat Division: Buttala

Project area: Niyadalla, Demodara, Upaliya, Kaludiya-alla, Thenagallanda, Bopitiya, Athimale, Ithhakatuwa, Kotiyagala

Nature of the Area of Project Implementation

- These projects are being implemented in government owned forests which are controlled by the Forest Conservation Department
- These lands extend from the Right bank of the Kubukkan Oya to the North and lie in the catchment area of the Kubukkan Oya
- The area concerned spans from the Right Bank of Kumbukkan Oya which demarcates the North Boundary of the Ruhuna National Park
- The forest areas being cleared also involves Demodara, where confluence of Vila Oya with the Kumbukkan Oya takes place
- These projects are being implemented disturbing a major natural habitat of the elephant and an Elephant Corridor connecting Ruhuna National Park to the Kumbukkana Sanctuary and the Lahugala-Kithulagala National Park, which are situated to the North of the Ruhunu National Park.

Nature of the Project

- Blocks of land ranging from 10 to 300 acres in extent, have been separated and used for agricultural (Fig. 2.0 a,b,g&h) and hotel (Fig. 2.0 e & f) projects.
- A Holiday Resort has been constructed in a section of the 6 Acre forest land separated by the M.B.S.L. Insurance Company in the area of confluence of the Vila Oya with Kumbukkan Oya (Fig.2.0 i). The rest of the land has been cleared and used for agricultural purposes.
- A block of 300 Acres in Demodara has been cordoned off by an electric fence allegedly, by a Minister. (Fig.2.0 c&d)

- An electric fence has been built enclosing another 200 acres in Demodara. This area has been blocked off by a member of the Local Council of Buttala.

Harmful Effects of the Projects

- There is a great risk of aggravating Human-Elephant Conflict since Elephants are more inclined to enter nearby villages when access to their habitats, foraging grounds and migratory routes are blocked. As a result, local communities are prone to serious obstructions to their normal agricultural and day-to-day activities.
- Clearance of watershed of the Kubbukkan Oya leads to drying-out of it even during short dry spells.
- Clearance of the forest cover and loosening of soil for Agricultural Projects result in soil erosion leading to siltation of the Kumbukkan Oya.

Laws Violated by the Project

- Illegal land grabbing, clearing of forests, construction of illegal electronic fences, agricultural activities, construction of holiday resorts and creation of access routes into the forest have been carried out violating section 20 of the Forest Conservation Ordinance as amended last by Amendment Act No. 65 of 2009.
- According to section 9A of Fauna and Flora Protection Ordinance as amended by Amendment Act bearing No. 22 of 2009, for any developmental project carried out within one mile from the boundary of a National Park, it is compulsory to obtain prior written approval from the Director General of Department of Wildlife Conservation subject to the EIA process as stipulated in The National Environmental Act bearing No. 47 of 1980 and its amendments. Above projects are being carried out violating these regulations.
- According to Gazette Notification bearing no. 772/22 of 24th June 1993, published under the provisions of The National Environmental Act no. 47 of 1980 and its amendments, if any forest land exceeding one acre in area is cleared for development, prior written Environmental Recommendation should be obtained subject to EIA process. Clearing of forest lands and agricultural activities are carried on violating these legal provisions.

Photographs



Fig. 2.0 a&b : Forest lands that have been illegally grabbed, cleared and cultivated



Fig. 2.0 c&d : Electronic fences that have been installed illegally in some grabbed lands



Fig. 2.0 e&f : Illegally constructed holiday resorts



Fig. 2.0 g&h : Croplands Established on Cleared Forestland



Fig. 2.0 i : Kumbukkan Oya Flowing in Close Proximity to the Project Site

3.0 HVA Farm Project

Location

- District: Puttalam
- DS Division: Wanathawilluwa
- Grama Niladhari Division: No 635, Raalmaduwa

Nature, Extent and the History of the Project

HVA Farm project is in operation in a span of 335 acre forestland in Weerakulicholei-Eluwankulama Proposed Forest Reserve, Thabbowa Sanctuary and Raalmaduwa- Achchimalei Archeological Sanctuary (Fig. 3.0 a).

Most of the project area is situated in the 30128.9 hectare Weerakulicholei-Eluwankulama Proposed Forest Reserve controlled by the Department of Forest Conservation. During our field visits the boundary stones placed by the Department of Forest Conservation to mark the boundary of the Proposed Forest Reserve were observed (Fig. 3.0 c).

Another section is located at 2193.309 hectare Thabbowa Sanctuary, declared by Gazette Notification bearing No. 1245/31 dated July 19, 2002. Moreover, whole Raalmaduwa- Achchimalei Archeological Sanctuary which extends 2.5 acres is encompassed by the project area.

This is carried out as a pilot project of fruit produce by HVA Farm (Pvt) Ltd. introduced as an 'Eco-friendly Organic Farm'. Head office of the company is situated at No. 39/A, Linton Road, Kandana.

Initially 2 acres of forest land had been illegally grabbed and cleared by the company in 1995. Next, in 1997, requests had been made from the Divisional Secretariat Office to grant permission to expand the project area first, up to 4 acres, and later, up to 8 acres and 25 acres to carry out a Pilot Project. However, licence for a period of one year had been granted to expand up to 4 acres had been granted by the Northwestern Provincial Land Commissioner Department.

The company had misused the license to grab and clear 35 acres gradually and cultivate Papaya, Banana, Orange and Mango (Fig. 3.0 b). Natural forest has been cleared completely and water is extracted from the Ralmaduwa River that flows near the project site.

The company had requested permission from the North Western Environmental Authority to clear another 100 hectares (around 250 acres) through the Board of Investment (BOI.) on 24th March 1998. North Western Environmental Authority had informed the company to produce an EIA Report in order to release the land according to the Gazette (Extraordinary) Notification bearing no. 1020/21 of March 27th, 1998 published under the provisions of Northwestern Province Environmental Statute No. 12 of 1990. The EIA Report had been produced to the Northwestern Provincial Environmental Authority on 28th July 1998. Department of Wildlife Conservation had refused to grant permission citing that the proposed farm land is situated in the buffer zone of Wilpattu National Park which is inhabited by elephants and is an Elephant Corridor and that it is a catchment area of Kala Oya, one of the chief water sources in the area.

It was decided unanimously that this land shall not be released for development considering the environmental and archaeological significance of the area and that it should be removed by the Land Use Committee which comprised of the District Secretariat and representatives from Department of Forest Conservation, Department of Wildlife Conservation, Department of Archeology, Northwestern Provincial Environmental Authority, Department of Irrigation, Land Use Planning Division and Divisional Secretariat Office following a discussion on the matter on 02.04.2003.

However, when the company refused to vacate the land Environmental Foundation Limited filed a case against this in the Supreme Court. Following the hearings of the case no.35/2007 it was ordered by the former Chief Justice an alternate land be provided. However, this unwarranted plantation project was not expelled. Making use of this court order, H.V.A. Farm had obtained a land area of 225 acres of forest in Weerakkulichole - Eluwankulam Proposed Reserve from the Department of Forest Conservation even though the court order does not mention that this alternate land should be provided from a Forest Reserve or a Proposed Forest Reserve. A further 75 acres have been annexed by the company through a forged deed. An electric fence had been constructed by H.V.A. Farm (Pvt) Ltd. surrounding an area of 335 acres (Fig. 3.0 f).

False nature of the project

Although the project is falsely introduced as ‘environment-friendly organic farm’ it has not obtained any Organic Certificate that is needed to sell organic products.

According to the foremost authority on organic farming in the world, International Federation of Organic Agriculture Movement (IFOAM) organic certification cannot be granted to a project that

causes environmental harm. It has also been revealed that agrochemicals are being used for these cultivations and that the produce is not exported. Moreover, unlike in the case of real organic agriculture, no records have been kept regarding this cultivation.

Harmful Impacts of the Project

- During excavation of the land in order to erect the buildings of the H.V.A. Farms, a two foot marble Buddha statue was recovered (Fig. 3.0 d). Moreover, a stone seat (Fig. 3.0 e) and numerous stone pillars have been discovered. All these relics have been placed in front of the H.V.A. site office without proper protection.
- The Elephant Corridor connecting Wilpattu National Park to Karuwalagaswewa is obstructed by the farm. Also, the site is a main dwelling area and a foraging ground. The electric fence prevents them from reaching these areas. Further, Raalmaduwa Oya, from where water is taken to the farm, which never dries out is a main source of water for elephants and other wild animals. Access to this vital area is now blocked and the elephants have no option other than using alternative routes that often lie through nearby villages and farmlands. This will cause Human-Elephant Conflict threatening the lives of the local villagers.
- The farm project also clears 335 acres from the catchment areas of Kala Oya and Raalmaduwa Oya that are two important water sources for animals as well as the residents of the area. This affects the volume of water in these rivers resulting in water shortage to the farmer communities that depend on these water sources for their cultivation. Therefore, these farmers are placed at risk due to operation of these projects.

Laws Violated

- According to the Land Development Ordinance No. 19 of 1935 and its amendments, before releasing a land over 50 acres in area for an agricultural activity, project approval should be obtained from all the relevant state institutions. But, operations of the H.V.A. Farm are being carried on unlawfully in the absence of such approvals.
- According to the regulations of the Forest Conservation Ordinance as finally amended by Amendment Act No. 56 of 2009 ownership of forest lands under the control of Department of Forest Conservation cannot be transferred to a private owner. Forest lands have been assigned to this company violating these regulations.

- According to the Gazette Notification bearing No. 1020/21 dated 27th March 1998 published under the provisions of the Northwestern Province Environmental Statute No. 12 of 1990, it is compulsory to obtain written recommendation from the Northwestern Environmental authority prior to commencement of a non-forest related developmental activity in a forest land exceeding one hectare subject to the Environmental Impact Assessment Process. But, the Environmental Impact Assessment Report produced for this purpose is incompetent and the scope covered is inadequate. But Northwestern Environmental Authority had granted recommendation to the project based on this EIA Report. The H.V.A. Farm project had been unanimously denied by the Land Use Committee of the Puttalam District in 2003 which constituted of all the relevant government officers. Moreover, the Supreme Court ordered to provide an alternative land for the project in order to relocate. Disregarding these facts which elucidate the harmful nature of the project, land in the custody of the Department of Forest Conservation has been released for the project activities against the prevailing laws of the country.

Photographs



Fig. 3.0 a: Entrance to the H.V.A. Farm site



Fig. 3.0 b: Plantations carried out inside the sanctuary



Fig. 3.0 c: Boundary markers of the proposed reserve installed by the Department of Forest Conservation



Fig. 3.0 d: Marble Buddha statue recovered from the project site



Fig. 3.0 e : An ancient stone seat recovered from the project site



Fig. 3.0 f: Electric Fence Installed Around the Project Site

4.0 Kalpitiya Tourism Project

Location

- District: Puttalam
- DS Division: Kalpitiya
- Grama Niladhari Divisions: Palliya Watta, Oolanda Ela, Aanawasala, Sinnakudirippu, Wannimundal, Periyakudiruppu, Mandalakudawa

Introduction

This large-scale tourism project is being implemented in an area of 1,100 hectares of 14 islands in Puttalam Lagoon by Sri Lanka Tourism Development Authority (SLTDA) (Fig. 4.0 a). It affects the livelihood of the 2640 fishing families in the above mentioned Grama Niladhari Divisions.

The ancestral lands of the native fishing community have been acquired by the SLTDA through provisions of Gazette Notifications bearing No. 1506/18 of August 01, 2007 and No. 1549/7 of May 13, 2008 published under the provisions of Tourism Act No. 38 of 2005.

Islets Acquired for the Project

- Welle 1: 1.55 ha
- Welle 2: 10.80 ha
- Welle 3: 13.70 ha
- Ippanthivu: 54.95 ha
- Periya Arichchalei: 45.60 ha
- Sinna Arichchalei: 16.82 ha
- Iramativu: 91 ha
- Sinna Iramativu: 2.22 ha
- Iramativu West: 4.53 ha
- Kakativu: 28.19 ha
- Battalangunduwa: 125 ha
- Palliyawatte: 59 ha
- Uchchamune: 444 ha

- Mutuwal (Dutch Bay): 201 ha

Many fishing harbours have been established in these islands. Four fishing harbours are located in Palliyawatte Grama Niladari division; are Karativu, Battalangunduwa, Punchigunduwa, and Palliyawatte. In Oolanda Ela Grama Niladari Division there are 2 fishing harbours; Uchchamune and Rodapaduwa. Ten fishing harbours located in Aanawasala, Sinnakudirippu, Wannimundalama, Periyakudirippu and Mandalakudawa Grama Niladari Divisions including Mohottuarama, Nilladiya, Thureiadiya, Janasavipura, Aanawasala, Sinnakudirippu and Wannimundalama are affected by the project.

Fishing activities are carried out widely and successfully using small scale fishing gear in the areas of Battalangunduwa, Palliyawatte, Uchchamune, Oolanda Ela and Aanawasala harbours where fish and shrimp are abundant.

Mangroves are widely distributed in Oolanda Ela Grama Niladhari Division and Uchchamune while sand dunes ecosystems and Coastal Vegetation are widely distributed in other areas.

Objective of this project is to transfer blocks of land from the acquired area to companies and investors for building tourist hotels. Hence, tourist hotels as well as access roads have been built in the area. Clearance and filling of mangrove forests, changing of course of the canals and runoff patterns have been changed (Fig.4.0 c, d & e).

A bridge and a road have been built across the lagoon (Fig.4.0 i & j) from Thora Ediya of Kalpitiya to Mohoththuarama. This area is around 800 meters long. A 60 meter long bridge has been erected in the deepest central area. An access road has been built covering the rest of the length which has been filled to a width of around 10 meters. This road runs around 740 meters.

A Tourism Zone has been established in the area acquired by the SLTDA. In addition to mangrove forests, sand dune eco systems and coastal plant communities as well as scrub forests of the area have been cleared for the project (Fig. 4.0 f & h).

The main tourist attractions aimed by the project are observation of fish and coral reefs of the Bar Reef Sanctuary and observation of Marine Mammals in the area. Additionally, the mangrove forests and associated biodiversity have been aimed to attract tourists.

