



No Land, No Life!

Land Conflicts and Struggles in Asia



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Foreword

PAN Asia Pacific (PANAP) has been actively involved in anti-land grabbing campaigns and in the promotion and protection of the human rights of small food producers in the region.

Under the *No Land, No Life!* campaign, PANAP and our partners have been helping to strengthen the capacity of rural communities and movement of farmers, farm workers, indigenous people, fisherfolk, rural women and youth in Asia in resisting land and resource grabbing and in asserting their food sovereignty through trainings, research and documentation, public information and education, and through campaigning and human rights advocacy.

This book is the product of a coordinated research initiative with our key partners in the *No Land, No Life!* campaign. It is part of our continuing efforts to monitor and understand global and regional trends and developments that drive land and resource grabbing; document the various cases of land conflicts in the region; document the socio-economic and human rights impacts of so-called development projects and investments on rural peoples and; learn from

and share the experiences of the courageous local communities who are pushing back against the attacks on their land and life.

We deeply thank our partners the Coalition of Cambodian Farmers Community (CCFC); Andhra Pradesh Vyvasaya Vruthidarula Union (APVVU) from India; Aliansi Gerakan Reforma Agraria (AGRA) from Indonesia; Roots for Equity and Pakistan Kissan Mazdoor Tehreek (PKMT); Kilusang Magbubukid ng Pilipinas (KMP) from the Philippines; and National Fisheries Solidarity Organization (NAFSO) from Sri Lanka for the case studies that they prepared.

Gathering the data and information for the case studies, particularly through field work, has been extra demanding, to say the least. The restrictive lockdown that governments implemented to contain the COVID-19 pandemic on top of the already repressive political environment in their areas even prior to the health crisis, not to mention the health risks posed by the coronavirus, presented many challenges to our partners as they carried out the field work. Without their courage and determination amid such difficult circumstances, the production of this book would have not been possible.

Ms. Sarojeni Rengam

Executive Director

PAN Asia Pacific

Introduction

In recent years, the sharp increase in private investment and interest involving significant use of agricultural land, water, grassland and forested areas has hastened land grabbing in developing countries in an unprecedented scale. Private investment in land and natural resources has become almost synonymous with a wide range of human rights violations, such as displacement, food insecurity, abrogation of existing rights, environmental damage, and even killings of resisting communities.¹

It has been observed that legality is often tilted in favour of foreign investors, including minimum international standards, breakdown of trade barriers, and changes in environmental and labour laws. National laws are amended to favour the private investors upon the “recommendation” of multilateral institutions like the World Bank and the Asian Development Bank (ADB). All these have reversed progress in human rights issues. Communities are not consulted; indigenous people are simply driven away from their ancestral lands; and the access of rural communities to natural resources is affected.²

Most of the land transactions in Asia remain in the spirit of neoliberal restructuring of agriculture, but are brought about this time by the current pursuit of a globally

integrated food-feed-fuel complex, renewed interest in natural resource extraction, or promotion of agri- or eco-tourism. They are new in the sense that looser forms of foreign control over natural resources such as joint venture, contract growing or even public-private partnership (PPP) may have to be amended to be more open to virtual foreign ownership.³

China’s rise

Global and regional developments that create conditions for greater land and resource grabbing continue to emerge and fuel social conflicts and unrest in the rural areas. One of the major developments that has been driving land and resource grabs in Asia is the so-called Belt and Road Initiative (BRI). A centrepiece programme of China, the BRI is being dubbed as the “biggest overseas investment drive ever” and the “only large-scale multilateral development project in the twenty-first century”.⁴ The whole initiative now reportedly includes 123 countries in Asia, Africa, Europe, Latin America and Oceania, with the most common estimates of the total cost ranging from USD 1 trillion to USD 1.3 trillion.⁵

As part of the BRI, China plans on establishing “international agricultural parks”

in 10 countries. Three of those identified by Chinese authorities include an agriculture technology park in Laos, an agricultural products processing zone in Zambia, and a fisheries park in Fiji.⁶ While unclear if it is part of the 10 agricultural parks, a Chinese firm is also reportedly investing USD 2 billion to develop Cambodia's first special economic zone (SEZ) intended exclusively for agricultural processing and storage.⁷ While the parks themselves may require a relatively small portion of land (although still sizable especially in small countries with big rural population and landless people), the Chinese agro-industrial firms that plan to use them would demand massive areas. The agricultural SEZ in Cambodia, for instance, will be constructed on a 100-hectare land. Meanwhile, a Chinese company, one of the 17 that will use the SEZ, will develop 2,000 hectares of land near the agricultural park for pepper and chili production.

Several BRI-related projects are feared to cause, if not are already causing, the massive physical and economic displacement of rural communities. In Laos, for example, a railway project under the BRI is grabbing the land of 4,400 farming families. The affected farmers were not even compensated according to reports, and some have been forced to migrate to adjacent countries to look for livelihood.⁸ In Sri Lanka, on the other hand, the Colombo Port City has reportedly deprived at least 3,000 fishing families of livelihood after sand dredging destroyed

the fishing grounds. Fishers could no longer find reef fish, shrimp or crabs and their catch and income have drastically declined. The Colombo port project is considered a globally strategic part of the BRI, in particular the so-called Maritime Silk Road.⁹

Financialisation, liberalisation and pandemic

Another phenomenon that is driving these land deals and the consequent land grabbing is the financialisation of agriculture and food production. Especially since the 2008 financial crisis, more and more investment banks, hedge funds, pension funds and other financial entities (or the so-called institutional investors) are placing their capital in land not mainly to produce food or any agricultural products but based on the expectations that land values will continue to appreciate. Farmlands are seen as a solid asset and safe haven for capital that could bolster the portfolios of the financial investors.¹⁰

According to a recent study by the global advocacy group GRAIN, institutional investment in agriculture has been expanding in the past two decades - from just seven agriculture-focused funds in 2004 to more than 300 today. Most of these funds are focused on acquiring or operating farmlands while some are on the downstream side of the food and agriculture sector. In Asia, there are 111 such funds worth USD 41 billion.¹¹

Aside from the traditional financial entities, global agribusiness firms that have long monopolised food production, trading, processing, distribution and marketing are also setting up their own investment funds. For these agribusiness monopolies, acquiring lands through investment funds affords them greater control over the supply chain. Furthermore, such investments also provide them with extra opportunities for profit making through speculation on agricultural land and commodities. Cargill, for instance, established its own hedge fund called Black River Asset Management that has become one of the world's largest agribusiness private equity funds.¹²

Furthermore, the introduction of new free trade and investment agreements is also creating more risks of land grabbing and of displacement of rural communities. The recently concluded Regional Comprehensive Economic Partnership (RCEP), for instance, is feared to worsen land grabbing with rules that could facilitate the transfer of lands from farmers and other small food producers to agro-corporations. For instance, RCEP's rule on "national treatment", which requires the signatories to treat foreign corporations from RCEP countries as if they were domestic companies, implies that countries like Indonesia, the Philippines and Thailand may be compelled to liberalise their current restrictions on foreign ownership of farmlands. RCEP also prevents member-countries from reversing current policies that recently allowed foreign ownership of

lands like Laos, which could deprive them of a policy option to protect their farming and indigenous communities.¹³

The COVID-19 pandemic in 2020 created additional challenges for rural communities facing threats of displacement as observed by land rights advocates and campaigners. As governments imposed strict lockdowns - especially in Asia - to contain the spread of the novel coronavirus, farmers and indigenous peoples became more vulnerable to land grabbing.

With restrictions on movement, for instance, farmers are unable to tend to their fields while some indigenous people are kept from forests. This created a favourable situation for land grabbers like private businesses to encroach their lands. Along with the lockdowns, governments started implementing as well neoliberal reforms like relaxing state regulations that also tend to protect rural communities from land grabbing such as environmental norms for mining and industrial projects.¹⁴

Large-scale land acquisitions

One indicator that provides a glimpse of the extent of land grabbing are the land deals or large-scale land acquisitions or LSLAs (i.e., 200 hectares or more) that "entail a transfer of rights to use, control or ownership of land through sale, lease or concession" and "imply the potential conversion of land from smallholder

production, local community use or important ecosystem service provision to commercial use”, as described and monitored by the Land Matrix Initiative.¹⁵

Based on available information processed from the Land Matrix’s online database, there are about 4,459 concluded land deals covering almost 156.42 million hectares worldwide. These translate to an average of more than 35,000 hectares per land deal.

Foreign interests are the main drivers of massive land acquisitions. Of the total number of deals, 2,757 or almost 62%, are transnational deals or involve foreign entities (whether individual, company or state agency). Land deals that involve domestic buyers or investors comprise 38% of the total or 1,702 deals. Additionally, transnational LSLAs cover an area of almost 122.79 million hectares of agricultural lands, or almost 79% of the global total. Meanwhile, domestic LSLAs account for 21% of the total area or 33.63 million hectares.

For land deals with identified individual sector or intention, production of food crops has the greatest number of deals at 971 (of which more than 62% involve foreign interests). These deals cover a total area of 8.43 million hectares (of which more than 71% involve foreign interests). Mining operations ranked second in terms of number of deals with 485 (81% with foreign mining firms) and they also ranked second overall in terms of

area covered at 27.12 million hectares (more than 96% of which are controlled by foreign miners).

The distinction of controlling the largest area of agricultural lands through LSLAs belongs to renewable energy with 27.97 million hectares, of which practically all (99%) are under foreign interests. This despite the sector registering only a total of 69 deals (61% foreign). The biggest portion of the global LSLAs - more than 28% of the total number of deals and almost 27% of the total area covered - involves multiple sectors or combination of purposes.

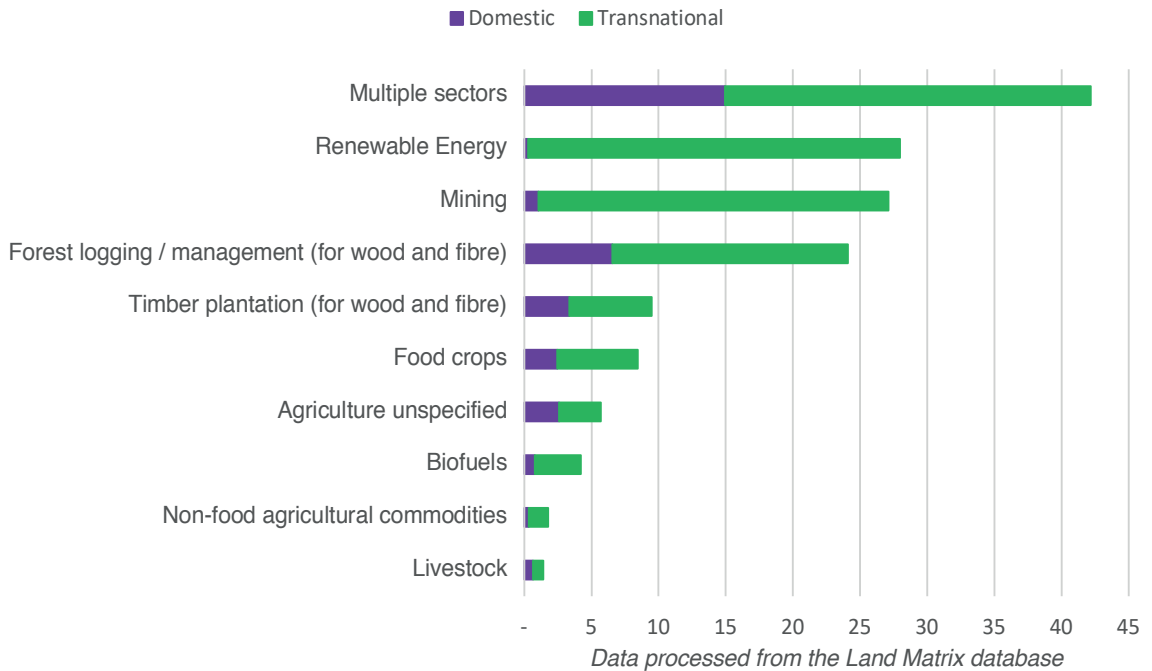
Chart 1 shows the summary of the top 10 sectors in terms of size the land deals worldwide. For a detailed breakdown of the data, see Annex 1.

Asian land deals

Focusing on Asia, the region accounts for more than 28% of the global land deals and 31% of the worldwide total area of such LSLAs. The average size of a land deal in the region is more than 38,400 hectares, higher than the global average.

Also, unlike in the global composition of land deals, the 1,263 land deals in Asia are almost evenly distributed between domestic (636 deals) and foreign (627). However, in terms of size, LSLAs with foreign interests account for an overwhelming 76% (or 36.71 million hectares) of the 48.58 million hectares of

Chart 1. Top 10 sectors in terms of size of concluded land deals, worldwide (in million hectares)



agricultural lands included in such land deals in the region.

Several studies have also noted that land grabbing in Asia seems to have been initiated by the domestic elites who are represented in their respective governments, unlike in Africa for instance where the foreign corporation or government explicitly seeks to transact land deals. It appears thus that the new phenomenon of “cross-border mega land deals” is relatively less in Asia. On another note, it may also be the lack of transparency of transactions that has hidden the foreign governments from public scrutiny. Openly, Asian government officials,

including presidents and ministers, have gone on roadshows to pitch their agricultural and natural resource sectors to foreign investment.¹⁶

By sector or intention, renewable energy comprises the largest chunk (57%) of the Asian total in terms of area, with 27.51 million hectares. This also means that more than 98% of global LSLAs for renewable energy are in Asia, which include large hydropower projects. Meanwhile, forest logging/management deals account for the second largest area in Asia with 1.85 million hectares covered by 21 deals (all of which except one involve domestic players).

Similarly, domestic players control the majority of LSLAs for timber plantation, accounting for 54% (830,899 hectares) of the total 1.54 million hectares devoted for the said sector, which is the third highest in Asia. On the other hand, mining operations comprise 1.04 million hectares under 89 deals. While foreign miners are involved in just 34 of these deals, they nonetheless account for 83% (860,616 hectares) of the total area contained in mining LSLAs in the region.

Land deals for unspecified agricultural activities also account for a significant area in Asia with almost 3.21 million hectares under 158 agreements, almost evenly divided

among domestic and foreign players. As in the case of global land deals, LSLAs with multiple sectors in Asia account for the largest share both in terms of number of deals and area with 404 deals covering 10.85 million hectares (more than 22% of the Asian total). Domestic players are involved in more than 45% of these deals but accounting for 60% of the total area.

Chart 2 shows the summary of the top 10 sectors in terms of size of the land deals in Asia. For a detailed breakdown of the data, see Annex 2.

For specific countries in Asia that have a featured case study in this book, Table 1

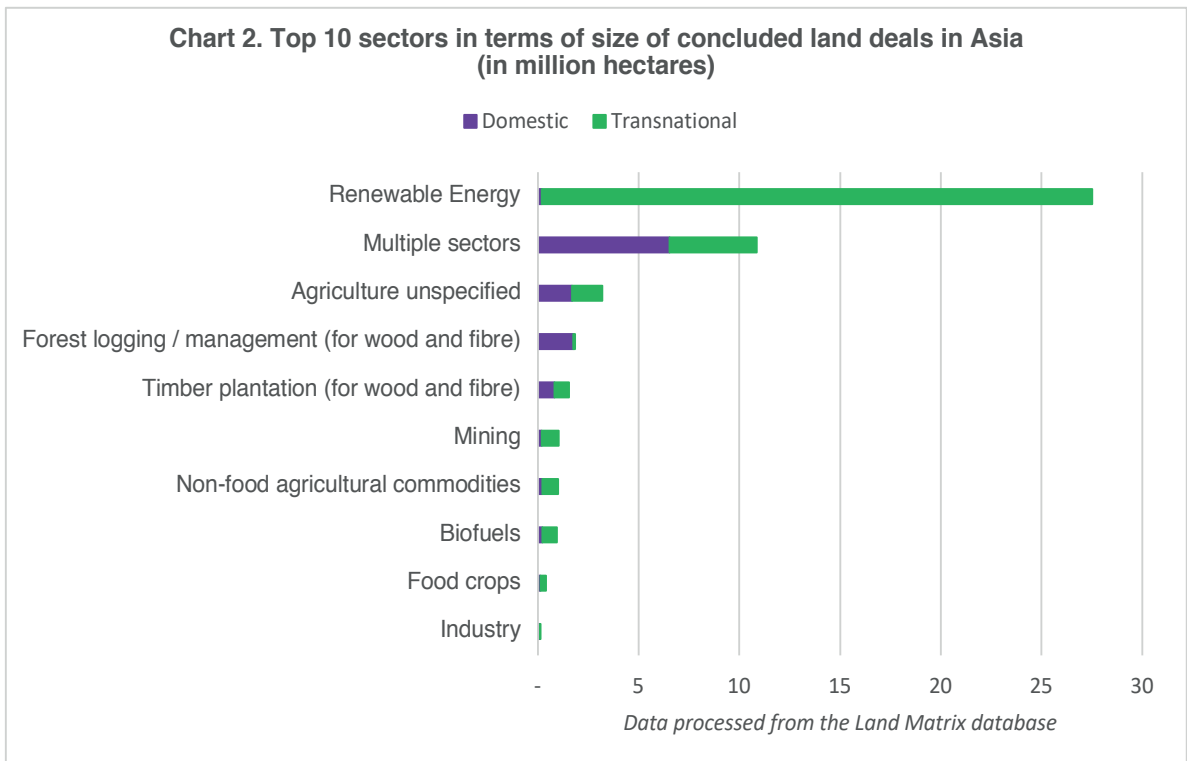


Table 1. Number and size of concluded domestic and transnational land deals in selected Asian countries, by intention of the land deals, as of October 2020

Country	No. of deals	Size of deals (in hectares)
Cambodia	257	2,151,498
India	83	137,691
Pakistan	5	28,930
Philippines	114	388,548
Sri Lanka	7	20,731

Data processed from the Land Matrix database

summarizes the number of land deals and the size of lands involved, by sector or intention. Cambodia registered the greatest number of deals with 257 as well as the largest area covered with 2.15 million hectares. The Philippines ranks second with 114 deals covering 388,548 hectares. Behind them are India, 83 deals and 137,691 hectares; Pakistan, five deals and 28,930 hectares; and Sri Lanka, seven deals and 20,731 hectares.

For a detailed breakdown of the data, including the sectoral distribution of the number and size of the land deals, see Annex 3.

Repression and resistance

Meanwhile, around the world, including in Asia, the continued rule of repressive regimes creates the environment of impunity in violating the human rights of the rural peoples and small food producers in order to pave the way for corporate, including

foreign, interests to take over lands and resources. Massive displacement of rural communities — including those carried out through military operations under the guise of counterinsurgency and national security or counter-terrorism — to clear lands for corporate plantations, big mining firms, economic zones and land concessions, transport, energy and other large infrastructure projects remains unabated.

Between January 2017 and October 2020, PAN Asia Pacific (PANAP) has monitored a total of around 592 cases of human rights violations that are related to land conflicts and struggles in at least 42 countries worldwide. These include 318 cases of killings; 157 cases of arrests, detention and/or legal persecution; 86 cases of threats, harassment and/or physical assault; and 31 cases of displacement.

Around 475 people were killed during the said period, of whom 207 were farmers and

farm workers; 153 indigenous people; and 106 land rights activists, with nine victims uncategorized in terms of sector. About 298 farmers and farm workers and 126 indigenous people were either arrested, detained or persecuted with trumped up charges as they asserted their right to land, along with 225 activists who support their struggle.

But even as land and resource grabs and the repression intensify, so is the resistance of affected rural communities through organized as well as spontaneous community mobilisations. By taking direct political actions and building solidarity, communities of farmers, farm workers, indigenous people, fishers, rural women and youth, are able to defend their rights

and aspirations. Advocates of the people's right to land and resources and for food sovereignty and genuine land reform must support and learn from these local struggles and build upon them to push for meaningful policy reforms both at the national and international levels.

The succeeding case studies in Cambodia, India, Pakistan, the Philippines and Sri Lanka describe in specific ways how large-scale land acquisitions through development projects and investments both by private business and government as well as foreign and local interests result to the displacement of rural communities, the particular socioeconomic and human rights impacts of these projects and investments, and how the people are responding to defend their rights.

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Economic land concession: The case of Ly Yong Phat in Kampong Speu province

Coalition of Cambodian Farmers Community (CCFC)

Introduction

Cambodia is an agrarian country, and the land is often equated with life for the country's predominantly rural population. About 80 percent of the countryside is composed of smallholder farmers. They have traditionally sustained themselves by cultivating the land, often for rice, corn, potato, and other crops. The forests, fishery grounds, and other natural resources also serve as main sources of food and income for rural households. However, land in Cambodia has been significantly changed due to the leasing to private companies under the economic land concessions (ELCs) scheme. These pertain to government-awarded long-term leases for concessionaires for industrial or agricultural purposes (Beban et al., 2017).

Local and global political and economic pressures have resulted in widespread granting of ELCs, which reached record levels between 2005 and 2012 (Loughlin and Milne, 2019). Official government data indicates that ELCs cover more than 1.17 million hectares, while data from NGOs say that over 2.13 million hectares have been transferred to 267 private companies. Critics argue that the ELCs primarily drive land grabbing and land disputes nationwide,

leaving small-scale farmers with less than 0.5 hectares of land each and making the bottom 10 percent of rural population entirely landless.

Wanton natural resource exploitation and the impacts of land grabbing have been profoundly observed in Kampong Speu Province, where¹⁰ agro-industrial companies, owned by foreign and Cambodian business elites, were granted 11 ELCs spanning

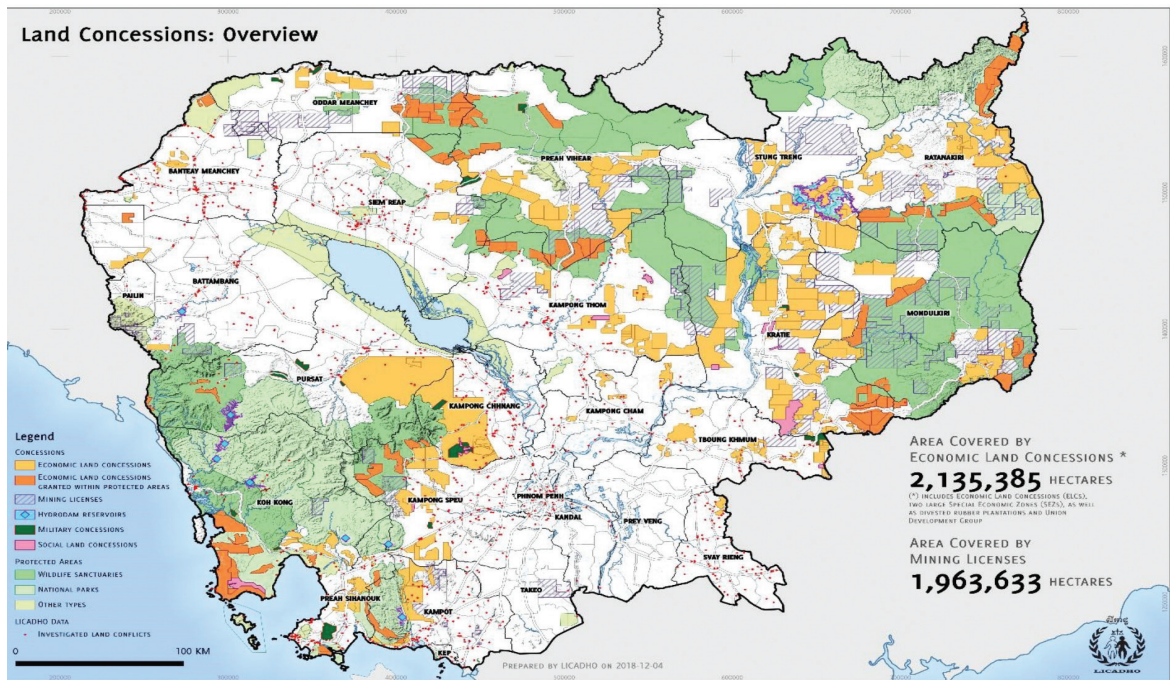


Image 1. Map of ELCs concessions in Cambodia

The ELCs granted within the production forest cover are highlighted in yellow and the ELCs granted within protected areas are highlighted in orange (Source: LICADHO, 2018)

79,149 hectares between 2009 and 2012. Among these 11 ELCs, the Phnom Penh Sugar Co. Ltd (PPSC) owned by Oknha Ly Yong Phat and its sister company, Kampong Speu Sugarcane Plantation, who together own 22,095 hectares for planting sugarcane, are found to be in violation of the 2001 Land Law and 2005 Sub-Decree No. 146 on ELC, not to mention the human rights abuses documented in these areas.

Mounting evidence from the media and NGOs highlight ongoing land disputes and environmental destruction. In response to

the needs for concrete action to protect the land rights and livelihoods of the local communities being affected, this people-led research seeks to better understand how the ELCs affect day-to-day lives of the villagers and to assess whether the supposed development benefits from such an investment have so far materialised in these communities.

