The right to adequate housing following forced evictions in post-conflict

Colombo, Sri Lanka

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The city of Colombo has witnessed substantial development since the end of Sri Lanka's long civil war in 2009, under the ongoing Urban Regeneration Project (URP). The dirty wooden hoardings that surrounded major buildings have come down, parks have been opened up and landscaped and several major new developments are underway in the historic centre of the city. According to Gotabaya Rajapaksa, Secretary of Defence and Urban Development until January 2015, the 'beautification' of Colombo is intended to attract tourism and international business so that the city 'will once again be known as the garden city of the East' (*Daily Mirror* 21.3.2013). This rather orientalist ambition encapsulates much of the criticism directed at this post-conflict programme of urban development: it is designed to benefit a wealthy, international elite, while overlooking or brushing aside the very real problems of poverty in Colombo. Indeed, it is possible that the project may actually exacerbate the lives of the very poor, since the areas of Slave Island and Colombo Fort, where new commercial developments are concentrated, also contain some of the highest densities of informal housing. Particular criticism has been focused at widespread forced evictions, which the project has required, highlighting the 'ugly side of beautification' (CPA 2014). These population movements are officially called 'resettlements' and housing is seen as part or all of the compensation package offered to evicted households.

This chapter reports on a large-scale survey conducted in Colombo between October and December 2013 and a range of follow up interviews in early 2014 of resettled populations to consider the impact of these evictions, particularly on the adequacy of housing as compensation in forced evictions. The full research team included the authors[1] and a number of other colleagues who contributed in a variety of capacities. The research confirms that material improvements in housing conditions have occurred but the chapter argues for a much broader sense of compensation, that guarantees a defined standard of adequate housing. Adequate housing is much more than simply the provision of a house and involves a full recognition of all the ways in which housing affects social, economic and cultural life. This understanding of 'adequate housing' draws in international legal understandings set out by the UN High Commission on Human Rights' Committee on Economic, Social and Cultural Rights (eg. CESCR 1991) but it also reflects a 'politics of home' emerging within critical geography (eg. Brickell 2012)

Funded under the International Development Research Centre's Safe and Inclusive Cities (SAIC) programme, the research project carried out by the authors involved surveys of almost 3,000 households in Colombo and Jaffna, in Sri Lanka and Kochi, in the southern

Indian state of Kerala. It only reports on the Colombo survey, which involved 450 evicted households and a control group of 450 non-evicted households. Survey interviews with evicted households took place in several large rehousing projects in Colombo. Individuals had mostly been resettled in this housing between 2001 and 2005, though a small number had arrived in 2012 as a result of preparations for the URP. Non-evicted households came from underserved settlements nearby the original homes of those who had been moved. In order not to draw unnecessary media attention to those forced to move, research avoided evictions that were directly related to the URP, so this work does not explicitly consider the most recent stages of eviction.

The remainder of the chapter is divided into four sections. The first section briefly reviews the history of housing in Sri Lanka. The second section considers the nature of development related displacement and the provision of 'adequate housing' as compensation. The following section explores experiences of displacement and the fourth turns to the nature of community relations, which have been seriously disrupted. The chapter concludes that it is vital to consider all the ways in which forced evictions have impacted people's lives in preparing a compensation package to properly alleviate forced evictions.

Urbanisation and Housing Policy in Sri Lanka
Sri Lanka has always had an extremely low rate of urbanisation. According to the 2012 census, only 18.2 percent of the country's 20.4 million people live in urban areas. Colombo, by far the largest urban agglomeration in the country, has not been inflated by migration from rural areas, to the extent that many other major cities in South Asia and Latin America have been. Colombo has, however, witnessed a persistent and growing inequality that successive major urban plans have failed to address. In 1974 the Colombo Metropolitan Council (CMC) identified 54,416 families living in tenements, slums and shanty housing (cited in Silva and Athukoral 1991), approximately half of the city's population at the time.

The Urban Development Authority (UDA) was established in 1978 to address the need for housing for the urban poor, though its role has evolved over time. The most recent survey, conducted in 2011 by the UDA, found 68,812 families living in what are now called 'underserved settlements' in Colombo, now 53 percent of the city's population (cited in World Bank and UNHabitat 2012). The proportion of the city's population living in inadequate conditions has barely changed in 40 years. Although this period included the 25 year civil war, at a national level inequality has actually increased since the end of the conflict. The most recent attempt to address this situation is the Urban Regeneration Project (URP), which began in 2012 and is a key part of the beautification of the city.

