

The Centre for Poverty Analysis

48th OPEN FORUM ON POVERTY

“Development, Displacement and Resettlement”

A discussion on the National Involuntary Resettlement Policy and its implications for development projects in Sri Lanka

Presentations by
Gehan Gunatilleke, Attorney-at-Law
Nayana Godamunne, Senior Professional, CEPA and
Mohamed Munas, Professional, CEPA

Chaired by
Cyrene Siriwardhana, Policy and Advocacy Manager, Oxfam Australia

Documentation of the Discussion held on February 21st, 2013
At the
Sri Lanka Foundation Institute, 100, Independence Avenue, Colombo 7

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Introduction

CEPA's objective in hosting the Open Forum on Poverty every quarter is to provide a platform for groups of professionals to discuss their research and/or experience on poverty and related issues. The Open Forum also functions as a medium through which knowledge is disseminated to a wider audience and provides a space for professionals to discuss their research and/or work experience on poverty and related issues.

CEPA's 48th Open Forum titled 'Development, Displacement and Resettlement' was held on February 21st 2013 at 4.30pm at Sri Lanka Foundation Institute, No 100 Independence Avenue, Colombo 7. The event featured three presentations on the National Involuntary Resettlement Policy

The aims of the 48th Open Forum were:

- to examine the Policy in greater detail and to compare it with the existing laws applicable to land acquisition. Since numerous development initiatives and private ventures have been launched in the recent past, the need for a sound legal framework which gives primacy to the rights of the displaced has become urgent.
- to share two related case studies on displacement. The first explores the implementation of the key principles of the NIRP in the Southern Expressway. The second looks at effects on food security in Sampur where people were displaced first by conflict, and second by development activities.
- to create greater awareness of the NIRP and share knowledge and experiences in implementing the policy thereby enabling more inclusive development.

Welcoming the participants to the workshop Romeshun Kulasabanathan (Team Leader, Poverty and Measurement Programme) stated that many development projects have been started post 2009, in Sri Lanka. The projects vary in size and numbers bringing in a number of benefits to the country. While these projects have contributed to national development one of the negative effects has been displacement.

Introduction to the National Involuntary Resettlement Policy (NIRP)

Sri Lanka has a history of Development-induced Displacement and Resettlement (DIDR) most often to extend and diversify agricultural production, a case in example being the Mahaweli Development Project carried out in the 1980s. Land for such development projects was mostly acquired under the Land Acquisition Act of 1950, which legitimised compulsory acquisition of land for development purposes in the national interest under the concept of eminent domain. Entitlements under the Act, in the strictest sense, apply only to private lands for those Affected Persons (APs) who have formal title to land. Those APs who have no formal land titles and enjoy access to common property resources (CPRs) are not entitled to land-for-land or cash compensation payments.

The National Involuntary Resettlement Policy (NIRP), was formulated after a long and extensive process of study, consultation and consensus, and eventually approved by the Cabinet of Ministers in 2001. It incorporated the Asian Development Bank's involuntary resettlement policy principles and several international best practices. Such best practices include full and informed consent, equitable compensation and planned resettlement, which involves the participation of the displaced persons concerned. Under the Policy, the then Ministry of Land Development undertook to draft amendments to the Land Acquisition Act (LAA) in order to bring the law in line with the Policy. Following consultations with stakeholders, the Ministry was due to submit a final draft of the amended Land Acquisition Act for government approval. Almost twelve years have passed with no progress in terms of amending the existing legal framework on land acquisition. In the interim, land acquisition has taken place with little or no regard to the principles contained in the Policy. The Policy has been implemented, if at all, only in development projects funded by multi-lateral Development Banks, such as in the Southern Expressway.

Synopsis of the presentation by Gehan Gunatilleke, Attorney-at-Law

Looking at the NIRP from a legal viewpoint Gehan touched on the following key points:

- a brief overview of the NIRP
- a comparative analysis of the policy and the current law
 - The Land Acquisition Act (LAA) is very much an official document and a law. The scope of application of the LAA covers all land acquisition in the country.
- The Main NIRP principles are:
 - Impact mitigation – ensures that the impact of the development initiative on the community is mitigated. This principle encourages the project implementers to think of alternatives in terms of mitigation.
 - Local participation – ensures that a transparent and accountable process is required and followed under the policy. Also states that Affected Persons need to be consulted before a development project is even started.
 - Equitable compensation – ensures equitable compensation even for those without land title. Compensation is offered for loss of land, income and loss of other assets. Compensation is offered as replacement land or money.
 - Re-integration and rehabilitation – the current legal framework does not address these aspects at all. The NIRP mentions full social and economic rehabilitation but specific details are not set out in the policy. The NIRP ensures that host communities are included in consultations in relation to re-integration.
 - Gender equality and equity – have not been elaborated in the NIRP but inclusion is important.
- What should have happened over the past 12 years – the Ministry of Land Development should have amended the LAA to fall in line with the NIRP and prepared regulations and guidelines according to those put down in the policy.

- The Central Environmental Authority should review impacts and mitigating measures and provide guidance to development projects before implementation.
- Progress with NIRP so far
 - The Asian Development Bank's (ADB) has attempted to secure compliance with the NIRP through its projects. The ADB approved a safeguard policy statement in 2009.
 - The government has applied the policy selectively – in Lunawa and Upper Kotmale projects. However, only certain elements of the project have been applied.
- Advocacy should focus on
 - Raising public awareness of the existence of the NIRP.
 - Lobbying for amendments to the LAA incorporating the elements put Ddiscussions with funding organisations of development projects so that they insist on compliance with the NIRP.