A research team from the Coalition of Cambodian Farmer Community (CCFC) has been trained to conduct field work and to collect data through a mix of qualitative



Image 2. Ly Yong Phat's Sugar factory in Kampong Speu Province of Cambodia

and people-led research methods. To situate the experience of affected villagers within the broader political economy concerning ELCs, the roles of the World Bank (WB), the Asian Development Bank (ADB), and international development partners supporting foreign investments in Cambodia's lands, particularly the European Union (EU) and the Chinese government, were analysed in conjunction with field data. To this end, official documents related to legal instruments and relevant policies are to be reviewed, alongside media articles exposing the dynamics of stakeholders and investors connected to Ly Yong Phat's ELCs.

This research aims to determine the socioeconomic and human rights impacts of ELC of the L.Y.P group on peasants in Aoral and Thpong District, Kampong Speu Province in order to strengthen further

organising work and farmer movement in Cambodia. Specifically, it also aims to: (1) describe the process of granting ELCs to the cooperation; (2) document and update the impact of the plantation to farmers' access to land and resources and; (3) to determine human rights violation impact from the sugar plantation.

The Ly Yong Phat's ELCs

The Ly Yong Phat Group (L.Y.P Group Co., Ltd.) is known as a large parent company, having about 10 subsidiaries that rank among the country's biggest companies (cambonomist.com/news-2020). Originally founded in 1980s, it has grown with powerful and dominant businesses in Cambodia, having strong ties with the Cambodian People's Party (CPP). The owner, Oknha Ly Yong Phat, was appointed delegate for the development of Koh Kong Province and special economic adviser to Prime Minister Hun Sen. Today, besides his business, he holds other various positions outside and within the government, giving him more opportunities for closer ties to the prime minister's family, which benefits his businesses on the side.

The company's core and major businesses include hotel and entertainment, infrastructure and utilities, plantation and processing, trading and distribution, real estate, and media. Almost all of these businesses have been reported to have

caused serious negative impacts on rural communities and few contributions to the country's sustainable economic development agenda. Particularly, its rubber and sugarcane plantations in Kampong Speu have intensely been involved in several cases of human rights violations.

In February 2010, PPSC was granted an ELC, covering 9,000 hectares in Om Laeng Commune, Thpong District of Kampong Speu Province. It constitutes a wholly owned subsidiary of LYP Group. Another ELC covering 9,052 hectares, located in Omlaing commune, Aoral District, was granted to its sister company, Kampong

Speu Sugar Co., LTD (KSSC), owned by Ly Yong Phat's wife Kim Hean. In March 2012, the company received another 4,700 hectares as an extension of the concession classified by the Phnom Aural Wildlife Sanctuary.

Both ELCs, which now comprise 22,095 hectares in total, appear to be named as separate companies, only for administrative purposes, as the two companies belong to the same family, anyway. This legal maneuver, observed elsewhere in Cambodia, allows Ly Yong Phat to circumvent the 10,000-hectare limit for ELCs, as per Article 59 of the 2001 Land Law.



Image 3. Ly Yong Phat's Sugar factory in Kampong Speu Province of Cambodia

Apart from a USD 40 million loan from ANZ Royal, about USD 200 million has been invested in the sugar-processing factory of the Phnom Penh Sugar LEC, located in Om Laeng Commune, Kampong Speu Province, and the company used three-quarters of said investment during the first phase to begin building infrastructures. The factory is reported to be Cambodia's second largest sugar factory, following Hengfu, a Chinese-owned company in Preah Vihear, which is said to be the largest in Asia.

CCFC field research

To explore the impacts of the Ly Yong Group ELC, the research team composed of 12 people from the CCFC secretariat staff, together with core community members, conducted field work over two weeks, from June 8-27, 2020, in 19 villages of the three districts, Oral, Thpong, and Phnom Sruoch of Kampong Speu Province. The research team used two methods of qualitative research—group discussion with key informants (KI) and household survey, to determine how the locals perceived and interpreted ELCs as part of development. Because the land dispute over the ELCs is very aggressive, ethical research practices were cautiously observed throughout the study. Efforts were taken to hide the identities of research participants. Thus, the report describes their general characteristics and include quotes from community leaders and others, referring to them only in general terms.

Sampling

A total of 21 villages were selected as research sites. Village A fully encompasses the Hengfu ELCs; Village B borders on and is partially covered by the ELCs; and Village C is located more than 100 km outside of the ELC zone. These villages were chosen to see if their varying distances from the ELCs influenced how the ELCs have impacted villagers' livelihoods and views.

Participants in the group discussion were selected from among leaders in the three communities. With the help of these community leaders, participants in the household survey were selected using a purposive criterion sampling approach, focusing on household heads, key community members, and victims of land grabbing. These were broad criteria that ensured a wide range of participants, in order to gain insights from multiple perspectives.

Semi-structured Interviews

The primary component of data collection involved a series of semi-structured individual and small-group interviews, conducted in Khmer, in the three target villages (see Table 1). The interviews were designed to probe whether participants viewed ELCs negatively or positively. The interview questions were broad and flexible, focused on local experiences to give participants an opportunity to discuss broader issues or those that were more familiar with their lived experiences, before broaching the topic of ELCs.

Table 1. Interview participants' characteristics

Attributes	No. of participants
Participant gender	
Female/Male	190 (F =130/ M =60)
Employment with ELCs	
Has worked for ELCs	80 (F= 55, M=25)
Has not worked for ELCs	84 (F=64, M=20)
No answer	6
Position in the community	
Community leader/Representative	20 (F=8, M=12)
Regular villager	170 (F= 122, M = 48)
Age	
Senior, 50+ years old	89 (F=60, M=29)
30-50 years old	77 (F=58, M=19)
Position in the household	
Household head	28.8%
Spouse of the household head	11.2%
Did not answer	60.0%
Total	190 people

Findings

Communities affected by ELCs

The present study focused on the 19 villages in four communes, namely, Orm Laeng, Trapeang Cho, Reaksmei Sameakki and Krang Dei Vay, within the three districts of Aoral, Thpong, and Phnom Sruoch. About 104 kilometres from the capital city of Phnom Penh, the three districts of Kampong Speu Province are former military strongholds of Khmer Rouge. Collectively, they comprise a poor region home to the Suoy indigenous

people, who are residing customarily along the forest edge of Aural Mountain (Ironsides J. 2017). Same as other indigenous groups in Cambodia, the Suoy have gradually diminished in number and now share more similarities with Khmer minority groups in rural areas.

Together, the 19 villages of the four communes have a population of 15,447 people¹, with 3,089 families. Among these villages, seven were resettled before the 1990s, nine before 2010, and three

after 2010 (Interview in July 2020). The government's land distribution program had also motivated people to migrate from other provinces in hopes of receiving parcels of land. Yet the lands distributed carried no titles and were merely acknowledged by local authorities, though not necessarily on paper (Interview in July 2020). The land classification and demarcation remains unclear to original settlers, thus creating ambiguity over legitimate land ownership to what may either be state public land or state private land.

The people's livelihoods mainly involve rice farming, for both household consumption and selling to market. They also have a range of livelihood-supplementing activities, such as wild animal hunting, cattle raising, traditional fishing, and collection of non-timber forest products like resin, wild vegetable, and

honey (Interview in July 2020). All these traditional livelihood activities are within their customary rights as recognized by Cambodian Law (Ironsides J. 2017). However, in recent years, there has been a big shift from subsistence farming to large-scale monocrop farming for production of export agricultural products, such as corn, banana, cassava, mango, potatoes.

This study showed that the people who had been working the land, with or without land title, experienced loss of control over their land and resources to ELCs owned and operated by PPSC and KPSSC. While commune land titles (CLT) have allegedly been prepared for a number of Suoy indigenous communities, none has been completed (OHCHR 2019; Interview 2020). Efforts through Primer Directive No. 1 have given land titles to only a few people, while an order for a systematic

Table 2. Other ELCs around Ly Yong Phat's ELCs

Company	Nationality	Type of crop	Area covered (ha)
Retththey Kiri Angkor	Cambodian	Sugarcane	1,400
HLH	Singaporean	Corn	10,492
City Mart	Sri Lankan	Unknown	9,853
Fortuna Plantation	Malaysian	Cassava	7,100
Master International	Chinese	Cassava	889
Gardis Timber	American	Paper pulp	9,820
Yellow Field	Cambodian	Sugarcane	8,591
Great Field	Cambodian	Sugarcane	9,059
Total			57,204

review of ELCs has so far failed to resolve concessionaire-community land conflicts.

Besides PPSC and KPSSC, there are eight other concessionaries, owned by Cambodian and foreigners, in the same region (LICADHO-2019). The total land granted for these ELCs is 57,204 hectares (see Table 2). These ELCs grow different crops, such as sugarcane, cassava and paper pulp (LICADHO-219). However, some of these companies also grow other crops and raise livestock, in violation of their agreement with the government (interview 2020).

Interest and role of the officials in government, local authority, and military

Aside from the private investor, Orknha Ly Yong Phat, local government officials, from village to district levels, have shown interest

and special roles in the Ly Yong Phat's ELC development in the communities. Though there are no official documents to prove their involvement, a public speech by Prime Minister Hun Sen during the grand inauguration of the PPSC factory, in December 2012, strongly encouraged local authorities to work for the sugarcane plantation. The prime minister praised the Ly Yong Phat Group for the kind of development he said it began to symbolise in Kampong Speu Province.

As a senate member, Oknha Ly Yong Phat took this chance to court favour with officials for business dominance. He usually provides money to support the government and CPP, such as when the Win-Win policy memorial monument of the CPP was built inside of Ly Yong Group development zone, northeast of Phnom Penh. His net worth later jumped to over USD 1 billion, which includes the value of a massive property portfolio from the



Image 4. PM Hun Sen attends the official launch of the Phnom Penh Sugar Plantation in Kampong Speu in December 2012 (Source: PPSC website)

rubber and sugar plantations on his estate (Luke Hunt-Diplomat- February 20, 2015).

Representatives from Om Laeng, Trapeang Cho, and Reaksmei Sameakki communities who were involved in this study had the same strong sense that these developments did not benefit them and simply enriched high-ranking government officials and local authorities. “The rhetoric of the CPP and Ly Yong Phat Group on the inauguration day only highlighted supposed good impacts to force locals to accept the aggressive development and to conceal the involvement of high-ranking officials from the ruling party,” one of the participants said. “The financial support from Ly Yong Phat and others in Cambodia carried the officials’ favour and enabling their business growth.”

On the ground, local authorities, together with police and military forces, have expressed strong support for the daily activities of the Ly Yong Phat’s ELCs, especially when the companies cleared the land and bulldozed local properties. In return, they received additional monthly payment in cash and other benefits from the companies. “All officials received two hectares each from the companies. One deputy chief of police in charge of the criminal division received many benefits. He was given the opportunity to grab hundreds of hectares of state private land next to the boundary of the ELCs. One of the community leaders was also bought off by giving him a position within the local

party of the CPP, after which he become a commune councilor,” one of the participants recounted.

In addition, the 170 participants in the household survey agreed that local officials and police have been used to crack down on the locals’ peaceful protests.

Legitimacy of Ly Yong Phat’s ELCs in Kampong Speu

The two companies first arrived at the villages and started clearing and bulldozing land in 2010 and 2011, and officially launched operations in December 2012. Same as in other rural communities in Cambodia, the Ly Yong Phat’s affected communities had not been consulted before the granting the ELCs (Interview June 2020). Social and environmental impact assessments were carried out only after the ELCs began operations, thus failing to mention the forced evictions associated with land clearance. Local government demarcated the land for Ly Yong Phat on the map, without even actually visiting the areas. At commune and district levels, the only local authorities they met were compelled into acquiescence and ultimately played a part in protecting the companies’ interests.

“The local authorities announced that Ly Yong Phat Group would develop our areas but did not consult with us or ask for our advice,” an interviewee said. “They asked us for a thumbprint, to confirm our location.

They said, if there would be a problem, they would solve it according to a ‘tiger skin strategy.’ They did that at first, but later on cleared all the people’s land, such as in the case of Ou Angkum village.”

The “tiger skin strategy” refers to one of the approaches encouraged by the national government’s policy on ELC management, supposedly to protect against land grabbing. But this strategy has been used to divide communities instead.

ELCs affect the control of the community members over their land and resources

The study learned that, before the Ly Yong Phat’s ELCs came into the villages, people had practiced their culture, tradition, and alternative livelihoods, which had primarily involved rice cultivation. Some of them had communally shared and worked the land for food production. Many had believed to own their lands even without land titles, passing

Chart 1. The Amount of Land on Average, Each Family in 19 Villages Owned Before the ELCS were Granted

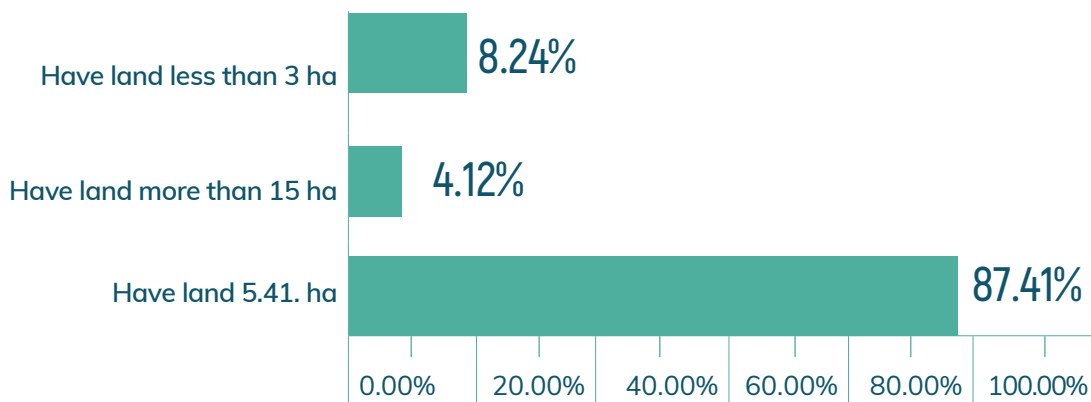
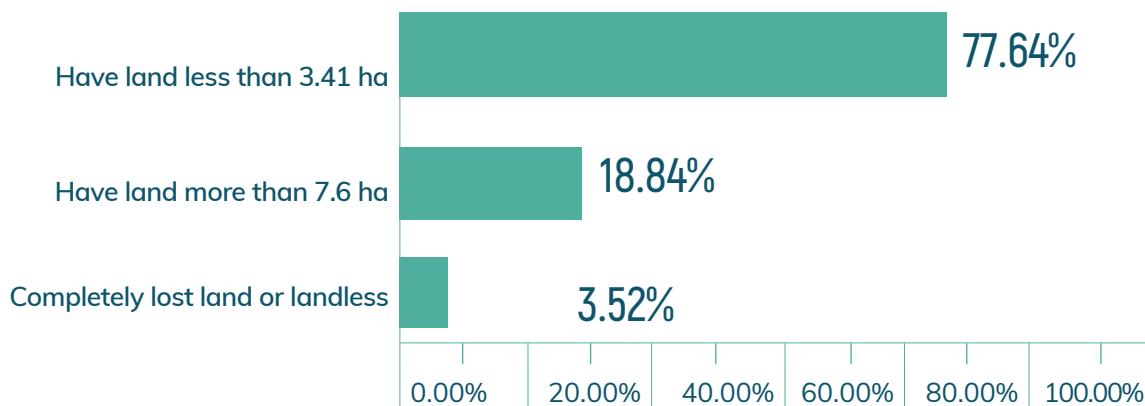


Chart 2. The Amount of Land on Average, Each Family in 19 Villages Owned After the ELCS were Granted



them on to their children over generations. Each of the 3,089 families in 19 villages had owned land, on average, on three different levels (see Charts 1 and 2). The first family group (8.24% of the total families) had owned less than three hectares of land; the second family group (4.12% of the total families) had owned more than 15 ha; and the third family group (87.64% of the total families) owned 5.50 hectares of land.

Now, in the presence of the ELCs, the local people have lost alternative livelihood options and control over natural resources, thus also completely changing their traditional systems of land use. The first family group (77.64% of the total families) now own only 3.41 hectares of land; the second family group (18.84% of the total families) more than 7.6 hectares; and 3.52% of the families studied had completely become landless. Thus, each of the 3,089 families has, on average, 1.89 hectares of land, out of the 5,838.96 hectares lost to Ly Yong Phat's ELCs. Even the land currently allocated for the local people lies outside the ELCs.

All the survey participants and community representatives during group discussions said they missed their old ways of life and appreciated their customary management of land. At the same time, the land disputes between the local people and the ELCs

remains a serious problem. Some villagers, left with no choice, have accepted the one-off compensation worth USD 500 for each family (Interview 2020). The community-based data claims that 3,346.20 hectares of land originally belonging to 1,264 families¹ in the three communities have been grabbed.

"The land was for tilling, not for sale. Before the Ly Yong Phat's ELCs arrived, we had highly enjoyed our farmlands and customary-use areas, including forest areas. We had enough land for food production. We had land for cattle grazing, and we felt healthy because of the natural environment here. The community members were more united, helping each other with a strong perspective on sustainable livelihood. The people here had never had their lands lost," one of the participants said.

When the ELCs came, farmlands were bulldozed, in the presence of local police and sometimes even military troops, such as in the case of the rice fields in Trapeang Cho and Orm Laeng communities, according to the community representatives interviewed. Many of the participants spoke about how ELCs had slowly taken over their land, hectare by hectare, while some villagers completely lost their farmland and residential land to the ELCs in one fell swoop. In the group discussions of Reaksmei Sameakki

1 In the Orm Laeng community, 535 families lost 1,200 ha of land; in Trapeang Cho community, 581 families lost 1,528.63 ha; and in Reaksmei Sameakki community, 148 families lost 617.60 ha.

community, the participants articulated how the former type of land grabbing worked; “The company just took one or two plots of land from this family, and one or two plots from that family, so each family lost their land little by little, while the company enlarged their lands where sugarcane was immediately planted, so that the families could no longer protest or plant something else.”

When talking about their lands lost, the community leaders could only feel sorry about and disillusioned with the development the ELCs claim to espouse. “We wondered if this government represented the majority of local people or just a few in private companies,” a representative said.

The community representatives said, in 38 villages within and around the two sugarcane plantations thousands of small-scale farmers lost their livelihoods, while around 1,500 families in 21 villages faced forced eviction. Without proper compensation, some of them were subsequently relocated to areas that lack adequate infrastructure and productive land. One of Trapeang Cho’s community leaders said the company took her farmland and removed her from her house without saying where her family should go. Only later did authorities order her to resettle on a poor area with no water, no farmland, and no house to live in. As a widow, lacking enough resources to start anew, she decided to refuse such a relocation spot and instead stayed at a Buddhist pagoda.

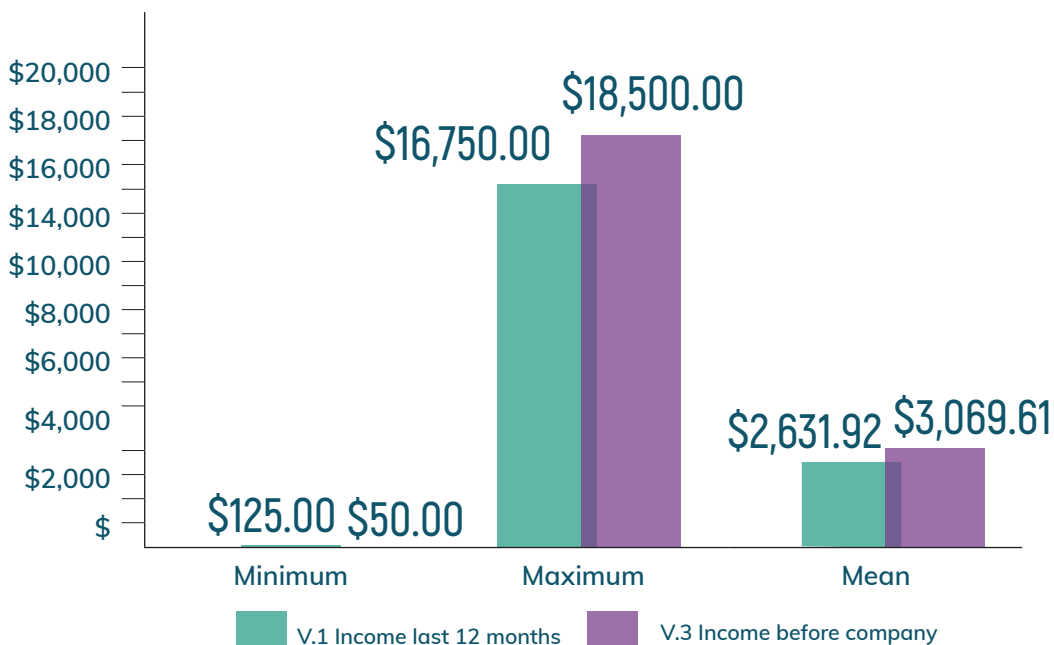
Meanwhile, natural reserves, grazing land, other customary areas, and one community forest, formally recognized by the Forestry Administration, were particularly taken over by the Ly Yong Phat’s ELCs and other ELCs in the area. The villagers can no longer practice short-term rice farming and cattle grazing, with much of the fallow land already seized. This spells trouble in the long term, as parents will be unable to pass the land on to their children.

The incomes of families, on average, before and after the ELCs were granted

Since 2010, the local people living within and around the ECLs have, to varying degrees, lost a range of livelihood-supplementing activities. One of the community leaders said, “We lost our common property which we had all depended on for livelihood. We lost land for rice farming, firewood for cooking, bushland for cattle raising, and our natural lakes for fishing. With all these resources, our people before had never fallen in debt. Now our children have had to leave school to work, sometimes for the same ELC company that had seized our land, to feed our families and pay loans to the banks.”

Some bought plots of land from other villagers who have been spared from the ELC coverage or purchased new farming materials and equipment to adapt to a new food production model, in which case they still had to borrow cash from microfinance

Chart 3 The income of each family earn per year, on average, before and after the ELC was granted



agencies. Some families reported that, at times, the children or parents ventured into a completely different job, such as in garment factories in the provincial town or in Phnom Penh while others migrated to Thailand to seek better jobs.

The income of each household in the 19 villages was surveyed and discussed in the study to compare how it has changed before and after the ELCs were granted (see Chart 3). There was not much difference found, which could be attributed to how quickly, out of necessity, the families sought other forms of employment.

In this context, the smallholder farmers' incomes still do not suffice for their increased spending on food production, which they had never done and cannot afford, forcing them to fall into chronic debt dependency at the mercy of banks and microfinance institutions.

Employment with Ly Yong Phat's ELCs

The study found that around 2.5% of adults in the 19 villages are currently working for the Ly Yong Phat's ELCs, where the labour conditions are very poor and dangerous. The community leaders reported that several workers had been killed by

cane-cutting machines at work. Despite apparent occupational hazards, many villagers now find themselves working at the plantations, because they have no other alternatives. If they had other better employment opportunities, all community representatives interviewed said they would not work in the ELCs like slaves on their own land.

The community leaders, on the other hand, having protested against the companies, said they were banned from working in the ELCs. The companies only hired villagers who did not contest their stake on the land and employees were bused in from other provinces. Most of them were hired for unskilled work, such as removing tree stumps from newly bulldozed plots, on a seasonal basis or just a few months. One resident of Trapeang Cho community said the concessionaires prefer to hire young workers who have physical energy to fulfill such tasks as cutting sugarcane. Contrary to Cambodia's labour standards, the ELC companies required sugar farm workers to work 12 hours a day for just USD 3.5 to 6 per day. They are not entitled to other benefits, such as healthcare. Sometimes most of them are forced to work overtime. Their wages are usually not paid on time or at the amount they should contractually receive. Much of what they earn they also have to pay back to the companies in exchange for house rental and other company-provided

necessities, leaving them with far too little to support their families.

Environmental and health impacts

When talking about the natural environment, the villagers blame the ELCs for degrading the forest and polluting some of their communities' natural resources. Forest clearing and land clearing for sugar plantation posed the most threat to forest ecology and biodiversity. Respondents to the household survey reported that deforestation has caused the most significant environmental impact. Ly Yong Phat's ELCs and their sub-contractors for land clearing were identified as the main drivers of deforestation. They collect timber not only from the cleared land within the ELCs, but also from nearby forest areas. However, the respondents said the ELCs are not solely to blame for deforestation; some villagers, looking for extra income, encroach on forests; they are hired by the companies as loggers for agricultural land expansion.

Community leaders in the three communities believed that the enforcement of Forest Law has favoured elites and given them broader opportunities to benefit from timber logging. When ordinary local people cut trees for house construction or collected hardwood for fences, environment officials would easily accuse them of illegal logging, but such would rarely be the case for agribusinesses, the rich and powerful, said one of the community leaders.

Many other respondents complained of water poisoning due to the dumping of industrial wastes into the stream. They attribute pollution to harmful chemicals, like herbicides and pesticides used in all stages of sugarcane cultivation in plantations and which are haphazardly disposed of. Community waterways have consequently been inhospitable to fish and other aquatic life. Several cattle and pigs have also died from drinking from the polluted streams. Still, the poorest families use them for daily consumption and domestic purposes like cooking.