Sri Lanka's long history of housing policy has informed this current approach. The role of the state in the provision of housing has shifted from one of direct provider, that was central to the disappointing Hundred Thousand Houses Programme in the late 1970s to one of enabler, in close cooperation with the private sector that formed the basis of the following Million Houses Programme that was widely seen as best practice[2]. This private provider orientation is obvious in the organisation of the URP. Yet rather than focus exclusively, or even mainly on

housing, the URP sets housing in the context of a comprehensive urban development plan. This is very much in the tradition of planning in Colombo, where planning has been guided by city plans since the colonial era and continued into the post-independence period. Comprehensive urban planning is now also favoured by the World Bank, replacing the more targeted sectoral policies funded in the 1970s and 1980s (World Bank 2000).

The particular challenge of housing in Colombo is the widely dispersed geography of underserved settlements in the city, with small numbers of houses clustered along railway lines, drainage facilities or on other areas of previously abandoned land in between other buildings. Many of the informal settlements became established from squats in the gardens of large abandoned homes and all informal settlements are referred to as *wattas*, (literally 'gardens' sometimes also 'land' in Sinhala) by residents of these areas, even Tamil speakers, as a more valorising label than the officially used 'slum' or 'shanty'. The 2011 UDA study confirmed findings of earlier surveys: it identified 1,499 separate underserved settlements around Colombo, 74 percent of which have fewer than 50 houses.

The dispersal of these *wattas* has three clear implications for housing policy. First, any housing policy has to involve broader, comprehensive planning. Second, major new commercial and infrastructural developments typically impinge upon several of these small settlements, particularly in the centre of the city. In this context the internationally preferred option of in-situ slum upgrading would involve formalising dispersed occupations of often very valuable land, preventing larger, often very lucrative development projects going ahead. Finally, the dispersed pattern of settlement has lead to very small-scale community organisation and broader mobilisations have been very rare. This context has facilitated the relatively large scale operation of forced evictions from underserved settlements.

Forced evictions have also been much easier, due to the highly authoritarian nature of the post-war regime in Sri Lanka. While the end of war, in 2009, brought great relief to many, in the absence of any significant move towards national reconciliation, dissent was stifled, religious nationalism spread, the power of the military expanded and inequality increased. The defeat of the incumbent president, Mahinda Rajapaksa, in the presidential elections of January 2015 is widely interpreted as an explicit rejection of these authoritarian politics, which had become strongly associated with his regime. The new president, Maithripala Sirisena, has promised a symbolic break with the policies of the immediate post-conflict period, though at the time of writing this chapter it is not yet clear if these promises will produce genuine change. During the final revisions of this chapter, on June 13th 2015, the government suspended all forced relocations within Colombo (CPA 2015) though there is no sense yet if this will be a permanent or temporary move.

Since 2009, Sri Lankan society has also become increasingly militarised and urban development has not escaped this process. Immediately after the end of the conflict, the Urban Development Authority (UDA) was incorporated into the Ministry of Defence and Gotabaya Rajapaksa, the Secretary of Defence and brother of the President, assumed overall control of urban development. Much of the ongoing evictions, renovations and building work

in Colombo have been carried out by soldiers, often in uniform, which has also had a significant dissuasive effect on protest against these developments.

Forced evictions and adequate housing

Forced evictions are widely recognised as a violation of human rights. According to the generally accepted legal definition, forced eviction is 'the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection' (CESCR 1997, para 4). The Government of Sri Lanka is party to a range of international conventions which oblige states to protect against forced evictions, most obviously the International Covenant on Economic, Social and Cultural Rights (ICESCR). One of the difficulties of enforcing this obligation is distinguishing forced evictions from other forms of legally sanctioned displacement. Large-scale development in urban areas almost inevitably results in some people having to move house and this is not always referred to as forced eviction. In Sri Lanka, it is called 'resettlement' both officially, as well as in public and media discourse and there is a long history of such movements across the country related to development, conflict and natural disasters (Muggah 2008).

General Comment 7 of the Committee on Economic, Social and Cultural Rights (CESCR) recognises that the explicit exemption of 'legal' forms of displacement from the internationally accepted definition of forced evictions is extremely problematic, since it assumes the relevant law is just. There is also frequently disagreement over what is 'voluntary' since it is very common for evictions to be formally voluntary but highly coerced in practice. At a minimum, the law should ensure that displacement is absolutely necessary, potential risks are addressed and compensation is appropriate. In Sri Lanka, the government adopted a National Involuntary Resettlement Policy (NIRP) in 2001 in an effort to address these obligations. Where the NIRP has been applied, evaluations are very positive and the impacts of forced evictions have clearly been alleviated[3]. Unfortunately, the NIRP has been erratically applied, even to cases of development induced displacement for which it was designed and, in many cases, its provisions are entirely lacking. The NIRP has not been applied to urban development in Colombo, both under the current URP and previous urban resettlements.