Synopsis of the presentation by Nayana Godamunne, Senior Professional, CEPA

Nayana's presentation looked at the NIRP and its practical application in development projects in Sri Lanka. The Southern Transport Development Project (Southern Expressway) was the first large scale development project in which the policies of the NIRP were implemented.

Lessons learnt through this project were:

- Resettlement should be planned as a development activity.
- Affected people should be assisted to reestablish and improve their quality of life.
- All stages of the resettlement should be implemented with the participation of the Affected Persons, and they should be consulted on the resettlement sites, livelihood options and development options.

Important in the case of the NIRP was that the Road Development Authority recognised the lessons learnt from the SDTP and the need for its implementation in future development projects.

Synopsis of the presentation by Mohammed Munas, Professional, CEPA

- The case study of Sampur focuses on displacement and its effects on food security and livelihoods.
- Sampur is different from the SDTP because there is no clear indication about the application of the NIRP in the displacement and resettlement.
- In the case of Sampur there is a question as to what policy needs to be implemented – the NIRP or a policy related to conflict induced displacement.
- A complexity in relation to resettlement sites in Sampur, was the problems that came up regarding caste and class of the resettlers and the residents of the area.

Summary by Cyrene Siriwardhana

- Mr Munas' presentation brings us back to the importance of the NIRP in implementation. Mr. Gunatilleke raised the issue of lack of awareness of the policy. The key message coming from all these presentations is the need for planned resettlement. At present, this may not be happening in a planned way. But the NIRP provides the initiative for planned resettlement.
- The key purpose of the NIRP is to prevent impoverishment.
- Gehan's presentation also pointed out that landless people are not discriminated against in the NIRP. The policy deals with issues of landlessness, raises the importance of the environment and the role of the Central Environmental Authority. We are unaware if these factors have been taken into account in the Sampur project
- With regard to amendments to the LAA - there probably have been discussions about amending the Act, but so far the policy has only been applied to projects funded by the Asian Development Bank.
- Advocacy should look at how broadly the policy should be applied, and emphasise its application to every development project.
- The government applied elements of the policy to the Lunawa and Upper Kotmale projects. It would be useful to know who the donors to these two projects were. This might provide more of a platform for advocacy efforts.
- With regard to gender equality; it was mentioned that this was discussed in the NIRP. Is land ownership given in the name of both husband and wife?

Questions from the floor

Question – Why has land law failed to keep up with the policy?

Answer (Gehan Gunetilleke)

– The reason is a lack of political will. The NIRP was approved by the Cabinet in 2001. It is important to have a 3 pronged strategy to raise awareness. There should be a public demand for the policy to be taken up in Parliament. One important aspect of the policy is that it has within it a requirement to amend the LAA.

(Nayana Godamunne)

– The NIRP was implemented in the Southern Expressway because the Asian Development Bank pushed for it.

Question

– Do we have any information whether the people in Sampur were evicted from the area or whether the land was acquired? The LAA is not wholistic to cover every aspect. When the policy is taken up in parliament these issues should be addressed and gaps should be plugged.

Answer (Mohammed Munas)

– There was eviction and displacement. It was a conflict induced displacement, but there might have been eviction or people fleeing due to war as well.

Question

– Sampur is situated at the end of the large irrigation project. It was an ancient village and people settled in the area under the irrigation project. Has water been mentioned in the new Heavy Industry Zone? Is it rainfed? The closure of the Maavilaaru sluice was a landmark on the Sampur project.

Answer (Mohammed Munas)

–The war started in 2006 because of the closure of the Maavilaaru sluice. From that point the war continued and spread further. The trigger was based on the issue of water.

Answer (Cyrene Siriwardhana)

– We don't think of water in the same way as land, but it is actually as important in an island nation like ours.

Question

– Does the NIRP address all aspects of resettlement for example, construction?

Answer

– The NIRP does apply to big development and urban development projects in Colombo as well. Raising awareness about the NIRP will have an impact on these projects too.

Question

– Should environmental issues be the role of only the CEA? Should there be social groups involved?

Answer (Nayana Godamunne)

– The CEA established a social development unit to train people within the CEA to deal with resettlement. They were trained to act within the implementing agency. However, sadly, this agency is no longer functioning.

Question

- Are the 3 presentations dedicated to a common advocacy?
- Are the conclusions directed towards a common cause?
- How can these conclusions be linked for effective advocacy?

Answer (Nayana Godamunne)

- This is topical issue and CEPA is keen to raise awareness on the NIRP and would like others to join to carry it forward.

Question

– Sri Lanka is a member of the FAO ----- in 2012 when all parties endorsed the land.....How is the Sri Lankan government following up with the multilateral commitment it made? How are the guidelines being followed in Sri Lanka?

Answer (Cyrene Siriwardhana)

– The study was done under the Oxfam project. In the study, the focus was on livelihoods and food security. It had 3 components – the legal aspect (GG) and then

Sampur (MM). There should be a coherent strategy emerging from the study when it is complete. We did not look at the voluntary guidelines that SL has signed up to. (Gehan Gunatilleke)

- The guidelines are non-binding, so we are skeptical about such guidelines (Eg: UNHCR guidelines).

