



FORCED EVICTIONS IN COLOMBO: HIGH-RISE LIVING

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May 2015

Acknowledgements

The author of the report is Iromi Perera. Research assistance was provided by Sakina Moinudeen and Anisha Gooneratne. This research would not have been possible if not for the invaluable support of Dr Paikiasothy Saravanamuttu, Sanjana Hattotuwa, Selvaraj Rajasegar, Sampath Samarakoon, Mohamed Aslam Othman and Vijay Nagaraj. The author acknowledges the support of Ishika Perera, Devaka Seneviratne and Malaka Pathmalal in documenting the affected communities.

CPA is deeply indebted to the individuals in the various communities in Colombo who opened their homes to us, and provided information and documents.

Cover photograph by Iromi Perera - Sirisara Uyana, Dematagoda, January 2015



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Abbreviations

ADB	Asian Development Bank
CMC	Colombo Municipal Council
CPA	Centre for Policy Alternatives
HRC	Human Rights Commission
MCUDP	Metro Colombo Urban Development Project
MoDUD	Ministry of Defence and Urban Development
NHP	National Housing Policy
NIRP	National Involuntary Resettlement Policy
RAP	Resettlement Action Plan
UDA	Urban Development Authority
URP	Urban Regeneration Project

Executive Summary

Forced Evictions in Colombo: High-rise Living is CPA's second report on forced evictions in Sri Lanka's capital city. This report looks primarily at evictions that took place under the previous Ministry of Defence and Urban Development, where as part of its beautification agenda they aimed to create a slum free Colombo by 2020 through the Urban Regeneration Project (URP).

The evictions of low income residents in Colombo started much before the end of the war and long before the URP. It gained speed and authority after the Urban Development Authority was brought under the Ministry of Defence and the then Defence Secretary Gotabhaya Rajapaksa, who became the chief architect of Sri Lanka's development and beautification. The rush to relocate the communities coming under the URP to Dematagoda was not done with the uplifting of people's lives foremost in mind, but with the intention of freeing up property with high commercial value. What made this project more problematic was the means used to acquire land. Military force, intimidation and harassment were used to evict people from their homes and the process did not follow Sri Lanka's laws related to land acquisition.

Communities were relocated to high-rise buildings in Dematagoda and Wanathamulla where today they face many hardships. Contrary to popular belief that apartments are being given to people free of charge, those being evicted have to pay over a million rupees to the state over the next 20 years, including more than 1 lakh within the first 3 months. This is irrespective of whether people have the deeds to their previous dwellings or not. They are yet to be given deeds to their apartments and there are restrictions on selling, renting and mortgaging the apartments, which means that a source of financial security has been taken away from them. The cost of the apartments according to the UDA is Rs 7 million each. This cost estimate is very much in doubt given that the UDA has itself given figures that suggest the costs, are in fact, dramatically lower.

The lack of space is a serious issue faced by most people. Each apartment is around 400 square feet and many of those who were relocated had houses that were twice as big and with space for more than one family. The 'one apartment per house' policy means that today in some apartments there are up to 14 people or more and that some families have been forced to live on rent, elsewhere, simply due to lack of space. This issue has also affected those who had income generating activities based in their homes. Several other serious issues persist from livelihood to children's schooling to the bad maintenance of the buildings and quality of construction.

Problems faced by those living in the high-rise apartments aside, there are many concerns highlighted in this report. Disenfranchisement is a serious issue brought to the notice of CPA during consultations with communities - such as the case of the former residents of Mews Street, Slave Island, forcibly evicted from their homes in May 2010. These residents are yet to be provided with permanent housing, are still living on rent and therefore unable to register in a new location, resulting in their fundamental right to the franchise being violated. There is also the case of Mayura Place, Wellawatte where more than 7 months after the apartment complex on Mayura Place opened, 17 families are yet to get housing as promised.

Communities have detailed these issues in writing to the committee that was appointed by the new Ministry of Urban Development, Water Supply and Drainage. Appointed in March 2015, this committee is meant to look into the activities of the UDA under the previous regime and "investigate into the injustices that have been caused in this resettlement and rehabilitation process, to make suitable recommendations and to expedite payment of compensation to the affected people".

The task in front of the new Government and the new Minister for urban development is certainly a challenging one and one that needs to be addressed urgently. It is necessary that all projects and activities under the URP are halted until a full review is done and the experiences, thus far, taken stock of. Unfortunately, we are yet to see this being done and instead have only seen a continuation of URP activities.

The role of the World Bank in Colombo's development drive is also highlighted in this report. In our previous report we noted the silence of the Bank on evictions being carried out by the UDA, with whom they were working very closely on the Metro Colombo Urban Development Project. All the safeguards that were denied to the thousands of residents in Colombo were supposed to be given to the families who came under the Bank funded project. However, even the families relocated under the Bank's project were harassed and threatened by the military and forcefully evicted from their homes. Under the previous regime, the Bank supported militarisation by funding and building the capacity of military-controlled institution like the UDA. It is clear that despite its claims that Bank funded projects demonstrate how well involuntary resettlement can be handled, the Bank has failed to live up to policies of protecting people affected by their projects.

This report is far from exhaustive or complete, but aims to give an overview of the myth vs reality of the UDA's urban regeneration agenda. There is an urgent need for immediate relief, as well as for seeking longer-term solutions and policies that are framed with people in mind and not the commercial value of land. The recommendations made in this report highlight several immediate measures that need to be taken by the Government, in addition to longer term measures that should be considered and initiated in order to make Colombo a liveable city for all.

1. Introduction

A new political context

The victory of President Maithripala Sirisena in the Presidential elections of January 2015 brought with it the prospect of change in Colombo's beautification and development plans - something that seemed impossible at the time Chapter 3 of this report 'High-rise living' was written.

New positions on land and development were initially unveiled in Maithripala Sirisena's election manifesto, where a specific reference to evictions in Colombo stated, *"Relief will be provided to all citizens who were illegally evicted from their houses and land under various grounds. Property of citizens of Colombo who were deprived of their houses and land will be reassessed and their value will be deducted from their present housing loan.¹"* The ambitious 100 day programme of the new President and Government included the following two points - (75) Relief will be provided to all those illegally displaced for various reasons from their homes and lands and (76) The value will be calculated of the housing and land of which residents of Colombo have been deprived, and that will be deducted from the housing loans they are now paying².

On January 12th the new Cabinet was sworn in, and in a welcome move, the Ministry of Defence and Urban Development was delinked. There are now two separate ministries - Ministry of Defence, which is under President Sirisena and the Ministry of Urban Development, Water Supply and Drainage under Minister Rauf Hakeem. The Urban Development Authority now comes under the latter.

¹ www.president.gov.lk/wp-content/uploads/2015/01/Manifesto-EN.pdf, Manifesto - Compassionate Government Maithri, A stable country, p.25

² www.president.gov.lk/wp-content/uploads/2015/01/100-Days-Program-EN.pdf, 100 Day programme

In the interim budget presented to Parliament on January 29 2015³, some of the promises in the manifesto were detailed -

Concessions for Colombo City Dwellers Relocated Against their Will

7.39 We perfectly understand the grievances of the people who had to leave their loving homes and native places in the precincts of Colombo just because of the relocation programme stubbornly implemented by the previous government. Our government will bear the initial advance of Rs. 100,000 per family borne by the relocated and also bear a part of the rental up to Rs. 250 per month over a period of 240 months.