The NIRP was modelled on an approach to the identification of risks outlined by Cernea (2000) who considers eight risks associated with displacement: landlessness, joblessness, homelessness, marginalisation, food insecurity, increased morbidity and mortality, loss of access to common property assets and social disarticulation. The prevention of forced evictions requires attention to all eight of these risks and appropriately directed compensation. In the absence of the NIRP in urban development in Colombo, the inadequate attention to these risks has inevitably resulted in large scale forced evictions. In many cases, no attention has been paid to the impacts of displacement at all, in others limited forms of compensation have been offered. The most common form of compensation has been the provision of housing. Housing policy in Sri Lanka has been a central tool in national development

planning since independence (Brun and Lund 2009). It has also formed an important part of any humanitarian response to political and natural disasters that have befallen the country and remains a central concern in the post-conflict context. Yet the provision of housing only responds directly to one of the eight risks identified by Cernea: homelessness. Joblessness and marginalisation are related to the location of the new house, and this is increasingly taken into account, through specific efforts to move people relatively close to their original home. Landlessness, food insecurity and loss of access to common property assets are only relevant to intra-urban displacement for the small minority who actually use the tiny amount of land for livelihood reasons. Even in those cases, livelihoods that are supported by land within *wattas*, such as car repair, are not tied specifically to that portion of land, but simply require access to space at ground level, which is not guaranteed by multi-storey developments. Social disarticulation is the most significant overlooked risk in urban redevelopment. The maintenance of community is one of the main reasons why in-situ slum upgrading is recognised as the preferred practice by international organisations such as UN Habitat (UNHabitat 2003).

In Colombo, not only does urban resettlement policy fail to directly address seven of Cernea's eight identified risks, but even the one that is addressed, homelessness, is very limited. It is extremely rare that evicted households are given full deeds to the house they have been moved to. Ownership rights vary substantially but are typically severely limited in order to discourage people simply selling their new houses and moving back to the old settlements or moving out of the city to other underserved areas. In the 2001 and 2002 evictions, individuals were not given deeds to their new apartments and, although they could pass the house on to their children, it could not be sold[4]. In more recent cases, evicted individuals are expected to make regular payments towards the cost of their new house, taking on substantial debts. Again, in the case of in situ slum upgrading, these risks are very substantially reduced. These provisions violate several of the seven characteristics of 'adequate housing' set out by the CESCR, considered here in more detail (CESCR 1991, para 8).

1. 'Legal security of tenure' involves a guarantee that further evictions will not occur, which is best reinforced by legal title to the house, or a secure rental agreement. The absence of deeds may well violate this consideration.
2. 'Availability of services, materials, facilities and infrastructure' covers everything from basic utilities to transport. The CESCR stipulates 'sustainable access' which links affordability, since new payments for access to these services is likely to affect the sustainability of that access. .
3. Affordability may be affected by the requirement to repay a loan for the new house, even if, in the case of Colombo, the loan is usually below market value. It may also be affected by the requirement to pay new types of bills or much higher bills for things like basic utilities, particularly if they were not paid in previous accommodation.
4. Habitability includes both the material conditions of the new houses and the elimination of other threats to safety, such as disease or violence.

5. Accessibility relates to the individual requirements of particular members of society, such as the elderly or infirm, which must be considered.
6. Location requires access to public services, such as schools and health facilities but also employment. This should not only be considered in absolute terms, but relative to previous location, so as not to unnecessarily disrupt access to schools or employment.
7. Cultural adequacy refers to everything about the house which 'enables the expression of cultural identity' (CESCR 1991 para 8g). These forms of expression are, crucially, collective, building on well established forms of community organisation and representation. This is important for this research, since appears to encompass Cernea's (2000) 'social disarticulation' risk.

The Colombo survey assessed the characteristics of houses to which individuals had been resettled in terms of the CESCR 'adequate housing' criteria above and Cernea's risk model.

Researching forced evictions in Colombo

A total of 900 household surveys were conducted, divided equally between those who had been moved to specially constructed new housing and those living in neighbouring areas who had not (yet) been moved. Without this comparison we had no basis to distinguish what was an impact of the resettlement process and what was common to residents of *wattas* across the city. Sampling was purposive so as to avoid households who had purchased homes in the new blocks from the original evicted owners. Surveys included information about all members of the household. Questions about individual opinions also noted the particular household member who had answered the question, enabling key individual characteristics of sex and age to be controlled for in considering responses. Surveys were conducted in the respondents' homes, in the language of respondents' choice (either Sinhala or Tamil) by a specially trained team of enumerators based at the International Centre for Ethnic Studies (ICES), Colombo. Surveys were followed by twenty more detailed interviews, with individuals who had previously responded to the survey.