- The FAO principles were discussed at various levels and then finally approved. When it was initiated there was an issue as to why it should be adopted. Only 3 countries had adopted the international guidelines and this includes Sri Lanka. But to a certain extent they have been implemented.

Question

- Is there any opportunity to consider the future scenario as well – in the context of climate change?

Comment

- Regarding the Upper kotmale project – the IESL should be able to give this information.

Question –

- The NIRP, when applied gives a positive expression of resettlement so why is it not being implemented?

- On the legal framework, the government approved the circular on land within 3 months. Is it just the lack of political will or something else? This policy has been there for over a decade, so how do you push the government to fulfill its commitments.

Question

- Is there any judicial action on the area of land acquisition? What are your thoughts on this?

Answer

- We are currently boxed in regard to land cases. Often the petitioner challenges the acquisition itself. The court can only declare that acquisition is unlawful. There is little room within the framework of the law for the larger issue of resettlement and displacement. It can only be done in individual cases of acquisition.

Question

- There is an urban development plan for the greater part of Trincomalee. It is important to look at what the government intends to do in Sampur. It is a strategic position with many actors involved – MOD as well as international actors. We should be looking back at history because in relation to land the historicity is very important. It is now under the BOI and the UDA.

Answer (Mohammed Munas)

- Sampur is a special case. It is difficult to get information about Sampur.

Question

– Who has been made aware about the NIRP? There are several groups involved at different levels. Who should be made aware to avoid this discussion becoming just words. Is the NIRP combining shelter and livelihood in one place? We need to remember that the world is not progressing in that direction. If displaced people don't have livelihood opportunities in the place of resettlement why are they not looking for livelihoods elsewhere? We should be looking at this aspect as well and not just a legalistic framework.

Answer (Cyrene Siriwardhana)

– Yes, we may be looking at it in a compartmentalised way – eg; SB's work. There is a move to look at it in a broader way and it is something we need to take forward.

Comment

-Regarding the NIRP, has a guideline been presented? Maybe the policies are in place in the LAA. Have you analysed the difference of what is proposed and what is in place? How are we to raise the commitment of the government? Are the Affected Persons willing to raise a voice about this? Can the government afford to keep these policies in place and let development continue? What is the balance between the social cost and development? We have to market the policy in a way that addresses this when we think of advocacy.

Response (Cyrene Siriwardhana)

- Yes, we may in practice move towards a compromise. But we need to move forward from what we have in place at the moment. The government has problems – it may not be possible to have LARC (as in the STDP) and we need to bear this in mind and have a plan B as well. But there definitely is a need for discussion because there is unplanned resettlement happening now.

Comment

– During the Bandaranaike Airport project the same struggle took place but on a different scale. All the policies were broken down by the people's movements and they got fair compensation for the acquisition. If anyone wants to know the possible repercussions of such action, those people would have experience that we could draw on.

Comment

– Regarding conflict affected displacement, we should look at displacement due to conflict. There is no policy relating to conflict affected displacement. I think advocacy should address this area in a greater way. Under the NIRP, more than 20 displaced families are considered under the NIRP. This is the remaining issue which is not addressed by the NIRP.

Answer (Cyrene Siriwardhana)

– Yes, you are right. There is a lot of work going on in regard to that area which needs to be addressed. The ministry of resettlement is looking into conflict related

displacement. But with regard to Sampur, there is confusion with regard to what kind of displacement happened.

Comment

- We have to see it in a broader context. We have to look into the overall development agenda. The present government is prioritising highways and airports etc. and this agenda doesn't have room for the people. By the time the people receive the benefits of these developments the impacts may be too great to be addressed. We need to take this all into context.
- When you look at such development projects, there is always a question of equity and I agree with the above comment.

Nayana Godamnue

- The NIRP was formulated in Sri Lanka within the country. We did case studies on the Mahaveli and a baseline study first, and then a draft policy was presented and subsequently cabinet approved it. The principles were brought in from outside but it was formulated in a very localised structure. In terms of whether the government could afford it? Costs escalated and delays happened in the case of the STDP. The government has to do a cost benefit analysis in looking at the implementation of the NIRP in projects.

Regarding peoples' awareness, the Affected Persons were a substantial force that pushed for implementation. It has to be a multipronged attack involving the people who were affected.

Cyrene Siriwardhana

- The donor also should be aware of the costs of involved.
- Sandun's point is also important in considering carrying forward the NIRP or amendments to the LAA in future.