7.40 I know personally that this will be a huge relief for those who were forced to shift to newly built flats by the previous government mostly against their own will. It is envisaged that a substantial gain could arise to the genuine householder aggrieved due to the process of relocation practiced.

While the news that the Government will bear the initial advance of Rs 100,000 was welcomed by affected communities, that the Government will only bear a part of the rental (a negligible amount when taking the total monthly amount of Rs 3960 into consideration) and not re-evaluate the actual cost of the apartment, nor ensure that those who owned their homes do not have to pay for the new apartments, was a disappointment and must be looked into.

There is yet to be a substantial discussion on the National Involuntary Resettlement Policy (NIRP) and its status in this new political context. However, Deputy Minister of Policy Planning and Economic Development, Harsha de Silva in his official Facebook page posted an update on February 19 following a visit to residents living in the new high-rise apartments in Dematagoda where he stated *"I told them we will be legislating the National Policy on Involuntary Resettlement which will address most of the pressing issues of the residents."* A long time champion of the NIRP, Harsha de Silva's statement is the only reference to the new Government's stand on the policy to date. That de Silva (or the Government) has not provided any information or addressed grievances regarding the size of the apartments, or

³ www.priu.gov.lk/news_update/Current_Affairs/ca201501/InterimBudget2015-20150129-eng.pdf, Interim Budget 2015, p.17

the issue of people (including those who owned their previous homes) having to pay a monthly amount over the next 20 – 30 years has caused a lot of anger and resentment among communities, as these are two issues that de Silva himself had been very vocal about, especially during the latter part of the year when the houses in 34 watta were being demolished.

On February 12 2015, cabinet approved the formation of a ‘Committee to investigate renovations and removals being carried out in the City of Colombo by the Urban Development Authority’⁴. Proposed by the Ministry of Urban Development, Water Supply and Drainage, the paper submitted to Cabinet stated that the new Ministry had received numerous complaints from those affected by development activities of the UDA and that the committee would “appoint a committee comprising the officials of the relevant institutions to investigate into the injustices that have been caused in this resettlement and rehabilitation process, to make suitable recommendations and to expedite payment of compensation to the affected people”. Three Ministers - Ravi Karunanayake, Rosy Senanayake and Eran Wickremaratne were appointed to a separate committee to monitor the activities of this committee.

It is critical that any such mechanism, include not only officials from the relevant Ministries and Institutions but also include representatives from civil society. Suggestions (names of civil society representatives who could be appointed to the committee, how civil society could be involved in monitoring the proceedings and analysis of the representations made by affected communities) were also forwarded by civil society organisations to Ministers Hakeem and Wickremaratne. After more than a month since cabinet approval was received, on March 24th, a UDA media release stated that *“grievances and requests of those who have been affected due to above relocation process can be forwarded to the committee”* by the 10th of April 2015. The media release informed that the committee was headed by the Additional Secretary of the UDA but gave no details of who else was on the committee, what its mandate was, how the grievances will be handled and what the time line is.

⁴ news.lk/cabinet-decisions/item/6160-decisions-taken-at-the-cabinet-meeting-held-on-11th-february-2015, Decisions taken at the Cabinet Meeting held on 11th February 2014, News.lk

Despite all this, on March 17th, Minister of Finance Ravi Karunanayake laid the foundation stone for a new high-rise building consisting 500 apartments in Kotahena (Cyril C. Perera Mawatha), the construction of which is being handled by the UDA⁵. That construction of these high-rise apartments are continuing without proper review of the URP thus far, is extremely problematic.

Background to this report

This report builds on our first report ‘Forced Evictions in Colombo - The Ugly Price of Beautification⁶’ in April 2014 and contains updates and new information collected by CPA since. Post January 9 there is a lot of expectation of a shift towards a more people friendly and consultative approach when it comes to development and a commitment to upholding the Rule of Law. The issues surrounding development, displacement and land in Colombo alone is complicated and requires the involvement of stakeholders not just from the communities and the State but also expertise from the fields of town and country planning, architects and civil society to name a few.

The context in which fieldwork was conducted must be kept in mind when reading this report. The fieldwork for this report was done throughout 2014 in Colombo with some interviews conducted post election. Access to affected communities and the new high -rise complexes was difficult due to high surveillance by the military and UDA officials. Access to the homes of interviewees was obtained through known networks of community members and relocated residents. CPA interviewed communities across Slave Island, Narahenpita, Torrington, Kollupitiya and Wanathamulla, as well as high -rise complexes ‘Mihindusenpura’, ‘Methsara Uyana’, ‘Sirisara Uyana’ and ‘Lakmuthu Sevana’ (Mayura Place). People spoke openly and freely behind closed doors when we established a relationship with them, but most of those we interviewed were extremely frank in their views, even if they were resigned to the fact that their situation may not improve.

⁵ <https://www.facebook.com/uda.media.srilanka/posts/835492383188941>, New Housing project start for underserved communities, UDA media news desk

⁶ www.cpalanka.org/forced-evictions-in-colombo-the-ugly-price-of-beautification/, Centre for Policy Alternatives, Forced Evictions in Colombo: The ugly price of beautification, April 2014

Communities explored every avenue in search of relief to keep their homes or obtain a fair deal, whether it was with opposition politicians, the Human Rights Commission, the media or the judiciary. In almost every interview we conducted, people stated that while they were not against development or beautification of the city, what they wanted was a fair deal - compensation for their homes and businesses, apartments to be larger, not to make the payments amounting to one lakh for the new apartments, for each family to get an apartment as opposed to the 'an apartment for a house policy'. Unfortunately for the communities, in some cases the UDA did not even follow directives of the Supreme Court or the National Human Rights Commission and operated outside of the legal and policy framework of the country.

The evictions of residents of low income communities in Colombo started much before the end of the war and long before the Urban Regeneration Project (URP), but it gained speed and authority after the Urban Development Authority was brought under the Ministry of Defence and the then Defence Secretary Gotabhaya Rajapaksa who became the chief architect of Sri Lanka's development and beautification. The rush to relocate the communities coming under the URP to Dematagoda was not done with the uplifting of people's lives foremost in mind, but with the intention of freeing up property with high commercial value. The UDA website listed these properties as up for development and sought private investors. If the intention had really been to provide housing for people in accordance with international standards, there would have been an attempt to explore in situ upgrades or building the apartments in nearby/ adjoining land itself (like in the case of Mayura Place, Wellawatte). Furthermore, there were several communities that could be classified as 'shanties' or living in unhygienic or flood prone areas in Colombo that were not included in the URP simply because the land they occupied was not commercially viable.

Objectives of the URP aside, what made this project more problematic were the means used to acquire land. Military force, intimidation and harassment were used to evict people from their homes and the process did not follow Sri Lanka's laws related to land acquisition. People were told to sign documents and provide household information that made the process of relocation look voluntary on paper as the letter they were asked to sign stated that they were "requesting" a new apartment in exchange for their existing house. Furthermore, all

these documents were only in Sinhala and no copies were given to residents at any point (More details in Chapter 2 - Housing and Ownership). The communities had no way of airing their opinions or objections, as it was an extremely top down process.