Among the facilities expected to make available for the tourists are, a Domestic Airport, a Golf Course, Underwater Hotels, Speedboat Rides and a Race Course.

About 38 hotels are planned to be built in Battalangunduwa, Palliyawatte, Ilippaththuwa, Periya Arichchalei, Iramativu and Mutuwal islets which will have a total of around 5000 rooms. Construction of some of these hotels has already commenced (Fig. 4.0 g).

Harmful Effects of the Project

- Kalpitiya Lagoon supports fishermen engaged in seasonal fishery activities using conventional fishing gear as well as fishermen living in the island in permanent settlements. They have been directly and indirectly displaced due to this project. Further, it has caused loss of livelihood of these fishermen.
- Mangroves serve as breeding grounds for many aquatic life forms such as shrimp and crab. These habitats have been destroyed by clearance, filling and changing the runoff pattern. Consequently, populations of aquatic species will decline affecting the fishing activities of the local community generating socioeconomic problems.
- Large-scale removal of mangrove forests, coastal sand dune forests and scrub jungles results in local weather and climate changes in the area which is semi arid. This affects the lives of the local community.
- Although the biodiversity of the area has been identified as one of the tourist attractions in the area, it has been destroyed for development of the project. Therefore, drawing tourist attraction and reaching expected goals is unlikely.
- Coral watching in the Bar Reef Sanctuary and Marine Mammal Watching in the sea off Kalpitiya are targeted to be the main attractions for the tourists. Construction of large scale tourist hotels and if the project succeeds, excessive attraction of tourists exerts unwanted pressure on these resources will affect persistence of these. Ultimately, it will lead to collapse of the tourism industry in the area. Under such circumstances, only outcome of the project will be loss of natural landscape, biodiversity, destruction of ecosystems and displacement of the native local community.
- Operation of high-speed motor boats and levels of unsustainable tourist activities like water sports will have harmful impacts on traditional fishing activities and the vulnerable ecosystems.

- The restrictions imposed on the fishermen with commencement of the tourism activities and decline of the yield of fisheries will force the fishermen to abandon their traditional livelihood. This will not only lead to social issues but also will have an adverse effect on the nutritional needs of the people, since fish is one of the main sources of protein that is cheap and readily available for the people.
- The waste discharges of the hotels and other establishments results in contamination of the sea and the lagoon with chemicals and organic matter leading to extinction of species in these ecosystems. This also affects the fisheries in the area.
- Areas of Thilladiya, Sethawadiya, Mosalwatta and Thoreadiya are prone to flooding (Fig. 4.0 k & l) due to construction of the road linking Thoraediya and Mohoththuarama since it has been built on a dam like structure across the lagoon. Further, for 380 families from Kudawa, Sethawadiya, Thilladiya and Nawaladdiya subsisting on fishing activities, travelling across the lagoon has been blocked. The shallow areas have been filled for the road leaving the deeper area for the bridge. But, only motor boats are capable of moving across this deep area. This is a direct and harmful impact on the fishermen living outside the Tourism Zone.
- With the commencement of the Norochholei Coal Power Plant, its exhaust fumes will be directed towards this area causing air pollution and decline of tourist attraction. Such a situation will only result in waste of the immense investments and destruction of natural resources.
- Kalpitiya area and the islets around Kalpitiya have been identified as highly vulnerable to sea level rise due to global warming (http://www.climatechange.lk/adaptation/Files/Agriculture_and_Fisheries_SVP_Nov-16-2010.pdf). Therefore, large-scale investment on developing such an area cannot be expected to be profitable.
- The only available source of fresh water to provide for the heavy water requirement of the hotels, golf courses, race courses and cricket stadium is Kala Oya. Extraction of water from Kala Oya is extremely costly and affects the ecosystems dependent on the river adversely.
- Mangrove forests under the Department of Forest Conservation have been acquired, cleared, filled and used for various construction activities (Fig.11.0 b). The efforts taken by the Department of Forest Conservation and the native community to protect the natural resources of the area have been made futile. This not only sets a bad example, but also breaks up the trust and urge in fishermen on the security of the resources. Hence, their

involvement in protecting the environment will be diminished by the operation of this project.

- With implementation of the project, construction of many hotels has been already commenced around the area filling the mangroves and salt marshes. In consequence, harmful effects of development will expand throughout the lagoon displacing many more native fishermen.

Laws Violated

- According to the Coast Conservation and Coastal Resources Management Act of No. 57 of 1981 as amended by Amendment Act No. 49 of 2011, prior written approval of the Coast Conservation Department should be obtained subject to an EIA before carrying out any development activity in the Coastal Zone. This regulation has been violated in order to build the hotels of the project. But, removal of sand dunes, coastal plant communities and construction of permanent structures has been carried out violating this regulation.
- According to the Gazette Notification bearing No. 1020/21 dated 27th March 1998 published under the provisions of the Northwestern Province Environmental Statute No. 12 of 1990, it is compulsory to obtain prior written approval for any developmental activity carried out in a forest land exceeding one hectare subject to the Environmental Impact Assessment Process. But, clearance of mangrove forests, coastal ecosystems and scrub jungle is being carried out in this area without such approval.
- Access roads and permanent structures are being constructed in after clearing and filling mangrove forests violating section 20 of Forest Conservation Ordinance amended last by the Amendment Act No. 65 of 2009.
- A resettlement operation should be carried out as per the National Involuntary Resettlement Policy (NIRP). In the process, minimizing socioeconomic effects should be prioritized. Furthermore, compensations should be awarded to the people according to the present property value as stipulated in the Land Acquisition Act No. 09 of 1950 and its amendments, and also, until the life style of the displaced people is restored, they should be provided with means of livelihood. Although many fishermen have been displaced directly and indirectly due to this project, the above policy has not been adopted.
- Fundamental Rights of the fishermen have also been violated due to the project by obstructing their customary lifestyle and freedom of engaging in their customary livelihood activities.

Photographs



Fig. 4.0 a: Land areas appropriated for the Project – This notice states “This island is the property of the Sri Lanka Tourism Authority. Unauthorised entrance and constructions are completely prohibited.”



Fig. 4.0 b: Mangrove Forests in the control of Department of Forest Conservation appropriated for the project – A notice similar to the one shown in Fig. 4.0 a has been installed near a notice installed by the Department of Forest Conservation requesting the public to help protect the mangrove forest.





Fig. 4.0- c: Access road built through the mangrove forest, **d & e:** Changes and obstruction of the runoff patterns of the lagoon



Fig. 4.0 f & g : Areas allotted for Tourist Hotels



Fig. 4.0 h: Forestland that has been cleared and set fire to for construction of Tourist Hotels



Fig. 4.0 i & j: Road constructed across the lagoon from Thoraediya to Mohoththuarama to access the Tourism Zone



Fig. 4.0 k & l: Areas prone to flooding due to the road built across the lagoon

5.0 Kandakaduwa Banana Plantation Project

Location

- District: Polonnaruwa
- DS Division: Welikanda
- Grama Niladhari Division: Kandakaduwa

Introduction

15,100 acres of villu ecosystems and forestland along Mahaweli River and Kandakaduwa Canal have been seized by The Army and used for agricultural projects and transferred to private companies for agricultural projects, usurping power. This area is comprised of villu ecosystems in the floodplains of Mahaweli River and Kandakaduwa Canal and dry mixed evergreen forests.

Around 5,000 acres of the land seized in this manner belong to Somawathiya National Park while the rest of the area is undeveloped forestland belonging to Kandakaduwa Farm which is owned by National Livestock Development Board (NLDB.)

This whole area is a major habitat and foraging grounds of the Elephant. Beru grass, which is a staple of their diet, is abundant in the villu ecosystems in the floodplains of Mahaweli River and Kandakaduwa Canal. The population of elephants recorded from this area is locally known as ‘Vil Aliya’.

Initially, around 3,500 acres of forestland has been completely cleared off (Fig. 5.0 a & b) and agricultural activities have been carried out (Fig. 5.0 c & d) by the Army using LTTE detainees.

Next, 11,600 acres have been transferred to Letsgrow (Pvt) Ltd. through a Memorandum of Understanding. The multinational company ‘Dole Food Company Incorporated’ funded the project implemented by ‘Letsgrow (Pvt) Ltd. It had been proposed to establish a banana plantation, a livestock farm and an agro-tourism project. More than 700 local residents and heavy machinery were employed to clear about 5,000 acres of the 11,600 acres of forest land that had been transferred. Upon continuous protests of the environmental activists revealing the illicit nature of the activities carried out, Dole Food Company Inc. had retracted from the partnership with Let’s

Grow (Pvt) Ltd. Further, Dole had cleared off the plantation and evacuated the land belonging to the National Park leaving it in the custody of the Army.

However the land is still under the control of the Army and entrance to the forest has been prohibited to officers of any government institution including The Department of Wildlife Conservation and National Livestock Development Board which are the custodians of these lands as well as any other intermediary.

Harmful Effects of the Project

- The villu ecosystems in the floodplains of Mahaweli River and Kandakaduwa Canal and the nearby forests which are inhabited by elephants have been destroyed for the agriculture project. Loss of habitat and foraging grounds causes the elephants to enter the villages and croplands. A severe Human-Elephant Conflict has been generated in the areas of Mutuwella, Kandakaduwa, Thrikonamadu, Sinhapura, Sooriyawewa, Magul pokuna, Senapura, Alinchipathaana, Karapola, Mutugala and Kudapokuna villages of Welikanda DS Division. Local community has been displaced leading to many socioeconomic problems due to attacks by the elephants on their settlements and croplands.
- The destruction of thousands of forestland has lead to the displacement of many wild animals have been forced to move into farms and villages. Moreover, numerous organisms have been destroyed due to habitat loss. Crop-raids by elephants and other animals might lead villagers to give up their agricultural activities and seek other forms of employment. Consequently, the displaced villagers face many socioeconomic problems and it also affects to the production of food in the country.
- Substantial destruction of forestland leads to localized changes in weather and climate disposing the local community to problems in availability of drinking and irrigation water.
- Somawathiya National Park has been declared by Gazette Notification bearing No. 417/5 dated 02.09.1986 providing protection to an area of 21,054 hectares and had been expanded by a further 16,589 hectares by the Gazette Notification bearing No. 453/30 of 09.05.1987 under the provisions of Fauna and Flora Protection Ordinance. Hence the National Park spans a total area of 37,645 hectares which has been declared as a biodiversity repository for the animal populations that had been displaced due to Mahaweli Project. Objectives behind this declaration have been countered by clearance of the forest.

Laws Violated

- Sections 05 and 06 of the Fauna and Flora Protection Ordinance as finally amended by Act No. 22 of 2009 has been violated by clearing forests of the National Park, establishing agricultural lands, transferring ownership of the land and supporting implementation of developmental projects.
- According to section 9A of Fauna and Flora Protection Ordinance as amended last by Amendment Act bearing no. 22 of 2009, for any developmental project carried out within one mile from the boundary of a National Park, it is compulsory to obtain prior written approval from the Director General of Department of Wildlife Conservation subject to the EIA process as stipulated in The National Environmental Act bearing No. 47 of 1980 and its amendments. Above agricultural projects have been carried out violating this legal provision.
- According to Gazette Notification bearing No. 772/22 of 24th June 1993, published under the provisions of the National Environmental Act no. 47 of 1980 and its amendments, if any forest land exceeding one acre in area is cleared for development, prior written Environmental Recommendation should be obtained subject to EIA process. Clearing of forest lands and agricultural activities have been carried on violating these legal provisions.
- The NLDB and Department of Wildlife bear the authority over the lands that have been exploited. Access to the lands has been prohibited to officials of these institutions obstructing their official duty.
- Access to the land has been also prohibited to Officials of any government institution, any other stakeholder or intermediary by the Army violating the Fundamental Human Rights and obstructing enforcement of the Civil Law of the country.

Photographs



Fig. 5.0 a & b: Forestland cleared for banana plantation



Fig. 5.0 c & d: Beds of banana plants at the project site

6.0 Karukapane Illegal Hotel Complex

Location

- District: Puttalam
- DS Division: Arachchikattuwa
- Grama Niladari Division: Karukapane

Introduction

A hotel with 80 rooms is being built in Karukapane, destroying the coastal mangrove forest (Fig. 6.0 a & b). The project is carried out by Laugfs Leisure Limited, situated at Unit 7/9, Lucky Plaza, No. 70, Saint Anthony's Road, Colombo 3. Five acres of mangrove forest has been cleared and filled up for construction of the hotel. Further, a gravel road has been built to the site for access.

According to Circular bearing No. 2001/5 of 10th August 2001 issued by the Secretary of the Ministry of Environment, this mangrove forest is a crown land that has been ceded to the Department of Forest Conservation and is under the control of the Divisional Secretariat. This mangrove forest has been protected as an important barrier between the sea and land by the local fishing community while the necessary legal provisions have been enforced by the Department of Forest Conservation.

Harmful Effects of the Project

- Vulnerability of the local community to hydrological disasters such as tsunamis has been amplified by removal of the mangrove forest which acted as a natural barrier between the sea and land.
- This mangrove forest has been exploited for decades in a sustainable manner by the native community. Removal of it for the project interferes with the right of the local community and the future generations to use it sustainably.
- Allowing clearance and construction of hotels in the mangrove forest raises uncertainty and diminishes the sense of responsibility in the local community over protection of the ecosystems. This affects the security of the remaining mangrove forests since the urge in local people to participate actively in the process of protecting these habitats will be attenuated with loss of hope.

Laws Violated

- Access roads and permanent structures are being constructed after clearing and filling mangrove forests violating section 20 of Forest Conservation Ordinance as amended last by Amendment Act No. 65 of 2009.
- According to the Gazette Notification bearing No. 1020/21 dated 27th March 1998 published under the provisions of the Northwestern Province Environmental Statute No. 12 of 1990, it is compulsory to obtain prior written approval for any developmental activity carried out in a forest land exceeding one hectare subject to the Environmental Impact Assessment Process. This legal provision has also been violated.

Photographs





Fig 6.0 a & b: Mangrove forest cleared and filled for the project

7.0 Koggala Seaplane Project

Location

- District: Galle
- DS Division: Habaraduwa
- Grama Niladari Division: Kathaluwa

Introduction

The Koggala seaplane project, which is a joint venture of the Ministry of Tourism and The Sri Lanka Air Force, is carried out in the Koggala Lagoon opposite the islet Kok Duwa (Fig. 7.0 a). The runaway is situated immediately in front of the Kok Duwa.