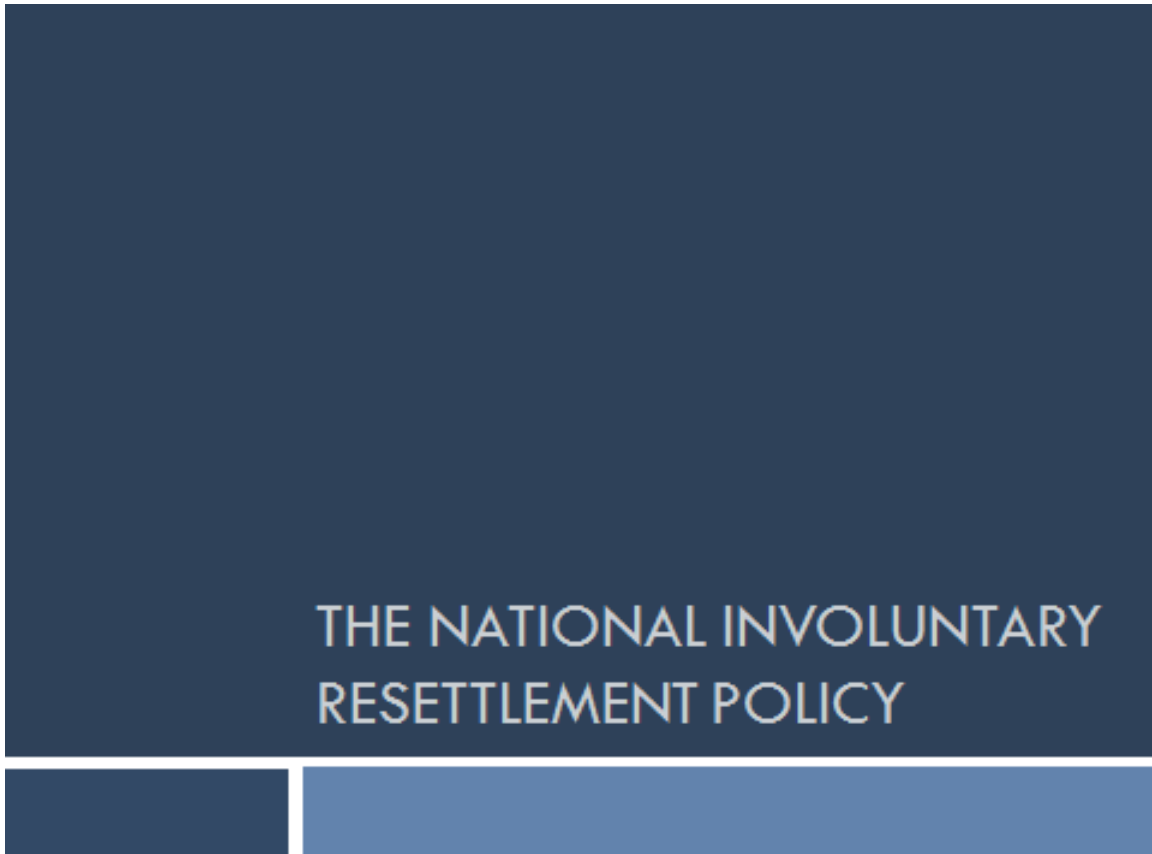
Romeshun Kulasabanathan - On behalf of the audience 'Thank you' to the panelists and moderator.

Annex 01: List of participants

Name	Organization
Thusitha Siriwardena	Oxfam GB
Agnes Mendis	CENWOR
D.L.O. Mendis	
Rebecca Owen	ZOA
Ando Anthappan	ZOA
M.Vamadevan	
Doreen Fernando	Oxfam
Thiagi Piyadasa	Oxfam AU
Amila Jayamaha	Oxfam AU
Sandun Thudugala	Oxfam
Wimal Nanayakkara	IPS
Mohomad Riyas	CARE – Vavuniya
Roshan Salgadoe	NCCSL
Thilal Nanayakkara	LMD
Bhavani	CPA
I. Wijesiriwardena	
Alex Perera	
Ramya Basnayake	
D. Jayathilake	
Iromi Perera	
S. Goonasekara	WB
Hiran Dias	Chairman – CEPA
Nilakshi De Silva	CEPA
Udan Fernando	CEPA
K.Romeshun	CEPA
Roshini Alles	CEPA
Mansi Kumarasiri	CEPA
Amila Balasooriya	CEPA
Chathuranga Weerasekara	CEPA

Annex 02: Presentations

1. Gehan Gunethilleke



Objectives

- Introduce NIRP principles
- Comparative analysis on current law
- Review progress
- Recommend advocacy focus

Introduction

- Initiative of the Asian Development Bank
- To address problem of development induced displacement
- To establish a framework through which resettlement would be an integral part of the project design
- Approved by Cabinet of Ministers on 24 May 2001

Current Legal Framework

- Land Acquisition Act No.9 of 1950
- State could acquire private land for public purposes without addressing resettlement issues

NIRP: Scope of Application

- All development-induced land acquisition
- All projects regardless of source of funding

NIRP: The Principles

- Impact mitigation
- Local participation
- Equitable compensation
- Reintegration and rehabilitation
- Gender equality and equity

Principle 1: Impact Mitigation

- Avoid or reduce involuntary resettlement by reviewing alternative project sites
- Avoid or reduce impact on people by exploring alternative project options and approaches

Principle 2: Local Participation

- Consultative, transparent and accountable process
- Participation of the affected community
- Participation of provincial and local authorities

Principle 3: Equitable Compensation

- Compensation for those who do not have title to land
- Compensation for loss of land, structures, other assets and income
- Replacement land offered as an alternative
- Project Executing Agencies bear cost of compensation and resettlement

Principle 4: Reintegration and Rehabilitation

- Resettlement Action Plan (RAP) where 20 or more families are affected
- Participatory measures to ensure economic and social integration into the host communities
- Full social and economic rehabilitation

Principle 5: Gender Equality and Equity

- Gender equality and equity ensured and adhered to throughout the policy
- Female-headed households to be given particular attention and appropriate assistance to improve their status

What should have happened during the last 12 years?