Water pollution has thus raised public health concerns. The locals reported cases of villagers getting sick or weak, with common symptoms of numbness in the hands and feet, dizziness, and shortness of breath. So they typically spend much more on healthcare than before. At least one plantation worker reportedly died due to the spraying of hazardous chemicals in the plantations.

Human rights violations and local people's resistance

The human rights violations committed by the Ly Yong Phat's ELCs have been diligently recorded by the local and international media, NGOs, and human rights groups. The community leaders and villagers asserted that e been denied and disregarded since the start of Ly Yong Phat group's aggressive development.

The participants of the study denounced, in particular, the presence of police and military personnel, especially during land clearing operations. In response, the dispossessed villagers have showed resistance in different forms: protesting in front of bulldozers, throwing clods of hard soil on the company's machinery, and forming highway blockades, street protests and marches, boycotts of the companies' products, among others. Over several years, the communities have organized their leadership structure to better struggle for the recognition of their land rights. In 2013 and 2016, the communities launched bigger mass actions to oppose ELC operations, mobilising people from one village to another. From time to time, armed forces arrived to disperse protests or intimidate and harass locals, such as into accepting undue compensation.

Among the survey's 170 participants, 141 said they had first-hand of confrontation with local police, soldiers, and civil officials during protests against forest and land clearing. Several community leaders were also targeted, if not continuously pressured into standing down, using intimidation and threats to their families' safety. A villager in Orm Laeng community said, "a company representative, together with local police, surveilled our leaders day and night, following them to their homes, until 12 of our leaders, fearing for their security, left and started working in the sugarcane plantation themselves."

Some land defenders have faced lawsuits or been arbitrarily arrested or detained pre-trial, and then subsequently subjected to legal harassment by the courts under pressure from the companies. Since 2012, at least 38 of their leaders have been summoned to court on criminal charges. Among them, 16 people have been accused of destroying the company's property and inciting villagers to protest. They have fortunately been released on the condition that they would stop joining in or leading the other villagers' protests. For the rest, they were bullied into giving in, with false confessions, during court hearings. Meanwhile, those who accepted compensation in cash had been told they would pay back thrice that amount if they continued asserting their claims on the land.

These actions by the companies and the government authorities that enable them have divided and weakened the culture of community solidarity. They have also made local villagers disillusioned with sustainable development goals, which the ELCs supposedly help achieve.

"We aren't happy with the companies, because they came here and took our land, deprived us of our rights to land and natural resources, ruined our lives, caused us great suffering, and that is not real development," one of the informants said.

From the side of the dispossessed families, no legal action has been made against the companies, state authorities and courts,

except for petitions for land dispute resolution before the commune, district, and provincial organs and various other ministries, such as the Ministry of Land Management, the Ministry of Environment, the Ministry of Justice, and the Ministry of Agriculture. Enclosed with these multiple petitions are more than three thousand copies of land titles, which serve as evidence of some of the villagers' land ownership.

As of writing, there is still no positive response from the government, which did not acknowledge the land titles and continue to accuse locals of illegal encroachment on the public state land. The government essentially rejects their customary rights of local people. The people continued their struggle and asked to be compensated USD 5,000 per hectare instead of the USD 500 payout that the companies have forced on each family. While the ministry working group has agreed to work with community representatives to arrive at a resolution to the land conflict, until now this action has not borne any progress.

To gain international support, some community groups have also submitted petitions and letters of complaint to the Office of the United Nations High Commissioner for Human Rights (OHCHR), the EU, and ANZ Bank who provided loans to the companies, enumerating human rights violations, mainly through land grabbing, perpetrated by the Ly Yong Phat's ELCs. The EU has later

decided to impose trade sanctions on sugar products from Cambodia, as part of the 20% Everything but Arms (EBA) withdrawal, in part because of wide civil society support for the villagers' "blood sugar" campaign against the ELCs. The ANZ bank, meanwhile, has also stopped their financial support to the Ly Yong Phat group, agreeing to give out the gross profits it has earned from the loan interests to support efforts at the rehabilitation of some 1,200 families. This resolution is still ongoing, according to community representatives.

Conclusions and recommendations

This report examined the impacts of Ly Yong Phat's ELCs in Kampong Speu Province on the environment and health and human rights of the local people. It also highlighted the continuing efforts to assert people's land rights as a solution to the long-running land disputes. Land grabbing, in this case, was found to have been systematically supported by some authorities at the national and local levels.

The land seizure resulted in diminished livelihood opportunities for villagers. In Cambodia where "land is life," victims of land grabbing are not just uprooted from their land, but also from their identity and culture. This surely happened to communities in the Aoral, Thpong and Phnom Sruoch Districts of Kampong Speu Province who

now witness the turn of their environment and socioeconomic systems for the worse. They are well aware that such aggressive development benefits only the business elites and their allies within the ruling party. This understanding affected how villagers thought about their prospects and their children's future, leading many of them to contemplate migrating to other regions or abroad for greener pastures, instead of practically slaving over the ELCs' sugarcane plantations.

Despite such bleak conditions, many of the local people carry on the struggle for land and, in the process, they have learned to build alliances with similarly exploited and underserved villages in the country. They collectively helped in mobilising and organising more rural communities, to hold the government and companies accountable.

The study also found discrepancies between villagers' needs and aspirations and the development plans that ELC foist upon them. The investment should instead focus on smallholders' interests and standards for dignified living, contrary to the current model of corporate agriculture. The following recommendations are made to the Royal Government of Cambodia (RGC), Ly Yong Phat investors and stakeholders, and the broader international community, with a view to stop human rights abuses and attacks against rural communities in Kampong Speu Province.

Recommendations for immediate action

- a. The ANZ bank shall make good on its promise to compensate the affected communities, using all the interests gained from its loan to the Ly Yong Phat Group;
- b. The local authority shall check the forest areas and allow the affected community people to access the few remaining forest zones, which are currently blocked by the ELC companies;
- c. The ELC companies shall reduce usage of chemical fertilisers and other dangerous pesticides and herbicides in sugarcane plantations that have polluted the environment and posed animal and human health hazards;
- d. The ELC companies and their contractors shall review and uphold the rights of their employees, starting with offering decent jobs to local people with reasonable compensation and better working conditions.

Recommendations for action in the midterm

- e. The national government and local authorities shall conduct full consultation with communities and all stakeholders to establish fair compensation, to avoid forcible lease of lands, and to promote harmony between local people and responsible concessionaires;

- f. Forest authorities shall coordinate with community representatives to designate and demarcate areas of land, community forests, and natural reserves for future generation and for immediate use of the villagers;
- g. The government shall conduct full consultation with the affected smallholder farmers to re-establish alternative livelihood options and to reinstate systems for natural resource use and sustainable farming, which remains to be their primary livelihood.

Recommendations for action in the long-term

The government shall provide clear and formal recognition of land tenure, including tenure for fallow and spiritual forests, with options ensuring both private and communal land use rights;

- h. The government shall engage with Khmer and indigenous villagers to design and monitor the implementation of rural sustainable development goals for future national strategic development plans;
- i. The government shall work to establish long-term strategies for sustainable development of local economies by boosting smallholder agricultural production rather than focusing only on agro-industrial models.

Socio-economic and human rights impacts of the Polavaram Dam Project on the peasant and indigenous communities in West Godavari and East Godavari districts of Andhra Pradesh

Andhra Pradesh Vyavasaya Vruthidarula Union (APVVU)

Introduction

Large dams and their social consequences have been the subject of extensive debate in recent decades. In India, the National River Linking Project (NRLP), which is the world's largest water project in the making and construction of several dams, has been at the centre of this debate. The USD 168 billion-dollar project is designed to connect the majority of Indian rivers to a gigantic water grid. Historically, large scale water infrastructure in the subcontinent has been touted as symbols of development and national progress, as underlined by Nehru's famous quote proclaiming large dams as 'the temples of modern India'.

However, these claims clash with the experiences of those affected by the construction of dams: not only are the displaced communities among the most marginalised in Indian society, they also benefit the least and suffer the most from such projects. This report relies on data gathered during ethnographic fieldwork, notably the qualitative interviews conducted by APVVU across the States of Andhra

Pradesh, Telangana and Chhattisgarh in areas affected by the Polavaram project. The findings are to be integral to the contemporary discourse on large dam projects with painful consequences for displaced communities.

The Polavaram Project (Indira Sagar Project) is a multi-purpose irrigation and hydroelectricity project. While it is located on the river Godavari in the Indian state of

Andhra Pradesh, the neighbouring states of Odisha and Chhattisgarh will also be affected by submergence, causing major interstate disputes. The initial idea for the construction of the dam dates back to 1948, but it was not until 2005 that the project was adopted by the Andhra Pradesh government and the construction was initiated. Site clearance and environmental clearance were given by the Ministry of Environment and Forest (MoEF) in 2005. The construction phase began without forest clearance, which remained pending until 2010.

It is foreseen that the first construction phase will be completed by December 2021. Within the NRLP, the Polavaram Project is part of the wider Peninsular River Development Scheme. Among the main benefits cited are enhanced irrigation possibilities, as well as the provision of water supply to larger cities like Visakhapatnam and Amaravati and industry. The project includes the

construction of two canals, the first of which was completed in 2015 and now connects Godavari and Krishna rivers and provides en route irrigation. Still under construction is the dam site itself, with a dam wall of 46 meters, and the second canal, which will transfer water to the city of Visakhapatnam.

The Polavaram project will harness the waters of the river Godavari by building a 45.72-metre-high, 2.32 km long dam. The earth and rock-filled dam will have a storage capacity of 551 million cubic metre (mcm) and power generation capacity of 960 megawatts (MW). The initial proposal was for a storage reservoir with a capacity of 424.8 mcm and full reservoir level (FRL) of 45.72 metre. The water from the dam reservoir will irrigate 291,000 hectares of land, and drinking water to 540 villages in the districts of Krishna, East and West Godavari and Visakhapatnam through two major canals.



Image 1. [Caption: According to estimates, the Polavaram dam project will submerge 276 to 371 villages]

According to government estimates, the project will submerge 276 villages. However, this figure is contradicted by social activists who revealed that more than 371 villages would be submerged.

As per the 2017 Polavaram Project Authority (PPA) Report, 376 villages will be submerged by the Polavaram Dam. A total area of at least 38,000 hectares, out of which 4,000 hectares is forest area, will be affected. Nearly 400,000 residents are likely to be displaced by the project, about 71% of whom are small and marginal farmers. Between 2013 and 2014, the Polavaram Project played an important role in the negotiations surrounding the reorganisation of the state of Andhra Pradesh and the formation of the new state of Telangana.

The Andhra Pradesh state made Telangana's approval of the Polavaram Project a fundamental condition for entering into negotiations. In the process, the Polavaram Project was declared a national project, and therefore eligible to receive funds from the central government. The backwater spreads into parts of Chhattisgarh and Odisha States.

Role of foreign interests

The World Bank and the Asian Development Bank (ADB) have provided soft loans to the Government of India and Government

of Andhra Pradesh. However, the ADB has backed out of the project in 2020 due to various reasons such as project cost escalation and compliance issues.

The revised cost of the total project including the 960-megawatt (MW) power station is USD 6.5 billion (INR 47,726 crore)¹ at 2017-18 prices. In December 2016, NABARD handed over USD 269.5 million (INR 1,981 crore), as part of its loan from the Long Term Irrigation Fund (LTIF) under the Pradhan Mantri Krishi Sinchayee Yojana (PMKSY). National Bank for Agriculture and Rural Development (NABARD) provided a loan of USD 405.7 million (2,981.54 Crore) during 2016-17 and USD 133.2 million (INR 979.36 crore). during 2017-18 under the LTIF to the National Water Development Authority (NWDA) for the project. Polavaram canal near Eluru (May 2019). In its 2018 budget, Andhra Pradesh allocated USD 1.2 billion (INR 9000 crore) to the project.

In June 2018, the Central Government approved USD 190.5 million (INR 1,400 crore) which had been approved in January, but not released, through Extra Budgetary Resources raised by NABARD. These funds were from outside the LTIF. In January 2018, it was reported that the project cost had escalated to USD 8 billion

1 Based on USD 1 = INR 73.66 (XE Currency Converter, <https://www.xe.com>); succeeding conversions are also based on the same rate. A crore is equivalent to INR 10 million.

(INR 58,319 crore). In June 2018, The Ministry of Water Resources, allocated USD 56.80 million (INR 417.44 crore) as grant-in-aid under the Accelerated Irrigation Benefit Programme (AIBP) under the Pradhan Mantri Krishi Sinchayi Yojana (PMKSY) towards the project. By June 2018, USD 1.8 billion (INR 13,000 crore) had been spent on the project.

Overview of the community

The community is located in the West Godavari and East Godavari district of Andhra Pradesh. The affected communities include Scheduled Tribes, primarily the Konda Reddy and Koya communities. Dalit communities like Mala and Madiga are affected. The other upper caste communities, who are affected include the Kapus. The location of Polavaram dam is in the plain area at approximately 10 km downstream from the 50 km long narrow gorge in the Papi Hills.

The Polavaram reservoir back water spreads up to the Dummugudem Anicut (i.e. approximately 150 km back from Polavaram dam on main river side) and approximately 115 km on Sabari River side. The Polavaram Dam is located 40 km to the upstream of Sir Arthur Cotton Barrage in Rajamahendravaram City and 25 km from Rajahmundry Airport. The Polavaram Dam is about 400 km from Hyderabad, 200

km from Vijayawada, 235 km from Amaravati and 250 km from Visakhapatnam.

The population size of the affected communities is over 80,000 families or 400,000 individuals. Majority rely on agriculture, fishing, minor forest produce like bamboo handicrafts etc. for livelihood. The main agricultural products include rice, minor millets, cashew, pulses, oil seeds and vegetables.

Agricultural and forest areas affected by the project

A total area of at least 38,000 hectares is covered, out of which 4,000 hectares are forest area. A large portion of majority of the lands affected belongs to small and marginal farmers (71.1%), primarily private lands. Forty-eight percent are from scheduled tribes, 15% from scheduled castes while other castes represent 23% of those affected and other groups constitute 15%.

Fifty-two percent of the affected households owned 75,605 acres patta land, out of which, 1,075 acres were cultivated.

Government lands constitute 2% while riverbed constitutes 9.8%, forest lands constitute 21% and other lands constitute 3%.

Total irrigated lands constitute 5.5%, accounting for 3,745 acres and unirrigated lands account for 69,654 acres (94.6%). Fallow lands constitute 0.04 percent.

No genuine consultations held

The affected community was not consulted before the Polavaram Dam project was initiated. The principle of the Free Prior Informed Consent (FPIC) was not upheld. The forest clearance given in July 2010 put a condition that there would be no submergence and displacement in Odisha and Chhattisgarh. In February 2009, the MoEF's Expert Appraisal Committee for River Valley and Hydroelectric Projects directed the Andhra government to conduct public hearings in both the states for the embankments. The state government has not done this.

In April 2017 and 2018, a fact finding committee, comprising of organisations such as National Alliance of People's Movements (NAPM), Adivasi Sankshema Parishad, Human Rights Forum and APVVU, in its preliminary report, said that land acquisition for the project was carried out "without settlement of forest rights of thousands of Adivasis as per the Forest Rights Act (FRA), 2006, and the Land Acquisition and Rehabilitation (LARR) Act, 2013".

People living in the Polavaram dam's submergence zone have a strong legal protection besides FRA, 2006, which can be used to demand scrapping of Polavaram dam. All the villages are governed by the powerful Panchayat (Extension to the Scheduled Areas) Act, (PESA) of 1996. Under this Act, no project can be initiated in a Schedule Five area without the consent

of the Gram Sabhas (Village Councils) there. No land can be acquired without the consent of the Gram Sabhas. The Andhra Pradesh government had informed the union tribal affairs ministry that consent had been obtained from all the villages.

In 2007, the state told the ministry that it held 76 meetings to obtain consent certificates. But scrutiny of the documents shows none of these meetings were held at the village level; they were held either at the block or at the panchayat level. Senior officials in the tribal affairs department of Andhra Pradesh admitted that these meetings were a farce as the then chief minister wanted to hurry the project. The 52 villages that have written to Ministry of Forests & Environment and Climate Change (MoEF & CC), Government of India regarding forest rights violations did not give consent for the project. Even in cases where consent has been given, the procedure that was followed lacks credibility. The same was confirmed by representatives of Mahila Kisan Adhikar Manch (MAKAM), Centre for Science & Environment (CSE), independent researchers, human rights activists and social activists who visited the villages affected by this multipurpose project.

Under Panchayat Extension to Scheduled Areas (PESA), the consent has to be obtained at the village level. The consent obtained from Devaragundi village, the first village in Polavaram block that will be relocated, shows how the residents were practically duped. Its

Gram Sabha meeting was held at the Gram Panchayat office for three villages.

“In 2004, the collector called us for a meeting in the panchayat office which was attended by the Polavaram project officials. The minutes of the meeting was treated as consent certificate later,” Borajam Rajamani, former village chief, revealed.

Residents of nine other villages in the block said their consent was obtained in the same way. People of De aragundi now refuse to shift to the rehabilitation colony built in Polavaram town, 20 km away. On February 9, the police arrived to evict them by force. A scuffle ensued. The village has now put barricades to prevent the police from entering the village.

Environmental and social impacts

Environmental Impact Assessment (EIA) and Social Impact Assessment (SIA) were not conducted by the Government until 2005 and the project work was started before the EIA and SIA. The environment clearance given in 2005 to the Polavaram project did not mention the embankments in Odisha and Chhattisgarh. This came to light only when the Central Water Commission gave clearance for the project in January 2009.

The Polavaram Dam project has had devastating impacts on the lives and livelihoods of the affected communities. The construction of the dam has also had adverse effects on the local culture, traditions and faith of affected tribal and non-tribal

communities, where their traditional grooves, burial grounds and other places of worship have been completely devastated. The Polavaram Dam project also had adverse impacts on the environment and local biodiversity.

First, the Government took away fertile lands from tribal families and displaced them under the pretext of an irrigation project, and then, as compensation, relocated them to places where land is not fertile and they had no means to eke out a living. So far, the Indira Sagar (Polavaram) Dam project in Andhra Pradesh has been the same development-at-the-cost-of-tribal-rights story.

Recently, the National Commission for Scheduled Tribes (NCST) has directed the state to give cultivable fertile land, means of livelihood, enhanced compensation package and proper houses to the tribals affected by the project. The NCST has also directed Andhra Pradesh to improve on resettlement and rehabilitation of 55,000 tribal families displaced by the project, the largest displacement of tribals by a single development project in India. The directive came after the NCST conducted field visits earlier this year following protests by the representations from social organisations.

It has been opposed for its huge environmental costs, including having an adverse impact on the local biodiversity including fishes, reptiles, birds, wild animals, and mangroves in the coastal regions. According to official

estimates, a total of 1,17,065 acres of land would be submerged by the Polavaram reservoir. Of this, 3,838 hectares prime forest land would be permanently submerged.

Many have lost their land and livelihood without any compensation. For instance, Mediyam Venkata Swamy of Kondurukota village, lost his agricultural lands under the Polavaram Dam submergence area and did not receive any compensation from Government. Paidra Rama Rao from Mudagalagudem village also lost his land in 2010 under the land acquisition process but did not get any land as compensation under the Land to Land scheme to date. Pamu Rama Krishna of Deverakondi village was evicted in 2014 and relocated to non-scheduled area, where he ceased to have any forest rights. Many outsees were provided 70 acres of land in Prakatapally village, which are disputed lands. Fifteen of those who lost their lands have died due to mental depression.

The members of the community were physically displaced by the project. The communities lost their agricultural land, community lands like grazing lands, tanks, other water bodies and forest lands. The reported move by the Central government to merge the areas to be submerged by Polavaram project in both Bhadrachalam and Palvancha divisions with residuary Andhra Pradesh has adversely affected Adivasis (indigenous communities) especially the members of Konda Reddy, a

particularly vulnerable tribal group in terms of livelihood and preservation of distinctive cultural heritage.

According to official sources, around 7,445 Konda Reddy tribal people belonging to a total of 2,446 households have been living in as many as 83 habitations comprising more than 20 hilltop habitations in Kunavaram, Chintur, V R Puram, Velerupadu, Aswaraopet and Dammapeta mandals in the Bhadrachalam Agency. Barring those living in Aswaraopet and Dammapeta mandals, those residing in the remaining tribal sub-plan mandals are facing the threat of submergence under the Polavaram project.

The latest move to transfer more than 200 villages consisting of over 40 Konda Reddy tribal habitations falling under the submergence zone of Polavaram project in the Bhadrachalam agency to the successor State of Andhra Pradesh evoked widespread opposition from the members of Adivasi Konda Reddy Sangham. Polavaram project submerged large tracts of tribal lands displacing lakhs of Adivasis and snatching away their livelihood options including bamboo craft and spelled doom for Konda Reddy tribal people whose population is on the decline. Almost all the habitations of Konda Reddy tribes will be submerged under the Polavaram.

An average family earned USD 42 per month before the project was implemented. After the project was implemented, the affected

communities have completely lost their means of livelihoods and are dependent on casual labour and agriculture labour work, only during a few months during the year.

One hundred percent of the private lands, village common lands and forest lands are now inaccessible to the affected communities. The forest communities are no longer having access to the traditional forest rights as envisaged under the FRA, 2006. This include their access to and ownership of Minor Forest Produce (MFPs) like collection of bamboo etc., and other rights.

All in all, 70,000 people are losing their livelihood entirely or partially, including land-owning farmers, landless labourers, tenant farmers and people engaged in other rural occupations.

Gross violation of provisions of Forest Rights Act

During visits to villages, APVVU found that land given to tribals in lieu of acquired land is non-cultivable, on rocky terrain and with little or no water. The Commission has directed the state government to follow a “land for land” policy to the maximum extent and provide land fit for agriculture within the command area of Polavaram project. The Commission also noted that many tribals dependent on minor forest produce were uprooted and relocated to places where there is no means of livelihood. Andhra Pradesh, which has completed 56% of the project, has

been asked to provide alternative means of livelihood and concentrate on the quality of life in resettlement colonies.

In the whole process of land acquisition for this project and for Relief and Rehabilitation (R&R) package for Polavaram project, displaced families also became victims of large-scale corruption by officials and non-officials from village to district level. Hundreds of crores of rupees intended for compensation and rehabilitation for the eligible tribals are pocketed by syndicates. Villagers of Upperu, Koida, Tekupalli, Parentalpalli, Kathkuru and Tekuru complained that their individual forest land claims, which were verified and submitted by the Forest Rights Committee under FRA, 2006, have not been recognised by the district administration even today. There is no clarity on the status/decision on these claims, which are also mired in administrative and jurisdictional issues between Andhra Pradesh and Telangana States.

Corruption of gigantic proportions

The team observed that instead of providing land as per the LARR Act, 2013, the Government is keen on disbursing monetary compensation “which increases the scope for corruption and swindling of those who are not acquainted with the market economy”.

Prafulla Samanta of NAPM said, “This project has unfortunately helped corruption to make inroads into the region. When we visited the

villages, people complained to us about large chunks of their compensation money being 'transferred' to the accounts of local politically influential persons and their associates.”

According to the 17-page report by the fact-finding team, “a nexus of village revenue assistants, revenue and land acquisition officers are actively abetting this scam and tampering with revenue records and even award lists, especially with regard to assigned lands given to poor persons.

The fact-finding team has observed a worrying trend of corruption allegations being brushed aside as 'rare cases' when confronted with evidence.

The fact-finding committee documented anomalies such as land acquisition without settlement of forest rights of thousands of Adivasis as per the Forest Rights Act, 2006

and Land Acquisition and Rehabilitation Act, 2013, problems in the allotment of land for the displaced Dalits and Adivasis, lack of grievance redress systems, poor rehabilitation facilities and weak monitoring.

Some of those who have been displaced by Polavaram were given land in P Narayanapuram of Jeelugumilli Mandal., only to be displaced again by the Chintalapudi lift irrigation scheme. The same problem is being faced in Rachannagudem and Kamayyapalem villages.

Meanwhile, Dalits are not being given land as per provisions of the 2013 LARR Act. In Upperu and Vinjaram villages, Kukunoor Mandal (West Godavari district) despite being in possession of the land for more than 50 years, compensation was paid to upper caste landlords.

APVVU has called on the Central Bureau of Investigation (CBI) to investigate the officers



Image 2. [Caption: Many of the affected villagers said they have not received compensation]



Image 3. [Caption: The fact-finding team documented many issues in the project implementation such as in the allotment of land for displaced communities, lack of grievance redress systems, etc.]

linked to the irregularities and prosecute them as per the 2013 LARR Act.

The suspension of successive Mandal Tahsildars over corrupt practices and several reports published in local newspapers prove the extent of anomalies linked to this project.