Forest areas in Kok Duwa have been cleared by the air force to construct buildings in order to accommodate their officials who are employed to guard the runaway and for other necessary operations.

The runaway has been marked with buoys and a jetty has been built in the lagoon for passengers to get on board and depart. Seaplanes with a seating capacity of 15 passengers are expected to be employed.

A fishing community of around 400 families depends on the lagoon capturing shrimp and brackish water fish (Fig. 7.0 a & b). These fishermen will not be allowed to be engaged in fishery activities in the area when seaplanes land or take off.

Further, the residents of the islets travel across the lagoon on boats. During periods of seaplane operation, their passage will be prohibited.

Due to these restrictions, the residents of these islets will be forced to use longer routes across the lagoon in order to avoid the seaplane runaway.

Harmful Effects of the Project

- Seaplane project has resulted in loss of livelihood of the fishing community of the Koggala Lagoon. Due to this project, the area available for the fishermen to be engaged in fisheries has been greatly reduced. Since the presently available area is inadequate to support the whole community, the harvest obtained by each fisherman has declined. Therefore, the income of the residents has been affected creating many socioeconomic issues.
- Desperate operation of fishery activities in a restricted area results in over exploitation and thus, extinction and reduction of fish populations. This results in long term collapse of the fisheries affecting the economy of the community and other social issues.
- Aquatic species are usually bred in the shallow banks of the lagoon islets and the waves generated during landing of seaplanes constantly disturb these areas. This also leads to a decline in the populations of aquatic species.
- Activities of fishermen engaged in small-scale fishing gear will be disturbed by these waves.
- Operations of this project restrict the freedom of movement of the native community.
- This project will result in further development of the area. There is substantial tendency to facilitate high power boat rides in the lagoon and build hotels on the banks of the lagoon to accommodate the tourists attracted to the area by the seaplanes. Ultimately, it will be increasingly difficult to control development and the native fishermen will be affected by the decline of the fish population in the area.

Laws Violated

- By restricting the space for fishing in the lagoon and freedom of movement across the lagoon the basic human rights of the people have been violated.

Photographs



Fig. 7.0 a : Kokduwa





Fig. 7.0 b & c: Fishermen of the lagoon using traditional fishing gear

8.0 Magama – Kirinda Mineral Sand Extraction Project

Location

- District: Hambanthota
- DS Division: Tissamaharama
- Grama Niladhari Division: Magama, Andaragasyaya, Siriyagama, Kirinda

Introduction

Objective of this project is to extract Ilmenite and Garnet from the sand dunes in the coastal areas from Magama to Godawaya (Fig. 11.0 a & b). The project is implemented by E.T.A. Lanka Natural Resources of no. 873, Kandy Road, Wedamulla, Kelaniya.

It has been proposed to implement this project in a 4 square kilometer area of beach stretching through the areas of Magama, Pattiyawela yaya and Andaragasyaya Akkara dahaata, Nidangalawella, Modarapelessa, Weligaththewala and Godawaya. These areas are situated in the buffer zone of Bundala National Park.

It is estimated that 144,000 metric tonnes of Ilmenite and 54,000 metric tonnes of Garnet can be extracted in the first three years. The majority of the local community is farmers. A total area of around 1,100 acres is used for cultivation by the community (Fig. 8.0 c & d).

They mostly depend on ground water and rain for agriculture. Despite the close proximity to the sea, ground water is not saline since the sand dunes which act as a barrier for sea water prevent mixing of groundwater with salt water.

While most of the southern coast of Sri Lanka was devastated during the Tsunami incident of 2004 this area had been saved by the natural barrier formed by the sand dunes.

These sand dunes make up important forest ecosystem of coastal plant communities that act as a link between Bundala and Ruhuna National Parks. This is used by elephants to migrate to the Bundala National Park from Ruhuna National Park.

Furthermore, this area is of great archeological value. Godawaya, situated where Kirindi Oya flows to the ocean, is an ancient seaport. During archeological excavations numerous relics have been recovered from the area. Galkanumandiya Archeological Reserve is also situated in the area.

All five species of turtles that breed in Sri Lanka lay eggs in the Magama-Kirinda coastal stretch. The site is also one of the few locations in the world where the Leatherback Sea Turtle lays eggs.

In 2004 an EIA Report was presented to commence the project and despite the serious objections of the residents of the area and environmentalists permission had been granted by the Coast Conservation Department (CCD). However, further progress was arrested by the tsunami of 2004. Another EIA Report was submitted in 2006 to recommence the project. Regardless of public objection and resistance, the CCD permitted the project in 2008 subject to conditions.

It is estimated that around 255,000 litres of fresh, ground water is needed daily to cleanse the minerals unearthed. It has been proposed to construct 3 voluminous wells to extract water.

Harmful Impacts of the Project

- Sand dunes act as barriers between the sea and land. Due to removal of these dunes, the landward winds of marine air which carries a lot of salt particles reach the coasts readily. This will lead to destruction of the coastal agricultural lands which in turn deprives the community of their means of livelihood. Therefore, many serious social issues such as displacement of villagers will rise.
- Moreover, the pressure generated by sand dunes prevents contamination of ground water with salt. When the dunes are removed, underground pressure decreases allowing salt water to mix with fresh springs. Drinking water problems will develop with salinization of fresh water. Under these circumstances agricultural activities of the community will collapse completely as a result of salinization of irrigation water.
- Removal of sand hills destroys the breeding grounds of sea turtles. Their breeding activities will be disrupted threatening their existence.
- At present, there is minimal Human-Elephant Conflict in the area because the elephants use these coastal ecosystems to travel between Bundala and Ruhuna National Parks. If this Elephant Corridor is obstructed, they will find alternative routes through agricultural lands and villages intensifying Human-Elephant Conflict. This also displaces the local communities.

Laws Violated by the Project

- According to The Coast Conservation and Coastal Resources Management Act of No. 57 of 1981 as amended by Amendment Act No 49 of 2011 prior written approval should be obtained from the The Department of Coast Conservation subject to the EIA process for any developmental activity in the Coastal Zone.
- Flora and Fauna Protection Ordinance (FFPO) as amended last by Act No. 22 of 2009 states that prior written approval, subject to an EIA, is required before carrying out any development activity within a one mile distance from the boundary of a National Park. Although the project proponent had been granted prior written approval (despite the strong objections of the residents of the area), as stipulated in both legal provisions mentioned above, this project causes numerous deleterious impacts and may even lead to displacement of the residents.

Photographs



Fig. 8.0 a & b: Sand dunes proposed to be removed for the project



Fig. 8.0 c & d: Croplands affected by the project

9.0 Nilaveli- Pulmudei Large-Scale Tourist Hotel Project

Location

- District: Trincomalee
- DS Division: Kumburupitiya
- Grama Niladari Division:

Introduction

The coastal stretch of about 10 kilometres from Nilaveli to Pulmudei Bridge has been reserved for a massive hotel project (Fig.9.0 a). It has been planned to allocate a plot of 8 acres to each hotel. This area is composed of different ecosystems such as mangroves, forest lands, wetlands, coastal forest lands and dry mixed evergreen forests (Fig. 9.0 b).

The fishing community of the area has been relocated and restricted to Kuchchaweli.

Construction of several hotels has already been completed having removed the coastal ecosystems and land has been filled. Some hotels have been constructed in the cleared forestland (Fig. 9.0 c & d). Construction material is obtained from illegally operated quarries in the area.

The Harmful Effects of the Project

- Despite the scale and scope of this project, a proper feasibility study has not been carried out. Therefore, investment appraisals and marketing research have not been carried out adequately. Therefore, provision of the facilities expected by tourists, availability of tourist attractions in the area and other necessary factors have not been considered. Because of these reasons, prospect of long term success of these hotels is highly uncertain. These hotels stand the risk of liquidation due to low attractiveness.
- Since marketing research has not been carried out, it is not known whether a sufficient number of tourists will arrive at Nilaveli to sustain all the hotels. No attempt has been made to identify and develop tourist attractions in the area in order to provide more options for them to choose from in addition to the traditional leisure activities in the seaside resorts. Therefore, it is very likely that the entire project, implemented with massive investment and environmental destruction might fail.

- The local fishing community is deprived of a large area which had previously been used for fisheries leading to displacement and loss of livelihood.
- Instead of providing necessary infrastructural facilities to the resettled local people, the government is more concerned of promoting and providing for the large scale tourism projects. As a result, the local communities tend to seek employment in hotels. This affects production of fish and nutrition of the people since fish is a cheap and vital source of proteins.

Laws Violated

- As per the Coast Conservation and Coastal Resources Management Act of No. 57 of 1981 as amended by Amendment Act No. 49 of 2011, prior written approval of the Coast Conservation Department should be obtained subject to an EIA before carrying out any development activity in the coastal zone. All the hotels built under the project have been built violating this regulation.
- According to Gazette Notification No. 722/22 of June 24, 1993, published under the provisions of The National Environmental Act no. 47 of 1980 and its amendments, prior written approval should be obtained subject to an EIA, for developmental projects requiring clearance of forest land exceeding an area of one hectare or involving construction of hotels or holiday resorts within an area exceeding 100 acres or with more than 99 rooms. This project has been implemented ignoring this law.
- A resettlement operation should be carried out as per the National Involuntary Resettlement Policy (NIRP). In the process, minimizing socioeconomic effects should be prioritized. Furthermore, compensations should be awarded to the people according to the present property value as stipulated in the Land Acquisition Act No. 09 of 1950 and its amendments, and also, until the life style of the displaced people is restored, they should be provided with means of livelihood. Although operation of the project has been facilitated with infrastructure development, no attempt has been taken to provide the requirements of the local communities relocated from their ancestral villages thus violating their Basic Human Rights.

Photographs



Fig. 9.0 a & b: Areas of the Coastal Zone allotted to the Tourism Development Authority



Fig. 9.0 c & d: Tourist Hotels built on cleared coastal ecosystems

10.0 Pasikuda Hotel Project

Location

- District: Batticaloa
- DS Division: Valachchenei
- Grama Niladhari Division: Valachchenei

Introduction

This large-scale project is being implemented by the Ministry of Economic Development in an area of 300 acres on the Pasikuda beach acquired from The Sri Lanka Tourist Development Authority (SLTDA) (Fig. 16.0 b). This project is composed of 14 hotels which are comprised of a total of 930 hotel rooms. A total of Rs. 6,500 million will be invested in the project. It is expected that another Rs 1,500 million will be required to develop infrastructure facilities including access roads to hotels, electricity and water supply.

The project area extends to around 2 kilometres (Fig.10.0 a) and all the entranceways used by locals to enter the beach have been closed (Fig.10.0 c, d, e & f). Around 90 families of the local fishing community have been relocated due to the project. An inadequate area has been allocated for anchoring their boats.

The sand dune and mangrove ecosystems in the area have been filled in order to construct hotels while an extensive area of wetlands associated with the mangroves have been filled (Fig. 10.0 g).

The Harmful Effects of the Project

- Since the coastal ecosystems which are breeding grounds of the aquatic species have been destroyed their population growth as well as the yield of fisheries will be seriously affected in the near future. Because recovery from such population declines is extremely difficult and may even be impractical, this leads to collapse of livelihood of the fishing community which has occupied the area for decades.
- The displaced fishermen are resettled in an inadequate area of land that is not conducive to their normal lifestyle.

- Although substantial investments have been made to develop infrastructure needed for the hotels no effort has been taken to improve the facilities of the affected local community.
- Activities of the hotels interrupts fishery in the area impeding livelihood of the local community. This results in displacement and other socioeconomic issues.
- Development of this area and establishment of a tourist destination attracts other entrepreneurs to develop the associated undeveloped land further impeding the normal lifestyle of the fishermen.

The Laws Violated

- According to the Coast Conservation and Coastal Resources Management Act No. 57 of 1981 as amended by Amendment Act No. 49 of 2011, prior written approval of the Coast Conservation Department should be obtained subject to an EIA for any development activity in the Coastal Zone. This regulation has been violated in order to build the hotels of the project.
- According to Gazette Notification No. 722/22 of June 24, 1993, published under the provisions of the National Environmental Act no. 47 of 1980 and its amendments, prior written approval should be obtained subject to an EIA, for developmental projects involving construction of hotels or holiday resorts within an area exceeding 100 acres or with more than 99 rooms. This project has been implemented ignoring this law.
- A resettlement operation should be carried out as per the National Involuntary Resettlement Policy (NIRP). In the process, minimizing socioeconomic effects should be prioritized. Furthermore, compensations should be awarded to the people according to the present property value as stipulated in the Land Acquisition Act No. 09 of 1950 and its amendments, and also, until the life style of the displaced people is restored, they should be provided with means of livelihood. Although operation of the project has been facilitated with infrastructure development, no attempt has been taken to provide the requirements of the local communities relocated from their ancestral villages thus violating their Basic Human Rights.

Photographs



Fig. 10.0 a & b: Coastal area proposed for construction of the hotel





Fig. 10.0 c, d, e & f: Construction sites of the Tourist Hotels



Fig. 10.0 g: Preparation of land on cleared Mangrove Forests

11.0 Soragune Proposed Golf Course and Hotel

Location

- District: Badulla
- DS Division: Haldummulla
- Grama Niladari Division: Ranwanguhawa
- Village: Dadayampahalagama

Introduction

It has been proposed to clear 628 acres from the Kosgahamakada forest that is in the custody of the Soragune Temple (Devala) to build a hotel named Eco Golf Resort and a golf course. The project is being carried out by Alpha and Omega Developers (Pvt) Ltd. of No. 65/B, Dharmapala Mawatha, Colombo 7.

As stated above the land belongs to Kuda Katharagama Temple, Soragune and it also lies in the Bogahapattiya-Samanala Wewa Proposed Sanctuary. The site is also a main catchment area of the Weli Oya Irrigation Scheme and is an important dwelling place of the elephants of the Udawalawa National Park.