Disenfranchisement is a serious issue brought to the notice of CPA during consultations with communities - such as the case of the former residents of Mews Street forcibly evicted in May 2010 from their homes in Slave Island⁷. These residents are yet to be provided with permanent housing, are still living on rent and therefore unable to register in a new location, resulting in their fundamental right to the franchise being violated. Those who were relocated to the new high- rise apartments reported that their electoral details and polling station were changed to the new location, while some residents from affected communities who were evicted and not provided homes (such as Apple watta in Wanathamulla) and currently living on rent, also reported the loss of their vote.

CPA highlighted two cases in its first report, that of Mews Street and of Java Lane, in Kompannyaveediya (also known as Slave Island) in the heart of Colombo. To date, the issues highlighted in both cases have not been resolved. In the case of Mews Street, the former residents who were forcibly evicted in May 2010 are yet to receive permanent housing as promised and their court case is ongoing. With regard to Java Lane, more than a year has passed since their land was acquired by the UDA and none of the residents have got anything in writing about the time line, responsibilities of the UDA and the TATA Company, what payments, if any, will have to be made by the residents. The rent money they were given was for two years only and the TATA project shows no sign of completion by early 2016, which leaves the residents wondering about their fate - who to contact for clarification, whether they will get rent money and if so for how long and how much. Furthermore, the residents who opted to take compensation for their land are yet to be told how much they will receive, how the value was calculated. These issues were raised with the Minister Hakeem in a meeting held on March 12th with representatives from the community and the Minister assured community representatives that the issues will be resolved in sixty days through the special committee mentioned above in this report.

⁷ groundviews.org/2015/05/08/five-years-ago-today-evicted-and-homeless/, Iromi Perera, 'Five years ago, today: Evicted and homeless', Groundviews 08 May 2015

As CPA mentioned in an article in July 2014 on the myth vs reality of the URP⁸, the 'Ida denna' promotional video of the UDA⁹ shows a young child rudely awaking in her flooded shanty from a dream in which she was playing happily among flowers and butterflies in Colombo's newly beautified landmarks such as the Racecourse and Waters Edge, running in and out of her beautiful new home in an apartment complex. The video ends with the children coming out of tiny huts made of wooden boards, jumping over puddles and broken bricks, making their way to school to a Sinhala song that likens the journey from shanty to shiny new apartment to a butterfly emerging from its chrysalis. The reality is that the Racecourse or Waters Edge are not spaces made for Colombo's poor. And the shiny new apartments are a façade that mask the burden of debt, economic dispossession and other hardships suffered by those forcibly moved. Contrary to the UDA's propaganda, for thousands of the poor residents of Colombo the Urban Regeneration Project is actually a nightmare they cannot awake from.

The forcible hand of Gotabhaya Rajapaksa and the militarised UDA aside, the approval of Colombo's middle class of the beautification of the city and the idea of a 'slum free' Colombo meant that whatever resistance there was to relocation came only from the communities. There was little debate or attempt to understand the reality of the affected communities and much resistance to engage in any activities that were critical of Gotabhaya Rajapaksa's projects. Many bought into the UDA narrative that communities were living in slums and were better off in these shiny new apartments and turned a blind eye to the evictions happening in the city because of the comforting belief that in the long run this was a "win- win" situation.

Today, there is an urgent need for immediate relief, as well as for seeking longer term solutions and policies that are framed with people in mind and not the commercial value of land.

⁸ groundviews.org/2014/07/11/from-shanty-to-home-myth-vs-reality-of-colombos-urban-regeneration-project/, Iromi Perera, 'From shanty to home" Myth vs reality of Colombo's Urban Regeneration Project', Groundviews, 07 July 2014

⁹ <https://www.youtube.com/watch?v=i2cpWK7oPZ4>, Urban Development Authority - Ida Denna, YouTube, Published 28 March 2014

2. Housing and ownership

A common myth surrounding the communities that come under the Urban Regeneration Project is that they are all slums and shanties - 68,812 housing units in underserved settlements according to the former Ministry of Defence and Urban Development. The popularity of this myth is not surprising given that the key objective of the URP is eliminating *“shanties, slums and other dilapidated housing from the city of Colombo by resettlement of the families presently living under unhygienic and poor environmental conditions in such housing in new housing schemes of internationally recognised standards and in doing so to make the City of Colombo the most attractive city in South Asia”*.

As highlighted in CPA's April 2014 report on evictions, Colombo has never been home to sprawling slums like in Dhaka or Mumbai. A 2001 survey carried out by the Colombo Municipal Council (CMC) and Sevanatha Urban Resource Center¹⁰ identified a total of 77,612 families living in 1,614 low-income settlements in the city but found it “difficult to categorise all the identified low-income settlements as being slums.” Furthermore, according to the Census of Population and Housing 2011 of the Department of Census and Statistics, out of the 555,926 housing units in the Colombo District, only 7979 housing units fall under the category of “hut/shanty”¹¹. Of this, 3691 housing units come under the Colombo DS Division. However, according to the then Ministry of Defence and Urban Development, 26,711 housing units within the city of Colombo have been classified as slums and 14,175 housing units classified as shanties¹². The definitions used by the UDA when these surveys of communities were done and other information related to the development plans, have never been disclosed, making it difficult to ascertain the difference between UDA figures and the official census figures.

¹⁰ www.ucl.ac.uk/dpu-projects/Global_Report/pdfs/Columbo.pdf, The case of Colombo, Sri Lanka by Sevanatha

¹¹ www.statistics.gov.lk/PopHouSat/CPH2011/index.php?fileName=hhd61&gp=Activities&tpl=3, Occupied housing units in districts and DS Divisions by type of housing unit, 2012, Department of Census and Statistics, Sri Lanka

¹² www.defence.lk/new.asp?fname=Capital_City_free_of_Squatters_by_2020_20141025_02, ‘Capital city free of squatters by 2020’, Ministry of Defence Sri Lanka, October 2014

In Kompannyaveediya (Slave Island), many households whose land was acquired had homes that were more than 2 floors, tiled, painted and fully furnished and had improved over time, with water and electricity. When CPA visited the low-income community on the northern side of Castle Street (Borella) before its demolition, there were a number of homes that were well-built—many with more than one floor—neatly painted and furnished with well appointed kitchens, bathrooms and toilets. Over nearly four decades many residents have painstakingly invested in improving their homes. This was true in the cases of most affected communities visited by CPA during fieldwork - from Narahenpita to Wanathamulla to Colpetty to Torrington.

As one long time resident who had resided in 189 watta on Torrington Avenue since the early 1960's stated, "*api koombi wage ape gewal hadhuwe podda podda, salli hambenakota*" - that they had built their houses like ants do, slowly over the years whenever they had money to bring it to the state it is at present. This was a two storey house with 3 bedrooms, attached bathroom and running water and electricity.

With regard to ownership of the land of the affected communities, while some communities did or do occupy State Land, a fair percentage of households occupy private land that they have owned for generations and have the legal documents to prove it (See 'The case of 34 watta'). However, all affected communities were forced to move and the land was acquired by the UDA as if they were illegal dwellers or encroachers that have no rights. A combination of military involvement in the land acquisition and the legal illiteracy of the affected communities meant that most residents gave up the land without realising that due process was not being followed or even when they were aware of the process, resigned themselves to the reality that they were no match for military intimidation. What needs to be highlighted here is that even those who do not have full title also have a number of rights that accrue to them under the law of the land. When it came to acquiring private land, the State used military force and legal fiction rather than follow due process laid down under the Land Acquisition Act. As CPA noted in 2014 in a policy brief on legal and policy implications on recent land acquisitions¹³, the lack of awareness among the public regarding their land rights and entitlements is a key impediment to individuals fully enjoying the benefits of their land.