The Commitment: Ministry of Land Development

- Amend the Land Acquisition Act to fall in line with NIRP
- Prepare regulations and guidelines on involuntary resettlement planning, implementation and monitoring

The Commitment: Central Environmental Authority

- Review of impacts and mitigating measures of projects
- Provide guidance to public and private sector agencies undertaking projects
- To review and approve Resettlement Action Plans

Why is it crucial to advocate for NIRP?

Land Acquisition Act v. NIRP

□ Claim for compensation

LAA	NIRP
Acquisition first, compensation later	Guarantee of compensation before displacement

Land Acquisition Act v. NIRP

□ Compensation

LAA	NIRP
Only for lands and formalized settlements	Loss of land, structures, other assets and income
Must have title	Those without title are eligible
Depreciated value	Replacement value

Land Acquisition Act v. NIRP

Resettlement policy

LAA	NIRP
Not required	Resettlement Action Plan in the case of 20 or more families
	CEA approval for projects affecting 100 or more families

Land Acquisition Act v. NIRP

Income restoration

LAA	NIRP
No provision	Assistance to re-establish displaced communities and improve quality of life

Land Acquisition Act v. NIRP

□ Public disclosure

LAA	NIRP
No requirement to disclose any resettlement plan	RAPs must be publicly available

Land Acquisition Act v. NIRP

□ Urgent acquisitions

LAA	NIRP
Permitted to acquire lands within 48 hours on an urgency basis	Not permitted. Replacement cost must be paid and reasonable notice given before acquisition

Has there been any progress?

ADB Funded Projects

- The ADB has attempted to secure compliance through RAPs for ADB funded projects
- In 2009 it approved a Safeguard Policy Statement applicable to all ADB funded projects
- The statement advances principles of impact mitigation, resettlement planning and community participation

The Government

- No amendment to the Land Acquisition Act
- Some projects adhered to NIRP:
 - ▣ Lunawa Environmental Improvement and Community Development Project
 - ▣ Upper Kotmale Project
- In 2008, the Valuation Department of the Ministry of Finance and Planning introduced the National Policy on Payment of Compensation
- In 2009, the Cabinet approved a set of regulations pertaining to land acquisition, compensation and income restoration as part of the above policy

What should advocacy efforts focus on?

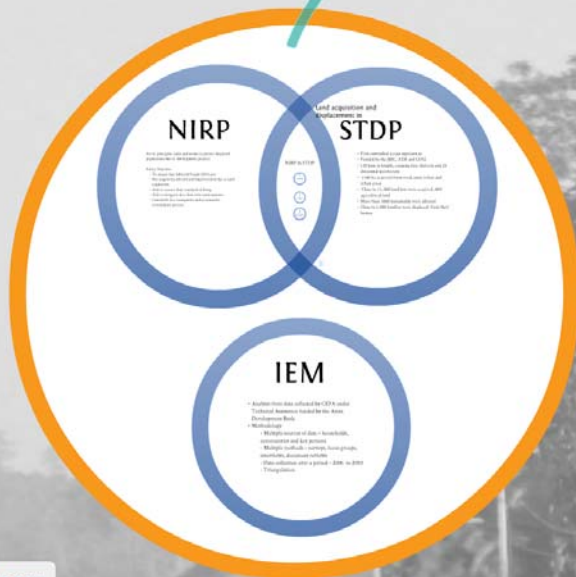
The Focus

- Public awareness on the contents of NIRP
- Lobbying for amendments to the Land Acquisition Act
- Discussions with development funders to insist on compliance with NIRP

2. Nayana Godamunne

The National Involuntary Resettlement Policy (NIRP) in practice:

Lessons from Independent External Monitoring of the Southern Transport Development Project (STDP)



1. Resettlement should be planned as a development activity

1. Resettlement Unit
2. Resettlement Implementation Plan (RIP)
3. Resettlement sites
4. Right to consultation

3. Affected Persons should be fully involved in the selection of resettlement sites, livelihood compensation and development options

1. Land Acquisition and Resettlement Committee (LARC)
2. Grievance Redress Committee (GRC)

2. Affected People should be assisted to reestablish and improve the quality of their life

1. Replacement of Housing
2. Replacement of Livelihoods
3. Replacement of Common Property Resources

Conclusions

STDP is a case in successfully operationalising NIRP
RDA recognised the lessons from the STDP experience