It has been reported that the 'Basnayake Nilame' of a devale, has been allocating the temple land for private owners from time to time. This land bearing deed no. 1567 with reference no. J152/126 of 21.07.2006 has been bought by the investor of the golf course who is a US citizen, from a person to whom the land has been thus transferred.

This project is also said to be backed by an MP, who is an electorate organizer of the Sri Lanka Freedom Party.

Clearance of strips of land, mapping and building of access roads had been started before obtaining basic approvals.

Project Area

- The site is a part of the Elephant Corridor. Migration route of Elephants from the Udawalawa National Park runs Northwards through the Dahayyagala Sanctuary to Bogahapitiya, Samanala Wewa Forest, Soragune Forest and Rajawaka Forest. Therefore, this area has been proposed to be declared 'Bogahapattiya-Samanala Wewa Sactuary'.
- The elephants from Udawalawa arrive at Bogahapattiya, Soragune and Samanala Wewa areas mainly due the existence of a unique mineral deposit, Karametiya. In addition to elephants, many other mammals including bears also depend on the mineral deposit.
- The area from the Samanala Wewa Reservoir to Baduludena, Weli Oya, Kalthota, Soragune, Mahalanda and Siripura Wewa is linked to Dahayyagala Sanctuary, which connects to Udawalawa National Park and to Lunugamwehera National Park through Wetahirakanda Nature Reserve. Lunugamwehera National Park connects to the Yala Forest System. Habitats and established migration routes of Elephants are connected as a forest system across the Soragune Forest.
- Soragune Forest spans an area of 12,000 acres connected to the Bogahapattiya Forest and is in the custody of the Soragune Temple. This land is located in the proposed Bogahapattiya Sanctuary. It is also referred to as Kaalkanni Forest. Soragune Forest is also the watershed of Weli Oya and Kaalkanni Oya (Fig. 11.0 a & b). Preservation of Soragune Forest is integral to the Weli Oya Irrigation Project which collects water by damming the Weli Oya (Fig. 11.0 c & d). Around 27 tanks in the areas of Dahayyagala, Maha Netula, Kuda Netula, Bogas Wewa, Hambegamuwa, Pokunuthenna and Diwulana are being irrigated by the Weli Oya Irrigation Project. Paddy is cultivated both during Yala and Maha Seasons in paddy fields making up an area of 3000 acres using water provided by the Weli Oya Irrigation Project.
- Soragune forest is also linked to Rajawaka Proposed Sanctuary in Ratnapura District and Welanwita Proposed Sanctuary and Kosgama Proposed Sanctuary in Badulla District. The forest extends to the Walawe River and also contributes to the catchment area for Walawe River.
- This forest area is comprised of dry mixed evergreen forests, riverine forests and savanna grasslands (Fig. 11.0 e & f). Although research has not been carried out on the plant diversity of the forest, many plants endemic to the Uva Province including mandora, koon, mee, kumbuk, milla, burutha (teak,) welan, maadan, aralu, bulu and nelli are recorded from the forest (Fig. 11.0 g & h).

- However an extensive study has been carried out on the vertebrate diversity of the Bogahapattiya-Soragune-Samanala Wewa Forest Area Mr. L.J. Mendis Wickramasinghe of the Herpetological Foundation of Sri Lanka. The report of this study, 'A Vertebrate Faunal Survey of Samanala Wewa, Towards Declaration as a Wildlife National Park' (unpublished report) identifies around 390 species from 5 vertebrates families. Out of that, 59 are endemic to Sri Lanka. 40% of the total number of vertebrate species, and 19% of the endemic vertebrate species reported from the country have been recorded from this area according to this report.

A number of extremely rare species and also several new species have been recorded from the forest. It is noteworthy that some species that were hitherto recorded only from the Wet Zone have been recorded from this area which lies in the Dry Zone.

The Wet Zone fish species Comb tail (*Belontia signata* - thal kossa) and Black ruby barb (*Puntius nigrofasciatus* - bulath hapaya) have been recorded from this forest.

Two new species of amphibians of the genus *Pseudophilautus* which were discovered during the study are yet to be described.

Moreover, two rare tetrapod reptiles, Leschenault's Snake Eye (*Ophisops leschenaultia*) a species of Family Lacertidae and *Dasia haliana*, an endemic tree skink that belongs to family Scincidae have been recorded. In addition, two undescribed snake species belonging to genera *Hypnale* and *Trimeresurus* were also recorded. Both these snakes are yet to be named. Further, two new species of blind snakes belonging to the genus *Typhlops* were also found from the area.

In addition several rare bird species, both endemic and migratory, have also been reported. Endemic Red Faced Malkoha (*Phaenicophaeus pyrrhocephalus*) was found in the riverine forest patches, while Indian Golden Oriole (*Oriolus kundoo*), Oriental Bay Owl (*Phodilus badius*), Chestnut-winged Cuckoo (*Clamator coromandus*), Rufous Woodpecker (*Micropternus brachyurus*), Rufous-bellied Hawk Eagle (*Lophotriorchis kienerii*) and Frogmouth (*Batrachostomus moniliger*) have also been reported from the area.

Elephants are the predominant mammal species in the area. In addition several rare species including Golden Palm Civet can also be found in the area. The Bogahapattiya-Soragune-

Samanala Wewa Forest, which is the habitat of six extremely rare, endemic and point endemic species should be provided with proper legal protection immediately instead of demolishing for a golf course.

The Harmful Effects of the Project

- The forests cleared are vital catchment areas for Weli Oya. Further, maintenance of a golf course requires a substantial amount of water which should be obtained either from Weli Oya or groundwater which are the only available sources in the area. Whichever source is utilized by the project, it will have negative impacts on the Weli Oya Irrigation Project and its beneficiaries. This leads to displacement of the farmers using water from the Irrigation Project for cultivation. Further, construction of the hotel and golf course will result in a severe scarcity of potable water in the Dry Zone leading to serious socioeconomic problems.
- In order to maintain the golf course in good conditions, in addition to water, urea as well as pesticides should be used in large quantities. Further, aluminum compounds should be applied to the field in order to enhance binding of soil particles and prevent soil erosion. These chemicals will finally accumulate in the tanks irrigated by the Weli Oya Irrigation Project. Contamination of these tanks causes serious health problems in the community that depends on these tanks for their water requirements.
- As mentioned above, construction of the golf course and the hotel obstructs the migration routes of the Elephant and fragments their habitat. Elephants tend to enter the paddy fields, croplands and human settlements searching for optional migration routes and foraging. This results in generation of Human-Elephant Conflict in the area. This in turn, might lead to displacement of the villagers.

The Legal Background Pertaining to the Project

- According to Gazette Notification bearing No.772/22 published under the provisions of The National Environmental Act No. 47 of 1980 and its amendments, for any non-forest use developmental project carried out within an area of more than one hectare, prior written Environmental Recommendation should be obtained subject to the EIA process.

Photographs



Fig. 11.0 a & b: Tributaries of the Weli Oya situated within the project site



Fig.11.0 c: Weli Oya



Fig. 11.0 d: Weli Oya dam



Fig. 11.0 e & f: The forest area to be cleared for the project



Fig.11.0 g & h: Trees in the area proposed to be cleared which will be felled

12.0 Vakarei Prawn Farming Project

Location

- District: Batticaloa
- DS Division: Korale North, Vakarei
- Grama Niladhari Division: Wattawaan

Introduction

Two adjacent 17 hectare and 51.16 hectare lands of Mangroves and Salt Marshes associated with the Vakarei Lagoon are being cleared for two Prawn Farms implemented by The National Aquaculture Development Authority (NAQDA) an institution affiliated to the Ministry of Fisheries and Aquatic Resources (Fig. 12.0 a & b).

Mangroves and salt marshes have been completely cleared for the project. The land is being graded using heavy machinery (Fig.12.0 c, d, e & f). To prepare the ground the land near the lagoon is being dug to construct earthen tanks and soil bunds are being erected around the tanks.

Vakarei lagoon, which is famous for its yield of crab, supports a large community of fishermen.

Harmful Effects of the Project

- The mangroves and salt marshes, which are breeding grounds of aquatic species, are being destroyed. As a result, the yield of fisheries will decline in the near future seriously affecting the economy of the native fishing community.
- Due to preparation of the land near the lagoon, soil erosion will be aggravated during the rainy season. Sedimentation of the lagoon and the associated mangrove ecosystems also destroys the breeding sites of the aquatic species leading to reduction of fish harvest.
- Large-scale prawn farms in the Northwest, especially, in the areas of Chilaw and Puttalam have failed due to White Spot Disease. In this background it is not safe to venture on large-scale prawn farms in the East since it is likely that the same fate might be suffered by them. Productivity of these lands will be destroyed under such circumstances.
- Extensive clearance of mangroves with the involvement of the government sector establishes a dangerous precedent which might produce further clearance of mangrove forests in the other areas of the island.

The Laws Violated

- According to Gazette Notification bearing No.772/22 published under the provisions of the National Environmental Act No. 47 of 1980 and its amendments, for any developmental project carried out within an area of more than one hectare, prior written Environmental Recommendation should be obtained subject to the EIA process. However, NAQDA has ignored this provision.
- According to section 20 of the amended Forest Conservation Act No. 65 of 2009, blocking out, clearance, land preparation and construction of access roads in to mangrove forests in the control of the government are legal offences. This regulation also has been violated.

Photographs



Fig. 12.0 a & b: Project site





Fig. 12.0 c, d, e & f: Construction activities of the Prawn Farm on cleared Mangrove Forests and Salt Marshes

13.0 Lunugamwehera mass scale banana plantation project

Location

- District: Monaragala
- DS Division: Lunugamwehera
- Grama Niladari Division: Demaliya

Introduction

A large-scale banana plantation project has been implemented by Dole Lanka (Pvt.) Ltd. in an area of 1,000 acres in the Elephant Corridor linking Lunugamwehera to Handapanagala in the margin of the Handapanagala National Park. This forest is crown land under control of Department of Forest Conservation and is the watershed of Kirindi Oya and Lunugamwehera Reservoir.

Forest has been cleared using backhoes and heavy machinery and soil has been prepared by setting fire. A banana cultivar named ‘Cavendish’ has been planted (Fig. 13.0 a, b, c, d & e) in a portion of the cleared land. Seed beds have been made after plowing the soil. A network of roads spaced at a distance of 100 meters has been made among the seedbeds. Application of agrochemicals is carried out mechanically by driving water bowsers on the roads among seedbeds to spray the chemicals at night.

An electric fence has been installed around the area in order to prevent crop-raid by elephants obstructing movement of elephants.

Harmful effects of the project

- Operation of this project is detrimental to the water level of the Kirindi Oya and Lunugamwehera reservoir due to clearance of the watershed. Further, soil erosion will be amplified by this project resulting in siltation and increased turbidity of Kirindi Oya and Lunugamwehera reservoir. Reduction of capacity of the Lunugamwehera reservoir seriously affects the agricultural activities of the communities depending on the reservoir for irrigation of their croplands. Destruction of their croplands leads to collapse of their economy generating socioeconomic issues in addition to affecting food production of the country.

- As mentioned above the project blocks the main elephant corridor linking Handapanagala to Lunugamwehera National Park. In consequence, elephants enter the village settlements and croplands in the areas of Demaliya, Nagamalwila, and Icepeella creating a severe Human – Elephant Conflict damaging property of the local community in addition to crop-raid. This has led to the displacement of the farmers who have now been reduced to laborers of mass scale agrarian projects.
- The excessive use of agrochemicals causes these chemicals to spread to the Lunugamwehera National Park and the nearby settlements. This results in serious public health issues and the biodiversity of the national park will be adversely affected. Further, chemical runoff results in contamination and accumulation in the reservoir. This condition further aggravates the above issues and extends these problems to the areas irrigated by the reservoir that are located farther to the project site.
- Clearance of an expansive area of forestland will cause localized changes in weather and climate pattern. This affects the agricultural activities and lifestyle of the residents seriously.
- The local community will face lack of drinking water as a result of rapid decline of water table due to large-scale extraction of groundwater for the project, since it is located in the dry zone.

Laws violated

- According to the Forest Conservation Act, amended last by act 56 of 2009, it is prohibited to transfer the ownership of state forests to private owners.
- According to section 9a of Flora and Fauna Protection Ordinance (FFPO) as amended last by Act No 22 of 2009, for any developmental project carried out within an area of one mile from the border of a National Park, prior written approval should be obtained from the Director General of the Department of Wildlife Conservation subject to an EIA. However, this provision has been ignored.
- According to Gazette Notification bearing No. 772/22 of 24th June 1993, published under the provisions of the National Environmental Act no. 47 of 1980 and its amendments, if any forest land exceeding one acre in area is cleared for development, prior written Environmental Recommendation should be obtained subject to EIA process. Above forestland has been cleared and used for agriculture violating this provision.
- According to Land Development Ordinance No. 19 of 1936 and its amendments, for any large-scale agricultural project prior approval should be obtained from all the relevant state

departments. However, approvals from the Department of Wildlife, Department of Archeology or Department of Agrarian Services, have not been obtained.

Photographs





Fig. 13.0 a, b & c: Forestland cleared and set fire to for land preparation for the croplands





Fig.13.0 d & e: Banana plantation established on cleared forestland

14.0 Excavations in Madu sanctuary

Location

- District: Mannar
- DS Division: Madu

Location

Four organizations have been granted mining license for sand mining in an area of four hectares in the Madhu Road Sanctuary which was declared on 28.06.1968 under the provisions of Fauna and Flora Protection Ordinance providing protection for 26,677 hectares. IRCON International (Pvt) Ltd are among the company which have been issued mechanized mining license by the Geological Survey and Mines Bureau as per the Mines and Minerals Act No.33 of 1992 as amended last by Amendment Act No. 66 of 2009.

The soil mined by this project will be used road development in the Northern Province (Fig.14.0 a & b). Although mining depth has been limited by the license to 3 feet, all the sites have been dug up close to 12 feet. Further, another condition of the license restricting felling of trees has been violated by the contractors.

Backhoes have been used for clearance of 10 hectares of forestland and sand mining operations are carried out in an unsystematic manner. A network of roads has been built into the forest to transport extracted soil to the Madu-Mannar main road which is in a dilapidated state due to frequent passage of heavy vehicles.