¹³ www.cpalanka.org/legal-and-policy-implications-of-recent-land-acquisitions-evictions-and-related-issues-in-sri-lanka/, Bhavani Fonseka, 'Legal and policy implications of recent land acquisitions, evictions and related issues in Sri Lanka', Centre for Policy Alternatives, November 2014

For example, in Narahenpita, residents who refused to leave their homes until the UDA had offered them a fair solution, were visited by military officials who told them about the futility of going to the Human Rights Commission (like some of the other community members had) by stating that even residents of other parts of Colombo (with stronger cases) did not succeed in fighting eviction, and that the Land Acquisition Act did not apply to them as they did not own their land¹⁴. Residents stated that while they were agreeable to giving up their homes as part of Colombo's development and beautification, they wanted a fair solution by the UDA which compensated them adequately in kind or cash for their homes as well as their business premises, instead of the small apartments that they were being asked to pay for. This last statement was echoed in most interviews conducted in different communities in Colombo.

Another common myth surrounding the URP is that all those being relocated to the high -rise apartments or whose land was being acquired by the UDA, were illegal dwellers or encroachers. While yet again, the actual figures have not been disclosed by the UDA, by examining the lists of communities coming under the URP and interviews with these communities, it is evident that not all communities are illegal occupants and in fact hold deeds dating back several decades. What most of them do have in common is that they all occupy commercially valuable land in the heart of Colombo. Thus their inclusion under the URP. Furthermore, if the National Involuntary Resettlement Policy had been followed by the Government when implementing the URP - those with title and without title, as well as those with registered and unregistered businesses would have been entitled to due compensation and recognition in the relocation process given to them.

Cost of the apartments

The UDA has repeatedly claimed that the cost of the apartments provided to relocated families is Rs. 7 million and that in effect it is subsidising the apartments by nearly Rs. 6 million each. This is mentioned in all the letters given to residents where it states that each apartment is worth Rs 7 million and that it is given to them at Rs 1 million which has to be paid over 20 – 30 years. Nevertheless, this cost estimate is very much in doubt given that the UDA has itself given figures that suggest the costs are in fact dramatically lower.

¹⁴ <https://www.youtube.com/watch?v=a6WoWR5J82o>, Mobile phone footage from Bakery watta, News First Sri Lanka ,11 April 2014

For instance, in the August 2013 Resettlement Action Plan for the rehabilitation of the St. Sebastian South Canal¹⁵ (which comes under the World Bank funded Metro Colombo Urban Development Project), the then Ministry of Defence and Urban Development states that those being resettled under the Bank funded project will be provided housing in the multi storey buildings being built by the Government of Sri Lanka for people living in underserved settlements and that these permanent flats are of 400 square feet and worth Rs 2.5 million each.

A statement on the (then) Ministry of Defence and Urban Development that is still available online lists the construction of 10875 apartments at Rs. 31680 million across eleven different sites¹⁶. This suggests a cost of around Rs. 2.9 million per apartment.

More revealing is the costing provided by the State Engineering Corporation (SEC), which was the contractor that actually constructed many of these resettlement-housing units. In the case of two separate projects, the SEC website provides details of the number of housing units and the total costs of the project: 384 housing units at Kalinga Mawatha-1960 at a cost of Rs. 1010.32 million¹⁷ and 364 units including 144 as part of Kalinga Mawatha Phase 2 and 120 at Torrington Avenue at a cost of Rs. 694.59 million¹⁸. According to this the cost per unit works out to Rs. 2.63 and Rs. 1.9 million respectively.

¹⁵ www.defence.lk/MCUDP/pdf/RAP_St_Sebastian_South_Canal_MCUDP_Aug_2014_Revised.pdf, Resettlement Action Plan - Rehabilitation of St. Sebastian South Canal, Ministry of Defence and Urban Development

¹⁶ www.defence.lk/new.asp?fname=20120214_UDA, UDA work underway for greener-cleaner Colombo metropolis, Ministry of Defence and Urban Development, 15 February 2012

¹⁷ www.secs.lk/index.php?option=com_content&view=article&id=1370:construction-of-384-housing-units-at-kalinga-mawatha-1960&catid=579:housing&Itemid=655&lang=en, Construction of 384 housing units at Kalinga Mawatha, State Engineering Corporation of Sri Lanka, 08 October 2013

¹⁸ www.secs.lk/index.php?option=com_content&view=article&id=1525:urban-regeneration-project-city-of-colombo&catid=658:housing&Itemid=1035&lang=ta, Urban Regeneration Project - City of Colombo, State Engineering Corporation of Sri Lanka

3. High-rise living

Everybody pays

Contrary to popular belief that apartments are being given to people free of charge, those being evicted have to pay over a million rupees to the state over the next 20 years, including more than 1 lakh within the first 3 months. This includes those who did own their house and land. In order to obtain the keys to the apartment, Rs 50,000/- must be paid in a single instalment, after which the second instalment must be made by the third month. Residents also have to pay Rs 3960/- a month (in addition to water and electricity bills) over 20 years or Rs 2650/- a month over 30 years. This is an extraordinarily high burden on many low-income families especially because they also lose the investment made in their previous houses for which they have not been compensated.

Loss of financial security

According to the letter issued to every household informing them of their relocation and process, payments and ownership details, it is forbidden to rent, sublet, mortgage or sell the apartment or a part of the apartment. This is applicable to all, including those who owned their previous house. This has serious implications as financial security is being taken away from people in situations of financial emergency. Until the full payment has been made over 20 – 30 years, this restriction will apply.

Interviews with households that have already moved into the new apartments indicated that people have found the money for the initial payments amounting to Rs 100,000/- by tapping into existing financial security or assets. Some individuals who are eligible for gratuity payments from their respective organisations have taken it out early while others have pawned jewellery or other assets, or taken loans in order to make the initial payment. Without making the first payment of Rs 50,000/- people cannot move into the new apartments while the second payment must be made within the first three months after moving in. Many households where the main breadwinner is nearing pensionable age expressed great concern

about how they would manage in the years to come without any finances to fall back on and having to make this monthly payment for the apartment in addition to utility bills.

Residents have not yet got deeds to their new apartments and were concerned about when they would get them, as the UDA has given them no indication. They had already handed over the deeds and other housing related documents to the UDA at the time they relocated. As a consequence, the relocated residents have no documents to show for their property.

Lack of space

The lack of space is a common complaint across all households. The size of the apartments is approximately 400 square feet and each consists of a living room, kitchen, two bedrooms and a bathroom. Most of those relocated had houses that were twice as big as the new apartments, or even bigger, and with a fair number occupying houses that had more than one floor. Residents complained that they had to sell / get rid of a lot of their furniture and goods; or had packed them into boxes, which were now piled up in bedrooms. That Damro plastic chairs are visible in almost every single living room in the apartments is evidence enough. A lot of the resistance to the new apartments comes not only from having to pay for them, but also because of their size. The policy of the URP is an apartment for a house and not an apartment for a family, and where there were more than one family living in the same house (which was the case in a lot of the affected communities) - households now find themselves either crammed into a tiny living space or some members of the family having to live elsewhere.