Broader Lessons

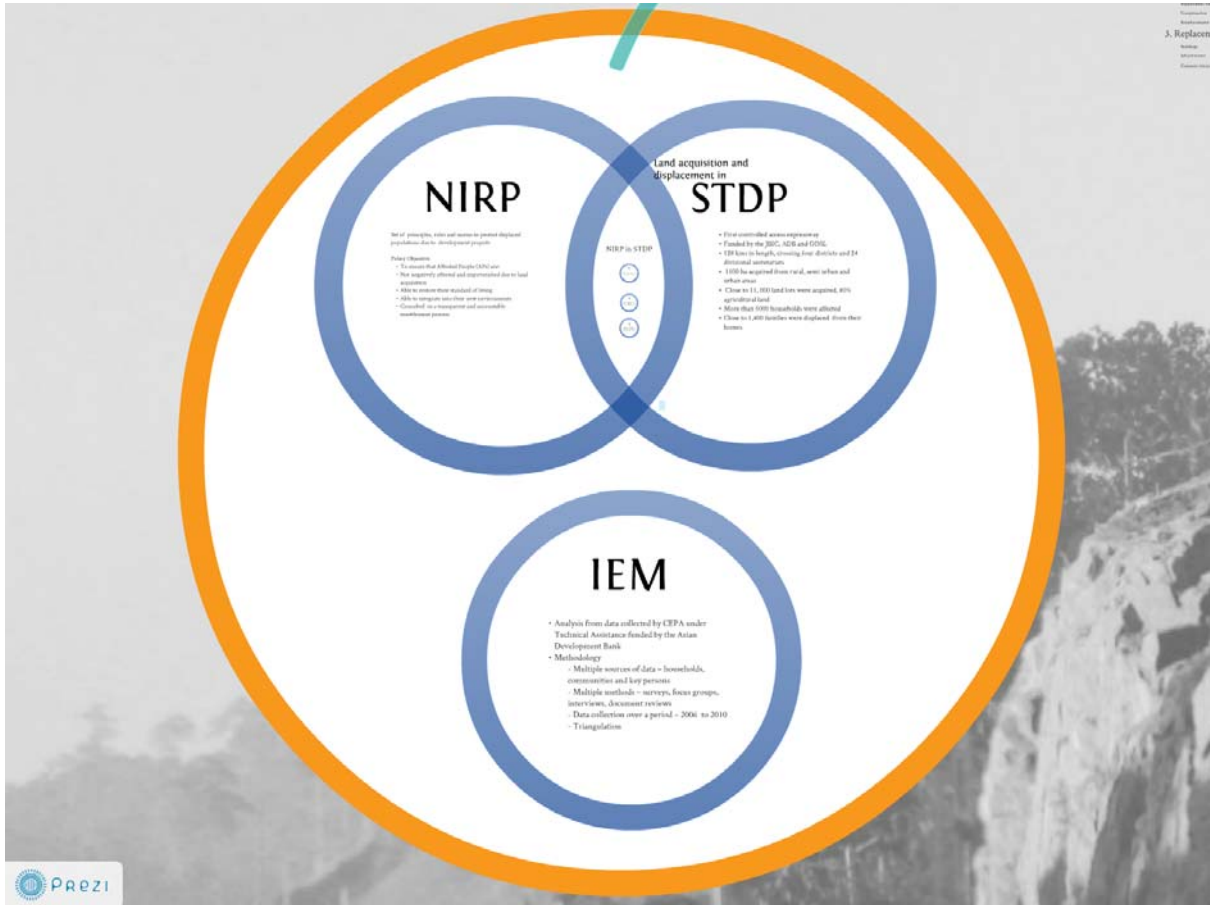
Bigger Challenges



The National Involuntary Resettlement Policy (NIRP) in practice:

Lessons from Independent External Monitoring of the Southern Transport Development Project (STDP)





NIRP

principles, rules and norms to protect displaced

Set of principles, rules and norms to protect displaced populations due to development projects

Policy Objective

- To ensure that Affected People (APs) are:
- Not negatively affected and impoverished due to land acquisition
- Able to restore their standard of living
- Able to integrate into their new environments
- Consulted in a transparent and accountable resettlement process



Land acquisition and displacement in

STDP

- First controlled access exper



- First controlled access expressway
- Funded by the JBIC, ADB and GOSL
- 128 kms in length, crossing four districts and 24 divisional secretariats
- 1100 ha acquired from rural, semi urban and urban areas
- Close to 11, 000 land lots were acquired, 80% agricultural land
- More than 5000 households were affected
- Close to 1,400 families were displaced from their homes



IEM

- Analysis from data collected by CEPA under Technical Assistance funded by the Asian Development Bank
- Methodology
 - Multiple sources of data – households, communities and key persons
 - Multiple methods – surveys, focus groups, interviews, document reviews
 - Data collection over a period – 2006 to 2010
 - Triangulation



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NIRP in STDP

- 1
- 2
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PREZI

NIRP in STDP



1

1

Resettlement should be planned as
a development activity



2

Affected People (APs) should be assisted to re-establish and improve the quality of life



3

All stages of the resettlement process should be implemented with the participation of the APs



1. Resettlement should be planned as a development activity

1. Resettlement Unit
2. Resettlement Implementation Plan (RIP)
3. 32 resettlement sites
4. Right to compensation



2. Affected People should be assisted to reestablish and improve the quality of their life

1. Replacement of housing

- Titleholders
- Non titleholders

2. Replacement of livelihoods

- Replacement value
- Compensation
- Reimbursement

3. Replacement of Common Property Resources

- Buildings
- Infrastructure
- Common resources



Titleholders

Non titleholders



1. Replacement of housing

Titleholders

Non titleholders

2. Replacement of livelihoods

Replacement value

Compensation

Reimbursement

3. Replacement of Common Prop



Replacement value

Compensation

Reimbursement



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Common resources





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sted



Conclusions

STDP is a case in successfully operationalising NIRP
RDA recognised the lessons from the STDP experience

Broader Lessons

- Need structured process to implement land acquisition and resettlement
- Transparency in communicating and documenting decisions
- Re-assessing concept of 'vulnerability'

Bigger Challenges

- Problematic internal relationship between the state and individual citizens
- NIRP - a normative tool. Not legally binding
- Need political commitment to uphold and implement NIRP
- Greater awareness of the NIRP and entitlements