The harmful effects of the project

- Objectives behind declaration of this area as a Sanctuary have been hindered from realization. Especially, the objectives of conservation of natural resources for the future generations, preservation of habitats for the native species and mitigation of conflicts between wildlife and human communities living in close proximity to the forest by providing adequate habitats and resources for wildlife.
- Climate and weather patterns of the area have been maintained at optimal levels by conservation of this forest, which is situated in a Semi-arid region. Large-scale clearance of

the forest results in localized changes in weather and climate inflicting harmful effects on the communities living in the area.

- Unsystematic mining will affect the stability of soil layers. Siltation of the water bodies in the area due to soil erosion will reduce productivity of the water bodies.

Laws Violated

- According to Gazette Notification bearing No. 859/14 published under the provisions of the National Environment Act No. 47 of 1980 and its amendments, prior written approval should be obtained subject to the EIA process for carrying out any developmental activity within a sanctuary or within 100m from the boundary of a sanctuary. These project activities have been carried out violating this regulation.
- According to Gazette Notification bearing No.772/22 published under the provisions of the National Environmental Act No. 47 of 1980 and its amendments, for any developmental project carried out within an area of more than one hectare, prior written Environmental Recommendation should be obtained subject to the EIA process. This regulation has been violated during project operations.
- Clearance of forestland and soil mining are being carried out by the above companies contravening Section No. 7 of the Flora and Fauna Protection Ordinance which prohibits any developmental activity within a sanctuary.
- Mechanical mining license has been granted for these companies by the Geological Survey and Mines Bureau despite violation of the above regulations.

Photographs



Fig. 14.0 a & b: Sand mining activities carried out in the cleared forestlands of the sanctuary

15.0 245 acres of forestland in Morandawilluwa given to agricultural projects

Location

- District: Puttalam
- DS Division: Wanathawilluwa
- Grama Niladari Division: Thausamadama

Introduction

245 acres in Thausamadama and Morandawilluwa, situated in the buffer zone of Wilpattu National Park, have been allocated for agricultural projects. Forestland is being transferred by the District Secretary of Puttalam and Chairman of Wanathawilluwa Local Council. Logging operations are carried out by the State Timber Corporation (Fig.15.0 a, b, c & d) with permission of the Department of Wildlife.

These forestlands are located in the buffer zone of the Wilpattu National Park which is inhabited by Elephants. Further, these lands which are situated near the Left bank of Kala Oya contribute to the catchment area of the river.

The Harmful Effects of the project

- Clearance of forestland fragments and destroys the habitat of elephants. Therefore, elephants tend to enter village settlements and raid crops creating Human-Elephant Conflict. This leads to loss of livelihood and other socio-economic issues.
- This project has been implemented in the catchment area of the Kala Oya. Hence, agrochemicals used for the plantation will be washed in to Kala Oya due to surface run off ultimately settling in the Puttalam Lagoon. This is deleterious to the breeding sites of fishes and invertebrates such as shrimp and crab. Reduction of fishery yield causes loss of livelihood and loss of income of the fishing communities supported by the Puttalam Lagoon.

Laws Violated

- According to Section 9 of Flora and Fauna Protection Ordinance (FFPO) as amended last by Act No 22 of 2009, for any developmental project carried out within an area of one mile from the border of a National Park, prior written approval should be obtained from the Director General of the Department of Wildlife Conservation subject to an EIA. However, this provision has been ignored.
- According to the Gazette Notification bearing No. 1020/21 dated 27th March 1998 published under the provisions of the Northwestern Province Environmental Statute No. 12 of 1990, it is compulsory to obtain prior written approval for any developmental activity carried out in a forestland exceeding one hectare subject to the Environmental Impact Assessment Process. This legal provision has also been violated.
- According to Land Development Ordinance No. 19 of 1936 and its amendments, for any large-scale agricultural project prior approval should be obtained from all the relevant state departments. However, approvals from the Department of Wildlife, Department of Archeology or Department of Agrarian Services, have not been obtained.

Photographs



Fig. 15.0 a & b: Logging operations in the forestland cleared for establishment of croplands



Fig. 15.0 c & d: Forestland cleared for establishment of the croplands

16.0 Settling people in Muthurajawela Sanctuary

Location

- District: Gampaha
- DS Division: Wattala
- Grama Niladari Division: Nilsirigama

Introduction

50 acres of wetlands close to Nilsirigama and Bope in Muthurajawela Sanctuary have been blocked out into 10 perch plots and distributed among people by a Local Councilor without any approvals from the relevant institutions. According to allegations, two Ministers have extended support for this project.

Rs 10,000 has been charged per block of land while Rs. 40,000 has been charged for preparation of the deed, clearance of the plot and land preparation. According to reliable sources, the ministers involved are scheming plans to degazette these areas from the sanctuary.

Several areas of the wetlands in the Sanctuary have already been blocked out, cleared, filled and access roads have also been constructed (Fig.16.0 a, b, c, d & e).

Importance of the Site

Muthurajawela Sanctuary plays an important role in minimizing floods in a predominantly urban area and also maintains the water table. In addition the area acts as a breeding ground for many aquatic species of fish and vertebrates that inhabit the Negombo lagoon. The system of wetlands of the sanctuary is of immense biological importance. It has also been listed as one of the 41 internationally important wetlands of Sri Lanka in the Catalogue of Asian Wetlands in 1989. 1,029 hectares of wetlands was declared as a sanctuary by the Gazette Notification bearing No. 947/13 of 31.10.1996 published under the provisions of the Fauna and Flora Protection Ordinance.

According to research, 449 species of 7 categories of animals including butterflies, dragonflies, fish, amphibians, reptiles, birds and mammals have been recorded from these wetlands. 26 of these species are endemic to Sri Lanka. These wetlands provide a rich habitat for 86 resident bird species and 43 migratory species. Glossy Ibis, Black Capped Purple Kingfisher and Pallas's Grasshopper Warbler are among the rarest migratory bird species recorded.

Harmful Effects of the Project

- Village settlements of Nilsirigama are prone to flash floods during the rainy season. Further filling of wetlands and establishment of settlements aggravates the condition.
- Establishment of human settlements in unsuitable areas results in displacement of these communities due to various threats like floods and public health issues.
- As mentioned above this is a breeding ground for aquatic species that inhabit Negombo lagoon which supports thousands of fishermen. Filling their habitats results in species extinction causing reduction of the fish yield in the Negombo Lagoon. Consequently, their livelihood will be seriously affected. Therefore, lives of these fishing community will be disrupted.

Laws Violated

- Section 7 of Fauna and Flora Protection Ordinance (FFPO) as amended last by Act No. 22 of 2009 has been violated by destroying habitats of wildlife in the sanctuary, entering without permission, blocking out land, building temporary buildings, destroying plants and filling wetland areas.
- According to Gazette Notification bearing No. 859/14 published under the provisions of National Environment Act No. 47 of 1980 and its amendments, prior written approval should be obtained subject to the EIA process for carrying out any developmental activity within a sanctuary or within 100m from the boundary of a sanctuary. These project activities have been carried out violating this regulation.

Photographs



Fig. 16.0 a: An area of the sanctuary cleared and filled for the project



Fig.16.0 b: An area of the sanctuary cleared for the project



Fig. 16.0 c: An access road built through the sanctuary



Fig. 16.0 d & e: An area of the sanctuary allotted for project activities

17.0 Resettlement of People in Nilgala-Boelle Forest

Location

- District: Monaragala
- DS Division: Bibila
- Grama Niladara Division: Karandugala

Introduction

505 acres of forestland has been cleared in the Boella area for establishment of a human settlement. These forestlands are located in the Nilgala Forest which is under the control of the Department of Wildlife and is in the boundary of the Gal Oya National Park. It has been planned to settle 400 families from villages of Maldam Abe, Pitakumbura, Bulupitiya, Serawa and Perana in the cleared forestland.

The project site is located around 8 kilometers into the forest from the road leading to Gal Oya and Makaraya from Boella Junction on the Bibila-Nilgala main road.

This distribution of land which is allegedly devised by a Deputy Minister parallels the government's program to distribute one million plots of land. Forestland has been transferred to the Divisional Secretariat of Bibile by Department of Forest Conservation. These lands have already been surveyed and blocked out. Boundary stones have also been placed in the allotted lands (Fig. 17.0 d).

This project site belongs to a system of forests which links the Galoya National Park and Nilgala Forest and also, is one of the key habitats of the elephant population in the area.

Forest type in this area is Savanna which is predominated by Aralu, Bulu and Nelli. This Forest type is Endemic to the Uva Biological Zone (Fig.17.0 a, b & c).

Many species recorded from this area are endemic to this zone. The two subspecies of reptiles, *Ophisops leschenaultii* (Leschenault's Snake Eye) and *Ophisops minor minor* (Lesser Snake Eye) and the amphibian species *Nannophrys naeyakai* (Tribal Rock Frog) as well as the bird species *Francolinus pictus* (Painted Partridge), *Treron phoenicoptera* (Yellow legged Green Pigeon and

Picus squamatus (Scaly bellied woodpecker) are among the species endemic to this zone. Further, the butterfly species *Euthalia nais* (Baronet) is also endemic to the zone.

Harmful Effects of the Project

- This resettlement area is located in an isolated area in the middle of a protected forest system. It is uncertain whether the authorities will be able to provide the necessary basic infrastructure to the settled villagers. Therefore, they face the risk of displacement.
- Settling people in an area inhabited by elephants exposes them to Human-Elephant Conflict.
- Since the project operation results in fragmentation of the habitat of the elephant Human-Elephant Conflict will be created.
- The forestland cleared for the project is situated in a unique biological zone, clearance of which results in loss of biodiversity.
- Further, establishment of this settlement poses the threat of further clearance of forestland to expand settlements. Hence it gravely jeopardizes security of these protected forests.

Laws Violated by the Project

- According to Fauna and Flora Protection Ordinance as amended by Amendment Act No. 22, for any developmental activity carried out within an area of 1 mile from the boundary of a National Park prior written approval should be obtained subject the EIA process. This legal provision has been violated by establishing a settlement area near the boundary of the Galoya National Park.
- According to Forest Conservation Ordinance as amended last by Act No. 56 of 2009 forestland of the government cannot be transferred to a private owner.
- According to Gazette Notification bearing No. 772/22 of June 24th, 1993 published under the provisions of National Environmental Act No. 47 of 1980, prior written approval should be obtained for any developmental activity that involves clearance of forestland exceeding an area of one hectare or resettling more than 100 families, subject to the EIA process.

Photographs





Fig.17.0 a, b & c: Forestland proposed for establishment of the resettlement area



Fig. 17.0 d: Boundary stones of the allotted lands

18.0 The occupation of land in Panama by Navy and Special Task Force (STF)

Location

- District: Ampara
- DS Division: Lahugala
- Grama Niladari Division: Shastrawela

Introduction

1,220 acres in Shasthrawela, Panama has been appropriated by the Sri Lanka Navy and the Special Task Force. This area includes forestland, wetlands and agricultural lands. 265 acres of this total is from Ragamwela, Panama while 115 acres of land and 840 acres of forestland under the control of Department of Forest Conservation are from Shastrawela. The forestland appropriated is situated in the Ragamwela Government Forest, Upassa, Shasthrawela while the rest of the land are croplands belonging to local residents. These lands are situated in the area between Panama and Potuwil towards the interior from the coastal zone. Entrance to the land appropriated has been restricted except for the officers of the Navy and Special Task Force (Fig. 18.0 a).

Temple Balumkararama which is built by residents of Ragamwela is also located in the above mentioned area. This temple is composed of a Bo tree, Bana Shaala, Budu medura among other buildings. However, entrance to the temple has been prohibited.

Samudragiri Vihara in Panama is also situated in the area appropriated by the Sri Lanka Navy. Many archaeological artifacts including two stone inscriptions, rock caves with drip ledges, a dilapidated pagoda, a walking path and a monastery complex are available in this area. Maninaga Pabbatha Vihara, which is located in close proximity to the STF Camp in Shastrawela has murals, stone pillars and many other archaeological artifacts.

This whole area is a habitat of the elephant. This elephant population migrates between the Kumana National Park and Kudumbigala-Panama Sanctuary which is connected to this forest.

It has been proposed to establish a Ranawiru Village, a Navy Camp and a Hotel Complex in this area. Many constructions have been carried out after clearing many patches of forest. Some of the constructions have been carried out in the coastal zone (Fig. 18.0 b, c, d, e & f).

These lands have been acquired without revealing the type of project that will be implemented in the area.

1925 families reside in Panama Village presently. Establishment of this village settlement runs back to the time of Uwa-Wellassa Rebellion which took place in 1818. Main livelihood activities of the people of the village involve agriculture and fisheries. Majority of the villagers are farmers. Fishing community carries out both lagoon fisheries and ocean fisheries.

Harmful Effects of the Project

- The Navy and STF has appropriated the croplands of the residents most of whom are engaged in agricultural activities as their means of livelihood. This affects the normal lifestyle of the residents.
- Due to these land appropriations, the people of Panama have lost freedom to enter their places of worship.
- An expansive area of archaeological importance has been transferred. These archaeological artifacts will be destroyed due to project activities. Further, the archaeological artifacts of these sites have not been properly ascertained. Therefore, the project activities obstruct the opportunity for carrying out an archaeological study.
- Wetlands of the Coastal Zone have also been used for this project. The animals living in these habitats face the risk of local extinction due to habitat loss and degradation.
- The project area is a major habitat of the elephant. Therefore, with destruction of their habitat, the residents of the area are prone to Human-Elephant Conflict. Further, crop raids by elephants disrupt the livelihood activities of the villagers leading to many socio-economic issues.
- Since agricultural lands of the villagers have been acquired for the project, the villagers tend to find alternative land for their agricultural activities. This poses a threat to the other protected forests in the area.

Laws Violated

- According to the Coast Conservation and Coastal Resources Management Act No. 57 of 1981, as amended by Amendment Act bearing No. 49 of 2011 prior written approval should be obtained from the Department of Coast Conservation for any developmental activity

carried out in the Coastal Zone. However, this regulation has been ignored by the defence forces.