Research with evicted households was conducted in four sites: Sinhapura, Sahaspura, Wadulu Sewana and Lunawa. The first three locations are large blocks of purpose built flats to which people from across Colombo were resettled. Lunawa is an in-situ upgrade of an existing underserved settlement. Sahaspura is a 14 storey block that opened in 2001 (Samaratunga and O'Hare 2014), Sinhapura is an adjacent development that opened in 2007 (Unit 1) with a further stage in 2011 (Unit 2) and Wadulu Sewana opened in 2007 on a separate site. Further similar purpose built blocks have opened since and others are under construction with the eventual aim of re-housing the entire population of almost 70,000 households living in underserved settlements at the time of the 2011 UDA survey. The households moved to these purpose built flats come from underserved settlements all over Colombo. In order to preserve the anonymity of interview respondents they will be referred to by unique number and letter.

Housing conditions in informal settlements

Housing in underserved settlements is almost universally of very poor quality. One resident who had not been rehoused reported,

It is good if we can get a house and move out of this place. Our roof in this house is damaged. It's broken in so many places. If it rains at night, we cannot sleep because of the rain drops falling through the roof. (Interview I3)

Almost half of non-evicted households surveyed reported that the roof of their houses was made of plastic or metal sheeting and a further 41 percent that it was made of asbestos and the proportions were almost identical for evicted households before re-housing. 12 percent reported that the walls were also made of temporary sheeting and a further 10 percent that the walls of their previous homes had been made of palm branches. In the purpose built flats houses are clearly far more weather proof which has far reaching benefits for health and security. Flooding and poor sanitation are also very common in underserved settlements across the city. Improvements in material living conditions are therefore one of the most widely cited benefits of rehousing (Wickrema 2005).

Despite these poor material conditions, and unlike the interviewee quoted above, very few people were interested in moving somewhere else. Any enthusiasm expressed was almost entirely for in-situ improvements. Residents from across Colombo's underserved settlements were highly aware of the ongoing rehousing schemes, and cognizant of the city's long history of evictions. Past experience and the details that they had heard of the new schemes made them extremely suspicious of government involvement in rehousing. Moreover, as a 62 year old man living in a house made of plastic sheeting with no legal title summarised:

Once they tried to demolish the houses [in this settlement] but they did not carry it out because the people opposed it. Then there were not even 200 houses. At election times, the government allowed people to build more houses. The government gave houses for some of the people here. They sold those houses and they have returned here. They have their incomes here and so they like to live here. (Interview D3).

This kind of experience highlights why the state is experienced as a random, unpredictable force by many slum dwellers. Yet distrust goes both ways and this account also suggests why urban planners want to build in some way of preventing people from simply selling up and returning to their previous homes.

Experiences of eviction in Colombo

Two contrasting stories of the move to the Sinhapura housing development further illustrate the very different experiences of eviction, from two different underserved settlements. Both were located in one of the wealthiest neighbourhoods of Colombo; one group of people moved from a settlement with 74 houses (Colombo A), the other from a slightly larger settlement (Colombo B). Many of those from Colombo A had lived in the settlement for their entire lives. They were all strong supporters of the former regime and they reported receiving regular visits from ministers and even the former president's son. Most people had deeds for their houses. Those in Colombo B lived in much more temporary housing, mostly without

legal title to the land, though they did not report visits from ministers and were much more politically diverse. Interviewees from both of these settlements reported that they were not forced to move, since physical force was not used to move them. Nevertheless, in both cases the evictions fall into internationally agreed definitions of forced evictions, since they did not move voluntarily. The process, particularly the level of indirect violence, varied considerably in the evictions of the two settlements.

One former resident of Colombo A, a single mother of three, described the background to their move to the Sinhapura housing estate:

> We were not forcefully evicted from our previous homes. The biggest problem we had in those houses was flooding during the rainy seasons. Our houses got flooded and life was difficult when common toilets overflowed. The Government asked us whether we would like to get new houses instead of the ones in which we lived. We agreed. But when we got the houses they were built here and not in [Colombo A]. We were helpless and had no other choice but to accept what was given to us. The houses that we have got now are far better than the ones in which we lived, there's no question about it. But [Colombo A] is a much better location in terms of neighborhood/ environment. [Colombo A] is a place where drugs were never sold. Our problems now aren't within the house but outside. It would have been good if these houses were built in that environment. (interview I1)

Another woman from Colombo A confirmed the level of deception involved in their move to Sinhapura:

> There was no violence involved in the relocation process. We left willingly because we were promised proper housing in [Colombo A]. But we didn't come here happily or willingly. We came because we were helpless and didn't have an alternative.
>
> (interview I2)