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PREZI

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PREZI

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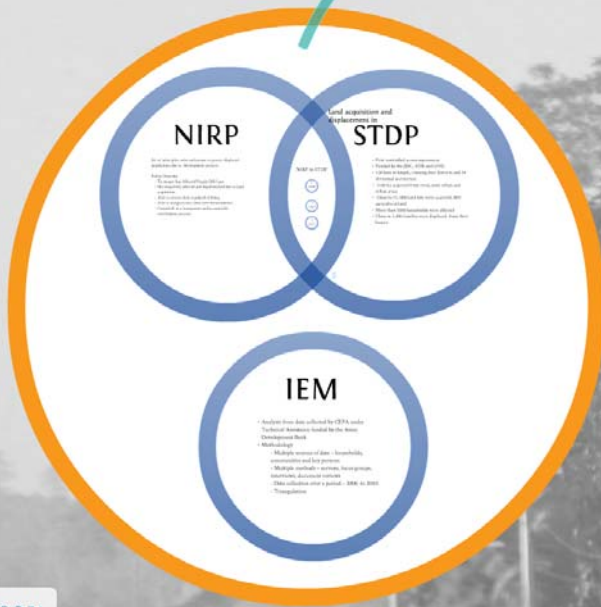
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Conclusions

STDP is a case in successfully operationalising NIRP
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Broader Lessons

- 1. Need national process
- 2. National level agreement and
- 3. Consensus in implementing and
- 4. Resettlement
- 5. Resettlement
- 6. Resettlement
- 7. Resettlement
- 8. Resettlement
- 9. Resettlement
- 10. Resettlement

Bigger Challenges

- 1. Financially sound resettlement
- 2. Resettlement
- 3. Resettlement
- 4. Resettlement
- 5. Resettlement
- 6. Resettlement
- 7. Resettlement
- 8. Resettlement
- 9. Resettlement
- 10. Resettlement



Displacement, Livelihoods and Food Security: Sampur Case-Study

OPEN FORUM
CEPA
2013.02.21

Objectives of the Study

- Understand the **impact of land acquisition on livelihoods and food security** of affected communities from Sampur
- Understand the **legal and policy context related to land acquisition** and the existing gaps and weaknesses
- Provide recommendations on how to address these gaps and weaknesses in order to secure livelihoods and food security

Part of the Oxfam GROW campaign

Methodology

- Study was done in 2012
- Qualitative, primary data
- Household level, Key person interviews at institutional level and community/CBO leaders
- Food security is analysed using dietary diversity, nutritional levels and coping strategies at household level
- A recall method is used due to the absence of baseline data. **Research team acknowledges the likelihood of respondent bias**

- Multiple displacement during the war
- Entire Muttur area got displaced in 2006



Context of the land acquisition

Special Economic Zone **October 2006**



High security zone **May 2007**
11 GNDs in Muttur East



HSZ reduced **October 2008**

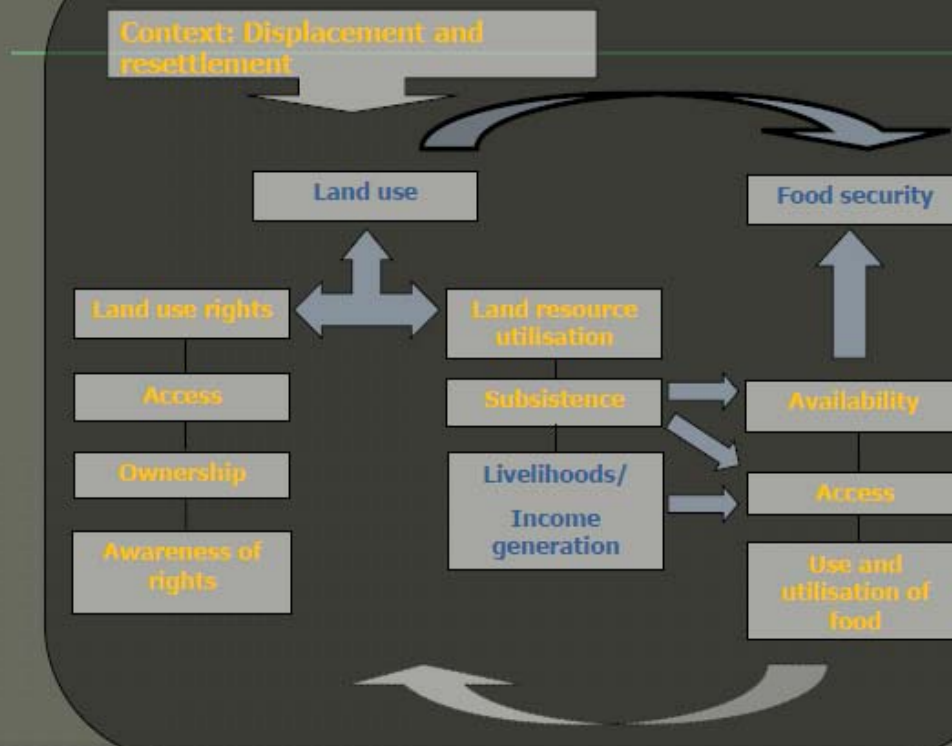


4 GNDs
 HSZs cease to exist **August 2011**



What is it now? Heavy Industry Zone?