- In addition, by unauthorized clearing and fragmentation of the forest and building of permanent structures, section 20 of the Forest Conservation Ordinance as amended last by Amendment Act bearing No. 65 of 2009 has been violated.
- As per Gazette Notification bearing No. 772/22 dated June 24, 1993 published under the provisions of The National Environmental Act No. 47 of 1980 for any developmental activity carried out within an area over one hectare of forestland prior written approval should be obtained subject to an EIA. This provision has been violated by the project.
- The project also violates the Archeological Ordinance bearing No. 49 of 1940.
- Lands of the residents of the area have been acquired for the project through coercion. Moreover, basic rights of engaging in religious activities and livelihood activities of the community have been violated.

Photographs



Fig. 18.0 a & b: Area allotted to the Navy for the project – Notice in the fig. 15.0 a states that the area is a property of the Navy and that unauthorized entrance is prohibited.





Fig. 18.0 c, d, e & f: Constructions carried out in the allotted area

19.0 Puttalam Lagoon Salt Manufacturing Project

Location

- District: Puttalam
- DS Division: Kalpitiya
- Grama Niladhari Division: Daluwa

Introduction

250 acres of mangrove and salt marsh land in the southeastern section of the Puttalam Lagoon has been cleared and developed for a large-scale saltern. This project is being implemented by the Deputy Minister of Internal Affairs Niyomal Perera.

Salt beds and bunds have been built in addition to a network of access roads, in the project site. Furthermore, trenches have been dug to deliver salt water from the lagoon to the saltern (Fig.19.0 a, b, c & d).

Around 100 fishing families reside in the area. They employ traditional fishing gear for livelihood activities. But, these fishermen have been denied access to the area due to this project.

Harmful Effects of the Project

- Many fishing families engaged in low-tech fishing methods, have been deprived of their land due to this project. Thus, their livelihood activities have been obstructed leading to displacement of these families.
- With loss of their fishing grounds, they had turned to fishing in other areas of the lagoon which has resulted in conflicts among the fishing communities. Sources of income have been limited due to obstructions to harvesting fish thus generating many social issues.
- The mangroves and salt marshes cleared for the project are also the breeding grounds of the marine species inhabiting the lagoon. Hence, destruction of these lands curtails the fishery yield while leading species to extinction. This affects the economy of the fishing community.

Laws Violated

- According to Gazette Notification bearing No. 772/22 of June 24, 1993 published under the provisions of The National Environment Act No. 47 of 1980 and its amendments, prior written approval should be obtained for any developmental activity that requires filling of a wetland area over 10 acres or clearing up a mangrove ecosystem over one hectare subject to an EIA. Although the project involves large-scale clearance and land filling of mangroves and salt marshes, no such approval has been obtained for carrying out these project activities.
- The low-tech fishermen have been deprived of access to the lagoon, and the right to moor their boats in the usual site, and moreover, their livelihood activities have been obstructed. Thus, the above mentioned project activities are being carried out violating the basic rights of this fishing community.

Photographs





Fig. 19.0 a, b, c & d: Land Preparation on the Cleared Mangrove Forest

20.0 Salt manufacturing at Salapearu lagoon

Location

- District: Trincomalee
- DS Division: Kuchchaweli
- Grama Niladari Division: Salapearu

A large scale salt manufacturing project has been implemented by Raigam, Eastern Salt Pvt Ltd. in an area of 1805 acres in Sri Lanka's largest lagoon, Salapearu lagoon (Fig. 20.0 a & b). This is being carried out under the 'Eastern Revival' programme. The ecosystems of the lagoon including mangrove forests and salt marshes have been completely removed in the area used for the project. It is aimed to reach a target of 70,000mt of salt production per year by the project.

Approximately 3,500 fishermen are engaged in capture fisheries in the Salapearu lagoon and about 282 families live in the Salapearu Grama Niladhari Division. In addition, fishermen from Kudhdhaweli and Nilaweli also carry out their fishing activities in the lagoon. All these fishermen had previously used the area allocated for the project for fisheries. With implementation of the project, they have entered other areas of the lagoon for fishing. A narrow canal has been made available to the fishermen for transporting boats to the fishing areas from the village (Fig.20.0 e & f). Rest of the whole area has been appropriated for the project.

Land has been prepared removing mangrove trees, digging the salt marshes and building bunds at the site. Culverts and a system of dikes have been built to deliver salt water from the lagoon to the salt beds. Further, construction of the buildings of the salt manufacturing plant has also been completed (Fig. 20.0 c, d, g & h).

Granite required for construction activities has been obtained by mining operations in the area around the lagoon.

Harmful Effects of the Project

- An expansive area of the lagoon has been appropriated for the salt manufacturing project. Therefore, many fishermen have lost their traditional operational grounds. This inclined them to fish in the other areas of the lagoon leading to disputes among fishing communities.

Further, many social issues have been created due to limitation of the yield. Thus, the traditional fishermen have been displaced by the project.

- The areas used for mooring fishing boats and the access roads to the lagoon have been obstructed due to project operations. Hence, the fishermen of the area have lost the opportunity to engage in their livelihood activities without restrictions.
- Mangroves and salt marshes act as breeding grounds of fish and many other species inhabiting the lagoon. Removal of these ecosystems from the lagoon directly affects the fish populations and in turn, the fishery yield. Thus, many socio-economic issues will be generated.
- Appropriation without relevant approvals, clearance and filling of the mangrove forests and salt marshes of the lagoon has set a bad example which might soon be followed.
- Granite used for filling the area and construction activities has been obtained by quarrying in the area. Therefore, the rocks around the lagoon have become unstable. This presents a hazard to the residents of the area and their lifestyle.
- Fishing activities are carried out by a large number of fishermen in a smaller area. This leads to overexploitation of the resources and population reduction of fish species reducing the fishery yield. Consequently, socio-economic problems may arise.

Laws Violated

- According to Gazette Notification bearing No. 772/22 dated 24th June 1993 published under the provisions of the National Environmental Act No. 47 of 1980 for any developmental activity carried out clearing a mangrove forestland exceeding one hectare or filling a wetland area exceeding 10 acres prior written approval should be obtained subject to the EIA process. Although mangrove forests and salt marshes have been filled extensively for this project no environmental recommendation has been obtained.
- According to the Mines and Minerals Act No. 33 of 1992 as amended by Amendment Act No.66 of 2009 a permit should be obtained from the Geological Survey and Mines Bureau prior to quarrying an area. This legal provision has been violated.
- The basic rights of the fishermen of the lagoon to engage in livelihood activities without obstruction, enter the operational grounds and to moor the boats have been violated.

Photographs

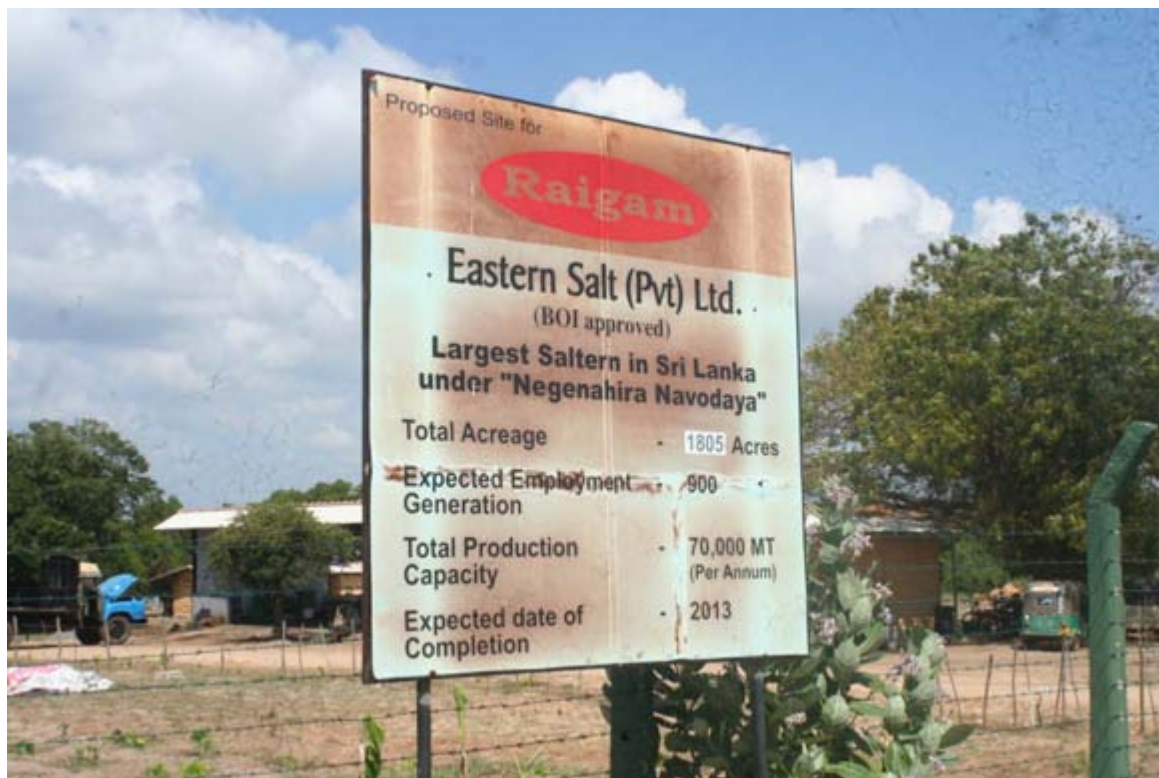


Fig. 20.0 a & b: Project site



Fig. 20.0 c & d: Land preparation in cleared mangrove forests and salt marshes of the lagoon



Fig. 20.0 e & f: People of the lagoon displaced due to the project



Fig. 20.0 g & h: Constructions in the project site

21.0 Sampur Coal Power Project and Special Economic Zone

Location

- District: Trincomalee
- DS Division: Muttur
- Grama Niladari Division: Suudukuda, Elakkanda, Navaratnapuram, Paattalipuram, Palanagar, Sampur north-south

Introduction

- An area of 5,000 hectares has been cordoned off by the Navy as a High Security Zone. Entrance to the area has been prohibited and the area is under the control of the Navy. It has been proposed to construct a coal power plant and to establish a Special Economic Zone.

Sampur Coal Power Plant

- Expected capacity (initial): 500 Mw
- Expected capacity (final): 1200 Mw
- The land allocated to the project: 1200 acres
- Expenditure: \$ 500 million

Sampur Special Economic Zone

- The land allocated to the project: 1000 acres
- Expected investment: \$ 700 million
- 1,651 families comprised of 7,201 members had been residing in the area which is now separated as a High Security Zone. 45% of them were engaged in agricultural activities while 35% were engaged in fisheries. Livelihood of 10% of them is animal husbandry. Another 10% is engaged in other occupations. The majority of the farmers had been mainly cultivating paddy, supplemented by cultivation of vegetables, corn and peanuts.
- Fishing community had been engaged in lagoon fishery as well as marine Fishery. 11 ja kotu and 32 ma dal had been used in the area. Additionally, a large number of fishermen

had employed traditional fishing gear. Cattle had been raised by the residents engaged in animal husbandry.

- 38 tanks and also, 2 lagoons, namely, Soodakkadu and Chulakuda are situated in the high security zone. 1,200 hectares of state forest land under the control of the Department of Forest Conservation are located in the zone. Rest of the land belongs to the residents. Most of the villagers who lost their lands are now employed as labourers in many areas including Vavunia.
- A notice has been displayed at the Muththur Divisional Secretariat Office stating that people who had been residing in the area appropriated for the high security zone will receive a compensation of Rs. 250,000 to settle in another place upon submission of the deeds.

Harmful Effects of the Project

- Residents of the area who were previously engaged in agriculture, fisheries and animal husbandry have lost their livelihoods and displaced as a result of establishing a high security zone for implementing the proposed project.
- This land has not been acquired through the rightful procedure. It has been appropriated by force through establishment of the high security zone for implementing the proposed project. People have been displaced due to these activities creating social issues.
- Agricultural land and lands used by fishermen have been ceded for the high security zone. In consequence, the sources providing food production have been lost. This affects food production of the country.
- An expansive area of natural forests and many tanks are located in the zone. Clearance of these forests results in localized changes in weather patterns and climate. Further, many species of animals will lose their habitats. Consequently, animal populations will decline while there will be increased conflicts between animals and humans when they enter village settlements, foraging.
- Once the coal power plant is in operation, emissions that consist of many harmful gases such as sulfur dioxide will be emitted. These gases will be spread towards the interior of the country with the Northeastern Monsoon winds. These winds directly head towards the Knuckles Mountain Range which is comprised of many unique ecosystems, flora and fauna. These gases results in acid rain posing a serious threat to the forest ecosystem. Further, the irrigation projects like Moragahakanda and Kalu ganga will also be affected since forests of the Knuckles Mountain Range comprise the catchment area of these rivers.

Environmental laws violated

- According to section 2 of the Land Reclamation Act No. 9 of 1950 and its amendments land reclamation should be done according to a particular procedure. However, the lands of Sampur have been acquired without such process and using coercion.
- These lands are state forestland controlled as per the Forest Conservation Ordinance which is amended by the Amendment Act bearing No. 59 of 2009. These have been acquired with coercion without following the proper legal procedure.
- According to the Gazette Notification bearing No. 772/22 of 24th June 1993 published under the provisions of the National Environmental Act No. 47 of 1980, for construction of a thermal power plant with a capacity exceeding 25 MW prior written Environmental Recommendation should be obtained subject to the EIA process. Such approval has not been obtained for this project.
- The EIA for the Sampur Special Economic Zone depends on the nature of the location selected for the zone.
- According to the prevailing laws of the country, a feasibility study should be carried out based on which the EIA should be carried out as stipulated in the National Environmental Act. The land should be acquired only after obtaining approval from the CEA based on the EIA Report. But, for this project land has been obtained by force and further, a feasibility study has not been carried out. Therefore, this project has been implemented violating the laws of the country.
- The displaced people should be resettled in other areas as per the National Involuntary Resettlement Policy (NIRP). This procedure has not been followed.
- The compensation to those displaced should only be determined after the above mentioned procedures are properly followed. Value of the lands should be estimated according to the Land Acquisition Act. But, as mentioned above, a public notice has been displayed at the Muththur Divisional Secretariat Office stating that the people who hand over the deeds will be given a compensation of Rs. 250,000. Hence, the prevailing laws of the country have been transgressed.
- The forceful evacuation of people, intimidation of people, obtaining their deeds and not paying compensation properly, obstruction of livelihood activities of the people, depriving them of their traditional home lands, displacing people to make way for development projects of which feasibility is not certain, implementation of developmental projects without following a proper plan and not providing alternative housing for the displaced are violations of their human rights.