Not enough compensation

The Government has paid compensation to some of the affected communities but it is too little and too late. Only 80% of the oustees in West Godavari district received Land-to-Land compensation. In East Godavari district, about 70% of the oustees have received Land-to-land compensation. However, the Government is yet to provide other compensation benefits as per the R&R policy in both the districts. Also, the extent of compensation has been grossly inadequate and not in accordance with the R&R policy.

The State Government said it will pay a compensation of nearly USD 279 million (INR 2,051 Crore). Each village will get around USD 1.01 million (INR74,311,594) (nearly Rs 7,32,500 per family). But tribals want to be compensated as per the market price (Consumer Index price at 2020 levels) and get land as compensation in their area of resettlement. Also, nearly 100,000 people belonging to scheduled castes, who have stayed in the area for years, would be displaced but they won't get any compensation because they are considered encroachers.

The compensation provided to tribal oustees in Schedule V areas is much less, ranging from USD 47,6000 – USD 51, 7000/acre (INR 35-38 Lakhs/acre), compared to other areas, which is a clear case of discrimination between the tribal and non-tribal/upper

caste communities in the State by the Government.

There are also cases where certain unqualified individuals are given compensation, revealing collusion between government officials.

In Jeelugumilli village Pasupuleti Venkatramayya, s/o Suryanarayana (OC Kapu) was given compensation of USD 135, 300 (INR 99.42 lakhs) for land which is classified as Madiga Manyam, meaning community land for Madiga Scheduled Castes. This land is inheritable and not alienable. The same thing happened in Chakali Manyam or community land for washerman (Dhobi) caste.

In Perantalapalli, Koida, Kacharam, Tekuruof Velairpad, mandal tribals have been enjoying forest lands for several decades as they fall in the Papikonda gorge of the Godavari River. In Perantalapalli village they were given "Pachatoranum" Certificates to grow cashew by the forest and Bhadrachalam. They filed claims before the Forest Rights Committee in 2008 and the Grama Sabha also gave resolution in favour of the tribals in the ROFR Act, 2006. Until now, they have not received any notice whether their claims were rejected or accepted.

In Thatiramudugudem of Jeelugumilli Mandal and Gangineedupalem of T Narasapuram Mandal were given individual and community

rights in 2008. These lands are being submerged in the Chintalapudi lift irrigation scheme. But the Government is declining to give compensation for these lands.

In Koida village, Velairpad Mandal 15 tribals were given assignment pattas by the Government from 1972 – 2006. The SDC, LA, Palwancha gave proceedings to the local authorities in 2008. But after these Mandals were merged with Andhra Pradesh, the State authorities are refusing to give compensation for these lands.

Despite many local tribals being in possession of lands in Jeelugumilli and Buttayagudem mandals for more than two decades in government lands, the government gave compensation illegally to non tribes. Thus, the Government deliberately has created disputes among tribals between the locals who were in possession of the land and the tribals displaced by Polavaram who were allotted that land. By not settling the disputes the Government is setting the stage for severe social unrest.

In Swarnawarigudem, Jeelugumilli Mandal, Undavalli Somasundaram, Telugudesam Party mandal president was given compensation for lands violating the 1/70 Land Transfer Regulation Act. The Mandal Parishad rejected the land acquisition attempt and objections were filed by the local MPTC tribal woman Tellam Lakshmi Devi. He was also given compensation for parts of the

same land twice for canal in the Chintalapudi lift irrigation scheme. This clearly shows collusion of the topmost authorities including District Collector and Integrated Tribal Development Agency (ITDA) Project Officer despite rejection in the Mandal Parishad on 30-5-2017. This case was booked by the NHRC on a complaint filed by Gujju Gangadhar but no action has been taken yet.

Violations of human rights

Government violated the human rights cited in the following laws:

1. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (2013)
 2. "1/70 Act" or Scheduled Areas Land Transfer Regulation Act (1970)
 3. "PESA Act" or Panchayats (Extension to Scheduled Areas) Act, 1996
 4. Environmental Protection Act (EPA), 1986
 5. The R & R Plan (Rehabilitation and Resettlement Plan), as per the requirements of the Act, has not been published and made public for any village.
 6. The claims of Adivasis to their cultivation rights over forest lands, under the Forest Rights Act 2006 have not been settled, but the government is proceeding with acquiring the forest lands.
 7. Even though many Land Transfer Regulation (LTR) cases related to land transfer are pending before courts, the Government is issuing awards for land acquisition in violation of the law.
 8. The real market value of land is not being determined as per the letter
- Specific violations of law by the Government are as follows:
1. One of the most important provisions of the 2013 Act, the Social Impact Assessment (SIA), has not been done. The Government is proceeding without an authenticated documentation of all the families being affected by the project and the repercussions of the project.

and spirit of Section 26(B) of the Act, when the compensation rates are being fixed.

9. Assigned lands are not being treated at par with private patta land, as required by the 2013 Act. Though the Act clearly establishes their rights as land owners, the Government is at best negotiating with assigned land holders offering Ex Gratia payment.
10. The Land-for-Land provisions specified by the Act for irrigation projects are not being followed in letter and spirit. Land for land has not been allocated to any family, including Scheduled Castes and Scheduled Tribe families in the submerged area under the Polavaram Dam, who have special provisions under the various Central and State Acts on Land and Forest rights.

A Constitutional crisis

The shifting of villages from the submergence zone poses another challenge. Devaragundi, for instance, is being relocated to a non-scheduled area.

“Overnight, the tribal people will lose their rights and privileges granted by the Constitution to scheduled areas,” said Punam Singanadora, a former state MLA who lives in Polavaram.

In Polavaram block in West Godavari, 29 villages will be relocated to non-scheduled

areas; and 49 villages stand to lose their scheduled status in East Godavari district. There is no prescribed procedure on how to tackle this situation. It is a Constitutional crisis that involves rights of indigenous people/ Tribal people of Polavaram are already fighting a legal battle against the Government's decision of 1960 to take 11 villages out of the scheduled areas list. These villages also have residents who do not belong to the tribal community; in some villages their percentage is as high as 20.

Over 121,000 hectares in Khammam District is under dispute in the courts between tribal and non-tribal people. Similarly, over 48,500 hectares of land in East and West Godavari districts is locked in legal dispute. There is no land available for the government to resettle the displaced. Whatever land has been offered in scheduled areas is in the possession of other tribes or is disputed, state revenue records show.

While the Andhra Pradesh Government is yet to respond on forest rights violations in the Polavaram project-affected areas, it remains to be seen whether the MoEF treats these violations differently from the violations in Odisha where it ruled in favour of tribals and forest dwellers.

The District administration of West Godavari is subjecting tribal communities to discrimination, deceit and permanent loss of their livelihoods as well as denial of forest and

community rights. The whole process of Land Acquisition, Rehabilitation and Resettlement in the affected Mandals is taking place in violation of the provisions of Panchayat Raj Extension to Scheduled Areas (PESA) Act, 1996, Land Transfer Regulation 1/59 as amended by regulation 1/70, The Right to Fair Compensation and Transparency in Land acquisition, Rehabilitation and Resettlement Act, Act, 2013 and various other rules and orders such as State PESA rules, accepted recommendations of Koneru Ranga Rao Land Committee etc.

The R&R scheme for the project has not been implemented at all in Jeelugumilli and Buttayagudem Mandals for affected families where land has been acquired for displaced outsees. No PESA resolutions have been obtained as per the requirements of the 2013 LARR Act.

The State Government is actively suppressing the rights of Scheduled Tribes and Castes. It has refused to take into account Forest Rights Act (FRA) and refused to give land titles and compensation for these lands and assigned lands also. Since 2014, the Forest rights committees are not functioning. The government has taken claims in 2008 but has not settled the Forest right claims since then despite an order from the Ministry of Tribal Affairs on May 16-18, 2013 to settle all rejected claims.

Police, military role

Police, State and central forces were deployed at strategic villages and towns during the entire process of Land acquisition, public hearings and EIA and SIA.

There are numerous cases of repression and corruption committed by the government authorities and law enforcement agencies like police. Coercive measures to suppress the peoples' voices and mass protests have been the trends since the last two decades in villages, towns and cities in the State by the law enforcement agencies.

Numerous complaints were filed by the victims and their associations at the local police stations, District Collectors, High Courts and the National Human Rights Commission (NHRC). The community representatives, as part of APVVU, have made complaints to the Prime Minister Office (PMO) via the grievance portal and also to the National Human Rights Commission, AP State SC/ST Commission, Commissioner R&R, Special Chief Secretary to Government lands Chief Commissioner of Land Administration (CCLA), and to the Andhra Pradesh Government. There has been no action and as a last resort, the affected communities wrote a letter to the president of India, urging him to stop this massive scam that is doing great injustice to Scheduled Tribes and Castes in the name of development.



Image 4. [Caption: The affected communities have organized several actions to register their opposition to the Polavaram dam project, including dialogues with government officials]

Many Right to Information petitions/ applications were filed regarding compensation details, documents filed for compensation by non tribals, PESA resolutions, etc. Repeated appeals were filed with the ITDA PO, Kurupuram and the Collector, Special Collector Polavaram project, State R&R commissioner, etc., but they have not given any information at all. This is against the 2013 LARR Act transparency and the Koneru Ranga Rao Committee Report recommendation 9.36 and GO MS No 1049.

Community action

APVVU has represented affected peoples' grievances several times to the district officials including district collector. However, no corrective action was taken to date and if this willful negligence continues, it will result in irreparable and permanent loss of lands, livelihoods without any compensation and rehabilitation. Cases were filed before the five Mandals Velairpad, Kukunoor, Jeelugumilli, Buttaigudem and Polavaram of West Godavari District were sent as well as to state and national level authorities.

Between July 2010 and 2016, hundreds of tribals marched across villages being submerged in West Godavari district due to Polavaram Project dam, asking the government to provide forest “pattas” (land titles) for their “podu” lands (Shifting Cultivation, practiced by Tribal/Indigenous communities), and proper resettlement and rehabilitation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (LARR) Act, 2013. The ‘Agency Poru Yatra’ – Tribals’ march was followed by a massive protest in July 2016, in front of the District Collectorate in Eluru, under the banner of Andhra Pradesh Girijana Sangham, a CPI(M)-affiliated tribals’ body.

The Scheduled Tribes and Castes of the merged mandals Velairpad, Kukunoor and Burgampahad have been the most affected and discriminated against. There has been massive tampering of records and compensation has gone to non-tribals in violation of law. Even the submergence area is being not shown. The Forest rights claims are being rejected by the authorities by saying that they have not received records from Telangana and just passing the buck. There has been no transparency at all and all RTI applications asking for all details of compensation paid in these mandals, PESA resolutions, have not been not granted. This is due to the fear that the massive scam will

come out as they have given compensation even for government lands, tanks, riverbeds, fake judgements and documents.

Recommendations

1. Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 should be implemented strictly in letter and spirit. Joint land titles should be allotted in the names of both the wife and husband, as per the provisions under the FRA, 2006.
2. The affected people living in the Schedule V areas, submerged by the Polavaram Dam need to be provided land titles under the Recognition of Forest Rights (RoFR) settlements as per the FRA, 2006, which has not happened till date. Only 500 land titles have been provided to the affected communities in the Schedule V areas, out of the 8500 land title applications submitted by the tribal communities, outside the submerged area.
3. As per The Right to Fair Compensation and Transparency in Land acquisition, Rehabilitation and Resettlement Act, 2013, the Government has to ensure the provision of 25 Services at the Resettlement colonies before six months of the assessment.
4. The R & R package should be based on the Consumer Price Index for 2020.
5. The Government Order - G.O. 350 - Enhancing the R & R for families not yet rehabilitated, to be implemented in true letter and spirit.

6. Under the Land to Land policy, irrigated lands to be provided to the affected communities.
7. Compensatory Afforestation in Schedule V areas like Paderu and Kakinada districts need to be undertaken by the Government, as part of the LARR Act, 2013.
8. Judicial enquiry to be initiated for all cases of litigation and corruption under the project. A retired Supreme Court Judge should be appointed to head the judicial enquiry in Andhra Pradesh.
9. Cases of large-scale corruption by over 360 private companies need to be expedited and justice rendered to the affected communities, currently on trial by a two-committee member by the High Court in Andhra Pradesh.
10. Separate Identity (ID) Cards to be provided to the Polavaram Dam affected people. Jobs and alternative livelihoods to be ensured by the Government at the resettlement colonies and other places, where the oustees communities are rehabilitated.
11. Grievance redressal mechanisms (including an ombudsman) should be set up in Andhra Pradesh (West Godavari or East Godavari), close to the affected communities.
12. Skill building programmes and entrepreneurship development support

to be extended by the government to the affected youth and displaced/affected communities.

Demands of the affected people

1. Social Impact Assessment (SIA) should be conducted for the entire project in an independent and transparent manner.
2. Gram Sabhas should be conducted in all project-affected villages and public opinion should be taken about the project. The full details of the project should be placed before the public.
3. The entire provisions of Rehabilitation and Resettlement specified in the 2013 Act should be fully implemented. In particular,
 - a. A comprehensive R&R Plan should be published and implemented.
 - b. A resettlement authority should be constituted in Andhra Pradesh for the project and duly empowered to ensure implementation of rehabilitation and resettlement.
 - c. The true market value of the lands should be determined as per Section 26(B) and these should form the basis for calculating the compensation amounts, and not the registration values of the land which are outdated and deliberately kept much lower than the true market value.

- d. Since this is an irrigation project, land in command area (cultivable land for agriculture) should be allocated to all families losing land as per the norms in the 2013 Act, especially for the SC & ST families.
4. Since the Polavaram project which is being implemented through the central government funds, the rules declared for Central Government Projects (Government of India) for rehabilitation and resettlement should be implemented. In particular, under First Schedule, “the factor by which market value of land is to be multiplied in the case of rural areas” should be made 2.0 so that the families losing land get four times the market value (including 100% solatium), as per the LARR Act, 2013. The Government is currently giving three times of the value vis-à-vis four times as per the norms for Central Government projects. This is a clear violation of the Central Act by the Andhra Pradesh State Government. Also, most of the lands in the Schedule V areas (with high tribal population) of the State, where the affected tribal communities have lost their land, access to minor forest produce and other rights, the Government is providing a much less compensation of INR 1.17 lakhs (USD

1,588) per acre as per the 2005 R&R policy. However, the present Chief Minister of Andhra Pradesh, Mr. Jagan Mohan Reddy has promised to provide INR 5 Lakhs/acre (USD 6,786/acre) in his election campaign to all displaced people who have lost their lands. This enhanced price needs to be implemented by the Government.

Conclusion

The affected communities not only lose fertile land and their main source of livelihood, they are also forcefully uprooted from their traditions, culture and inalienable rights over forest and ecosystems. As result, they receive limited compensation in return. From living a rather independent life based on subsistence agriculture, they are being forced to integrate into a job market of day labourers.

The promises of development made are therefore promises that may reap benefits for the industrial corporations and multinational corporations, at the cost of depriving the constitutionally guaranteed rights of Adivasis and Dalits. Communities who are already marginalised are suffering the most while benefiting the least from this project. While development projects should improve the living conditions of the poor, in this particular case the aim is not being reached. This inevitably raises the question of for whom development is meant to benefit.

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Peshawar Northern Bypass, pushing farmers to further destitution

Roots for Equity and Pakistan Kissan Mazdoor Tehreek (PKMT)

Introduction

Globally, imperialist powers have become assertive in dividing up nation-states in their run for control over raw material, markets and labour. An important element in the jostling of power is ensuring control over trade routes and networks, both by road and marine routes.

This jostling of power is clearly visible in Pakistan, especially with the agreement between China and Pakistan for the formation of the China-Pakistan Economic Corridor (CPEC), a part of the massive infrastructure project called the Belt and Road Initiative (BRI). Pakistan's geographical position not only offers itself connectivity to a number of important trade centres, it is also of geo-political interest as it borders with Afghanistan, Iran, India and China and is termed as a flagship project of BRI (See Images 1 and 2).

This research focuses on a particular segment of road that is being built in the northern city of Peshawar, namely the Peshawar Northern

Bypass. Though the Bypass is a very small stretch but it explicitly demonstrates the impact of imperialist resource grabbing, the collusion of local elite and the impact on local communities. The construction of the Peshawar Northern Bypass also clearly is a very important showcasing of the resistance being mounted by the people across semi-colonial, semi-feudal countries.

Peshawar Northern Bypass and its link to CPEC

Northern Bypass, Peshawar is a dual carriageway that will allow flow of heavy traffic such as trucks, trailers, and shipping containers to and from the southern side of



Image 1. China's trade interest: Land and maritime route

Pakistan, i.e. from Gwadar and Karachi ports to the very top of the top most province of Khyber Pakhtunkwa (Annex 2). According to sources, “the bypass is stretched across 32 kilometres and divided into three sections. Section one was inaugurated in 2015, and has numerous bridges and interchanges that connect to other important routes. The Northern Bypass has been touted to be neighbouring with “affluent societies. . . The communities and colonies offer a lucrative mix of residential plots and houses at affordable prices.”¹

The Bypass is part of a huge complex web of road routes that are being constructed across the country with the purpose of providing smooth trade passage, linking the country to, on one hand, its neighbouring countries and the other with its two ports cities Karachi and Gwadar, situated in the provinces of Sindh and Balochistan, respectively.

Major borders that it connects include the following (See Image 3):

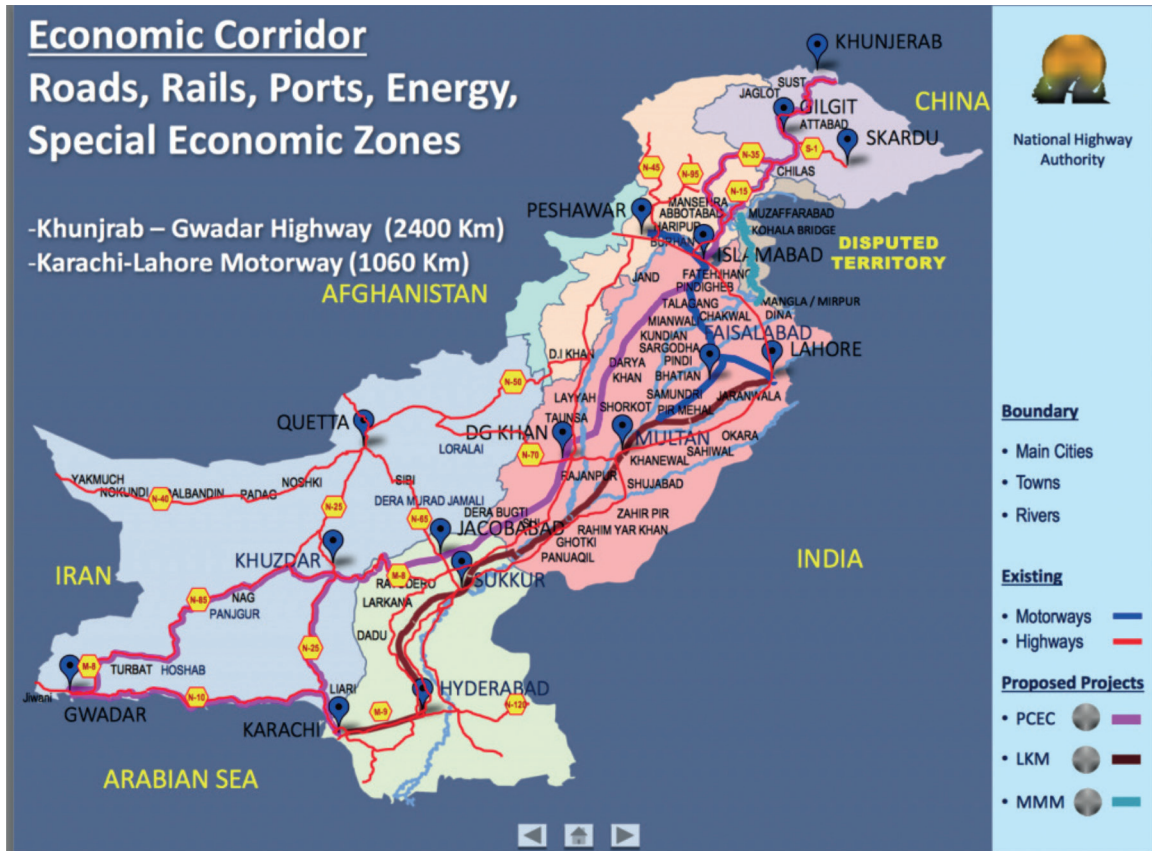


Image 2. China-Pakistan Economic Corridor

- **Afghanistan Border:** It connects to the Pakistan Afghanistan border in the northwest at Turkham, Khyber Pakhtukwa through the N-5, and Chaman, Balochistan in the southwest through the N-25.
- **Iran Border:** The Bypass also connects to Iran at the Taftan, Balochistan border through N-40, which in turn is connected through a series of other connecting highways.
- **Interconnectivity within:** The Bypass connects to N-55 Indus Highway, a critical major road route that runs through the country connecting three of the four provinces, Khyber Pakhtunkwa, Punjab and Sindh, as well as with M-1 that links Peshawar to the capital Islamabad. The N-55 also connects to the Gwadar port through the N-10/Makran Coastal Highway, and to Karachi port through the M-9.

MAP OF NATIONAL HIGHWAY NETWORK

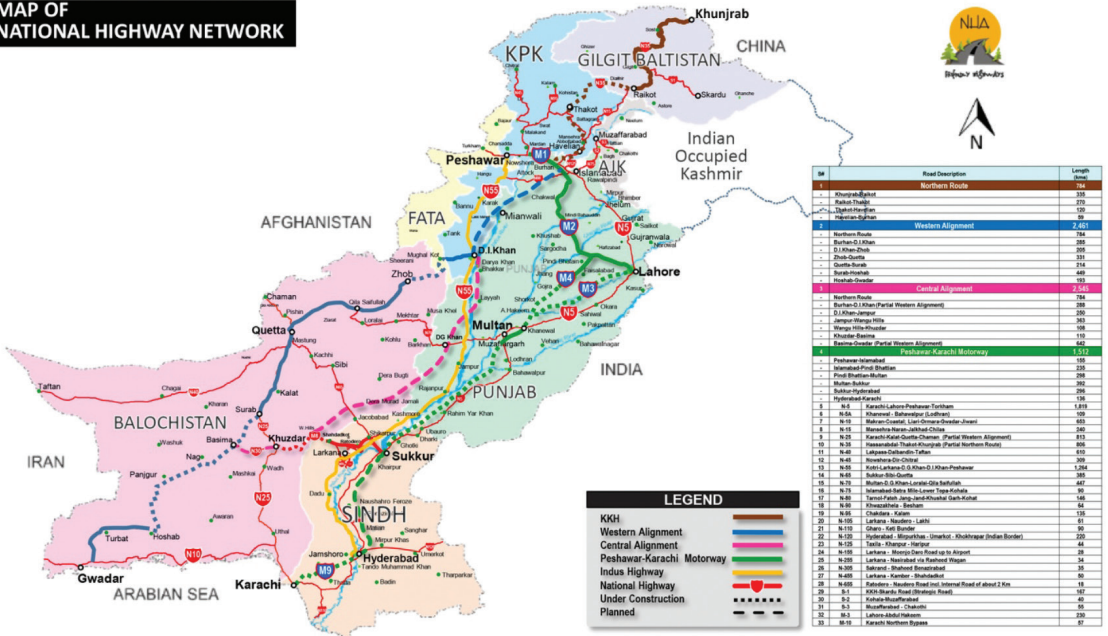


Image 3. Major borders connected by Northern Bypass project

In the initial stages of BRI, Afghanistan had not been included in the vast network of infrastructure projects that are now connecting more than 80 countries globally. However, according to reports with North Atlantic Treaty Organization (NATO) troops withdrawing from Afghanistan, it has gained importance as link between Central Asia and CPEC.²

Recently, the Chinese Ambassador to Afghanistan, Ambassador Yu, and Pakistan’s Foreign Minister Qureshi both have stressed the importance of CPEC to develop Afghanistan’s markets and trade.³ According to Ambassador Yu, ‘We will strengthen regional connectivity and extend

the China-Pakistan Economic Corridor into Afghanistan and towards Central Asian countries.⁴ The Pakistan-Afghanistan Trade and Investment Forum was held in Islamabad on October 27, 2020 where it was reaffirmed that “Pakistan is a natural trade partner of Afghanistan.”⁵

Links between Northern Bypass and Central Asia Regional Economic Cooperation (CAREC)

Another major regional body that is of interest in relation to the Northern Bypass is the Central Asia Regional Economic Cooperation (CAREC). The CAREC is a regional cooperative program between 11 countries, namely Afghanistan, Azerbaijan,