In addition to not having space for their belongings, another key concern regarding the lack of space is that there is no space for traditional customs and rituals during festivals or even when a death occurs in the family. CPA was told of instances where families moved their furniture onto the corridor to make room for a coffin to be placed in the living room and of an almsgiving where only five Buddhist monks were present as there was no room for seven monks.

Utility bills

In interviews conducted in 2015, a common complaint was that utility bills were not issued once a month but once in two months or longer, making it difficult for residents to pay larger bills. Most residents also complained of extremely high water bills – people who used to pay less than Rs 200 a month for water in their previous homes were now being given bills of Rs 5000 per month, and for some, even higher than Rs 10,000. Residents interviewed stated that they had refused to pay such high bills for a usage they say is just not possible. Furthermore, they had repeatedly requested authorities for their water bills to be issued by the Water Board and not by the UDA.

Livelihood

For most people from the affected communities, their livelihoods were concentrated in and around the area they lived in. While Dematagoda is around 6 - 8 kilometres away from their original location or city centre, the commute and additional costs for transportation has had an impact on their livelihood. There is no easy bus route to the city centre and many have to take more than one bus, whereas previously they would walk to their place of livelihood. Those who earned a living as daily -wage workers said that their daily income had reduced as they now had to spend more money on transport. Those who had a business in their community itself – like a grocery, bicycle repair or tailoring shop found it difficult to continue their business in the new flats as there is a restriction on using the apartments for businesses. While some people have set up businesses (grocery stores being the most visible) despite this restriction, business is sparse as they have lost their regular customers as well as having to compete with several other grocery shops in the building.

The most affected by the shift to Dematagoda are women who used to earn an income by providing food and other goods to shops close to their homes. Earlier the shops or people they supplied to would be walking distance from their homes, or they would sell from their homes. The lack of space is also an issue as those who took on catering jobs, made large amounts of food items per day or did tailoring work for example, say that they just don't have the space required. Many women told CPA that they can no longer engage in their previous

income generating activities because of these issues and the time and money spent on transport meant that they did not make any profit or that what they made was minimal.

Income mismatch

An income mismatch is a given for those coming under the URP as affected households are forced to make a substantial payment of Rs 100,000/- within the first three months of shifting homes, and then continue to pay a monthly payment of Rs 3960/- (over 20 years) or Rs 2650/- (over 30 years). Most of the affected households fall into the low income category where majority of the main income earners are daily wage workers. This unanticipated expense has led to a severe income mismatch for most households who on top of the monthly payments, also have to make interest payments on the money borrowed to pay the initial Rs 100,000. There are signs of a serious debt issue among affected families in time to come if their current financial situation does not improve.

Access to schools

A major concern for residents who had relocated and for those due to be relocated is the lack of access to some of the best national schools in Colombo. For these communities, that their children have access to schools such as Royal College, Thurstan College, Isipathana College, Sirimavo Vidyalaya, Lumbini Vidyalaya is crucial. A lot of importance is placed on securing a good education for their children, as well as the prestige and social mobility attending these schools would bring. From improving the way they live at home to wanting to better themselves, these influences are attributed to the schools they go to and the people they are exposed to and for the communities we met, this loss of access to schools was a major problem. While children already enrolled in these schools will not be affected, people were concerned about how the shift to Dematagoda would affect their younger children who were not yet in school or for their grandchildren. That they still do not have deeds to the apartments is also a barrier when it comes to finding a school for their children as these are vital documents that need to be submitted. Some families had chosen to shift their children to schools closer to their new homes as they could not afford the daily transport costs. They

complain that the quality of education in these schools close by is not on par with the previous schools and they can already see their children's performance in school dropping.

Breakdown of community life

At their original location, people lived in communities where their houses were clustered next to each other. Children walked or travelled to school together, came back home to a secure environment where they did not need anyone to mind them, front doors would be kept open if people were home and people went about their daily life. Problems and issues did persist and these communities were in no way living extremely harmonious lives all the time - but here multi ethnic communities lived side by side.

In the relocation process, there appears to be a deliberate attempt to break up the communities as communities are not allocated apartments adjacent to one another on the same floor. Apartments are allocated randomly which means that families from the same community are now living floors apart most often, and for some, buildings apart. This has meant a significant change in their every day routines - for instance securing childcare for households where both parents work. Given that the new apartments are quite a distance away from the schools, families have had to arrange transport to drop and pick up their children or accompany the children themselves, arrange for after school care at a relative's or neighbour's house- all of which incur expenses they did not have to bear in their previous accommodation.

For example, Mr Krishna's children who used to walk to their home in Narahenpita from school are now picked up in a three wheeler after school and dropped off at their grandparent's house in Kotahena. After work Mr Krishna and his wife pick up their children from Kotahena and then go home to their new apartment in Dematagoda. According to Mr Krishna, this arrangement costs his family around Rs 5000/- a month, a serious dent in income for a family that earns around Rs 30,000/- a month. This is a common complaint across many families CPA interviewed.

Women who stay at home also complain that they do not feel very secure in their new apartments, as they do not know anyone in the surrounding apartments. This has meant that their doors stay locked when they are at home during the day and their movements restricted to the small apartments. “*Dawal welawe kukul kuduwaka innawa wagey*”, like being stuck in a chicken coop during the day is how some described it. A design flaw in the apartments also contributes to this insecurity – once the front door is closed, there is no way to tell who is outside as there are no windows with a view of the front entrance area. So while doors are kept open when there are many people at home, when it is just the women folk, young girls or children at home, doors are kept closed. This makes them feel even more insecure when there is an unexpected knock on the door. In one interview, a father of two 14 year old girls said that on the occasions that he and his wife leave the girls alone in the apartment, they have developed a code they will knock on the door in a particular way and only then should the door be opened. He stated that this was the only way to safeguard his daughters from opening the door to unknown males who might notice that the girls were alone at home.

Maintenance

In his keynote speech delivered at the 'South Asia Region Urbanization Knowledge Platform' on 20th March 2012 at Cinnamon Grand, Colombo, the Defence Secretary and the chief architect of Colombo's urban regeneration, Gotabhaya Rajapaksa stated “*It has been observed that relocating the urban poor to high-rise buildings causes several problems. The people find it very difficult to adjust to their new environment. They typically lack an interest in preserving these buildings properly, and their attention to cleanliness is not as great as it should be. Because they are from the low-income segment of society, they would find it difficult to maintain the high-rise buildings properly even if they had an interest in doing so.*”

Households reported that UDA officials conduct spot checks on apartments to see how well they were maintaining the new apartments. While a few households did not seem to mind, most of those interviewed were resentful of the intrusion into their private space. What is also worth highlighting is that despite this level of scrutiny into the maintenance of private space, the common areas of most of the apartments (including the newly opened Methsara Uyana) were filthy - with dirt, urine and betel spit splattered across the staircase walls and corners of the interior of the buildings. Residents said that they constantly complained to officials

regarding the lack of cleanliness of the public areas of the buildings but with no action taken. This meant that for many residents, inviting guests home or even having extended family over was not possible as they were ashamed of the state of the building and public areas.