Photographs

Photography Was Not Allowed in the High Security Zone



22.0 Silawathurei Mass-scale Cashew Plantation Project

Location

- District: Mannar
- DS Division: Musali
- Grama Niladari Division: Kondachchi

Introduction

This cashew plantation project is carried out by The Civil Defence Force of Kondachchi in an area of 6000 acres around 9kilometers towards Wilachchi from Kondachchi on the Silawathurei-Wilachchi Road. 5000 acres on the sides of the Silawathurei-Wilachchi Road near the Civil Security Force Camp in Kondachchi as well as a 100 meter forest stretch on the sides of the Silawathurei-Wilachchi Road up to Kalaaru, the boundary of Wilpattu National Park. Cashew has been planted in an area of 1000 acres (Fig.22.0 a, b, c & d).

Heavy machinery has been used to clear the whole area. Land has been prepared after removing the timber trees and then cashew has been planted. Maintenance of the plantation is carried out by the members of the Civil Security Force.

The Civil Security Force has appropriated land without obtaining any approval.

Harmful Effects of the Project

- The forest system of the area which is connected to the Wilpattu National Park has been fragmented due to clearance of a massive area of forest. Consequently, many species of animals have lost their habitats.
- Since these forests are located in the Semi-arid region, clearance of them leads to localized changes in weather and climate patterns. Consequently, the lifestyles and livelihood activities of the residents of the area will be affected.
- This area receives rainfall from the brief Northwestern Monsoon. This water is retained by the forest cover. Due to clearance of these forests this mechanism of water retention will be disturbed. This also affects ground water levels. Since residents in and around Kondachchi

depend mainly on well water, drinking water and irrigation problems will be created. This results in socio-economic problems and displacement of people.

- Land acquiring and project implementation has been carried out violating the civil laws and without any approval from the relevant institutions. Therefore, no measures have been taken to avoid harms to the productivity of lands in the area. This affects the hereditary land owners of the area. Further, they have been deprived of the right to obtain commercial material from the forest.

Laws Violated

- According to the Land Development Ordinance bearing No. 19 of 1935 and its amendments, approvals should be obtained from the relevant State Institutions such as the Departments of Forest Conservation, Wildlife Conservation, Archaeology, Land Commissioner and Agrarian Services. But, this project has been implemented without such approvals.
- According to the Fauna and Flora Protection Ordinance which is amended last by Amendment Act bearing No. 22 of 2009 prior written approval of the Wildlife Director General should be obtained subject to an EIA for any developmental activity carried out within an area of one mile from the boundary of a National Park. Although this project has been implemented clearing forestland in the margin of the Wilpattu National Park such approval has not been obtained.
- According to Gazette Notification bearing No. 772/22 of 24th June 1993, published under the provisions of the National Environmental Act no. 47 of 1980 and its amendments, if any forest land exceeding one hectare in area is cleared for development, prior written Environmental Recommendation should be obtained subject to EIA process. Clearing of forest lands and agricultural activities are carried on violating these legal provisions.

Photographs





Fig. 22.0 a, b, c & d: Cleared forestland prepared for the plantation

23.0 A 75 Hectare Hotel Project in Yoda Wewa Sanctuary

Location

- District: Mannar
- DS Division: Manthei West
- Grama Niladari Division

Introduction

A 75 hectare plot of forestland in the Yoda Wewa Sanctuary has been cleared up for a project carried out by the Ministry of Irrigation and Water Management (Fig. 23.0 a & b). 1.5 km long, 500 m wide stretch of the catchment of the tank has been cleared using backhoes using a permit obtained to restore the outlet of the Yodha Wewa tank. These activities have been carried out under the supervision of an Irrigation Engineer of the Department of Irrigation, Murunkan according to reliable sources.

A lawsuit bearing No. AR 173 was filed by the Department of Wildlife Conservation at the Mannar Magistrate Court against this clearance of forest naming the relevant irrigation engineer as a defendant. But, the defendant has refused to present himself at the courts stating that this forest clearance was carried out following instructions of a Minister assigned to implement Uthuru Wasanthaya Programme and that the forestland has been cleared for a hotel project carried out by this minister.

Yoda Wewa Sanctuary, declared on 24th September 1954 under the provisions of the Flora and Fauna Protection Ordinance (FFPO) spans an area of 4,330 hectares. It harbors a unique diversity of wildlife. Paddy fields in a large area including Sahalneliya are irrigated by Yodha Wewa. Also, Yodha Wewa is an important habitat of elephants.

Harmful Effects of the Project

- Forestland cleared for the project belongs to the catchment area of the Yodha Wewa. Therefore, during the rainy season soil will be eroded leading to siltation of the tank. This results in reduction of the capacity of the tank and affects security of irrigation water of the farmers in the area. This is detrimental to the agricultural activities of the area.

- Department of Irrigation will be inflicted with an extra cost to clean the tank in order to remove the sediment load due to activities of this project.
- Further, the elephants that inhabited the cleared forest area tend to enter the villages and raid crops. This disrupts the agricultural activities of the villagers. This can lead to socio-economic problems.

Laws Violated

- Clearance of forests is carried out for this project violating the section No. 7 (c) of the Fauna and Flora Protection Ordinance and its amendments.
- As per the Gazette Notification bearing No. 859/14 dated 23rd February 1995 published under the provisions of the National Environmental Act No. 47 of 1980, prior written approval should be obtained subject to the EIA for any developmental activity carried out within a sanctuary or within an area of 100 meters from the boundary of a sanctuary. Above forest clearance was carried out by the Ministry of Irrigation and Water Management violating this law.

Photographs



Fig. 23.0 a & b: Cleared forestland prepared for project activities

24.0 Establishment of a Resettlement Village for IDPs in Kombavil

Location

- District: Mulathivu
- DS Division: Pudukudiruppu
- Grama Niladhari Division: Kombavil

Introduction

600 acres of the State Forest Kombavil which is under the control of the Department of Forest Conservation is being cleared for establishment of a temporary resettlement area until demining operations are completed.

It is proposed to resettle 7,394 IDPs of 2,097 families who are from Puthumathalan, Mullivaikkal West, Mullivaikkal East, Ambalavanpokkanai, Valaignar Madam and Anandapuram in the Mullaitivu District that are presently accommodated at Manik Farm Relief Village.

It has been planned to provide each family with a 40 perch block of land, a semi-permanent house (Fig. 24.0 a & b), and necessary equipment for fishing communities and cultivation locations in Kombavil village.

Demining operations in 8 Grama Niladhari(GN) divisions are yet to be completed according to sources (more GN division might have now been released). However, according to information coming from sources close to the SLA Commander, 3 GN divisions in the coastal belt will never be returned to the people. Further, as per unconfirmed sources, plans are underway to convert these 3 GN divisions into a High Security Zone (HSZ) and later into a special Economic Zone following the plans previously implemented in the East. Therefore, it can be inferred that this program has a deceitful nature which will result in many socioeconomic problems.

Although the programs ‘Come and Tell’ and ‘Go and See’ have been launched by the Sri Lanka Army to make the IDPs aware of the resettlement area, they do not have a steady opinion on the programme. This resettlement programme is therefore, involuntary in nature.

Proper biodiversity studies have not been carried out in the area due to the war which prevailed for decades in the North. Unique features of the forest and whether it is inhabited by endemic or point endemic species is not known. Therefore, it is important to study and document the species inhabiting the forest. Further, proper legal protection should be provided for this forest considering protection of biodiversity as well as other hydrological and environmental issues.

The Harmful Effects of the Project

- Clearance of expansive areas of forest will lead to population declines and extinction of species inhabiting the area which have not yet been studied.
- Large-scale clearance of the Kombavil Forest will result in a decline of the water table generating a drinking water problem for the villagers. Further, water bodies of the area will be affected due to clearance of the catchment.
- Clearance of an expansive area of forestland will cause localized changes in weather and climate pattern. This affects the agricultural activities and lifestyle of the residents seriously.
- Although it is compulsory to carry out a feasibility study before implementation of a large-scale resettlement operation, it has not been carried out. Since the environment of the original settlements of the IDPs is completely different from Kombavil, they are likely to face many unpredicted problems. Further, in the backdrop of unconfirmed sources stating that these resettlement areas will be established permanently despite the claims stating that it's a temporary establishment, these issues need to be addressed with serious concern. Therefore, it is highly uncertain whether the area would provide a suitable environment for the IDPs.
- Moreover, if this resettlement area is a temporary establishment, with concerns on the length of period that it will provide accommodation for the IDPs, it is important to consider whether it is appropriate to clear such expansive areas for the operation leading to dire environmental issues.
- Livelihood activities of the IDPs that are planned to be relocated involve fishing and farming. Although it has been mentioned that necessary equipment will be provided for fishing activities, engaging in fisheries is not realistic since Kombavil is located towards the interior around 4 kilometers away from the shore.
- Since Kombavil is completely different from the environment of their original settlements, the IDPs will have to go through various difficulties upon resettlement. Loss of livelihood and lack of adequate facilities such as health care and education will result in many socioeconomic problems.

- Since this community has been affected severely by the war in a way that cannot be compensated and also because they belong to the minority of the population, it is important to pay more attention to their needs gain their trust in order to prevent emergence of racial issues.

Laws Violated

- According to Gazette Notification bearing no. 772/22 of 24th June 1993, published under the provisions of The National Environmental Act No. 47 of 1980 and its amendments, if any forest land exceeding one acre in area is cleared for any development activity, prior written Environmental Recommendation should be obtained subject to EIA process. Clearing of forest lands has been carried on violating these legal provisions.
- A resettlement operation should be carried out as per the National Involuntary Resettlement Policy (NIRP). In the process, minimizing socioeconomic effects should be prioritized. Furthermore, compensations should be awarded to the people according to the present property value as stipulated in the Land Acquisition Act No. 09 of 1950 and its amendments, and also, until the life style of the displaced people is restored, they should be provided with means of livelihood. But these conditions have not been met. Further, despite the claims that this resettlement village is temporary, unconfirmed sources state that these will be permanent resettlement areas. Therefore, it is highly uncertain whether these conditions will ever be met.

Photographs



Fig. 24.0 a & b: Project Area

25.0 Uma Oya Multi-purpose Developmental Project

Location

This project is being implemented in an area extending from Welimada to Hambanthota, in the Districts of Badulla, Monaragala and Hambanthota.

Introduction

Uma River, one of the major tributaries of the Mahaweli River is the major water source of the Rantambe Reservoir. The key objective of the Uma Oya Multipurpose Developmental Project is to transfer water from this river to the Lunugamwehera Reservoir and provide for developmental projects in the Hambantota District.

This project was first drafted by the Central Engineering Consultancy Bureau in 1991. When the project proposal was submitted to the Asian Development Bank for financial provisions, it was rejected due to violation of water rights of the people by this trans-basin water diversion and technical inadequacies. With the involvement of the government of Iran, an agreement was made between the two existing governments of the countries realizing the project through funds granted by the Export Development Bank of Iran. As a result, the foundation stone of the Uma Oya Multipurpose Developmental Project was laid in Wellawaya , Alikota-ara at the auspicious time of 10.00 am on 29th April 2008 under the patronage of the Ex-Prime Minister Mr. Rathnasiri Wickramanayaka and Mr. Meer Rasami, Minister of Economic Affairs and Finance of Iran.

This foundation stone was laid without carrying out a feasibility study and without obtaining Environmental Clearance for the project. The Iranian Export Development Bank has offered to extend financial support to this project with no concern about feasibility of the project.

On 20th July 2008, after the laying of foundation stone, the Preliminary Feasibility Study Report prepared for the project by Mahab Ghodss Consulting Engineering Company was submitted. The three-volume Environmental Impact Assessment (EIA) Report of the Uma Oya Multipurpose Developmental Project prepared by the University of Sri Jayawardhanapura for the project proponent, Ministry of Irrigation and Water Management was submitted in November 2010. Central Environmental Authority acted as the Project Approving Agency. EIA Report was open to the public for review and comments for a period of 30 working days during which a plethora of

letters were received by the Central Environmental Authority from many Environmental Organizations, Farmer Organizations, Community Organizations and groups adversely affected by the project objecting its inception. Although the EIA Report prepared by the Sri Jayawardhanapura University was hopelessly inadequate, the Central Environmental Authority granted Environmental Clearance subject to conditions.

Ministry of Irrigation and Water Management is the project proponent of this project while Central Environmental Authority acts as the project approving agency. Farab Company in Iran acts as the Contractor of the project.

Objectives of the Project

There are several objectives of this project including generation of hydropower, irrigation, provision of drinking water and provision of water for industrial activities. Providing water for the second International Airport in Hambanthota, Industrial Zone of Hambanthota, Hambanthota Harbour and the Oil Refinery is the major concern of the project.

Expenditure

This project is targeted to be completed by the Iranian Company named Farab, within five years. Total expenditure is estimated to be Rs. 76,316 million out of which Rs. 24,600 million will be at the expense of the Sri Lankan Government. The expenditure estimated for construction work is Rs. 60,842 million. 85% of it will be granted by the Export Development Bank of Iran where as the Sri Lankan government will foot the rest of the bill. In addition, an estimated sum of Rs. 15,475 millions pertaining to costs of land acquisition, resettlement, environmental mitigation, restoration of the irrigation network, project management and consultancy is to be covered by the Sri Lankan government itself.

Diversion of Water from the Uma Oya

The water basin of the Uma River claims an area of 720 km² originating from the Piduruthalagala Mountain. 65% of this area belongs to the Uva Province while 35% belongs to the Central Province. The catchment area upstream to the proposed project is around 350 km². It is expected to divert 145 million cubic meters of water from the Uma River to the Kirindi River annually upon realization of the project.