Image 4. Khyber Pass Economic Corridor Project

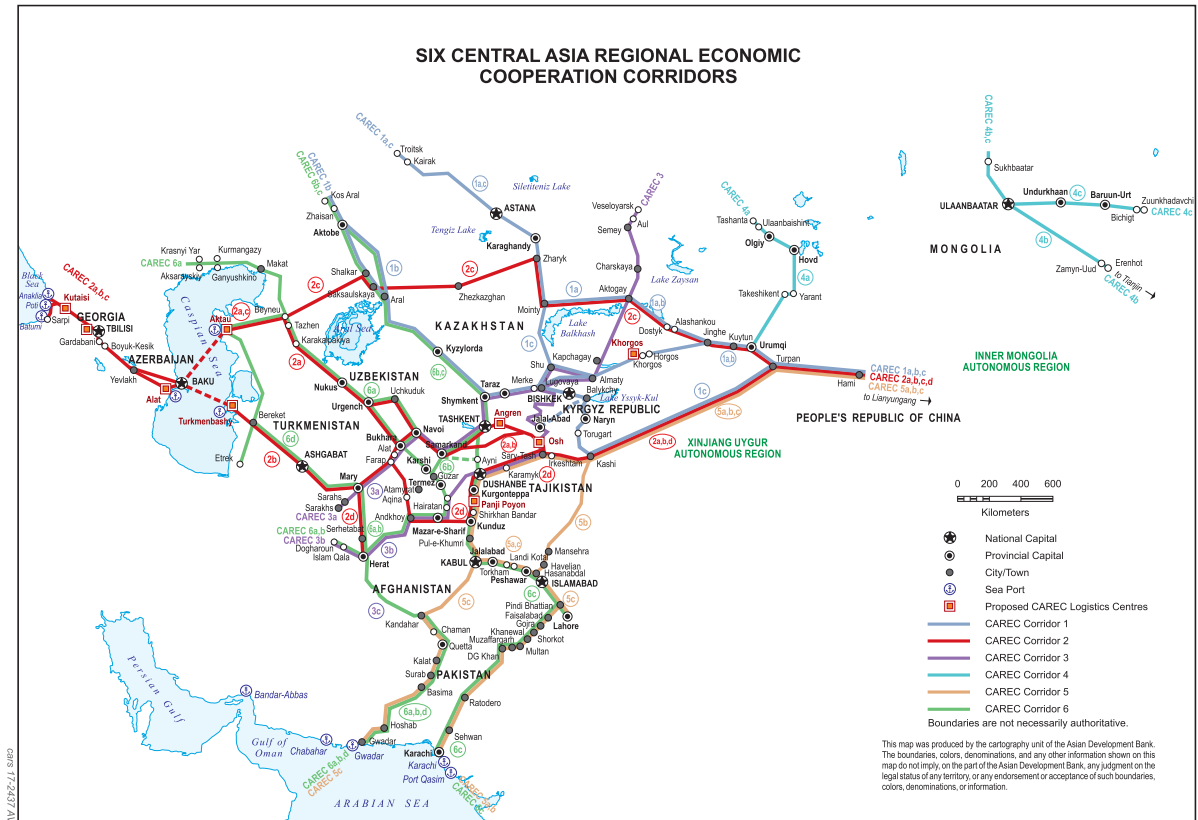


Image 5. Central Asia Regional Economic Cooperation (CAREC) corridors

Georgia, People’s Republic of China, Kazakhstan, the Kyrgyz Republic, Mongolia, Pakistan, Tajikistan, Turkmenistan, and Uzbekistan (See Images 4 and 5). The Asian Development Bank (ADB) has served as its secretariat since 2001.⁶ CAREC has six multilateral donors, which include the World Bank, European Bank for Reconstruction and Development (EBRD), International Monetary Fund (IMF), Islamic Development Bank (IDB), and United Nations Development Programme (UNDP).⁷

Under CAREC, the World Bank is funding a particular project, the Khyber Pass Economic Corridor (KPEC) in Peshawar that is also based on providing increased connectivity and trade between Pakistan and Central Asian countries.⁸

According to the World Bank: “The KPEC connects Pakistan and Afghanistan with Central Asia through the Khyber Pass. This route has been integral to trade in South and Central Asia for hundreds of years. It is part of Corridors 5 and 6 of the CAREC

routes, which will provide the shortest link between Pakistan, Afghanistan, Tajikistan, Uzbekistan and the Arabian Sea.”⁹

The KPEC is based on two components, the first is the Torkham-Peshawar Expressway, and the second is “in conjunction with other projects, to alleviate the main constraints on the development of key regional value chains – particularly marble and horticulture - in the Greater Peshawar area to maximize the benefits of the Expressway for the region.”¹⁰ The Expressway also connects to the Northern Bypass.

It’s worth mentioning that in the past decade the US government had also provided grants for developing road infrastructure that links the Northern Bypass to Torkham. In September 2012, the US government provided Rs 5.6 billion (about USD 35 million)¹¹ for the construction of the Peshawar-Torkham Highway, which had been serving as the main supply route for NATO forces in Afghanistan.¹² According to the USAID, part of the objective of this project was to improve local economic opportunities, allow internal and international trade to flow more easily, offer employment opportunities for local workers, among others.¹³

The impact of trade routes on local communities

The preceding section demonstrates the interest of major capitalist countries

particularly China and the USA, and the so-called development agencies such as the World Bank, ADB and others to build vast trade routes that cut across not only communities but whole block of countries and continents. The CPEC is part of the BRI, which covers not only countries in Asia but aims to connect to the African and European continent.

Similarly, the presence of donors such as the World Bank, ADB, IMF and other donors, which are close allies of the US is a clear indication of the interest of capitalist countries and their corporations to exploit the abundant natural resources including fossil fuel in the region as well as to control the markets for their products.

Impacts of the Northern Bypass on communities: Case study Garhi Bajaz

The construction of the bypass was initiated in 2016, and it passes through the village of Garhi Bajaz, Union Council Haryana Bala, Peshawar.

Village Garhi Bajaz is in the suburbs of Peshawar, which is the capital of the northwest province Khyber Pakhtoon Khwa, a province which has undergone many years of extreme conflict as it has long porous border with Afghanistan.

The village is part of the Haryana Payan union council (though the villagers state that the village is now part of a new union council

Haryana Bala and this needs to be verified). The village consists of six extended families comprising of 21 households. In the past few months the recently widowed woman (part of one of the families) has come back and hence including her household, there are now 22 families. All households were tenant farmers of two big local landlords, Noor Alam Khan and his cousin brother Sher Alam Khan. The lives of the villagers have been heavily influenced by these landlords, of which Noor Alam Khan is also a Member of Parliament (MNA) and is part of the currently ruling political part Pakistan Tehreek Insaf. Arbab Wasim Hayat (another politician) is also influential in their area.

Noor Alam's ancestors had initiated the village in 1935. The ancestors of the families living in the village were the first settlers clearing the land for agricultural production. They have remained tenants of the landlord to this day and none of them have ever been given land deeds.

There is only one school Qadirabad High School which is located near Dera Shamas, quite far from the village. The girl's school is also located in another area far from the village; according to the villagers, only young girls up to seven years of age attend this school. There are clinics near the village and people have to access hospitals in Peshawar if they need any treatment.

Natural gas connection has not been provided to the village, though all the

surrounding areas have the facility; Noor Alam Khan does not allow gas connections to be installed. The general understanding is that if there are gas connections in the name of the villagers then this would be documented proof that they are residents of the village.

Agricultural land and production

The landlords and their ancestors have been exploiting the farmers in this village from its inception. The British during colonial times had provided the land to Noor Alam's paternal grandfather. It's not clear how much land was given; on the documents available at the moment only five acres belong to Noor Alam's father.

However, he controls approximately 60 acres of land, which is named after different people. Haryana Bala village residents have not seen these people. They believe that either these people are either employed by Noor Alam or he has forcefully taken control of this land.

So, the total land used by the villagers is 60 acres, which includes their living area. The living area is using just short of 5 acres. Before the construction of the Bypass, 40 acres of the land was used for sugarcane and wheat production, and farmers served as the landlords' sharecroppers.

The irrigation water is subsidised and the six families living on the land pay 40 kilograms

of wheat per family as water tax to the person in charge of looking after the water courses. They also have to pay to have the watercourses cleaned, annually.

The farmers preferred growing okra, which brings a very good market price but the landlords had forbidden it and instead sugarcane was grown. The reason for sugarcane production is that the cane was sold to sugar mills. The price for the cane was deposited directly in the bank account of the landlords, and they gave back the farmers' share in cash. This means that the landlords were able to hide the actual payment made in his bank account from the farmers and pay according to his own will. If okra was to be grown, it would be sold in the market and the actual sales amount would be known to all.

Of the remaining 15 acres of land, 3 acres was used for growing fodder for the animals and the farmers were paying a fixed lease for this land. From 2010-2013, the farmers had been paying a sum of Rs 8,000 (USD 50.13) per acre as lease. Then it was increased nearly every year to Rs 12,000 to Rs 24,000 (USD 75.19 to USD 150.39) per acre. In 2016, at the time that the conflict arising from the construction of the Bypass started, the landlord kept Rs 60,000 (USD 376) from the amount deposited in the bank from the cane harvest in lieu of the lease.

After this, the land has been taken away from them, and the farmers have not paid

any lease. It seems that the landlord knew about the possibility of the construction of the Bypass and hence had started creating problems for the Haryana Bala residents and farmers so that they would leave the land and Noor Alam could claim it as his own.

The remaining 12 acres of land was used on and off by the farmers for growing okra and other vegetables or fodder and there was no fixed pattern to the use of this piece of land.

The conflict

According to the villagers, road construction for the Northern Bypass was initiated in 2015. In the beginning, the engineer came for the survey along with the *Patwari* (a government employee who has land title records) in which their houses, land, school and others were inspected. Five farmlands were affected by this road. The engineer wrote down their names and said that they would be compensated for any damage that would ensue from the construction of the Bypass.

A second survey was carried out and the people whose houses would be affected were promised cash compensation. This time the Noor Alam's *munshi* (supervisor) was also present. (It seems that Noor Alam rarely comes himself and his supervisor is responsible for looking after the land. However, for Sher Alam's tenants – he

interacts with them directly.) The supervisor challenged the farmers on providing evidence that the homes or the land belonged to them. Five houses were going to be damaged or totally demolished in the construction of the Bypass.

According to the villagers the initial design of the Bypass would have gone through homes of the landlords and they deliberately changed the planned route to save their property and get compensation for the damage to and demolition of the villagers' homes.

The construction of the Bypass has resulted in loss of 7.5 acres of land, which has impacted three farmers. One home has been totally demolished whereas one home has been partially damaged. At the time that the land was taken, crops were also destroyed.

Farmers have not been compensated for the destruction and damage of the farmers' property, and loss of their crops. The compensation money was given to Noor Alam. In response, the farmers resisted the ongoing work on the Bypass and blocked further construction. As a result, the contractor gave Rs. 200,000 (USD 1,253.33) to the farmers even though Noor Alam had pocketed Rs. 400,000 (USD 2,505.79) that had been provided by the government authority, the National Highway Authority.

In the past two years, Noor Alam has seized the land from the farmers and they are unable to cultivate at all. They have lost their entire source of income. Another related impact has been on the livestock. Given the number of animals each family had they were highly dependent on the land to grow fodder. With no source of fodder, it has become very difficult for them to retain their animals. (See Annex 4).

The livestock was not only a source of milk, butter and butter oil but also a source of organic manure which is used by the household as source of cooking fuel. In the past years, the families have sold off a large number of animals, especially buffaloes as their fodder requirement is quite big and it's been very hard for the villagers to maintain them.

Women especially mentioned the loss of livestock as it impacts food intake at home as well a cooking item need. Milk in the market is about Rs 100 (USD 0.63) per litre and difficult for them to purchase.

With the construction of this road, pollution has spread in the area, the bypass basically run right in front of their homes. Agriculture land has been lost along with trees have been cut down as well. The short cuts that allowed them to access other villages were blocked, increasing their hardship. The

prices of the land in the area have gone up and made them even more destitute than before. According to the villagers, the modernisation is only benefitting the landlords and capitalists; for the farmers it's just increased oppression and destitution.

Current situation

As was stated before, in the past two years, Noor Alam has seized the land from the farmers and they are unable to cultivate at all. On September 14, 2019, Sher Alam filed a First Information Report (FIR)¹⁴ against the villagers saying that they were carrying out illegal construction on his forefather's land.

Consecutively, three more FIRs were lodged on September 23, 2019, November 2, 2019 and finally on June 28, 2020. The first two times six people went to jail, and the last time 16 people were sent to jail. They were released after 7-15 days. Now the next date is on November 2, 2020. They believe that the *patwari* will provide evidence that the land does not belong to Noor and Sher Alam.

However, it is not clear what will happen.

The cost of hiring lawyers to fight their case as well as to get those sent to jail out on bail costs Rs 6,000 (USD 37.59), which means that at least Rs 264,000 (USD 1,654.20) has been spent in getting the arrested farmers out of jail.

This is another reason that farmers have been selling their livestock so that they can continue with their case as well as maintain their families.

The farmers are determined to fight the case even up to the level of the High Court. They have also developed a strategy but it's not being shared at the moment. The strongest point in their favour is that there is no documented evidence that shows that the land belongs to Noor Alam and Sher Alam. However, given that Noor Alam is a very powerful political figure it remains to be seen how the case will be decided. It is clear that he does not want the case to be fought in his name as all FIRs have been filed by his cousin Sher Alam Khan.

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The Balog-Balog Multi-Purpose Dam Project-2: Big spending, big resource-grabbing and big burden on the indigenous people

Kilusang Magbubukid ng Pilipinas (KMP)

Introduction

This research project is part of a bigger effort to know the impact of the flagship projects of “Build, Build, Build” or BBB, the infrastructure program of the incumbent Duterte administration. The project selected the Balog-Balog Multi-Purpose Project II (BBMP-II) because its scope and costs make it the all-time biggest dam project in the country.

The research has the following objectives: (1) to know the policy-making environment that led to placing the BBMP-II among the flagship projects of the infrastructure program of the present administration; (2) to know the basic profile of BBMP-II, its major players and how its assumed benefits respond to the needs of the affected communities; (3) to know how the implementation of BBMP-II observed local laws and international conventions in securing social approval; (4) to know how the BBMP-II impacted the affected communities as against its assumed benefits; and (5) and to draw insights and conclusions that can serve as basis for engaging the government

toward greater sensitivity to the real needs of affected communities in implementing infrastructure projects.

The policy environment on big dams: the government’s big bias for big dams

The Philippine government spends big on dams. As a public investment item, dams are next to airports in terms of public funds spending. Big dams are the mainstay of the country’s national irrigation system and local energy development. It accounts for up to 50% of public infrastructure investment in agriculture and irrigation investments have tripled since 2008¹.

There are now some 22 big dams in the country, the majority of which were built within the last 50 years. In Duterte's BBB, eight more are in the pipeline.

Building dams in the country has been used as a bargaining chip in contracting foreign loans to enlarge government spending. The government has thus embedded the construction of big dams as a key component

of its various programs to modernise Philippine agriculture, ensure water supply for commercial and residential needs, and develop local sources of energy. This lends the government to a bias for big dams. The government has refused to heed local and international concerns with the ecological downsides of big dams that ultimately bear on the soundness of the economy and people's welfare in the long run.



Image 1. Location of big dams in the Philippines

Source: National Power Corporation

In the late 1990s, the World Bank (WB) and allied financing institutions removed the construction of big dams in their funding priorities in response to the 1992 Rio Declaration and people's movements against development aggression and, later, the report of the World Commission on Dams, but the government chose to continue its dam-building program, funding it from its own pocket. Recently, it turned to China which at the turn of the new millennium had started funding infrastructure programs in Asia, Africa and Latin America without the caution and political sensitivity about cost-benefit sustainability, ecological integrity and the stakes of indigenous peoples in dam building.

To enlarge government spending, dams are designed to have over-expanded scope, with multiple roles that are used to justify their over-estimated capacities and inflated costs even as the designs struggle to harmonize competing needs and interests of many stakeholders that run the range from upstream farmers versus downstream farmers, irrigation versus flood control, energy needs versus agricultural requirements, to public interest versus the private interest of water utility firms that source their water supply from dams. This results in big dams that are overhyped, difficult to manage given their over-expanded scope and competing multiple roles, high on maintenance but sub-par in their expected performance and

low in income generation needed for self-sustainability².

In the country, underperforming dams beget more dams. As in the case of Sumag Dam in Quezon and the Agus dam systems in Mindanao, some dams were built to augment the underperformance of existing dams. And then, while the government is big on building dams, it is reserved about allocating funds for their regular maintenance that often causes accumulated damages and depreciation which require huge public funds for repair and rehabilitation.

Big dams, privatisation and big business

Since big dams are not ordinary public investments, they are designed to generate multiplier revenues to recoup government expenditures, to service in part the foreign loans that funded their construction and to underwrite their maintenance. But since the government assumes itself to be inefficient in this respect, it enlists the help of the private sector - those big water utility firms that take the field with big profits as their primary interest. By this collaboration, big dams have become a vehicle for water privatisation. Water, which people used to drink and utilise freely from streams and springs but now impounded in big dams, has become a commodity that ends up in the value chain of the private water supplying business. Water has thus come of age as a big business which makes development non-inclusive but

burdensome to a population, the majority of which are poor. The consuming public has to pay for the services of big dams already controlled by the private sector, even as the same consuming public has to pay with their taxes for the loans that funded the construction of these dams in the first place.

Big dams in Duterte's BBB: burden, burden, and more burden for the people

With such policy environment, dams play a key role in President Rodrigo Duterte's Ambisyon Natin, a long term strategic direction to elevate the country to middle class status by 2040. At the core of this ambitious goal is the Build, Build, Build program, a 1000-item menu of infrastructure projects, of which 100 are flagship undertakings as revised by the National Economic and Development Authority (NEDA) last November 2019. Fuelled by an estimated USD 187 billion³ (PHP 9 trillion) budget, it is easily the biggest infrastructure spending in the history of the country.

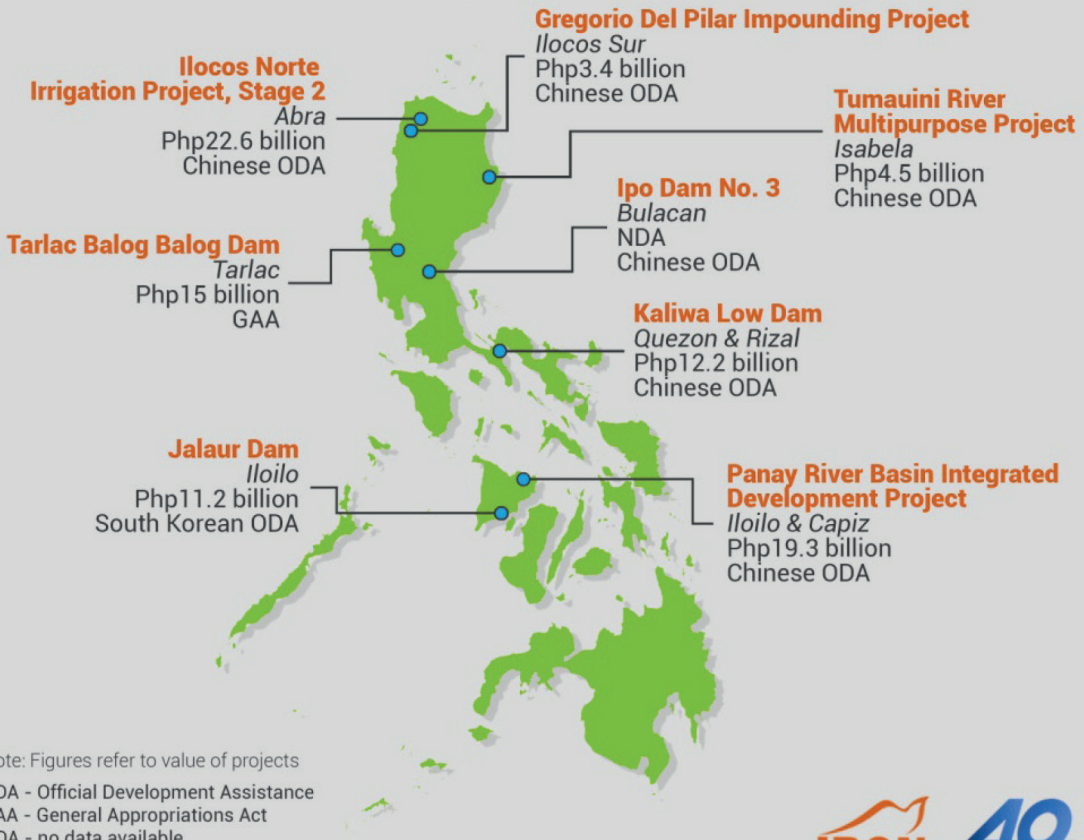
To fund the BBB, the Duterte government has restructured the country's tax system. This restructuring followed a string of tax impositions and revenue-raising measures that started with Corazon Aquino's administration in 1992, creating a tax system that now levies taxes on both producers and consumers, even though not all consumers are income-earners. Duterte's tax restructuring, the Tax Reform

for Acceleration and Inclusion or TRAIN Law, sought to release into the market more disposable income of tax-payers in order to capture it through escalated imposition of taxes on consumption. On top of the Value-Added Tax(VAT) and Expanded Value-Added Tax (E-VAT) on prime commodities, TRAIN Law imposes excise taxes on fuel and sugar-using consumer products and on the line is a new round of increasing the excise tax on sin products, especially tobacco, and consumption goods that use salt.

Apart from internal revenues, the government is also tapping into China's huge capital reserves. The Department of Finance (DOF), in particular, has launched a campaign pitching to China for the country's inclusion in the latter's Belt and Road Initiative. To win the good graces of the Chinese government, Duterte is downplaying the country's victorious claims over a group of islands in the West Philippines Sea and has extended preferential treatment to Chinese companies operating in the country, giving them an insider's edge in clinching government projects under the BBB.

With the level of spending for the BBB, the government hopes to sustain the 6% growth the country has achieved since 2006 even as it aims to increase five-fold the entry of foreign investments designated to lead the expansion of the economy. In anticipation

LARGE DAMS UNDER THE FLAGSHIP INFRASTRUCTURE PROJECTS OF THE DUTERTE ADMINISTRATION



Note: Figures refer to value of projects
 ODA - Official Development Assistance
 GAA - General Appropriations Act
 NDA - no data available

Source: National Economic and Development Authority (NEDA)



Image 2. The eight big dam projects under the Build, Build, Build

Source: IBON Foundation

of increased entry of foreign investments and increased energy consumption, a key component of the BBB is ramping up energy development. Of the BBB's eight

dams in the pipeline, four are multipurpose dams with hydropower component. One such multipurpose dam is the Balog-Balog Multipurpose Project-II.

Ramping up government spending, from small beginnings to the biggest and most expensive dam in the country

According to some sources, the idea that later evolved into what is now called the Balog-Balog Multi-Purpose Project, had originated from the late Senator Benigno Aquino, Jr., father of former President Benigno Aquino III, Duterte's predecessor. With the aim of transforming Tarlac into the rice production capital of the country, Aquino's idea had the modest intention of building an irrigation canal that would re-channel the flow of Bolsa River to the province's rice fields.⁴ But this is not acknowledged in the official literature on the project. The official documents that were circulated by the National Irrigation Administration (NIA) even under Aquino III's presidency traced the beginning of the project to the Marcos administration.

According to the official narrative, the project started in 1977 when the NIA submitted to then President Marcos an Irrigation Development Plan that included an irrigation infrastructure program for Tarlac. The following year, Marcos commissioned a WB-funded study that crafted the feasibility of the project. The study was completed in 1980. From there, the project suffered the first of a long line of delays that have dragged down its implementation. Its engineering works and design were completed only in 1987, seven years after the feasibility

study was already on hand.⁵ At the time the engineering works and design were completed, Marcos already fell from power and the country had a new government presided by Corazon Cojuangco-Aquino, wife of the late Senator Aquino, Jr..

Backed by a funding commitment from the Italian government, Cory Aquino adopted the project as the biggest single undertaking of her administration. Its original cost was USD 77 million⁶ (PHP 3.7 billion) with a completion schedule of six years.⁷ In 1989, the NIA scheduled to bid out the project but the bidding was shelved when an intensity 7.2 earthquake hit Northern Luzon in 1990, followed by the Mount Pinatubo eruption in 1991. While the project was on the shelf, NEDA asked the NIA to restudy its feasibility in light of how it had been affected by the Pinatubo eruption.

In 1992, the NIA returned with the recommendation to continue the project but with major changes that magnified its scope and raised costs. It recommended for project expansion, splitting it into two phases. Phase I would construct a diversion dam across Bolsa River that would connect to the Tarlac River and siphon off its waters into the two extant irrigation systems in Tarlac whose performance was disrupted by lava mudflows affecting rice production in the province. The disruption had affected the province's rice production that the NIA strongly pushed for commencing this phase

immediately. This phase is called the Tarlac Diversion Dam.