A common complaint from residents is also the lack of maintenance of the lifts in the buildings. When CPA visited Methsara Uyana and Sisira Uyana several times from December 2014 – April 2015, there was only one lift in operation in each block, causing people to queue up and wait their turn. These apartment complexes have twelve floors and service thousands of residents every day. There are also disabled and elderly residents who had not been allocated apartments on the ground floor as requested by them. CPA interviewed a wheelchair bound individual living on the 3rd floor who had to be bodily lifted and carried downstairs recently when he had to be rushed to hospital. Residents say that most lifts have not been in operation for several weeks and authorities show no sign of fixing them, stating that it costs too much.

Satisfaction

CPA did interview some households that were satisfied with their new homes in the high -rise apartments and said that it had been a positive change in their lives. It is important to note, that all those who were satisfied were previously occupying land that did not belong to them or those whose previous home/ environment was not up to standard. They praised the new apartments and that they no longer had to suffer floods, leaks or an unhygienic environment.

4. The case of 34 Watta

In December 2013, the residents of 34 Watta and adjoining wattas in Wanathamulla were told that they would be given flats in the new high-rise 'Sirisara Uyana' adjoining their watta, as their existing houses would be demolished and the land acquired by the Ministry of Defence and Urban Development. Residents were given an "application form", to "request" new apartments and were given the details of the payments that needed to be made. As they were not agreeable to this offer, around 600 residents filed a petition at the Human Rights Commission against the demolition of the houses¹⁹.

In February 2014, the secretary of the Wanathamulla Housing Protection Society was abducted and later released²⁰. He had spoken against the new apartments and cited reasons for refusing to move at a meeting in February 13, 2014, attended by Defence Secretary Gotabhaya Rajapaksa and other officials. At the HRC hearing in March 2014, the UDA agreed that they would not move any residents who were unwilling to move²¹. However, despite this undertaking, residents complained of military intimidation and harassment.

Towards the end of July 2014, through intimidation as well as offering multiple apartments, the UDA officials had convinced the majority of the residents in 34 watta to leave their homes and move into the new apartments offered to them. In letters sent to residents who were unwilling to move, the UDA gave them options of compensation or new apartments at nearby 'Methsara Uyana'. A board erected at 34 watta stated that the land was for a proposed playground - however in no way keeping with the procedure dictated by the Land Acquisition Act. Despite this, some residents remained, facing much intimidation in forms of visits by military and UDA officials, adjoining houses being broken down, disturbances to electricity and water supply and breaking of sewage pipes.

¹⁹ newsfirst.lk/english/2013/12/residents-saranapalahimi-mawatha-lodge-compliant-human-rights-commission/9404, 'Wanathamulla residents lodge complaint with Human Rights Commission', News First, 13 December 2013

²⁰ www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=98879, 'Wanathamulla abduction: Red Pajero has replaced white van syndrome - Eran', The Island, 28 February 2014

²¹ lankaherald.com/2014/03/07/wanathamulla-residents-win-battle-against-gota/, 'Wanathamulla residents win battle against Gota', Lanka Herald, 7 March 2014

In August 2014, four residents filed a writ application in the Court of Appeal against the Urban Development Authority and other actors challenging the directive issues by the UDA that they should move to the apartments offered by the UDA or accept compensation proposed [CA (Writ) 283/14]. The petitioners stated that the proposed compensation had undervalued their house and that the new apartments were much smaller than their existing homes, and more importantly, they held title deeds to the lands going back to 1979 and claimed that the UDA was acting outside the legal framework for the acquisition of private land. Despite filing a case, the four residents were subject to constant harassment by the military and UDA officials²², including visits and direct threats by Brigadier Samarasinghe (Project Director of the Urban Regeneration Project) who during one visit informed the petitioners that the UDA had orders to demolish their houses and that going to court or the HRC was of no use. On these visits demolition equipment was used to break the surrounding houses, invariably causing damage to the petitioners houses in the process.

In late September 2014, the two parties agreed to a settlement. Each of the petitioners were given two apartments at Methsara Uyana and a monthly payment of Rs 2777/- was to be made for each apartment over a period of 30 years. The petitioners also agreed to make a payment of Rs 50,000 per condominium to the Condominium Management Authority in six equal consecutive monthly instalments of Rs 8333 each²³.

Despite agreeing to a settlement, interviews with the petitioners from December 2014 – April 2015 showed a high level of discontent with their new environment. Even though they had each got two apartments, they could not make them into one apartment and thereby increase the floor space. Petitioners had crammed their furniture into the apartments and had to either sell off some goods or pack them into boxes and suitcases till they could decide what to do. They are yet to get deeds to their new apartment as well.

²² groundviews.org/2014/09/18/and-they-all-fall-down/, 'And they all fall down', Groundviews, 18 September 2014

²³ www.cpalanka.org/legal-and-policy-implications-of-recent-land-acquisitions-evictions-and-related-issues-in-sri-lanka/, See Page 25, Legal and policy implications of recent land acquisitions, evictions and related issues in Sri Lanka

5. Broken promises – the case of Mayura Place

‘Lakmuthu Sevana’, is the housing project for the residents who lived in the housing scheme built in 1921 for the Wellawatte Weaving Mill’s staff. The high-rise apartment building is located down Mayura Place, adjoining the Havelock City apartment complex. The housing scheme built in 1921 was on 220 perches of land and the 160 houses were in a dilapidated state when in 2001 the then UNP Colombo District leader M. H. Mohammed pledged to initiate a low rise housing project in place of them. On February 3, 2004 the foundation stone was laid by M. H. Mohammed for the new housing scheme to be constructed by Mireka Capital Land, which owns Havelock City Apartments. This four storey housing scheme was to be built in the land adjoining the land they occupied. Work on the new housing scheme came to halt when Parliament was dissolved after a few months. Plans were revived again in 2005 when the UDA, under Minister Dinesh Gunawardena, who was then the Minister of Urban Development and Water Supply, acquired the 1.5 acre playground down Mayura Place and sold 120 perches to Mireka Capital Land for Rs 170 million. The money was paid to the Treasury in February 2007.

In a letter dated December 14, 2005 the then Chairman of the UDA, Mr D. S. Jayaweera informed the Wellawatte Mayura Place Community Development Society, the housing committee that was formed by the residents of the weaving mills housing scheme, that the playground will be sold to Mireka Capital Land and that the money will be used to build new houses for them. In June 2007 when the foundation stone was laid, the UDA erected a board at the site which stated that 160 units would be built and that the cost of construction was Rs 170 million.

However, at the time when the UDA was brought under the Ministry of Defence in 2010, only two floors had been completed. The building was completed around September 2014 and named ‘Lakmuthu Sevana’. Despite 160 units being mentioned in the building plans and other project related documents, only 118 apartments were finally constructed. This left 42 families without apartments. Twenty five families were given apartments in Methsara Uyana in Dematagoda while 17 families are yet to get housing and are currently living on rent

elsewhere. Five families that did not receive housing had refused to leave their previous homes until new housing was provided as promised. Towards the end of October 2014 when preparations were underway by the UDA for the official opening of the building by the former President Mahinda Rajapaksa, authorities from the UDA forcibly demolished the houses of these 5 families with their belongings and valuables still inside. Residents stated that prior notice had not been given to them informing them of demolition.