Structure of the Project

This project is composed of two stages. At the first stage, hydropower will be generated. Next, Hambantota District will be irrigated at the second stage. Numerous reservoirs, canals and underground conduits will be constructed for this purpose. Project will initiate with the construction of two impounding reservoirs of the Uma River. Puhulpola reservoir will be built to store water from the Puhulpola stream which is one of the main tributaries of the Uma River. This water will be transported to the Mahathatilla reservoir which is due to be built across the Mahathatilla stream via a 3.9 km long conduit of 3.5 m diameter. A 15.15 km long, 4.3 m diameter canal will transfer this water to the Alikota ara underground hydropower station.

Hydropower generated at this hydropower station will be transmitted to Badulla via a 27 km long 132 kW High-voltage Transmission Line. After power generation, water will be transferred to Alikota ara which is a tributary of the Kirindi River through a 3.33 km long conduit with a diameter of 4.1 m. A reservoir will be built in Alikota ara which is to cater to the Kirindi River. From the Alikota ara regulating reservoir, water will be transferred to the Kuda oya reservoir which is to be built to the 26.8 km Alikota ara right bank canal. It is aimed to irrigate an extensive area by the right bank canal of the Kuda oya reservoir.

The Handapanagala anicut, which is to be built across the Kirindi River, diverts water to the Handapanagala Tank via the left bank canal while the right bank canal irrigates a vast area.

Under the proposed project 4,500 hectares of land is due to be developed while 1,500 hectares of developed land will be further developed.

Numerous developmental activities are expected to be brought about in the Districts of Hambantota, Monaragala and Badulla under this project. A vast area of land involves the activities carried out under this project which include construction of reservoirs, dams, conduits, access roads, canals, underground hydropower stations, high-voltage electricity transmission system, workshops, office complexes, store yards, labourer accommodation camps, establishment of resettlement areas, new farmlands, sites of construction material extraction, and dumping yards to dispose of boulders recovered by mining activities. Thus activities related to the project involve a massive area.

Areas Developed Under the Project

Puhulpola Reservoir

The Dam

Puhulpola reservoir, which is one of the two main reservoirs built facilitating diversion of the Uma River, is being built near the 104 km post of Welimada-Badulla Road downstream the town of Welimada. The dam is 45m in height, is 210m long and 6 m wide. Storage capacity of the reservoir is 18.5 hectares.

Areas Submerged due to Construction of the Reservoir

Upon construction of this, 98 houses and farmlands of 128 families in the Divisional Secretariat Divisions of Welimada and Uvaparanagama will be submerged. Citizens of Divikotawara and Puhulpola villages on the right bank of the reservoir, Ihalakotawara and Pahalakotawara villages on the left bank of the reservoir and citizens of the Welimada town will be displaced when the reservoir is built. Moreover, 3km of the Welimada-Badulla road and the access roads of Ihalakotawara and Pahalakotawara villages will be submerged.

The major crops cultivated in the areas submerged by the reservoir include paddy, vegetables and potato. A production capacity of 87.4 metric tons will be lost per year due to submersion. The corresponding loss of revenue amounts to Rs. 2.62 millions.

In an area of 8 hectares of croplands and gardens submerged by the reservoir, vegetables and potato are being cultivated two or three seasons per year. A harvest of 48 metric tons will be lost due to submersion per year. Loss of revenue is Rs. 2.16 million.

Dayaraba Reservoir

The Dam

The other main reservoir, Dayaraba reservoir, will be built in Atampitiya. This dam is 50m high, 142m long and 6m wide. The capacity of the reservoir is 15.6 hectares.

Areas Submerged due to Construction of the Reservoir

Farmlands of 69 families submerge due to this reservoir. Mainly paddy, vegetables and potato are cultivated in this area. Loss of paddy harvest due to submersion is 65.44 metric tons per year. Loss of revenue caused by this is Rs. 1.96 millions.

Croplands of vegetables and potatoes and gardens spanning an area of 14.51 hectares will be submerged by this reservoir. Loss of vegetable and potato harvest due to submersion is 87 metric tons per year resulting in a loss of Rs. 3.91 million in terms of revenue.

Loss of Harvest due to Construction of the Two Reservoirs

The monetary value of the resources lost due to this project is substantial. The main crops cultivated in the areas subject to submersion due to the two reservoirs are paddy, vegetables and potato. The paddy yield lost due to submersion is 153 metric tons per year which is a loss of Rs. 4.6 million in terms of revenue. Production capacity of vegetables and potatoes is 135 metric tons. This accounts for a loss of revenue of Rupees 6 million.

Underground Conduits

The conduits built under this project might cause dire consequences with regard to the Central Highlands. Seven respective conduits are due to be built by this project. The 3.9 km conduit which transfers water from the Puhulpola reservoir to Dayaraba reservoir, 15.15km conduit taking water from there to the underground Hydropower station, the three tunnels with a collective length of 2.24 km built to access the fore-bay tanks in this conduit at three different locations, 1.44 km tunnel built to access the hydropower station and to convey the high-voltage electricity transmission line to the surface, and the 3.33km conduit which transfers water from the power house to the Alikotaara regulating reservoir, constitutes these 7 tunnels. The lengths of the respective tunnels add up to 26 km while the amount of soil estimated to be removed in the process of mining varies from 440,000 cubic meters to 1,110,000 cubic meters.

Hydropower Station and the Transmission Line

Capacity of the underground hydropower station built in Alikotaara, Wellawaya is 120 MW. It is expected to contribute 231 GW annually to the National Power Grid. Power generated at the power station will be transmitted to Badulla via a 27 km high-voltage transmission line. The transmission line extends for a length of 1.44 km from the hydropower station through the underground conduits and then 3 km above the croplands. Another 3 km will extend above chena cultivations and another 6 km will run above the Ravana Falls Sanctuary. This high-voltage transmission line will then continue to Badulla above paddy fields and other croplands.

Resettlement of People Displaced due to Construction of the Two Reservoirs

It has been proposed to resettle the people displaced due to Puhulpola reservoir in an area of 25 hectares in Moragolla of Uva-Paranagama Divisional Secretariat Division and those displaced due

to Dayaraba in a 25 hectare area of Katakella in Dayaraba Watte. But unfortunately, these resettlement areas are not suitable for cultivation of paddy, vegetable and potato. Further, infrastructure facilities such as irrigation, potable water, roads and other facilities are at a hopelessly poor condition. Therefore, resettlement activities are very complicated and doubtful.

Irrigation Project

Under the proposed Uma Oya Multipurpose Project, two reservoirs will be constructed while the storage capacity of Handapanagala Reservoir will be expanded. In addition, numerous canals will be constructed in association with the Alikota ara regulating reservoir and the Kuda Oya reservoir. Further, Handapanagala Anicut will be built to the Kirindi Oya.

Alikotaara regulating reservoir, storage capacity of which is 2 million cubic meters, marks the initiation of the irrigation project. Its right bank canal runs a length of 26.8 km to the Kuda Oya proposed reservoir. Throughout the area crossed by the canal, 11 tanks (Bathala ara, Buduruwagala, Dingi ara, Karuwalakanda, Alugalge, Kirimatiyawa, Meegas ara, Damba ara, Daha ate , Maha ara and Polkatu tanks) and 6 anicuts are proposed to be provided with irrigation water. Hence the total area proposed to be developed is 624 hectares.

Water will be transferred to Kirindi Oya from Alikota ara reservoir. A canal will be built from the Handapanagala Anicut to Handapanagala. It is proposed to irrigate an area of 750 hectares through the right bank canal of the Handapanagala Anicut while 1,593 hectares will be irrigated by its left bank canal.

It has been proposed to irrigate 663 hectares by the right bank canal of the Kuda Oya proposed reservoir.

Moreover, water diverted from the Uma Oya will be directed to Lunugamwehera reservoir through the Kirindi Oya. Thus, a massive area is proposed to be irrigated by the left and right bank canals of the Lunugamwehera reservoir.

Harmful Effects of the Project

- Uma River is one of the main water sources of the irrigation system supplying water to the areas developed under the Mahaweli Project. By swiping the water of Uma River to provide for another multipurpose project, Fundamental Rights of the people in the areas irrigated by the Mahaweli project are violated. Productivity of farmlands yielding the turnover of the

massive capital investment of the Mahaweli Project will be degraded by the proposed project. In turn, it will cost an extra investment for implementing alternatives in order to restore these farmlands.

- Rainy seasons of the Uma basin and the Southern Province coincide. Both areas receive rain from the Northeast Monsoon. During the Northeast Monsoon, the reservoirs and tanks of the Southern Province overflow. Thus, the excess water of the Uma River cannot be stored in these reservoirs as proposed by the project. Therefore, obviously Uma oya project is a fruitless attempt of development which will only result in waste of time, energy and money.
- Puhulpola reservoir, which is one of the two main reservoirs built facilitating diversion of the Uma River, is being built near the 104 km post of Welimada-Badulla Road downstream the town of Welimada. The dam is 45m in height, is 210m long and 6 m wide. Storage capacity of the reservoir is 18.5 hectares. Upon construction of this, 98 houses and farmlands of 128 families in the Divisional Secretariat Divisions of Welimada and Uvaparanagama will be submerged. Citizens of Divikotawara and Puhulpola villages on the right bank of the reservoir, Ihalakotawara and Pahalakotawara villages on the left bank of the reservoir and citizens of the Welimada town will be displaced when the reservoir is built. Moreover, 3km of the Welimada-Badulla road and the access roads of Ihalakotawara and Pahalakotawara villages will be submerged.
- The other main reservoir, Dayaraba reservoir, will be built in Atampitiya. This dam is 50m high, 142m long and 6m wide. The capacity of the reservoir is 15.6 hectares. Farmlands of 69 families submerge due to this reservoir.
- The monetary value of the resources lost due to this project is substantial. The main crops cultivated in the areas subject to submersion due to the two reservoirs are paddy, vegetables and potato. The paddy yield lost due to submersion is 153 metric tons per year which is a loss of Rs. 4.6 million in terms of revenue. Production capacity of vegetables and potatoes is 135 metric tons. This accounts for a loss of revenue of Rupees 6 million. Such a massive loss will be inflicted for implementation of a futile developmental project.
- Whether the displaced will be relocated appropriately is questionable. It has been proposed to resettle the people displaced due to Puhulpola reservoir in an area of 25 hectares in Moragolla of Uva-Paranagama Divisional Secretariat Division and those displaced due to Dayaraba in a 25 hectare area of Katakella in Dayaraba Watte. But unfortunately, these resettlement areas are not suitable for cultivation of paddy, vegetable and potato. Further, infrastructure facilities such as irrigation, potable water, roads and other facilities are at a hopelessly poor condition. Therefore, resettlement activities are very complicated and doubtful. This is violation of fundamental rights of these innocent villagers.

- A resettlement operation should be carried out as per the National Involuntary Resettlement Policy (NIRP). In the process, minimizing socioeconomic effects should be prioritized. Furthermore, compensations should be awarded to the people according to the present property value as stipulated in the Land Acquisition Act No. 09 of 1950 and its amendments. Also, until the life style of the displaced people is restored, they should be provided with means of livelihood. But, since its inception, the relevant authorities have schemed the whole project while keeping the people in the darkness about the hardships they are prone to. Hence, it is unclear whether the government would do justice to the affected people.
- The underground power station will be located in Galbokka village of Kurugama Grama Niladari Division of Wellawaya Divisional Secretariat Division due to construction of which 14 families will be displaced. In addition, a massive area of agricultural lands will be lost from this area. The authorities have craftily concealed this information from the people. This issue has not been mentioned even in the EIA Report.
- People in the areas subject to submersion under the project are engaged in animal husbandry including cattle and buffalo farming. But the EIA report does not indicate an adequately comprehensive study of this issue. The report mentions that provision of alternative pastures for grazing the cattle to restore the disruption to animal husbandry is not possible meaning that fundamental rights of these farmers will be breached by the proposed Uma Oya Project.
- It has been proposed to clear and develop forest lands associated with Alikota-ara reservoir, Kuda oya reservoir and Handapanagala tank in the Kirindi oya Basin in order to compensate for agricultural land lost due to the Uma Oya Project. This gives rise to numerous repercussions. Loss of forest cover in the Kirindi oya basin will worsen siltation of the Lunugamwehera reservoir due to soil erosion. Further, areas proposed to be developed in to agricultural land are situated in association with the Wetahira Mount Nature Reserve and in forests inhabited by elephants. Loss of habitat of the elephant will disrupt Human-Elephant Coexistence thus disposing both humans and elephants to severe problems.
- Areas upstream the proposed reservoirs of the Uma River are subject to heavy soil erosion. Adding up to this burden, large-scale clearance of forests in the Kirindi oya basin will lead to siltation of the reservoirs built under the project and the Lunugamwehera reservoir in the aftermath. Ultimately, we will be unable to achieve the expected benefits of the proposed project.
- Most of the developmental processes of the project will be carried out in the central highlands. Loss of soil stability due to vibration generated during underground mining activities, changes in the course of water springs and many effects to the water streams are

some of the major adverse effects likely to be brought about by this project. This is extremely detrimental to this area since it is already highly susceptible to landslides. Mining activities will aggravate the threat of landslides, soil erosion, siltation of water bodies, and drop of water table in the areas involving the underground conduits.

- Capacity of the underground hydropower station is 120 MW. It is expected to contribute 231 GW annually to the National Power Grid. Power generated at the power station will be transmitted to Badulla via a 27 km high-voltage transmission line. Installation of this transmission line necessitates a huge area of forest land of the Ravana Falls Sanctuary to be cleared. The grave results of this project also include biodiversity degradation due to dissection of the Ravana Falls Sanctuary.
- Most of the areas to be developed as agricultural land under the Uma Oya Multipurpose Development Project are scrublands, grasslands or forests where people are often engaged in animal husbandry. With development of these lands, the areas available for grazing the animals will be limited. In turn, cattle will be taken deeper into the protected forests. The Udawalawa and Lunugamwehera National Parks are already scourged by the threat of grazing by cattle and buffalo. It should be emphasized that the proposed project will only aggravated these issues.

Photographs



Fig. 25.0 a Uma Oya



Fig. 25.0 b Agricultural Lands Subject to Submersion Due to the Uma Oya Project



Fig. 25.0 c Agricultural Lands of Mahathatilla Project which are Prone to Deprivation of Water



Fig. 25.0 d People Facing Threat of Displacement Due to Uma Oya Multipurpose Developmental Project

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