Phase II would construct a complex consisting of an irrigation dam in Balog-Balog, two units of hydropower plants that would generate 43.5 megawatts of electricity, and connecting canals to irrigate new areas to replace those lost to the Pinatubo eruption. It also recommended that the dams be made roll-compacted concrete instead of the original rock fill.⁹

Funded from the national budget, Phase I was started during President Fidel Ramos's administration. But the yearly budget releases for the project, then, were less than what the NIA had proposed, and this slowed down its implementation. In 1999, the project met another setback when, under President Joseph Estrada's term, the government held a re-bidding for the project. In less than 60 days, the NIA raised the budget for the project from USD 9 million (PHP 435 million) to USD 16 million (PHP 701 million)⁹ and hastily called it a 'simplified' bidding where the winner was A.M Oreta Co. Inc., a construction firm owned by Antolin Oreta who was Estrada's presidential adviser on economic zones. Because of the controversy it raised among the bidders, A.M Oreta Co. Inc. managed to construct only the north dam canal but not the dam itself.¹⁰

In that same year, while construction of Phase I was on-going, the project underwent

another revision in light of the passage of Agriculture and Fisheries Modernization Act of 1997 or (AFMA). In line with the rice production intensification program of AFMA, the project's irrigation component was further expanded to irrigate a target area of 34,410 hectares, and its dam component was expanded to include flood control. It also included a rehabilitation of the irrigation canals of the Tarlac Diversion Dam that started deteriorating in the course of the delay. The revised project was approved by NEDA in 2000 and was included in its priority programs that were to be requested for foreign funding commitment. As approved by NEDA, the project would cost USD 249 million¹¹ (PHP 12.03 billion), to be spread over an eight-year implementation schedule from 1999 to 2007.¹²

However, the subsequent administration of President Gloria Macapagal-Arroyo saw a confluence of intervening local and global events that conspired to derail the resumption of the project's implementation. A legitimacy crisis struck the Arroyo presidency after it was exposed that she had won the 2004 presidential elections through massive electoral fraud. This caused her administration to meet difficulties in finding a foreign patron for the project.¹³ The legitimacy crisis of her presidency was later compounded when a top government official revealed her husband's role in fleecing built-operate-transfer (BOT) projects funded by the Official Development

Assistance (ODA) and foreign borrowings. Then, in 2007, the global financial crisis exploded to which the affected global finance centres reacted by pulling inward their public and private investments.

In 2010, during the Noyonoy Aquino administration, the project was again reviewed, resulting in another revision made by NIA Consult Inc., an in-house consultancy of the NIA. The revision was made without third party evaluation and had the budget for Phase I increased to USD 49 million (PHP 2.362 billion) with a completion schedule from 2009-2012; for Phase II, its budget increased to USD 327 million¹⁴ (PHP 15.8 billion).

This completed the journey of BBMP-II from being a simple irrigation canal as originally proposed by then Senator Aquino, Jr. to becoming the country's biggest and costliest dam project. Its completion schedule was also set from 2013 to 2016. Both phases now included a resettlement program for farmers and indigenous peoples that stood in the path of the project and would be displaced.¹⁵ Given its funding scale, it was included in Aquino's Public-Private Partnership (PPP).¹⁶

In 2012, Phase I was completed. As for Phase II, it would suffer the fate of small ideas that, in time, grew too ambitious to justify increased government spending. In the country, almost without exceptions, big-ticket projects normally suffer costs and schedule overruns. But being the

country's all-time biggest and costliest dam project, BBMP-II dwarfed the absorptive capacity of inept bureaucracies like the NIA which struggled with the social and physical preparation for the project. The Aquino administration ended its term without getting the construction of BBMP-II started.

In 2016, the Duterte administration again reviewed the project and included it in its BBB program as a government-funded undertaking. However, while its implementation schedule was adjusted to 2017-2020, its budget size was left unchanged since its fund allocation had already been downloaded to NIA as early as 2014. This means that the project is currently running on 2013-2016 prices. It must be noted that, in 2018, the country had a 6.7% inflation rate resulting from the whooping impact of Duterte's TRAIN on commodity prices, the highest in ten years.

In early 2017, the BBMP-II was eventually awarded to ITP Construction in joint venture with Guangxi Hydroelectric Construction Bureau Co. Ltd. That same year, the construction finally began. As of writing, the project is already far behind its schedule, with only about 32% of its targets accomplished.

Scope of BBMP-II and its assumed benefits

The BBMP-II has the following scope and components:

- a. Balog-balog Dam (for irrigation and flood control; it consists of the dam and reservoir, diversion tunnel and irrigation canals and appurtenant structures);
- b. two separate hydropower plants totalling 43.5 MW;
- c. access roads; and
- d. resettlement for families affected by the project (FAPs)

Of the project's four major components, the NIA stresses and drumbeats the most the irrigation benefits of the Balog-balog Dam. According to the 2010 Updated Feasibility Study of BBMP-II, the project covers an area of 1,700 square kilometres with its base in Barangay Maamot, San Jose in Tarlac province. With a target irrigation service area of 34,410 hectares, the NIA assumes that

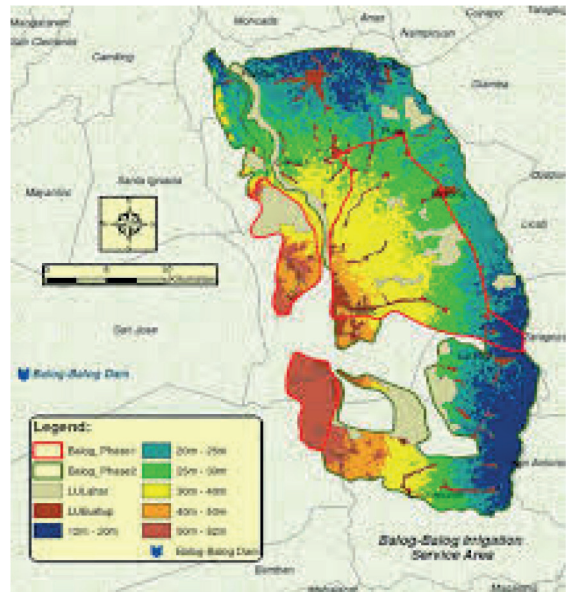


Image 3. Aerial view of the location plan of BBMP-II

Source: National Academy of Science and Technology

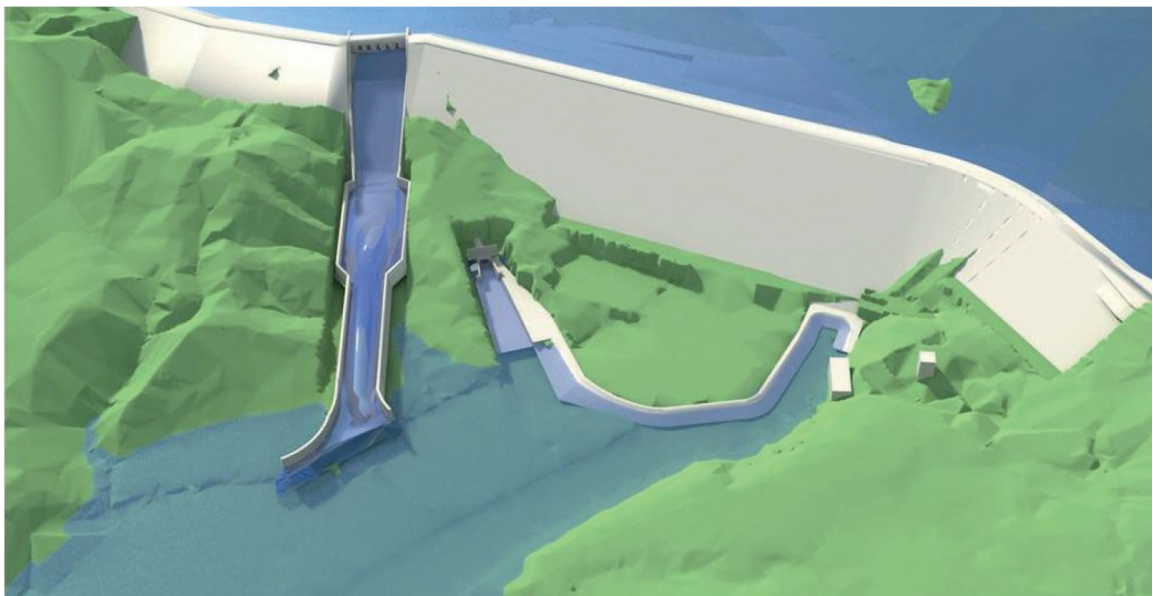


Image 4. Structural view of the BBMP-II

Source: National Irrigation Administration

BBMP-II will directly benefit 23,000 farmers by transforming the rain-fed production in the service area into farms that will enjoy year-round irrigation, which would enable farmers to plant twice or thrice a year. Most of the farmers in the service area are rice producers with an average landholding of 1.45 hectares.

The service area includes Tarlac City and the eight towns of Concepcion, Gerona, Capas, La Paz, Paniqui, Pura, Ramos and Victoria. Accordingly, their combined total population of 604,382 in 106,576 households will also indirectly benefit from the project. Despite the several revisions of the feasibility study of BBMP-II, the NIA has no estimate of its employment and income generation potential, an omission which is telling of the quality of said study.

The BBMP-II is situated on the eastern slope of Zambales Mountain. The project covers the watershed in the mountainous parts of Bamban, Capas and Tarlac City.¹⁷ But its feasibility study does not acknowledge that it also covers the ancestral domain of minority tribes of the Aetas in Pampanga, Zambales and Tarlac. In Iba, San Jose could be found Mount Puangi, which the Aetas consider a historical shrine.

Constant assumptions versus changing terrain and changing government priorities

As a result of the serial revisions of its feasibility study, the project expanded its

scope and costs to become the biggest multipurpose dam project in the country. But its assumptions have remained constant since they were conceived over 40 years ago. Over that long period, the entire terrain of the project has vastly changed, especially that of Tarlac City which is the biggest service area of the project's irrigation component. Tarlac City's position in this case is significant because, being the capital of Tarlac province, its development trajectory tends to usher in the economic development of and resultant demographic movement in neighboring towns that make up the project's total service area, particularly the urbanising towns of Concepcion, Paniqui and La Paz.

It has been noted early on that the NIA especially drumbeats the irrigation benefits of BBMP-II on rice production in the service area. This assumption might have been valid 40 years ago, but the changes in the terrain of the project have already blunted, as early as the 1990s, the validity of that assumption. Foremost of these changes is the conversion of the lands that used to be the US air base in Pampanga into the Clark Freeport and Special Economic Zone (CFEZ), a 31,400-hectare enclave for investments, logistics, connecting transportation, production and trade in goods and services. Recently, another futuristic, IT-driven megapolis-type of development, covering 9,400 hectares designated for mixed uses, was carved out of CFEZ. This project is called

the New Clark City, also known as the Clark Green City. The government proudly dubs it the 'first smart city' of the country.

This makes Pampanga the metropolitan hub of the region whose connecting development bears influence on the peripheral provinces of Bataan, Zambales, Tarlac and even Nueva Ecija. The Central Luzon Development Plan for 2017-2022 and the brochures prepared by the Department of Trade and Industry (DTI) on Clark Green City bear this out. At least five years before 2022, all development roads lead to and revolve around metro Pampanga, reducing the rest of Central Luzon to satellite economies that will service the requirements of CFEZ and Clark Green City.

Regional economic shift and threat of land use conversion on the project service area

As a result of this development trajectory in the region, Tarlac City is moving away from dependence on agriculture and this development hastened when the Aquino-Cojuangcos, in defiance of the 2007 Supreme Court decision dissolving the stock distribution option (SDO) in their 6,000-hectare Hacienda Luisita, decided to shift their agricultural assets to commercial uses and infrastructure projects. Tarlac City is now more reliant on commercial, mixed-use real estate and the infrastructure expansion that is spilling out from the development in CFEZ and Clark Green City in Pampanga.¹⁸

Land use conversion and land banking for future use are high in the city and the town of Concepcion and will get higher in the years to come.¹⁹ This development trajectory will sooner or later dissolve if not weaken the agriculture base of the provincial economy and contradict the unchanged assumptions of the project that might, ultimately, exclude and victimize its target farmer beneficiaries.

This development is, in fact, fast shaping up in the target service area of BBMP-II. Since the creation of the special economic zone, the service area has attracted land speculators and prospectors, prompting the escalation of land prices. Many of the original farmers in the area have already sold their lands to prospectors and speculators.²⁰ This is especially true with rice farmers who have gone debt-ridden and bankrupt due to successive low prices of their *palay* (unmilled rice) triggered by huge rice importation that started with the Arroyo administration. Their situation has been recently aggravated by the passage of the Rice Liberalization Law in 2019. Moreover, a considerable portion of the service area has already been consumed by the built-up expansion in the urbanising towns of Concepcion and La Paz.

More than the changes in the terrain, government priorities have also undergone a major restructuring since the 1990s when the country ascended to its membership seat in the World Trade Organization (WTO). This restructuring puts a premium on intensifying

the production of goods and services for export, at the expense of producing those goods vital to meeting domestic needs and the food security of the country. This means that the unchanged assumptions of the project are no longer matched by any national policy that would encourage farmers to double their efforts in producing rice. Quite the contrary, with the passage of Rice Liberalization Law, the restructured policy on rice undermines any local thrust to increase rice production.

Opposition and peoples' movement

Right after President Noynoy Aquino announced in 2011 the inclusion of BBMP-II in his PPP, groups opposed to the project promptly rose up. They started as local movements that linked up with regional and national formations along the line of opposing the big dam projects of the government. In Central Luzon, the opposition to BBMP-II was led by Central Luzon Aeta Association and Alyansa ng mga Magbubukid sa Gitnang Luzon (AMGL). They were joined by students, church people, environmentalists, human rights defenders and advocates for the rights of farmers and IPs. They converged at the national level through the Philippine Task Force for Indigenous Peoples' Rights (TFIP) which coordinated the campaigns of partners and allied organisations.

In 2012, the people's movement against BBMP-II conducted a fact-finding mission and impact assessment at the project site.



Image 5. "Respect our right to land", demand the people affected by BBMP-II

Source: International People's Movement for Self-Determination and Liberation

Its findings were drawn up into a petition that was presented to the Makabayan bloc, a coalition of progressive political parties, in the House of Representatives and the Committee on National Cultural Communities. Forums and rallies were also held to spread awareness on the multi-faceted risks of BBMP-II and to report to various audiences the findings of the fact-finding mission. At the project site, streamers calling for a stop to BBMP-II were put up in strategic places.

Outside of the organised opposition to BBMP-II, there were other sectors that opposed the project including local politicians. In an interview by a local news correspondent, a member of the San Jose local government unit said that BBMP-II had been expanded to serve as milking cow for people in the government.²¹ Some news articles would

also quote anonymous government insiders who looked at BBMP-II with disfavour due to technical issues. One such insider, a former NEDA official, claimed that it would take 12 to 18 years to fill up the 560 million cubic meter capacity of the dam and, further, that filling up the dam to its full capacity would dry up the downstream rivers, affecting the surrounding flora and fauna.²²

On March 14-15, 2018, another fact-finding mission was conducted in the project site, this time to assess the impact of the start of the construction of BBMP-II. It managed to slip past the entrance checkpoints put up by the military and saw that the construction had started flattening the mountains as source for soil needed for concreting, covering rice fields and creating dumps that obstructed the flow of Balsa River.

This mission was harassed by the elements of the 3rd Mechanized Brigade of the Philippine Army which tried to chase it out of the project site. Despite the harassment, it succeeded to hold focused group discussion with the IPs. Its findings were again drawn up into a manifesto for the International Day of Action for Rivers that was submitted to the Makabayan bloc in the House of Representatives.

Points of opposition of the people's movement against the BBMP-II

The opposition to BBMP-II had identified four negative effects on the inhabitants and

environment in the project coverage: (1) the obliteration of 29 *sitios* (a territory within a village) and the direct displacement of their communities during the construction phase of BBMP-II; (2) after BBMP-II is completed, the inundation of 14 *sitios* that stand in the water discharge path of the dam; (3) the exhaustion of the watershed in Bambang, Capas and Tarlac City, and (4) the changes in the ecosystem in the project area that would affect biodiverse sources of livelihood of communities, especially the Aeta minority.²³

An additional harmful effect can arise from the possible spatial conflict between upland IPs and lowland residents who will be forced to migrate from the flood path of the BBMP-II and go upland where Aeta communities live. This will drive the latter further upland and become more marginalised.

AMGL and TFIP claimed that the 29 *sitios* that stood to be obliterated by the construction of BBMP-II hosted 1,650 families inhabiting along the two rivers in Maliit and Tangan-tangan in Barangay Maamot, San Jose and Buboy River in Capas, Tarlac. Most of the families are members of the Abelling and Umay subgroups of the Aeta minority. They also claimed that the 14 *sitios* located near the water discharge path of the dam were home to some 500 families that would likely suffer the same fate as the barrios inundated by the San Roque Dam in Pangasinan.

Joseph Canlas, chairperson of AMGL, was especially emphatic in calling BBMP-II an



Image 6. Ongoing construction of the Balog-balog dam

Source: Indigenous Peoples Movement for Self-Determination and Liberation

example of land and resource grabbing. He said that the area in Barangay Maamot, San Jose where the core facilities of BBMP-II would be constructed was part of the original 5,000-hectare land that has been the subject of an ancestral domain claim of the Aeta minority in Pampanga and Tarlac. The claim included Mt. Puangi, a revered cultural site of the Abelling subgroup of the Aeta minority. The National Commission on Indigenous Peoples (NCIP) sat on their claim which the Aetas had submitted soon after the enactment of the Indigenous Peoples' Rights Act of 1997 (IPRA Law). With the passage of time, the scope of their claim has been reduced to 500 hectares due to suburbanization and settlement expansion, land prospectors buying lands from farmers, quarrying, and LGU reclassification of

agricultural lands into other uses. With the construction of the dam, even those 500 hectares are totally gone. Canlas asserted that the project was merely the first step for capturing and consolidating the water resources in Tarlac for their eventual privatisation.

Resource-denial and displacement of Aeta communities

The displacement of indigenous communities started in 2016. Their displacement was systematic, with the military playing a big role. It assumed the form of “whole-of-nation” approach and base-denial tactics that state security forces have been using in their counter-insurgency. It was signalled by the arrival in the project site of elements of 3rd Mechanized Brigade of the Philippine Army

which promptly sealed off the project vicinity from outside help through establishing checkpoints that filtered the entry and exit of civilians. The streamers calling for a stop to the project were taken down and replaced by signage announcing the presence of the military and that construction was about to start. Meetings were strictly monitored as well as the presence of strangers. People were warned not to contact NGOs and groups that NIA officials and the military tagged as fronts of the revolutionary organisation, the Communist Party of the Philippines (CPP) and its armed wing, the New People's Army (NPA).²⁴

Apart from isolating the communities from outside help, sealing off the vicinity also aimed to force the people out of their lands by rendering the communities uninhabitable through shutting off from the inhabitants the use of the life-sustaining resources found in their lands. With the help from the military, the NIA prohibited locals from entering the areas which they had been using for decades as fishing and hunting grounds and as source of wood fuel. This forced the inhabitants to look for sources of food and livelihood far from their communities. The communal irrigation and indigenous tube wells were also destroyed rendering the farms useless.

The affected population

There were three groups of people directly affected by the project construction: (1)

the landowners (inhabitants with title to their land), (2) tenants (those without title to the land they had occupied) and (3) the Aeta minority. The NIA had devised three approaches to their various situations. The landowners were paid just compensation for their land, houses, and crops. They were supposed to be accommodated in the resettlement area as last priority, but most of them opted out of it because they found the resettlement houses as too small for their families. The tenants were only paid disturbance compensation for their vacated houses but the compensation did not include their crops for which they were urged to harvest under a given deadline. They were also accommodated in the resettlement area if they chose to resettle therein.

The third group, the Abelling and Umay subgroups of the Aeta minority, was the most vulnerable of the three groups. Except for their small huts and some semi-primitive tools for hunting and cultivating root crops, they had little or no possession. Given their centuries-long adherence to a natural economy and without conventional education and skills, they were the least prepared for relocation in a new environment that would require different skills to survive. On one important aspect, most of them were root crop farmers. They knew little about the kind of technology-driven farming that the irrigation of BBMP-II would promote. Moreover, they managed to survive through

all these past decades through sharing their production output. They also knew little about trading or selling their goods.

The NIA gave them preferential treatment consisting of priority accommodation in the resettlement area and a resettlement compensation which Canlas calls 'hush money' in exchange for the lack of adherence to the principle of free, prior and informed consent (FPIC). It also promised the Aetas livelihood trainings to help them transition to a life uprooted from their ancestral domain and natural economy. However, the package of compensation and promised training is suggestive that NIA considered their displacement only in economic terms. It did not consider the cultural and social dimensions of their displacement.

Bogus social approval of the affected IP communities

Given the militarisation of the project site, no genuine FPIC process was conducted. The 2010 Updating Feasibility Study of BBMP-II mentioned that the project must secure a new Environmental Compliance Certificate (ECC) but it did not mention anything about securing the consent of affected IP communities. It appears from this omission that the FPIC was not an issue for the NIA since the project was hatched long before the enactment of IPRA. The NIA was issued a new ECC for BBMP-II in 2016.

Instead of convening a tribal assembly in accordance with Aeta tradition, the NIA and

the NCIP created a council of elders out of handpicked individuals who were supportive of building of the dam. The elders were then made to sign a document stipulating that they would receive monthly allowance from NIA. The would-be affected Aeta families, on the other hand, were simply talked out of their communities in a series of meetings where officials of the NIA, the NCIP, the local government and other government agencies that usually outnumbering their Aeta audience.

In these meetings, NIA officials usually spoke first, telling the affected Aeta families that the project, with its promised benefits, would be for their own long term good. This would be followed by NCIP officials posing the question '*May tutol ba?*' ('Is there any objection?'), without apprising the Aetas of their rights under IPRA. The process for the FPIC was not only one-sided but it was also framed in a manner in which the Aetas had no choice.

Under guard by the military, the affected Aeta families were made to sign documents giving NIA access to their lands and waiving their rights to their ancestral domain. Once the documents were signed, the families were made to 'voluntarily' vacate their houses even though the construction of resettlement houses was still on-going. They were placed in temporary resettlement sites in Sula, San Jose, Tarlac where water, electricity, sanitation and other social services were inadequate. Since the

resettlement was temporary, the houses were also makeshift.

Conditions in the resettlement site

Of the 1,650 families that would be affected by the project construction, the NIA only had a total of 970 families of registered resettlement beneficiaries (they are officially called Families Affected by the Project or FAPs). Of this number, some 500 families were of the Abelling and Umay subgroups while the rest were tenants. In 2016, the NIA started resettling them in temporary resettlement sites even though issues such as compensation (for their land, homes, animals and crops), viability of the resettlement areas, social and utility services, and alternative livelihood remained unsettled.

It was only in 2018 that they were eventually relocated to the formal resettlement site in Sitio Mambug, Sula, San Jose. The resettlement site has a school, a barangay and social hall, a covered basketball court, a market, a chapel, and even a cemetery. The houses were free but they were small, unfurnished, and single-room affair (no division). Once permanently resettled, the affected families were no longer allowed to return to their lands, forest and rivers. The resettled families, especially the Aetas, were bluntly told that having signed the waiver and accepted the compensation from the NIA, they no longer had any right to the natural sources of their old

livelihood. Presumably for this reason and to discourage the resettled families from returning to their land, the resettlement site was located in Sitio Mambug, Sula which is several kilometres away from Maamot.

At the time the fact-finding mission was conducted in 2018, the resettlement site had only temporary electricity connection from the power generator of Guangxi, the construction company. Meanwhile, water remained to be a problem as NIA was still processing the electric and water connection with the Tarlac Electric Cooperative and the Tarlac water district. To have access to water, some residents put up temporary wells and shared them with their neighbors.

Under the terms of their resettlement, each of the resettled families was to receive USD 6,000²⁵ (PHP 300,000) to start their lives anew. But as of 2018, only half of the amount had been given to the families who, then, spent the money mostly on improving their resettlement houses such as by putting divisions and buying furniture and household items. The enterprising among the resettled families used a portion of their compensation money to put up small variety (*sari-sari*) stores.

Again, at the time of the 2018 fact-finding mission, the promised livelihood trainings had not yet started. The NIA officials claimed that they were working on it as the trainings needed extensive coordination with other government agencies such as DTI and

Department of Agriculture (DA). This left a vacuum in retooling the resettled families.

But informant Canlas understood the delay was connected to the whole scheme of constructing the BBMP-II. It was meant to generate alternative livelihoods that are based on the promised benefits of the irrigation dam, such as high value aquaculture and capital-intensive farming. According to Canlas, this meant two things: (1) the livelihood trainings would have to wait for the completion of the BBMP-II; and (2) when completed, the resettled families, especially the Aetas, would find out later that the livelihood trainings would not include them because of the exclusionary character of high value aquaculture and capital-intensive farming. They would have to content themselves with the off-farm odd-jobs opportunities that BBMP-II and its dam-based livelihoods would supposedly generate such as tricycle driving, crop hauling, farm hands in the fields of other farmers, and other livelihoods that are in the nature of ripple effects of the project.