At present, the residents state that while they are satisfied with the new apartments which are approximately 500 square feet in size, they are finding it extremely difficult to make the monthly payments as they are all daily wage workers. In order to make the initial payment of Rs 50,000 many had pawned jewellery or borrowed at high interest. They further stated that since the money paid by Mireka Capital Land was what was used to construct the building, they should not be made to pay Rs 1 million over 30 years for it.

6. The World Bank

The World Bank in Sri Lanka is a key player in the post war development drive, most notably in the city of Colombo. The beautification of the city of Colombo is to be achieved through two main projects – the URP of the Urban Development Authority and the World Bank funded Metro Colombo Urban Development Project (MCUDP)²⁴. While the URP focuses on creating a slum free Colombo and freeing up property for commercial use and investment, the MCUDP focuses on flood control and other infrastructure improvements to the city. The World Bank's project is integral to achieving the overall objectives of beautification and that it did not address the serious issues of evictions and lack of due process while working with the then Ministry of Defence and Urban Development during the same time period has resulted in the Bank coming under a lot of criticism for its silence.

The World Bank in Sri Lanka has three key projects at present -

1. Metro Colombo Urban Development Project - US\$ 213 million
2. Sri Lanka Strategic Cities Development Project - US\$ 147 million
3. Climate Resilience Improvement Project - US\$110 million

The Metro Colombo Urban Development Project is a five year project (2012 – 2017) comprising of three components -

1. Reduce flooding in the catchment of the Colombo Water Basin
2. Urban development, infrastructure rehabilitation and capacity building for Metro Colombo local authorities
3. Implementation support

In CPA's April 2014 report on forced evictions in Colombo, we noted *“On the one hand, it appears that the UDA is not seeking funding from lenders such the World Bank or Asian Development Bank (ADB) for components of Colombo's urban regeneration involving large-scale resettlement to avoid being compelled to apply the obligations that come attached with such funding, as in the case of the ADB funded Southern Expressway or WB funded projects*

²⁴ www.worldbank.org/projects/P122735/metro-colombo-urban-development-project?lang=en, Metro Colombo Urban Development Project, World Bank

in the cities of Galle and Kandy, for example. On the other hand however, the WB continues to fund the UDA, deliberately turning a blind eye to the forced evictions of thousands engineered by the very same body in the name of urban development. This has resulted in the creation of two categories of citizens in the country; one considered deserving of entitlements and protection in line with certain international standards and another vulnerable to evictions sans a comprehensive framework of entitlements and the largesse and control of the UDA and the military.”

This situation continues with the World Bank not engaging with the UDA on how contemporaneous relocations take place under projects that are not funded by the Bank. What also must be highlighted is that families affected by MCUDP are also relocated to the same Government built high-rise buildings as those evicted. The difference here is that those being relocated under the Bank projects are entitled to all the benefits from social safeguards while their new neighbours have a completely different experience.

The Abbreviated Resettlement Action Plan for the rehabilitation of St. Sebastian South Canal, a document formulated in August 2013 by the then Ministry of Defence and Urban Development for the MCUDP is the perfect example that the then MoDUD was capable of formulating action plans that follows national legal frameworks and social safeguards. For the 91 families affected by this project, the MoDUD had carried out social screening to identify potential adverse effects prior to preparing the Resettlement Action Plan. With regard to safeguards that was to be followed for the 91 families the document states *“Projects and programs financed with International Development Association resources of the World Bank need to comply with World Bank Operational Policies (OP), in addition to conformity with the Land Acquisition Act and Sri Lanka’s National Policy on Involuntary Resettlement of 2001. Adhering to these policies, the MCUDP has adopted a sound Social Management Framework (SMF). It provides procedures for legal framework, entitlement matrix, procedures for social screening, assessing impacts, and planning and implementing resettlement action plans for proposed activities, including grievance redress mechanism, monitoring and evaluation, linking social management and civil works activities, implementation arrangements, and budget.”* The Entitlement Matrix details what the 91 families (none of whom held title deeds to their homes and are referred to as “squatter households” in the RAP) affected were entitled to – receiving an apartment in one of the new Government built

high-rise apartments, a transport allowance of Rs 5000/- for vacating the old structure, rent money and transport allowance for those who were renting a house, one time livelihood allowance in lieu of income loss and compensation for loss of commercial structure. Noteworthy is also a grievance redress mechanism system consisting of representatives from *“Ministry of Land, Department of Valuation, Ministry of Women Affairs, an eminent non-government organization, a lawyer, and a retired civil servant of the rank of a Secretary to GoSL”*. All the safeguards that were denied to the thousands of residents in Colombo were supposed to be given to the families who came under the Bank funded project.

However, interviews conducted in May 2015 with the families relocated to Methsara Uyana under the World Bank project tells a very different experience. The families had not wanted to move away to Dematagoda and had asked for housing closer to their original homes so that their livelihoods and children's schooling would not be disrupted. Awareness seminars had been held at UDA in January 2014 where the community had voiced their opposition to the new location and other concerns such as distance to workplaces, disruption of livelihoods, size of the apartments and inability to pay the Rs 100,000 initial payment. They had been told a bus service would be provided for them to commute to work and school with ease but were told that they had no choice in the new location. The community had continued their opposition to relocation and even voiced their concerns at the site office located in the community, which was also functioning as a grievance redress mechanism. However finally, they suffered the same fate as those evicted under the URP - due to military intimidation they moved into Methsara Uyana in September 2014.

The community's description of the military harassment is extremely disturbing. *“We were removed from our homes by force. They took our signatures by force. The army officers told us that they will bulldoze our houses whether we move out or not. They told us that we can either take these apartments or live on the street”*, was one resident's account. Another said that an Army officer threatened to shoot him if they did not stop protesting.

Today the 91 families say that they feel like they are living in hell. They are experiencing the same issues highlighted in Chapter 3 and many have seen a huge decrease in their income. There is also no mosque close by (in their previous location, the mosque had been located in

the community itself) and it costs them Rs 150 to travel to the closest mosque, something that many cannot afford.

Lack of space is another key issue. According to the Resettlement Action Plan (RAP) prepared in accordance with the World Bank's safeguards policies, only 25 out of the 91 households had 4 people or less living in them and some households had up to 14 family members living there. Many were also multiple storey houses and therefore could accommodate several families in separate floors. However, one apartment was given per house as per UDA policy, which means that in some apartments there are 10 - 14 people living in them.

According to the World Bank officials in Colombo, they are completely unaware about the military harassment and issues affecting the families' standard of living post relocation. CPA has formally written to the Country Director and officials from the Bank say they are looking into the issues raised by CPA.

In civil society engagement with the Bank officials since 2014 it was stressed that the Bank should have a commitment to safeguarding Human Rights of all citizens, not just those affected by the Bank's projects. The minimum expectations from the Government should be that the Government follows due process with regard to land acquisition and involuntary resettlement not just for Bank funded projects, but for all projects taking place in Sri Lanka. However, the Bank has maintained throughout that their involvement with the UDA regarding relocations will be restricted to those coming under the work directly funded by the Bank. Furthermore, the World Bank has said previously that it hopes to set an example by applying its safeguards to project affected communities to demonstrate to the Government of Sri Lanka how involuntary resettlement can be managed well when due process is followed.