Both these quotes highlight the ambiguous relationship with the places in which they lived that residents of *wattas* described. On one hand they deplored the conditions in which they were obliged to live, but on the other hand they had a real attachment to the place itself and to the people that they lived with. Both these women only left under the assumption that they would be offered new housing in the places they had come from. All the residents of Colombo A left in the belief that new houses would be constructed for them on the location of their former homes. They were housed in temporary rental accommodation for over two years, with an annual contribution of approximately US$1,000. It was only during the third year that they were told that their rental support would be stopped and they would be offered flats in Sinhapura:

> *Did people of your community want to move in here?* No we did not want to come. We only agreed because they promised to build houses in our own location. Initially they gave us one lakh [100,000 rupees or approximately US$1,000] to pay rent when we were living outside of [Colombo A]. This was for a year. Then, they have another 100,000 a second time to pay rent. When we went to meet the Minister for the third time, he told us "do whatever you want. You go there if you want to go. I can't do anything about this." He threw the file at us. We also wrote to Shiranthi Rajapaksha (wife of the former president). The Minister wanted us to leave in 18 days. Otherwise they would not pay our rent. Some of our people were desperate. We were living in rented houses and our landlords were demanding rent. We did not have money. We were pleading with them. So,

there was no choice as they refused to give us the rent money to pay our rent. (interview D6)

Residents from Colombo A moved to Sinhapura in 2007, but more than six years later they were still feeling extremely bitter, particularly as they thought that as supporters of the government they had earned better treatment. A woman in her 60s who had lived her entire life in Colombo A regretted her support for the ruling party:

The only worry in me is that we left a place worth around 80 lakhs [8 million rupees or about US$80,000] and we were dumped here. They cheated us. We voted for them but they dumped onto the roads. (interview D7)

While the process of deception described by residents of Colombo A clearly fits the CESCR definition of forced eviction, residents of Colombo B, on the other hand, with no basis to call on powerful political patronage, reported a more obviously violent process of eviction. An elderly woman whose husband had died since the eviction reported that:

Some young people came to our houses in [Colombo B] and said they came for a survey. They asked us whether we would like to get better houses. We of course didn't need better houses as our house already had all the comforts. They disconnected our electricity supply and then took our roof off. It is only after that they gave us the key to this house. They charged us Rs 40,000 [US$400] and said it was for maintenance. But there is absolutely no maintenance done here. (interview I5)

Very few of these residents had legal title to the land, though several reported that they had lived there for decades. Still, their limited legal rights and lack of political patronage meant that this technique of partial demolition was widely reported. Another woman, reported a similar experience where demolition began while the family was still inside:

My husband wasn't at home when they demolished a part of the house, he had gone out of Colombo for work. I called my husband. He came as quickly as he could. We asked for 2 days to move, we weren't granted that. We cleared the house and hired a vehicle and came here. Everything had to be rushed. I was very cross and yelled at the officer who came with the removal order. My youngest son who was only few months old at the time was covered in dust. (interview I3)

This woman was in the process of divorcing from her husband when the displacement took place and was officially recognised as the head of her household in the allocation of new housing. Almost a third (29.4%) of households surveyed in Colombo were female headed. Comparable figures are not available for all of Colombo but this is substantially larger than the

The militarisation of the urban redevelopment and the eviction process, symbolised most clearly by the institutional relocation of the UDA to the Ministry of Defence, discussed above, was already beginning in 2007. The presence of the army obviously gave people far fewer options about moving:

It was the army that came and bothered us. They would come every day and ask us to vacate. Their bothering stopped after they managed to break one wall of our house. Who can live in a house without one wall? That was their strategy to get us out. Then we left in fear. (interview I4)

Even though people from Colombo B once again highlighted the absence of direct physical violence forcing them to move, it is clear that there is a very significant level of violence in operation here and these experiences should definitely be considered forced evictions (see also Yunpeng, this volume). Following the process of eviction, residents of Colombo A and B faced very different treatment in relation to payment for the housing. An elderly women from Colombo B who shared her flat with her husband, two sons and their families explained the financial situation now faced:

> We were promised a house for a house, but in the end they asked for money from us. They didn't do what they said they would do. We have lived in our former house for over 50 years. So we didn't want to leave that house. But we came here because we got scared that they might relocate us in some faraway land. [….] After leaving that house and coming here our biggest problem was money. My husband borrowed from the local money lenders with very high interest rates. My daughter-in-law's gold was pawned. We couldn't save them yet. [….] A lady from REEL company comes every month to collect money. [REEL is Real Estate Exchange Limited, a private company working with the UDA]. Some people pay Rs 1000 (approximately US$10) per month to settle the amount they owe for the house. (interview I4)