While the livelihood trainings were on hold, the men of the resettled families were absorbed as construction crews of Guangxi. However, not all were able to work, especially among the Aetas, since Guangxi is a relatively advanced construction company and only some IPs could operate its construction equipment. The absorbed Aetas worked without contracts. They were paid minimum

wage but they did not enjoy the non-wage benefits provided by the Philippine laws.

According to Canlas, they were no longer employed as of 2019 when the BBMP-II construction entered its technical stage that required highly skilled workers. This means that their employment with Guangxi was only as good as cash-for-work. Since then, NIA and Guangxi have left the affected Aetas to their own devices.

Canlas added that many Aetas have already expressed the desire to leave the resettlement site to venture farthest upland to join other tribes that have remained in the mountain range straddling Zambales and Tarlac. They felt culturally lost in being mixed with the Christian families in the resettlement site. Uprooted from their natural economy, they have not successfully transitioned from being root crop farmers to hiring themselves out to sustain their families daily. Moreover, their sense of economic insecurity is high in the resettlement site. On balance, their resettlement houses are an improvement to their old wooden and thatched-roofed houses. But in their previous environment, they spent only for the bare minimum. Food could be had from the bounty of nature, from their hard work and from the cooperative spirit of their communities. In their new location, everything is bought and they have to fight each day for their food against their fellows, using means that are unfamiliar to their cultural constitution.

Previously, they did not have to worry about paying the bills for utilities. With work and livelihood being scarce in their new environment, they are worried that the compensation they would get will only suffice their water and electric bills.

Findings and conclusion

Although BBMP-II is still on its construction stage, it is already exhibiting ample signs that it is not the public good the government claims it to be. For one, it follows the pattern of dam-building in the country which is rationalised more by the overarching purpose of increasing government spending that, in turn, is driven by increasing taxes and more foreign borrowings.

To obtain formal legitimacy for increasing government spending, the assumed benefits of dams are inflated while their social costs and risks are downplayed. But what makes the BBMP-II stand out from this pattern is that government spending, in this case, was pursued even though the project's assumed benefits, drawn several decades ago, no longer cohere with the prior subsequent restructuring that has realigned the regional and national development thrust towards globalisation.

Apart from the wrong assumptions that skewed the balancing of social costs versus

benefits, the project is also flawed by its implementation. No genuine FPIC process was conducted. This was ensured by the presence of the military which saw to it that the affected communities would hear only the side of the government and no contrary opinion could get in the way of the project's implementation. In hurrying up the implementation to cover for lost time due to several delays, the NIA also cut corners and used highly questionable methods to get community approval. This thrust overarched the implementation of the project that it compromised the social preparation for the affected families such as prior readiness of the resettlement site, prior provision for social services, the retooling of displaced families and the provision for sustainable livelihood. It thus victimizes the affected families twice over; first, by uprooting them from their communities and separating them from their sources of livelihood; and second, by turning the victims into outcasts of development, excluding them from the primary benefits of the project.

The result is a dam project that continues a long narrative of victimisation and displacement of poor and marginalised rural people. This impact is hardest on the Abelling and Umay subgroups of the Aeta minority who lost their ancestral land and cultural identity to the project and are now lost and insecure in the resettlement site.

(ENDNOTES)

- 1 Roehlano Briones, et. al., Rapid Appraisal of the Irrigation Program of the Philippine Government, PIDS, 2014.
- 2 Roehlano Briones, et. al., same.
- 3 XE Currency Converter
- 4 Nelson Bolos, 'Tarlac's Balog-balog Dam. A boon or bane?', Central Luzon News Center, May 26, 2017.
- 5 Because Marcos' extended rule lacked transparency, it is not known why it took the EWD seven years to finish. There are accounts that the WB disapproved the Project or that Marcos himself held it back because Tarlac was a bailiwick of Ninoy Aquino, the acknowledged leader of the legal opposition to Marcos' rule. Please see Jo Martinez-Clemente, 'FromNinoy to Noytoy: the promise that is Balog-Balog', PDI, 03/08/2011. It must be recalled, however, that the period of the delay was part of that stretch in local history when Marcos started losing grip on his one-man rule because of the groundswell of broad opposition after the assassination of Ninoy Aquino in 1983. This was also the period of the SAP in which the WB strictly supervised the fiscal position of the Marcos administration, especially its projects.
- 6 XE Currency Converter
- 7 Jo Martinez-Clemente, same.
- 8 NIAConsult Incorporated, Updating Feasibility Study of Balog-Balog Multipurpose Project Phase II, Volume 1, May 2010.
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- 10 Marvyn N. Benaning, 'Controversy hounds Balog-Balog dam project in Tarlac', Business Mirror, 04/02/2017.
- 11 XE Currency Converter
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- 15 NIA Consult, same.
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- 17 All facts and information in this heading are culled from NIAConsult, same.
- 18 Video call conference with KajosephCanlas, chairperson of Alyansa ng mgaMagbubukidsa Gitnang Luzon, 5:00 PM, August 27, 2020. The AMGL is the Central Luzon regional chapter of the KilusangMagbubukid ng Pilipinas. Canlas was part of the multi-sectoral fact-finding mission that descended on the Project area in 2018.
- 19 Video call conference with Joseph Canlas, same.
- 20 Interview with Benny Marasigan, 3:00 PM, August 28, 2020 at the residence of the researcher. Marasigan is an Anakpawis organizer who was assigned to organize AP chapters in Concepcion, La Paz, Capas and Tarlac City during the 2019 mid-term elections.
- 21 Nelson Bolos, as cited. The opinion of the member of the San Jose LGU was in Pilipino. His exact quote as it appeared in Bolos' news article was "Parangginagawalang ang Balog-balogparamagkaroon ng pagkakakitaan ang mganasagobyerno".
- 22 Nelson Bolos, same.
- 23 'Our Rivers, Our Lives: The Ayta of Pampanga and Tarlac and Their Struggle Against Quarries and Dams', a Manifesto of Task Force for Indigenous Peoples' Rights for the International Day of Action for Rivers, issued on 03/14/2018.
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Impacts of the National Physical Plan 2050 on natural resources, livelihoods and human rights in fishing and farming communities in Mudcove GN Division in Trincomalee District

National Fisheries Solidarity Movement (NAFSO)

Introduction

The National Physical Plan (NPP) 2050 is a development guide drawn up by the National Physical Planning Department (NPPD) of Sri Lanka to establish a uniform development structure for the country. Its exhaustive management design aims to make optimal, efficient, and profitable use of natural and human resources. This would ideally lead to sustainable economic growth, enable people to acquire better living conditions, and propel the country onto the international stage. To this end, the plan is divided into sub-sections covering various projects to be implemented in the country's industrial sectors.

An initial version of the plan was developed in 2007 and put into effect in 2011. But 10 years later, the government felt the need to update the plan due to gaps between its established directives and the implementation of the various projects within it. There were shortcomings on the part of local authorities in generating immediate results, resulting from lack of political will, inconsistency in priorities, and unwieldy coordination with national agencies. Some of the initial plan's premises also no longer applied to the ever-changing situation in Sri Lanka, specifically

in the context of climate change and land degradation.

The NPP 2050¹ is supposed to be more flexible to changing conditions in the country, and generally aims to turn it into a pivot point within South Asia, in terms of import-export trade owing to its strategic geopolitical location.

The master plan is divided into development or rehabilitation plans for ten regional sections: the East-West Development Corridor; the Northern Development Corridor;

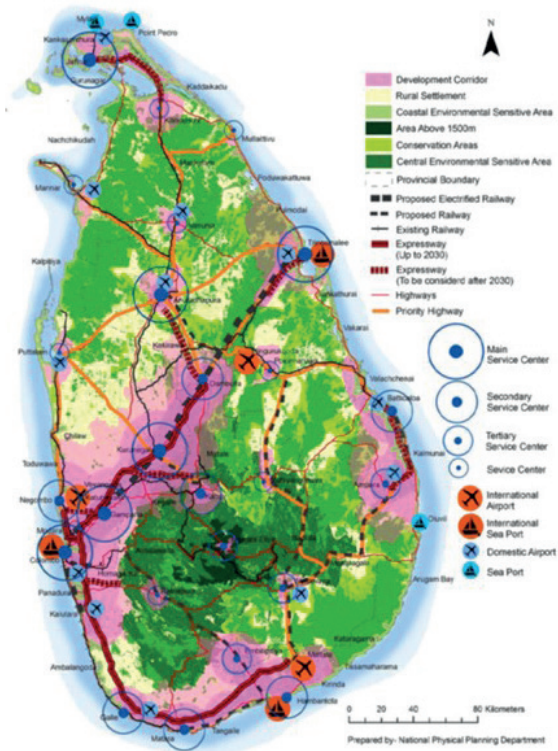


Image 1. The proposed Spatial Structure 2050

the Southern Development Corridor; the Eastern Development Corridor; the Greater Kandy Region; the Greater Anuradhapura Region; the Nine Main City Regions; the Central Fragile Area and Sensitive Area Conservation Zone; and the Water Cascading System. These sub-plans are themselves composed of multiple urban development projects, land conservation areas, industrial development zones, and plans for expansion of transportation routes, for reinforcement of social infrastructures, and for management of water and energy supplies. Unlike the previous iterations of the plan, the NPP

2050 purportedly pays particular attention to sustainable development and reduction of social disparities.

Implementing the NPP 2050 requires close collaboration between local, regional, and national authorities. In order for the plan to succeed, developers, policymakers, and other stakeholders must completely commit to and conform with the assignments.

But some local civil society groups believe that describing the development plan as comprehensive and inclusive structure is

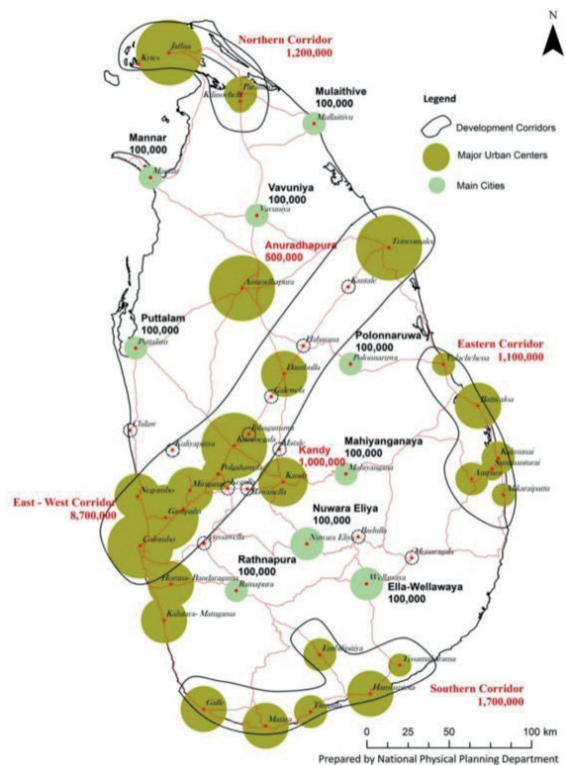


Image 2. The East-West Corridor between Colombo & Trinco in proposed agglomeration pattern map of 2050

simply a bait strategy to attract foreign investors, who play a crucial role in financing projects. Such a large-scale plan would demonstrate good governance, which appeals to investors' preference for results-based management and inspires business confidence leads to greater revenue generation.

A major component of the NPP 2050 is the creation of "economic corridors," which comprise a series of major interdependent agglomerations, connected by physical, economic and social infrastructure networks. Their objective is to increase accessibility between cities, facilitating commercial trades and ease of population mobility. The biggest corridor, the Colombo-Trincomalee Economic Corridor (CTEC), is particularly interesting for foreign investors due to the presence of one important port on each coast, both commercially and politically advantageous for drawing attention of foreign investors, such as from the United States, Japan, and India. Following the South Korean development model from the 70s and 80s, the CTEC is mostly funded by the Export-Import Bank of Korea (Korea EximBank), along with the Asian Development Bank (ADB) and the Sri Lankan government, and is expected to follow the same path of success.

However, there is a debate over the United States grant of USD 480 million through the Millennium Challenge Corporation, which is

well known as "MCC Grant" for reform land regulations and the transport management project in Sri Lanka².

Role of Trincomalee in Sri Lanka's development plan

The Trincomalee district, located in the eastern province of Sri Lanka, is considered a very strategic location of the country. Indeed, this area has already many elements ensuring a development of an economic, tourism, exportation, and logistic hub in the area.

Holding one of the three international ports of the country, Trincomalee is, without a doubt, a strategic location for transportation of export and imports and for tourism as it is located in a central position in the Indian ocean. Furthermore, it has a focal position in the Bay of Bengal, holding crucial economic and geopolitical possibilities. By having an active presence and activity in the bay, Sri Lanka ensures its access to vital strategic maritime routes that are also available to other Indo-Pacific forces. This could represent significant economic flow in the country due to the trade inflows it may create.

As identified earlier, the development plan aims to develop an East-West corridor between Colombo and Trincomalee to optimize the country's resources and to increase access to transportation

infrastructure. The goal is to implement interconnections between cities and to better use Sri Lanka's natural resources.

Thus, Trincomalee is an ideal area to develop to ensure a well-implemented interconnection of networks since it is an internal and international bridge. This region is seen to help improve the physical and social infrastructures, both domestically and on an international level.

The development plan of 2050 aims to concentrate half million residents on the East-West Development Corridor, which entails the construction and improvement of specific infrastructures and high-end urban facilities in Trincomalee. It will be made into a major industrial cluster by urbanising its 2,727-square kilometre area. More people are expected to migrate into the area in long term, attracted to the opportunities offered in jobs generated by newly established industrial hubs.

As demonstrated in the "Proposed Spatial Structure of 2050," the Trincomalee area is associated with two main projects of development: an international seaport and a domestic airport. In addition to these two mega-projects, there will be improvement in the rail and road routes, new projects to support water and energy supplies and to develop fisheries, agriculture, and urban infrastructure.

Certain specific measures are set to be implemented to improve said sectors. First, the ultimate project under the NPP for Trincomalee is to optimize the international sea port by creating new heavy industries closer to the port. This will facilitate the assembly of plants and concentrate the high-tech ones as well, simplifying the logistics of transport since many raw materials come in from international imports.

Second, another major project in the area will also be the creation of a domestic airport. One of the government's plans is to transform Sri Lanka into a transportation hub in South Asia and to increase its island connections to the world. The government consequently plans in the NPP to increase air traffic, which is thought to improve the economic standards of a country and enhance its tourism. This will alternatively address the increase of travel demand within the country and ensure support for business development in the region.

Third, railroad development is also a specific project in Trincomalee that the government sees as the most economical way to ensure mass transportation of the population. While the area already contains many railways connections to the rest of the country, the NPP program identifies improvements necessary to ensure optimised and more efficient transit. For example, though there already exists a rail link between Habarana

to Trincomalee, the plan is to have installed high-speed trains along this link, as well as modern systems for online reservations and e-tickets, by 2030, thus better servicing the East-West Development Corridor.

Fourth, the NPP aims to improve road infrastructure in Trincomalee, paving the way for better accessibility between cities and decreased traffic congestion in urban areas. The Dambulla-Trincomalee (A6) and Trincomalee-Puttalam (A12) are two of the highways that will be developed.

Fifth, the government plans to develop new sewers in certain agglomerations including Trincomalee, which would support the proposed settlements patterns according to the NPP. For the water supply in the development corridor, between Trincomalee and Colombo, the Mahaweli River, the Kalu Ganga River, and the Kelani River will be tapped as sources. There is also a plan to build a new coal power plant, with associated facilities such as coal unloading jetty, to generate 2×250 megawatts of electricity.



Image 3. (a) Mapping at the PRA data collection; (b and c) FGD at Mudcove GN division; and (d) Interviews with the affected community members at Manayaweli Village

Lastly, another specific project in Trincomalee, the Yan Oya irrigation project, may likely affect the irrigation facilities for agriculture. The government also plans with the NPP to establish a freshwater prawn hatchery and a sea cucumber hatchery. These developments promise to raise fish and shellfish harvest but will inevitably impact the traditional fishing process in the district.

Objectives and methodology of the study

In general, the present study aims to expose the adverse effects of the National Physical Plan (NPP) on fisher and farmer communities in select villages in the Mudcove GN Division, the Town and Gravets DS division in Trincomalee district.

More particularly, NAFSO set out to (1) to describe the role of foreign interests in the formulation and implementation of the NPP; (2) to identify the specific projects of the NPP in Trincomalee and; (3) to document the impact of these NPP projects on fishers' and farmers' livelihoods and their access to land and resources

In addition to desk research and collection of secondary data, NAFSO conducted a survey in one of the affected communities, the Muhamadiyar Nagar village, because according to the latest version of the NPP, 228 families, who have been residents for over 50 years, are facing threats of

displacement because of a dockyard set to be constructed in this village. NAFSO also interviewed several community leaders and survey respondents, both individually and in focused group discussions, using a questionnaire, following PANAP's guide questions, that NAFSO translated into Sinhala and Tamil.

Case study: Impact of NPP project/s on the livelihood of fishing community in Trincomalee

In the Grama Niladhari (GN) Division of Mudcove, there are multicultural (e.g., Muslim, Hindu, Buddhist and Christian) and multiethnic (e.g., Tamil and Sinhala) groups of people who have been living there in harmony since 1954. It is located in the Town and Gravets DS Division in the Trincomalee District of the eastern province of Sri Lanka, approximately 262 kilometres northeast of Colombo.

The area also consists of three fishing villages, namely Muhamadiyarnagar, Dhammanandagama, and Mahamayapura. For this study, the two villages of Muhamadiyarnagar and Dammanandagama were selected.

Overall, there are approximately 768 families in the GN Division in Mudcove, 403 of which families are Muslim; there are 43 Tamil and 322 Sinhala families living in the GN Division as well. NAFSO randomly selected 41 families consisting 209 members for the



Image 4. The PRA map prepared by the survey participants at the Mudcove GN Division



Image 5. Trincomalee district in map of Sri Lanka

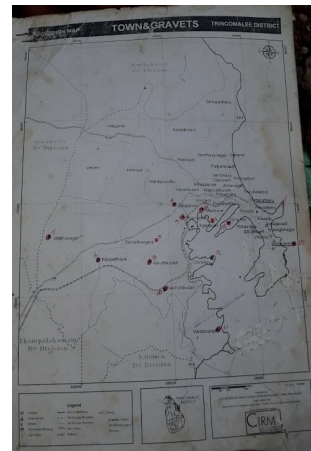


Image 6. Map of Town & Gravets DS division

survey. These families represented all the ethnic groups and religions, which are as follows: 13 Sinhala, 13 Tamil, and 15 Muslim families. (See Table 1)

The families rely on fishing and fish vending as primary sources of income; naturally, the main products of this community are dry fish, followed by produce, chutney, and pickle. Some of the respondents also work as divers, vendors, teachers, drivers, masons, mechanics, and government employees. Some are self-employed as lumberjarks, money lenders, carpenters, garment factory workers, painters, tourist guides, and subsistence farmers.

NPP project implementation in Trincomalee

According to the Gazette Notification No. 314/10 in 1984, the total land area

allotted to the Sri Lanka Port Authority was 2,255 hectares. Even back then, however, irrespective of the order, people were already living peacefully in the villages in the GN Division, without knowing what would happen to them and their future generations. The letter issued by the secretary of Land and Parliamentary Reforms in March 2019, which was also sent to the President, clearly stated that 406.7 hectares belong to the villagers. Locals revealed that they have the permits³ and Jayabumi grants⁴ signed by the president.

The project was started informally in 2015, to be expected for completion by 2050.⁵ Locals complain that there is no transparency in the project. NAFSO, together with the Citizen's Voice of Trincomalee, the Trincomalee chapter of the National Fisheries Trade Union, and concerned media personnel,

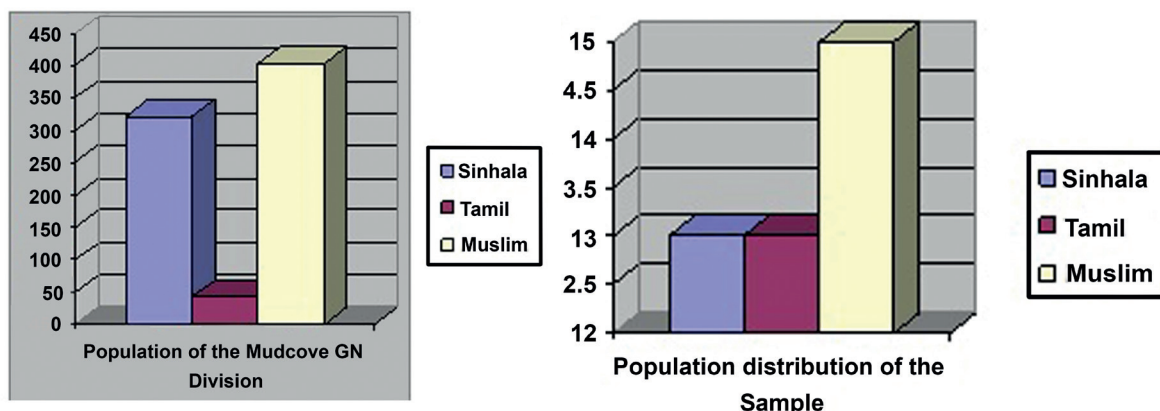


Image 7. (a) Population distribution of the sample and (b) population of the Mudcove GN division

Table 1. The primary products, number engage in those activities in the community

No	Livelihoods of the community whom were selected for the survey	Number of Families	Percentage
1	Fishers	12	29%
2	Fish vendors/divers	5	12%
3	Labourers	10	25%
4	Drivers	5	12%
5	Water boarders/technicians	2	5%
6	Pre-school teachers (women)	2	5%
7	Self-employed (tailoring, preparing and selling homemade food, producing jam and marketing, craft toys products, home gardening)	5	12%
Total		41	100%

held discussions about this project with the community. People thought the project had begun only in 2018 because certain policies and restrictions on fishing emerged only when construction projects started and disrupted their activities. The fishers expected to build on the beach a temporary shelter in which to keep their nets and equipment. They even attempted to repair their roofs, replacing tin

sheets, as soon security personnel of the port approached them and started to take legal actions against them. They did not have any idea about how long it would take to complete the project.

Nor do the people have any clear idea about the major players involved in the NPP. Prima Company have captured land

spanning around two hectares in the site. The Singaporean company called Surbana Jurang Consultant⁶ is the major actor who planned the project, while the Indian Oil Company (IOC), Prima Company, and the Tokyo Cement Company (Mitsui) are the key players in this site. The minister of Ports and Naval Affairs, Johnston Fernando, is one of the key politicians behind this project after the regime change in 2019. It is unfortunate that information, such as on the amount of land allocated for each company, is not available in public domain. However, some of the concerned leaders have approached relevant authorities concern to seek such information under the Right to Information (RTI) Act. Yet their RTI requests have been repeatedly unanswered. Only informally did the authorities inform them that no such information could be made available.

All in all, 4441 families will be affected by the Trincomalee District Master Plan⁷ of the NPP, according to a government statement dated 8 November 2018. At the same time, the Land and Parliamentary Reforms Ministry stated in a letter on 29 March 2019 that “the alternative land to be provided for the affected people in another location.” Based on letters exchanged between the secretary of the Land and Parliamentary Reforms and a politician named Susantha Punchinilame, they were planning a possible relocation for the people. But around half of the survey respondents expressed that they

would never vacate their land under any circumstances.

In the Mudcove GN Division, at the first stage of the project, 153 families from Muhamidiyar Nagar and 75 from Dammanandagama are set to be evicted. People heard unofficially that they would be evicted in three phases. Several respondents, who requested to be anonymous in the survey, revealed that the Grama Niladari, or the villager officer, had said so himself. The first phase would affect locals living within 100 meters of the sea coast, as demarcated by the Navy. In the survey, people said that the Bethel House of God, a church in Poompuhar, would be the demarcation of the land supposed to be acquired in the area first. The president of Poompuhar Fisheries Cooperative Society said the government would demarcate the rest of the lands in the next two phases. Those living within 200 and 300 meters of the coast shared the fear that they would be evicted without even a prior notice, as some of the people had noticed that there were check marks on their houses, much to their surprise.