However, it appears that people's rights were violated even under the Bank's watch. Place the Sri Lanka situation in a context where internal World Bank reports have recently revealed serious shortcomings in the implementation of its resettlement policies in projects across the

world²⁵. In a press release in March 2015, World Bank Group President Jim Yong Kim said *“We took a hard look at ourselves on resettlement and what we found caused me deep concern. We found several major problems. One is that we haven’t done a good enough job in overseeing projects involving resettlement; two, we haven’t implemented those plans well enough; and three, we haven’t put in place strong tracking systems to make sure that our policies were being followed. We must and will do better.”*

This comes at a time where the Environmental and Social Framework (ESF) of the World Bank is undergoing a review - the first draft was released for consultation on July 30, 2014²⁶. There has been criticism from activists and organisations from around the world, including the United Nations, regarding the draft ESF where existing safeguards for projects are very much diluted and a lot of the responsibility is placed on the borrower. This includes the Bank heavily relying on information provided by the borrower for the due diligence assessments proposed projects and even setting up grievance mechanism systems (ESS10) for project affected communities.

In countries like Sri Lanka, where the World Bank supported militarisation by funding and building the capacity of military controlled institution like the UDA, giving more responsibility to the borrower in this manner takes away the few rights that project affected communities have. The experience of the St. Sebastian South canal families demonstrate how even with the current safeguards the Bank has failed. There needs to be more robust consultations with the community where it is not just the borrower and the community present, a role for local organisations and civil society, and having an independent monitoring and grievance mechanism system that is not anchored to the borrower or even the Bank.

In a letter to the President of the World Bank²⁷, the UN Special Procedures mandate holders noted a number of concerns regarding the draft ESF and commented *“While the Bank is*

²⁵ www.worldbank.org/en/news/press-release/2015/03/04/world-bank-shortcomings-resettlement-projects-plan-fix-problems, World Bank Acknowledges Shortcomings in Resettlement Projects, Announces Action Plan to Fix Problems, World Bank, 4 March 2015

²⁶ https://consultations.worldbank.org/Data/hub/files/consultation-template/review-and-update-world-bank-safeguard-policies/en/materials/first_draft_framework_july_30_2014.pdf, Environmental and Social Framework - First Draft for Consultation, World Bank, 30 July 2014

²⁷ www.ohchr.org/Documents/Issues/EPoverty/WorldBank.pdf, Letter to President of the World Bank by UN Special Procedures mandate holders, Office of the High Commissioner for Human Rights, 12 December 2014

clearly committed to ending extreme poverty and improving the quality of life of people in developing countries, the pursuit of these worthy goals does not automatically ensure that the resulting programs and projects will promote and respect human rights. We acknowledge that it is not the Bank's role to act as an enforcer of human rights, but there are a great many other ways in which it can assist governments in meeting their own international obligations, provide support and advice on how programs and projects might be made more human rights compliant, and build knowledge and understanding of human rights into its own work. By opting not to take these steps, the Bank is setting itself apart from other international organizations and agencies which have long since recognized the importance of human rights in the context of carrying out their specialized mandates, and have also rejected the notion that human rights are somehow problematically 'political' in ways that the many other accepted goals of development policy are not."

It is fortunate for all concerned that after the Presidential elections in January 2015, a change in Government means that the UDA may function very differently than in the last 4 years. However, the Bank's engagement with the Ministry of Defence and Urban Development for the MCUDP and how they chose to function is worth highlighting and must be placed in a broader context of similar problematic engagement with other borrower countries.

7. Recommendations

CPA welcomes the measures taken thus far by the new Government and the Ministry of Urban Development, Water Supply and Drainage to provide relief to those affected by the development activities of the previous Ministry of Defence and Urban Development. The recommendations below are made to highlight several immediate measures that need to be taken by the Government, in addition to longer term measures that should be considered and initiated in order to make Colombo a liveable city for all.

In the immediate term:

1. Initiate a thorough review of the development activities carried out in the city of Colombo by the previous regime. The Urban Regeneration Project must be reviewed in total, and the aim must be to ensure that communities are substantially better off in all respects and attain higher living standards rather than just acquire newly built apartments in high-rises. The procedures to achieve these objectives must be aligned with national and international standards and policies to safeguard the rights of those affected.

There must be an immediate halt to building of new high-rise apartments until this review has taken place.

2. Make public all the documents and information related to the Urban Regeneration Project in Colombo, especially all aspects pertaining to:

- Acquisition of lands and resettlement including results of surveys, sites identified for redevelopment, demarcations of private and state land, as well as scheduling of proposed acquisition and relocation
- Agreements with private developers from Sri Lanka and abroad to build resettlement housing or to develop lands taken from communities.
- Actual costs of the URP including the actual cost of the resettlement housing, including per-apartment cost.

3. Take immediate measures to redress grievances of specific affected communities, in particular:

- Ensure that Mews Street residents who were forcibly evicted in 2010 are given new housing with immediate effect
- Provide written guarantees for grant of in-situ housing to all Slave Island residents whose lands have been taken for the TATA Project; and to those who chose compensation instead of in-situ housing, ensure immediate payment of the same at fair and accurate market rates

4. Take immediate measures to redress grievances of communities already relocated to high-rise apartments:

- Review and cancel the current payment plans for the new houses - deduct the value of the previous house and land from the actual cost of the new apartment and revise payment schemes accordingly.
- Provide deeds to all those relocated to the new apartments and take away restrictions on selling, mortgaging and renting the apartment.
- Where land that communities previously occupied is still not utilised or sold, explore options to relocate the residents back to their previous location. Discussions should involve the community members to see how best this shift can be done, and how rebuilding their housing is most feasible - whether low rise apartment style housing or housing similar to previous housing.
- Increasing the size of the apartments must be a top priority. This needs to be strongly considered when reviewing plans for new construction, and find ways in which this can be made possible in the existing high-rise buildings - such as removing the partition walls and making two apartments into one, thereby increasing the size of an apartment to 800 square feet.
- Provide copies for all the documents residents have signed at the UDA since the process of acquisition began in their respective communities.

5. Together with the Election Commissioners office, ensure that those who have been disenfranchised through forced relocation through the URP as well as other projects are speedily re-registered in the electoral lists before the General Election of 2015.

For the longer term

1. The Policy Principles of the National Involuntary Resettlement Policy must be reviewed, brought up to date with national and international standards and be enshrined in law and made applicable to all future instances of land acquisitions involving relocation.

2. Explore all possible options with regard to housing of low-income communities, including and especially in-situ redevelopment and upgrading, to eliminate and minimise involuntary resettlement.

3. Revitalise democratic decision-making and strengthen the Colombo Municipal Council, including by ensuring robust mechanisms of participation, transparency and accountability as well as building its professional competencies.

4. Enshrine in law the best principles of the National Housing Policy²⁸ and adopt a consultative, participatory and bottom-up process for providing housing for the urban poor. The NHP calls for “families who are able to build their own houses to be directly assisted by way of regularizing the land, providing basis (sic) amenities and releasing housing assistance on concessionary interest rates with necessary technical guidance.” It also specifically calls for “[s]trengthening community based organizations to promote community participation in housing development and guiding poor communities on decision making processes.”

²⁸ www.housingpolicy.lk/images/pdf/NHPE.pdf, Draft National Housing Policy, p.10