

## **Gama Surakeema Sanvidhanaya's (GSS) Response to ADB decision to Reject GSS Inspection Request**

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*(Copy of letter sent by fax)*

Gama Surakeema Sanvidhanaya,  
Gelanigama, Bandaragama, Sri Lanka.

16th April 2002

Ms J Drilon,  
Secretary,  
Inspection Committee,  
Asian Development Bank,  
Manila, Philippines

Dear Madam,

### Southern Transport Development Project

Thank you for forwarding the Report of the Bank Inspection Committee (BIC). Whilst we will need time to review the report and its appendices in detail, we feel that there should be a quick response on a few important points. Particularly as this may have a bearing on the Akmeemana case being reviewed now.

Could you please draw the attention of all the members of the BIC to the following and also advise them of the possible relevance of the points to the other cases under consideration.

1. The report states that the main allegation is conclusively dismissed because of the 3-4km corridor in the RRP, etc. Gelanigama and the other villages lay outside the 3-4 km corridor. Gelanigama, etc. are approximately 2.8km from the combined trace, a 6 km corridor would be necessary for them to be included.

The work done by the various bodies in investigation of environmental and social elements did not cover the full corridor. The Social Impact Assessment carried out a full analysis of 405 of the 810 possible houses on the Combined Trace. The researchers only had discussions with residents within 1 1/2 Km on either side of the combined trace. These discussions seem to have related to their attitudes to the presence of the road and was not a social analysis.

2. The case in the Court of Appeal and the appeal to the Supreme Court were in no way to do with our Society or any of its members. The case was taken up by a Public Interest Group who did not represent anybody involved in resettlement. For the Human Rights Cases submitted by us and some of our members advice has been sought from a lawyer who is also Chairman of the above Group.

The Public Interest Group submission was to the effect that the EIA was inadequate in its review of the alternatives of Rail and expansion of the current Road Network. The case did not look at the question of the CEA making decisions on the trace in our area.

Recently a case has been presented in the Court of Appeal contesting the CEA's capacity to make the decision it did. This case has not yet been heard. It is clearly separate from the earlier case. We are surprised to see the appeal court decision mentioned in the report as it is not relevant. When the Court Judgment was raised by Mr Goswami, ADB Management's counsel on the STDP, at a meeting with the Society on 10th December 2001 he was provided with information on the case verbally and later by e-mail and fax in December 2001. Whilst in Colombo he was offered the opportunity to meet the lawyer concerned and given e-mail and contact points to clarify the issues involved, but he did not do so. The correspondence is attached.

3. The CEA decision was based on the recreational value of the Bolgoda Lake as stated in their letter to the RDA approving the project on July 23 1999. Later they wrote the report to the Human Rights Commission (HRC) that was full of inaccuracies and covering another area, not the trace. It is evident that our response to this report has not been studied.

4. There is an impression that only the Combined Trace goes through wetlands and that the Bolgoda wetlands are particularly important. Unfortunately ADB Management has failed to point out to the BIC that there are more important wetlands on the Original Trace.

5. The project talks about 128km of road and 15km of links to existing roads see Para 2. The major one of these is from the Galle Road to the Southern Expressway. The EIA for this link was rejected as it did not cover the extra distance to the original trace. This will cause very significant destruction of houses and increase the project cost substantially.

#### Summary

Gelanigama and the other villages are outside the 3-4km corridor. The Court of Appeal case is not relevant. The CEA report was inaccurate and covered a different area. There are more important wetlands destroyed by the Original Trace. The major link has had to be postponed by the change of trace. We will be reviewing the full report to see what other comments should be made. With the significant inaccuracies in the ADB Management Response please advise how you intend dealing with the Inspection Request.

Yours faithfully,

M. Nandasena,  
Secretary,  
Gama Surakeema Sanvidhanaya, Gelanigama, BANDARAGAMA, SRI LANKA.