Almost all of the respondents said that no environmental impact assessment or social impact assessment had been conducted, and neither had authorities consulted them in any official capacity. Leaders of the 13 GN Divisions confirmed⁸ this. While the district secretary of Trincomalee called upon a meeting with NGO representatives in 2017,

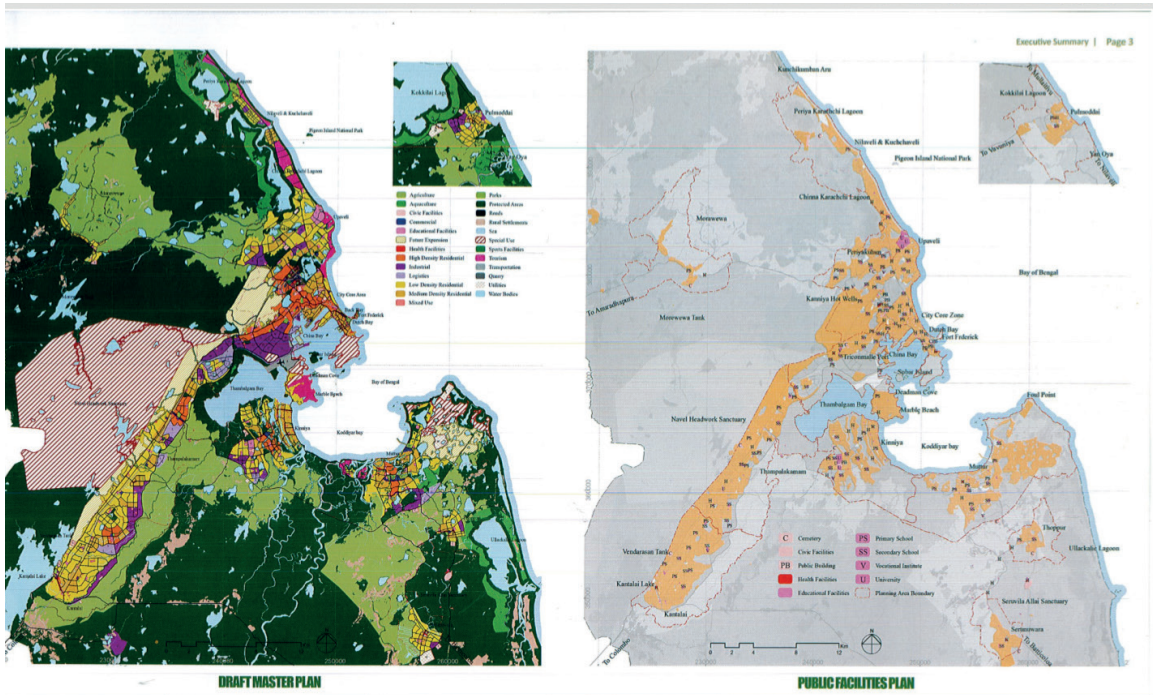


Image 8. Draft Development Master Plan for the Trincomalee District under NPP



Image 9. Bethel Church is the demarcation of the first 100 meters from the coast demarcated by the Navy



Image 10. Checks marks put by the Navy on people's houses

with Surbana Jurang Consultancy present to explain the project, no representative from the community had actually been invited. Still, local government officials attempted to justify this meeting as a consultation with civil society organisations and community leaders.

Impacts on the livelihood of the communities

With the project about to evict whole communities from their lands in 13 GN Divisions, people are facing loss of control over their resources which have been designated as part of industrial and tourist zones. At the same time, many lands are technically already owned by the state, even if locals own land titles called “grants,” which were provided and signed by former President Chandrika Bandaranayaka Kumarathunga.

Once the project proceeds, not only the homes of the 228 families around the Alavankuda area, but also its fisheries anchoring point will be seized, along with the access road to it. Fishers and community leaders, during a focused group discussion with NAFSO, raised the impact this would have on their livelihood. The removal of the anchorage point will violate the Fisheries Ordinance of 1941, signed by then Fisheries Minister Jorge Rajapaksha and published in the Gazette under the Back Bay Fisheries Order, which expressly allows local fishers to catch fish in said areas.

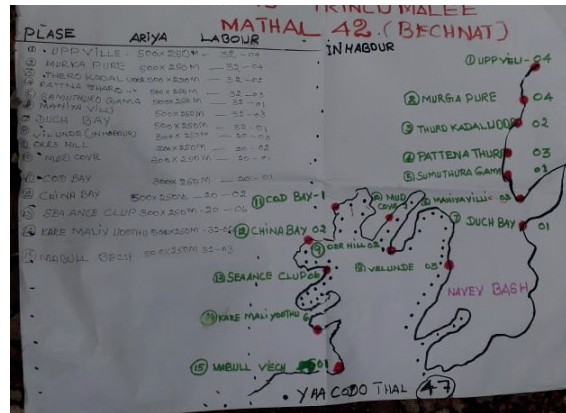


Image 11. Details of the beach seine operation points situated in Town and Gravets DS Division



Image 12. Beach seine operation in Manaiyaveli



Image 13. Barbwire fence erected by the Navy, disturbing the fishing activities

A practice called “bilipiththen maalu alleema,” or rod and line fishing, is allowed in this part of the back bay and in Samudragama anchorage point, which is the only place where all local fishers’ boats may be anchored at present. There are 434 outboard motorboats, 450 catamarans, 17 vallams, and 49 multiday boats parked there. Around 2,975 fisher families and 8,534 fisherfolk live along this portion of the coast.

Meanwhile, in Manayaveli, 42 legally approved beach seines will be removed, affecting small-scale fisherfolk. Typically, in 27 of these beach seines, each one employs 32 fishers for their operations. But operations in nine beach seines have already been halted, leaving the prospects of 288 fish workers hanging in the balance. The other beach seines are also already disturbed due to the reported presence of the military, as designated by the Port Authority. Due to these constraints, 864 beach seine workers might lose their livelihoods in the Town and Gravets DS Division.

Table 2. Details of beach seine operations and affected fishers

Locations	No. of Beach Seines	No. of Fishers Affected
Trincomalee District	170	NA
Town and Gravets DS Division	42	1,164
Mudcove GN Division	1	20

In each of the other 15 beach seines, 20 fishers work there. These 300 workers have not been evicted yet. However, similar disturbances and threat of evictions have already been manifest. During the survey, NAFSO found that fishers in the area were given the same threats made to those in beach seines in Alavankuda in Mudcove GN Division.

None of the lands in the Town and Gravets DS Division have been occupied yet; thus, the Grama Niladhari ordered against any new construction project or renovations in the villages. If the people built a house or repaired theirs, they would be charged by the Port Authority in Vellaimanal, Nachchikuda, China Bay, and Kavatty Kuda GN Divisions. In fact, the Port Authority has filed 15 cases against some people over just six months this year.

The Port Authority built about 100 meters of fence around the lagoon, from Mudcove Jetty to Dhammanandagama. Locals have since been unable to access the lagoon. At one point, they broke the fence and entered the lagoon by force in November 2018. No legal action was taken against the residents. Fishers carried on their work, but most of them constantly worry of impending displacement.

Should cargoships belonging to Mitsui, the IOC, and Prima come in, they will keep on anchoring in the area for more than



Image 14. Anchored cranes in the fishing ground, disturbing fishing activities at Alavankuda beach seine point in Mudcove GN Division



Image 15. Ja kotu or prawn trap in an Alavankuda fishing ground in Mudcove GN Division

two to three months, during which period fishers will not be able to do any fishing. At present, four cranes are anchored in fishing areas permanently, barring people from visiting or fishing. If any company property or equipment disappeared in the vicinity, government officials would suspect the fishermen.

Certain practices of the companies involved in the project undermine the local fishers' livelihoods. For example, Mitsui deepened

the areas where four "ja kotu padu," or prawn traps, had been set up, so the fishers who also engaged in ja kotu padu fishing were gradually outcompeted. Mitsui company had also erected a power plant in the area, and its boiler spilled out boiling water into the bay, destroying fish breeding grounds and marine biodiversity.

The Port Authority does not allow local people to catch fish in certain areas where they have traditionally been catching fish freely prior to the project. About one hectare of land has been provided to another company for fish farming as well, using board engines and vessels that, unlike the small boats of artisanal fishers in Mudcove and Pumbuhar GN divisions, can travel to the inner harbor. The company has permissions for all such activities. This categorically qualifies as an example of discrimination, according to Sri Lanka's constitution⁹.

During the survey, 23 families among the respondents claimed that they were losing around 75% of the daily income they would have otherwise earned from fishing in the inner harbor area. The people in Kappalthurai who catch mussels, crabs, prawns, and fish believe that tourist activities, as endorsed by hoteliers, have become their competition. In Nachchikuda, Vellaimanal, China Bay, Kavetty Kuda, and Villundy villages of the GN Division, people estimated their income to have dropped by almost 50% due to restrictions laid out by the Port Authority.

Due to tight security in Karumalai Oottru and Marble Beach, nine beach seines have not been allowed to operate, and so at least 180 fishers have lost their jobs¹⁰. Those who have retained their livelihoods, on the other hand, suffer reduced income (see **Table 3**), by almost twice what they were originally earning in 2018, around the same time the project informally began, according to the survey respondents.

In spite of many people's livelihood loss, there has not been any form of compensation provided by the developers or investors. Because most fisherfolk do not possess other profitable skills, they have not been offered other job alternatives either. According to the response to an RTI request filed by a local reporter on 4 September 2018, government authorities, including the divisional secretary of the Town and Gravets DS Division, claimed that the project would cause no adverse effects on the locals. The Grama Niladhari informed the general public of a similar claim and even insinuated that the local communities' clamor had only been instigated by NGOs.

Impacts of the NPP project/s on the human rights of the communities

The government deployed military, police, and other state forces to the community in the interest of the project. In particular, the Navy and the Port Authority's security personnel have been tasked to demarcate the lands to be requisitioned, given the free pass to fish or allow others to do so in Alavankuda, and harassed and intimidated local fisherfolk.

People have been threatened in various ways, their livelihoods disturbed, and their security compromised. In fact, the Port Authority's security officers have burnt down three houses in the Kappalthurai GN Division. According to the Land Acquisition Act No. 9 of 1950, 39 of 1954, and 22 of 1955 of Sri Lanka¹¹, any land acquisition for public purposes must follow a certain proper and amicable procedure in the name of national interest. Military or security forces cannot burn or damage any properties belonging to the general public. Yet, in this case, no such legal process was observed and not even a court order had been served to justify the eviction of locals from their homes.

Table 3. Family income/ per month of the people at present

Monthly Income (in LKR)	Monthly Income (in USD)	Number of Families
Between 5,000 and 10,000	27.00 to 54.00	5
Between 11,000 and 20,000	59.00 to 108.00	15
Between 21,000 and 40,000	114.00 to 216.00	13
More than 41,000	More than 222.00	8



Image 16 (a and b). Remnants of the houses in Kappalthurai burnt by security officers of the Port Authority

People are very scared to complain because the people think that they will have to face the adverse consequences by the government authorities.

Conclusions and recommendations

In 2015, NAFSO conducted an awareness-raising program with the communities' fisherfolk and leaders to discuss the project's implications, despite the government's insistence that there was no such project. Later that year, the Citizens' Forum was formed in the Town and Gravets DS Division. Dialogues were held among concerned CSOs and community-based organisations, who formed a mass movement and sought to galvanize the wider civil society, which emerged as the Citizen Voice of Trincomalee, into action. They petitioned the divisional secretary and other relevant authorities for immediate actions, though unfortunately, there has not been any response since. The Citizen Voice also handed over to the governor a petition that had garnered 1,500

signatures¹². Through these activities, more people began to discuss with the political leaders and advocated for the communities' safety and rights to land and livelihood.

In October 2018, the Citizen Voice of Trincomalee wrote to Susantha Punchinilame, a member of parliament of the Trincomalee District, who then forwarded it to Prime Minister Mahinda Rajapaksa. In his response, the latter advised the divisional secretary of the Town and Gravets DS Division and the secretary of Land and Parliamentary Reforms to look into the matter. The majority of survey respondents still looked forward to a fruitful resolution that would arise from parliamentary lobbying and said they would begin to organize mass actions only when the eviction pushes through. Only around 10% of the respondents admitted that, out of fear for government reprisal, they would vacate their houses if the government orders them to. This sentiment also stems from worries

of losing whatever possible compensation they could get from the government if they come forward and speak out in defense of their land and resources.

NAFSO learned from this study that it requires strong organising to motivate the communities into asserting their rights more compellingly, such as through mass actions. In doing so, they may also gain allies in the media and civil society, among others, who can strengthen their campaign for land rights even on alternative platforms such as social media. This could contrast with the official narrative of so-called development that the mainstream media often highlights where the NPP is concerned. Like-minded groups such as trade unions, progressive political parties, and even regional and international human rights advocates or development

partners could help spotlight the people's demands and inspire more to come forward alongside the affected communities.

NAFSO strongly recommends helping the community members build their capacities through more active political involvement. The youth, in particular, offer ingenuity and could, for example, amplify social media campaigns highlighting the project's destruction of people's properties, the human right violations incurred, and the imminent dispossession and displacement of many fisher communities. For this to happen, the local people and their leaders must collectively envision and plan for the kind of inclusive and pro-people development that would benefit not only Trincomalee but also other parts of the country over which the NPP's large-scale development projects loom.

(Endnotes)

- 1 <https://www.itpsl.lk/wp-content/uploads/2019/11/6.-The-National-Physical-Plan-2050.pdf>
- 2 <https://www.colombotelegraph.com/index.php/the-dangers-of-the-millennium-challenge-corporation-agreement/>
- 3 The Land Permit given by the Land Reform Commission has to be renewed every year.
- 4 The Jayabumi Deed refers to the land document given to civilians, as has been signed by the president.
- 5 <https://www.itpsl.lk/wp-content/uploads/2019/11/6.-The-National-Physical-Plan-2050.pdf>
- 6 <https://drive.google.com/file/d/1aNwaYtQdr0d8HdhSqdivUV4Kul4wilPD/view>
- 7 <https://surbanajurong.com/sector/trincomalee-district-master-plan/> [images] file:///C:/Users/acer/Downloads/District%20Development%20Plan_Trincomalee.pdf
- 8 The voice messages from the community members interviewed are recorded as follows: <https://youtu.be/TaOHK0wpktA> and <https://youtu.be/zRM0kjAwull>
- 9 According to the 1978 Constitution of Sri Lanka, any acts of discrimination on grounds of sex, race, language and other grounds are strictly prohibited. All persons are equal before the law and therefore entitled to equal protection of the law.
- 10 The information was gathered during the PRA focused group discussion, held in Pumbuhar village on 6 July 2020, with nine community leaders.
- 11 <https://www.lawnet.gov.lk/1949/12/31/land-acquisition/>
- 12 The information was gathered during the PRA focused group discussion, held in Pumbuhar village on 6 July 2020, with nine community leaders.

Annexes

Annex 1 Number and size of concluded domestic and transnational land deals worldwide, by intention of the land deals, As of October 2020

Intention	Domestic		Transnational		Total	
	No. of deals	Size (has.)	No. of deals	Size (has.)	No. of deals	Size (has.)
Agriculture unspecified	136	2,596,076	185	3,106,740	321	5,702,816
Biofuels	69	784,020	118	3,406,704	187	4,190,724
Conservation	4	26,175	8	199,941	12	226,116
Fodder	1	1,000			1	1,000
Food crops	366	2,432,174	605	6,000,887	971	8,433,061
For carbon sequestration/REDD	2	243,400	5	466,745	7	710,145
Forest logging / management (for wood and fibre)	84	6,548,620	114	17,519,266	198	24,067,886
Forestry unspecified	7	115,001	10	837,372	17	952,373
Industry	122	114,033	30	57,391	152	171,424
Land speculation	6	10,138	1	358	7	10,496
Livestock	104	661,419	71	749,269	175	1,410,688
Mining	90	1,071,041	395	26,050,122	485	27,121,163
Non-food agricultural commodities	74	308,663	174	1,443,430	248	1,752,093
Oil / Gas extraction	3	26,115	19	935,520	22	961,635
Renewable energy	27	270,312	42	27,702,916	69	27,973,228
Timber plantation (for wood and fibre)	110	3,371,030	125	6,129,432	235	9,500,462
Tourism	11	43,615	21	600,609	32	644,224
Multiple	448	14,960,364	810	27,212,815	1,258	42,173,179
Unspecified, others	38	45,826	24	368,467	62	414,293
Total	1,702	33,629,022	2,757	122,787,984	4,459	156,417,006

Data processed from the Land Matrix database

Annex 2 Number and size of concluded domestic and transnational land deals in Asia, by intention of the land deals, As of October 2020

Intention	Domestic		Transnational		Total	
	No. of deals	Size (has.)	No. of deals	Size (has.)	No. of deals	Size (has.)
Agriculture unspecified	66	1,690,062	92	1,516,433	158	3,206,495
Biofuels	15	223,556	26	708,233	41	931,789
Food crops	69	116,541	42	274,077	111	390,618
For carbon sequestration/REDD	1	0	2	3,000	3	3,000
Forest logging / management (for wood and fibre)	20	1,754,363	1	100,000	21	1,854,363
Forestry unspecified	6	26,461	2	37,306	8	63,767
Industry	117	105,458	21	29,164	138	134,622
Livestock	3	602	7	5,641	10	6,243
Mining	55	175,719	34	860,616	89	1,036,335
Non-food agricultural commodities	48	224,821	105	789,447	153	1,014,268
Renewable energy	14	179,033	22	27,332,327	36	27,511,360
Timber plantation (for wood and fibre)	11	830,899	37	707,652	48	1,538,551
Tourism	8	13,488	8	4,908	16	18,396
Multiple	183	6,521,860	221	4,326,483	404	10,848,343
Unspecified, others	20	12,697	7	14,002	27	26,699
Total	636	11,875,560	627	36,709,289	1,263	48,584,849

Data processed from the Land Matrix database

Annex 3 Number and size of concluded domestic and transnational land deals in selected Asian countries, by

Intention	Cambodia		India		
	No. of deals	Size (has.)	No. of deals	Size (has.)	
Agriculture unspecified	44	247,227	0	0	
Biofuels	2	8,000	5	3,960	
Food crops	10	44,456	1	1,000	
Forest logging / management (for wood and fibre)	0	0	0	0	
Forestry unspecified	0	0	0	0	
Industry	1	9,977	57	54,395	
Livestock	0	0	1	0	
Mining	0	0	2	1,166	
Non-food agricultural commodities	95	590,978	0	0	
Renewable Energy	0	0	0	0	
Timber plantation (for wood and fibre)	13	93,674	0	0	
Tourism	3	2,397	1	110	
Multiple	86	1,151,227	16	77,060	
Unspecified, others	3	3,562	0	0	
Total	257	2,151,498	83	137,691	

Data processed from the Land Matrix database

y intention of the land deals, As of October 2020

Indonesia		Pakistan		Philippines		Sri Lanka	
No. of deals	Size (has.)	No. of deals	Size (has.)	No. of deals	Size (has.)	No. of deals	Size (has.)
69	1,427,490	0	0	5	5,858	0	0
0	0	0	0	18	141,812	0	0
13	193,127	1	4,050	32	56,090	1	75
21	1,854,363	0	0	0	0	0	0
3	59,606	0	0	4	4,061	0	0
0	0	1	385	2	0	0	0
0	0	0	0	1	200	0	0
0	0	1	8,200	41	138,654	0	0
5	73,844	0	0	0	0	0	0
0	0	0	0	1	0	0	0
3	317,200	0	0	0	0	0	0
0	0	0	0	2	6,900	3	1,926
173	4,131,398	2	16,295	7	24,273	3	18,730
1	7,310	0	0	1	10,700	0	0
288	8,064,338	5	28,930	114	388,548	7	20,731

Annex 4 Haryana Bala population and farmers' livestock, before and after land grab, 2016 and 2020

No.	Names	Men/Women	Boys	Girls	Animals/before	Animals/ After
1	Lal Jaan	1 male/ 1 female	5	4	2 buffaloes, 2 cows	None
2	Umar Jan	1 male/ 1 female	5	5	1 buffalo, 1 calf, 1 cow	1 buffalo, 1 calf, 1 cow
3	Noor Zameen	1 male/ 1 female	3	5	2 cows, 1 buffalo	-
4	Khasta Zameen	1 male/ 1 female	5	1		-
5	Zahid	1 male/ 1 female	2	6	2 cows, 1 calf	2 cow 1 calf
6	Lal Zada	1 male/ 1 female	1	3	4 goats	-
7	Lal Zameen	1 male/ 1 female	3		-	-
8	Gulab Noor	1 male/ 1 female	-	-	1 Cow	1 cow
9	Gul Jan	1 male/ 1 female	1	1	2 buffaloes,, 3 calves	1 buffalo, 1 calf
10	Nabi Jan	1 male/ 1 female	2	6	-	-
11	Jameel	1 male/ 1 female	1	3	-	-
12	Mohd Karrem	1 male/ 1 female	3	2	2 buffaloes, 3 cows, 2 goats	1 cow, 1 calf
13	Sikndar	1 male/ 1 female	2	1	-	-
14	Faisal	1 male/ 1 female	2	-	-	-
15	Sheharyar	1 male/ 1 female	3	2	-	-
16	Sardar	1 male/ 1 female	3	4	l buffalo, 1 cow, 1 calf, 2 goats	l buffalo, 1 cow, 1 calf, 2 goats
17	Shams ul Rehman	1 male/ 1 female	4	5	4 cows, 2 buffaloes, 2 calves	3 cows, 2 calves, 6 goats
18	Abdul Kareem	1 male/ 1 female	4	-	same	same
19	MohammadYousaf	1 male/ 1 female	5	4	1 buffalo, 2 calves	1 buffalo, 2 calves
20	Rasheed	1 male/ 1 female		-	Don't remember	2 cows, 3 goats
21	Mohamad Rehman	1 male/ 1 female	4	4	1 buffalo, 1 calf	1 cow, 3 goats
22	Bakht peer shah	1 male/ 1 female	1	1	1 buffalo	-

No.	Names	Men/Women	Boys	Girls	Animals/before	Animals/ After
23	Mohamad Aslam	1 male/ 1 female	4	1	1 buffalo	1 cow, 2 calves, 2 donkeys
24	Mohammd Irfan	1 male/ 1 female	1	-	same	same
25	Mohamad Imran	1 male/ 1 female	1	-	same	same
26	Ajmair Shah	1 male/ 1 female	2	1	1 buffalo, 1cow, 1 calf	1 cow, 1 calf
27	Junaid	1 male/ 1 female	1	1	same	same
28	Izat Shah	1 male/ 1 female	4	-	1 cow, 1 calf, goats and sheep, 1 buffalo	1 cow, 1 calf
29	Izat Allah	1 male/ 1 female	1	-	same	same
30	Ehsan Ullah	1 male/ 1 female	2	2	same	same
31	Hussain Shah	1 male/ 1 female	3	3	2 buffaloes, 2 calves, 1 cow, 14 goats	2 buffaloes, 2 calves
32	Qalandar	1 male/ 1 female		-	Had Animals	No more animals
33	Meharban Shah	1 male/ 1 female	1	1	-	-
34	Khurshhed Shah	1 male/ 1 female			-	-
35	Noor jan	1 male/ 1 female	4	1	1 buffalo, 2 calves, 1 cow, 1 calf	-
36	Mohd Saeed	1 male/ 1 female	2	2	same	same
37	Mohammad Zahir	1 male/ 1 female	5	4	same	same
38	Noora Jan	1 male/ 1 female	5	3	same	same
39	Total	76	95	76	20 buffaloes, 20 cow, 18 calves, 18 goats, 2 donkeys, 1 sheep	6 buffaloes, 15 cows, 15 calves, 14 goats, 2 donkeys

Profile of contributing organisations

Coalition of Cambodian Farmers Community (CCFC). CCFC conducts advocacy activities in 40 farming communities across eight provinces in Cambodia on the issues of land, political intimidation, forced eviction, and natural resource destruction.

Andhra Pradesh Vyvasaya Vruthidarula Union (APVVU). The APVVU is a federation of 428 trade unions of rural informal workers from agriculture, fishing, forest; rural artisans, sharecroppers, marginal farmers, construction workers and shepherds. They have about 592,850 members, of whom more than half are women, in 14 districts of the Andhra and Telangana states in India.

Alliance of Agrarian Reform Movement (AGRA). AGRA mainly works on advocacy for genuine agrarian reform in Indonesia. It has a membership of about 25,000 small-scale farmers, agricultural workers and landless peasants including in the Merauke Regency and Merangin District in the provinces of Papua and Jambi, respectively.

Pakistan Kissan Mazdoor Tehreek (PKMT). PKMT is an alliance of small-scale farmers and landless peasants. PKMT is actively working on issues of agrarian reform, neoliberal globalisation and land grabbing by local landlords and foreign corporations.

Roots for Equity. Roots works with the most vulnerable, marginalised communities that include small and landless farmers, women and religious minorities in the rural and urban sector. It is committed to being an active part of communities' struggle to achieve political, social, environmental and economic justice.

Kilusang Magbubukid ng Pilipinas (KMP). The KMP is a national democratic mass movement of more than a million landless peasants, small farmers, rural youth and peasant women. KMP has long been campaigning against land and resource grabbing and fighting for genuine agrarian reform throughout the Philippines.

National Fisheries Solidarity Movement (NAFSO). NAFSO organises fisherfolk and coastal communities to defend their rights and to bring about good environmental practice in the coastal areas of Sri Lanka.

About PANAP

PAN Asia Pacific (PANAP) is one of the five regional centres of Pesticide Action Network (PAN). PANAP works for the elimination of harm caused by pesticides on human health and the environment. PANAP also promotes agroecology, helps strengthen people's movements in their assertion of rights to land and livelihood, and advances food sovereignty and gender justice.

As a network, PANAP is currently comprised of more than 100 partner organisations from the Asia Pacific region and has links with about 400 other regional and global civil society and grassroots organisations.



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