Flats in Sinhapura reportedly sell for 500,000 Rupees, so 100,000 is substantially below market rate, though still excessive for residents who expected to get a house for free in direct exchange for the house that they had lost. The REEL company worked in collaboration with the UDA to assist in commercial operations around the new housing developments. This financialisation is a strategy to encourage a sense of ownership and prevent individuals returning to the settlements they had been evicted from. Yet this is a very delicate balance, since payments of this nature directly affect the sustainability of the new housing. In addition to the practicalities of making regular payments from livelihoods that often produce highly irregular salaries, the psychological impact of owing what to many is a huge sum of money can act as an additional deterrent

Multi-family households are relatively common in underserved settlements. A separated mother of four (below) had understood that the payment of 100,000 rupees was linked to her request for a slightly larger flat, though this was actually the payment that was required from everyone who had come from Colombo B:

> When they surveyed our [former] house it was 875 square feet. They said they will give us 500 square feet to compensate for the 875 square feet and claimed that this house has 500 square feet. The standard of Sinhapura houses is 400 square feet. Since we have been given extra 100 square feet we were asked to pay Rs. 100,000. This house does not have 500 square feet. (interview I3)

Residents who had moved from Colombo A were also asked to pay, though, unlike residents from Colombo B these requests for payment were not pursued and no one mentioned any discussion of interest accruing on these debts. Yet they had not been issued the deeds to their new flats:

> We have not been given a deed for this house yet. We were told that we would have to pay about Rs. 110,000 to get the deed. No one was willing to pay that much as they were given a house they did not wish to own. The government never brought up the issue again. (interview I1)

There may be other advantages to not issuing deeds for the sponsors of this redevelopment, since the credibility of the schemes depended on a substantial number of people remaining in their new houses. Everyone interviewed in their new houses reported that they would sell the house as soon as they were given the deed. Many had already been able to sell the house, even without the deed, despite this being technically illegal.

> We will sell this house and leave this place if we get the deed. Many people are planning the same. Government asked for Rs. 110,000 for the deed. We refused to pay. They took such a valuable piece of land from us and landed us in this garbage dump (*kunugoda*) and now they want us to pay money for it! We said no and the topic was never brought up again. (interview I1)

Still, it is clear that some people have not forgotten the deeds and the UDA has been obliged to repeat promises of issuing the deeds.

> When we came here they promised to give the deeds in 6 months. Now it's two years. Still no deed. (interview D7)

According to information from the survey, just over half of respondents reported that they had deeds to their new house, following eviction (Table 1). This compares to just under a third of households who had a deed to their former house. Yet, as table 1 shows, this was not a simple pattern of some of those without deeds gaining them. Half of those who reported that they had a deed for their former house did not (yet) have one for their new flat, having been living there for as long as 12 years, whereas half of the households who had no deed in their previous home reported receiving one since eviction.

		Before eviction		
		Had deed	No deed	Total
After eviction	Have deed	59	139	201
	No deed	59	137	199
	Total	118	277	401

Table 1: households with deeds to their homes before and after eviction.

In addition to the negative experiences of the process of forced eviction the criteria of affordability and legal security of the new housing add further burdens to evicted families. As Table 1 shows, some significant positive changes have occurred, particularly in the extension of legal title to flats, but this is balanced by some loss of title and widespread concern about new debt obligations.

The quality of the new physical infrastructure is widely cited as one of the key benefits of the redevelopment. The survey data illustrates the widespread improvement in construction materials and this has widespread benefits, as previously noted. Yet some of the new residents reported much more negative experiences and argued that the quality of the new houses was purely superficial:

> Within six months of our coming here, the toilets overflowed. We spoke to the Ministry. They sent engineers. But it was two of our boys who broke the sewage pipe and turned it into the normal drainage. It is still in that condition. I describe these houses as cartoon houses. They think when the house is painted and when it is beautiful it is enough. Right from the first day, there was a leakage in the kitchen sink. (interview D7)

> Sewage water from all the housing complexes [..] is brought to one pit close to our complex. Obviously the pit lacks capacity to keep sewage water from such a lot of houses. We have a drainage pit right in front of our house. That too overflows. We can't even step outside the house when that happens. I'm the one who collects money from the neighbours and get people from the municipal council and get it cleaned. Imagine having drainage water overflow right in front of your house. This is a hell! (*Meka apayak*). We didn't have this kind of dirt flowing in front of our house previously (interview I3)

Both of these examples undermine the assumption that the new houses inevitably had a positive impact on the health of the residents. The seasonal monsoon in Colombo easily penetrates informal building materials and causes widespread local flooding. New houses were designed to overcome those problems and reduce the incidents of illness and disease that result.