Analysis Structure



Land use rights

- Unclear land acquisition process-Conflict Induced Displacement or Development Induced Displacement?
- Several official Gazette announcements regarding the legality of land acquisition
 - Unclear compensation plans/process
- Several relocation options were proposed by the government, no agreement reached
- Displacees now living in transitional villages/welfare centres
- Limited access to previous land and limited access to land at present

Land resource utilisation

SUBSISTENCE

- ◉ A well developed subsistence farming system
- ◉ Portion of production kept for their own use
- ◉ The contribution of women towards food security
- ◉ At present, almost no subsistence farming

INCOME GENERATION/LIVELIHOODS

- ◉ Depended on rich natural resource base
- ◉ Fishing/cultivation in other areas
- ◉ Wage labouring
- ◉ Ande/lease cultivation
- ◉ Scaled down small businesses
- ◉ Migration
- ◉ New livelihoods/skills acquired

Accessibility

- ◉ Food is sourced from outside- dependency on other producers
- ◉ Lack of livelihood options and income sources
 - *“Now we couldn't eat as we like because of the economic situation. Even if we caught good fish we have to sell it because we need money to buy other things.”*
- ◉ Inflation and lack of income
 - *“Earlier we decided what to eat. (implies availability through subsistence) Now the income decides what we can eat.”*
- ◉ Lack of livelihood assets- land and equipment
- ◉ Restricted access → livelihoods → food security

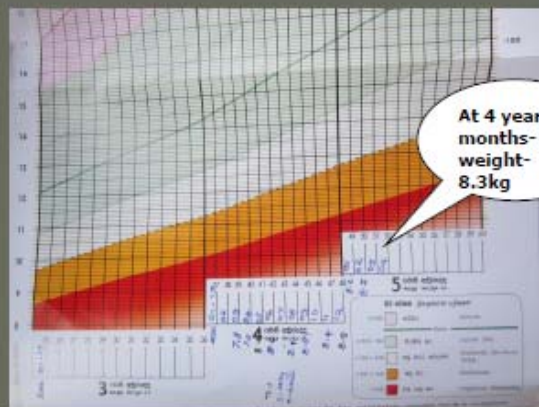
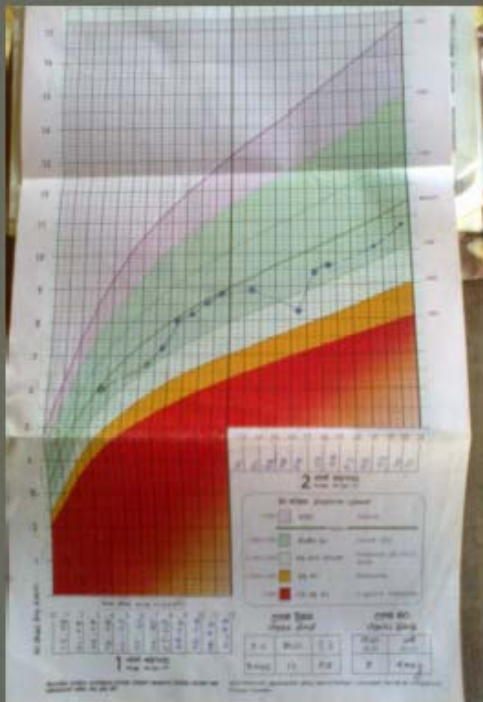
Food availability

- Socio-economic conditions of households and dietary diversification is positively correlated
 - Role of subsistence farming systems (ex: from HH 03)

Meal	Prior to displacement	After the displacement
i.i. Breakfast	Lentils, green gram	Rice (cooked previous night)
ii. Lunch	Rice based, fish, meat, vegetables	Rice, fish (occasional), vegetables
iii. Dinner	Rice based, fish, meat, vegetables	Rice, fish (occasional), vegetables

- Changes in in-kind exchanges and home garden products
- Decrease in quantity and quality of the food consumed

Child Nutrition



High prevalence of malnourishment among the children under 5 years

- Sampur 25%
- National average 22%

How do they cope?

- ◉ Increased austerity
 - Reduction in number of meals
 - Priority to most vulnerable household members- children, sick persons and elderly
 - Reduction in quantity and quality of food consumed
 - Prioritisation of starch requirements in place of other nutrients
- ◉ Increased dependency on external aid/assistance (ex: WFP food ration-discontinued now)
- ◉ Postponing health expenditure
- ◉ Increased dependency on petty trading
- ◉ Clear increase in debt (loans and pawning)
- ◉ Starts with sale/ disposal of non-productive assets then to productive assets

In conclusion...

- ◉ Lack of awareness of the community about the land acquisition process, alternatives that are available to them and compensation process
- ◉ Lack of documentation makes the lawful land acquisition process difficult and they fall under landless category- need to produce the documentation
- ◉ Loss of trust in the responsible authorities
- ◉ Due to loss of capital assets the need to depend on external sources
- ◉ Lack of access and ownership of land resulting in a more diverse portfolio which is less sustainable and reflexive

Conclusions ...

- In general, food security is negatively affected due to the change in subsistence nature of production
- Affectedness varies across the communities
 - Communities living in transitional welfare camps are relatively better-off than the communities living in restricted welfare camps
- Those who were well-off in Sampur and had better social networks, cope better
- Households with lower levels of income find it difficult to cope

Recommendations

- Clear and transparent processes and an informed decision making process with regard to the purpose of acquisition, valuation and compensation process
- Design a clear mechanism to establish trust between the government/acquiring authorities and the affected parties
- Consultation on relocation options
- Awareness on documentation procedure and land rights