The quality of the common areas was also widely criticised and they had quickly become degraded, resulting in additional health problems. This was partly lack of maintenance, but more significantly it resulted from a general withdrawal into private space. Many people had lived in their previous homes in particular *wattas* for long periods of time. In their classic study *The Watta Dwellers* Silva and Athukoral (1991) highlight the strong community identities between residents of particular *wattas*. This identification with particular *wattas* remained strong amongst communities involved in this research. Many *wattas* are referred to by a number, often the street number of the house that once existed on the site and even individuals who had been displaced a decade or more ago would say 'I'm from *watta* 44' or 'my people are all *watta* 92' (these are randomly selected numbers, not intended to refer to any particular *watta*) indicating the durability of these forms of identification.

These strong community ties within the *wattas* resulted in forms of social control, often institutionalised through the existence of local community organisations or societies. In addition to general 'societies' for the entire watta, usually referred to simply as 'the society', most wattas also have a women's society. Other specialised societies are common focused at young people, sporting activities, savings (typically also women's societies) or cultural activities so there is a dense network of institutional life in which many people are members of two or three different groups. These societies restricted the occurrence of anti-social behaviour, such as damage to common resources or dumping of rubbish in common areas. The degraded environment of the new large housing developments is one result of this loss of community structure, Cernea's 'social disarticulation', this was very widely commented on in interviews and it is clear from the survey that this was a very widespread impact..

Watta dwellers no more: the loss of community

> Please write in your book not to break apart people who were living together like us. (interview D7)

The loss of community was the most significant negative change reported in the survey and in longer interviews with forcibly evicted households. Tangible changes were noted in the substantial decline in participation in community organisations and the lack of trust between residents of the new housing blocks. Table 2 reports on three questions in the survey on trust in the neighbourhood from three distinct perspectives: 1. those of all households in neighbouring *wattas* (who had not experience eviction), 2. the situation before eviction as

remembered by those who had been evicted and were living in new blocks of flats at the time of the survey and 3. the actual post-eviction situation for those who had been evicted.

	After eviction	Before eviction	Non-evicted
Q1	Do people in this neighbourhood contribute to the safety of the neighbourhood?		
None	11.5	6.3	3.5
Few	31.8	19.5	29.2
Many	42.5	42.5	46.2
Almost all	13.0	30.8	20.1
Total	100	100	100
Q2	Do you have neighbours who may help you in an emergency?		
None	2.5	0.7	2.0
Few	30.7	14.0	25.3
Many	42.6	45.6	45.5
Almost all	23.7	39.2	27.1
Total	100	100	100
Q3	Do you think most people in the neighbourhood can be trusted?		
None	25.7	12.8	30.3
Few	44.9	47.0	43.6
Many	12.2	20.8	10.6
Almost all	5.0	9.0	3.1
Totals	100	100	100

Table 2. Measures of community trust in pre and post eviction (%)

In all three questions there is a significant difference between the situation before and after eviction. In the new housing developments a third of respondents reported that they knew no one, or only very few who would help in an emergency, compared to less than 15 percent in their former neighbourhoods. This is similar for each of the three measures. For the key question of trust, the percentage of people reporting that they do not trust anyone in their neighbourhood doubled after eviction. This is not a result of a sudden recent change, since the mean period of time since eviction for people responding to the survey was almost ten years, so there has been time to get to know people in their new neighbourhoods. It is of course possible that people are remembering their former households fondly in the light of the current difficulties they were facing. We used data from the non-evicted group living in very similar neighbourhoods as a form of comparison.

This evidence is variable. In the first question, those still living in *wattas*, reported substantially higher levels of trust than in pre-eviction neighbourhoods. However when asked if their neighbours would help out in an emergency (Q2) they reported lower levels of trust than in pre-eviction neighbourhoods and when asked simply if their neighbours could be trusted (Q3) they reported even lower levels of trust than in post eviction neighbourhoods. There is an apparent contradiction in the answer to the first question, which reveals a

relatively high degree of confidence in others to 'contribute to the safety of the neighbourhood' and the final question, that they do not trust other members of the neighbourhood. In interviews, it was clear that problems with drugs in these neighbourhoods had increased substantially in recent years and levels of trust had declined over this period, so it is possible that low-income neighbourhoods had been affected by the much wider availability of drugs, since the earlier evictions had occurred. This problem also affected the new, post-eviction housing blocks, where the sale and use of drugs was widely reported as undermining community safety. Evidence is clearly varied, but in most measures of trust, those living in the new post-eviction housing reported much poorer results.

This picture is reinforced by the changing levels of organisational involvement, which provide a more concrete comparison between the situations before and after eviction. Poor communities across Sri Lanka have a dense associational network and, as already discussed, wattas in Colombo are no exception. A woman interviewed from one of the non-evicted communities described how she had benefited from societies and her level of engagement was in no way exceptional:

> *Are you a member of any society?* Yes I'm in the women's society, the self-help society and the funeral aid society. I have been in the women's society for 8 years. It has 24 small groups. We meet once in a week. People can also save if they want. They can take loans. Each week the group till has a collection of 5000 rupees (US$50) or so. One can get a loan of 50,000 (US$500) for 1% interest. I got 200,000 to build my house. Now I have repaid the loan. (interview D2)

These dense civil society networks are clearly beneficial. Stronger community participation has benefits for the individuals concerned and also for the environment of the *watta*. Maintaining this level of community activity is a major reason cited by UN Habitat (2003) for the preference for in-situ slum upgrading Evicted households reported similar levels of community organisation in their previous neighbourhoods, but this has not transferred to the new housing blocks:

> *How is the level of associations among residents?* 100% there. 10% here. (Interview D7)

This succinct answer highlights the scale of the problem. This woman had been living in the Sinhapura development for seven years at the time of interview, yet she still only rated participation in community societies (often just *samithiya,* or 'committee' in Sinhala) as '10%'. Another woman, also from Colombo A, linked this decline in community organisation with the problem of broader social disarticulation:

> We like the previous location. That was our village. We could go anywhere during the night in our village, but not here. It's mostly because of the drug problem. The nights are louder. [….] When we lived in [Colombo A], the *samithiya* was our source of energy for everything. Still that sense of being together and energy is there, but the government plays a bigger role. In a way it is good that the government has taken over that role. Otherwise there would be a sense of 'personal bias' creeping into the activities of the *samithiya.* [….] I used to be more active within the community in [Colombo A]. I made hoppers for selling and had a small shop. Here I don't do anything because of this environment. You don't feel comfortable doing all that here, because you do not know half the people who walk in and out of Sinhapura. (Interview I1)

Although there have been attempts by the government to initiate some form or organisation, the size and anonymity of the new housing developments discourage the levels of community organisation witnessed in previous neighbourhoods. The displacement, particularly the forced nature of their eviction from their previous community, is central to this loss of trust

> We have been brought to this 'who knows where' place and we feel lost and confused There we used to leave our front door open all the time. But here we are scared to do that People trespass through this complex all the time. So far nothing has happened to us. But we are scared. There are lots of thieves and drug addicts here. They even steal the petrol from parked vehicles. (Interview I2).

It is unlikely that such clear memories as leaving the door open and walking around all night are entirely a product of selective remembering. This decline in the sense of safety and togetherness is a key reason for dissatisfaction with new housing developments and closely resembles Cernea's notion of the risk of 'social disarticulation'. Although people who formerly lived in very poor quality informal housing in some of the many *wattas* around Colombo, now have permanent houses, they have lost the well-established, close-knit communities which characterise these settlements. As this section has argued, this loss of community reduces individual well-being, since people now feel more afraid of crime and violence in the places where they live. It also has clear impacts on the quality of the new environment as the community structures that restricted anti-social behaviour have also been lost. It is possible that these will gradually emerge with time but there is currently not indication that this is happening

Conclusions: reaffirming the right to adequate housing

The dispersed pattern of underserved areas of housing in Colombo into as many as 1,500 distinct wattas, has meant that the ongoing Urban Regeneration Project (URP) has necessitated and to a significant extent been funded by, large scale dispossession of the city's poorest residents. The preferred option of in-situ slum upgrading has largely been rejected in favour of rehousing the urban poor in large, high density purpose built housing projects. Individuals have been given new apartments in these new purpose built blocks. This chapter has considered the impact of this change in relation to the UNHRC's seven point definition of 'adequate housing'. There is no doubt that these rehousing projects mark a dramatic improvement in material living conditions, when compared to *wattas*. Yet this has come at significant cost.

The most obvious costs have fallen on the individuals concerned. The eviction process was traumatic for many and has resulted in the loss of important networks trust and organisation. The actual evictions took place under very substantial coercion and some involved direct physical violence, including the army dismantling people's houses while they and their very young children were in them. The specially designed, and widely admired National Involuntary Resettlement Policy (NIRP) has not been applied. The complexity of risks identified in the NIRP is reduced to one, homelessness, through the provision of housing as the only tangible form of compensation, for most households interviewed.

Yet the provision of housing alone falls short of international definitions of 'adequate housing'. This research has highlighted four essential aspects in which the provision within

the URP is lacking. First, legal security of title had improved compared to previous housing, but was far from universal and of most concern, members of 59 households reported that they had had deeds to their previous houses but even after several years had not yet received them for their new houses. Second, affordability: the requirement to pay for the new houses is unevenly enforced. Some people seemed to think it had been forgotten about, others had been told that their debts were accruing interest, but in all cases of resettlement since 2009 there was a clear connection between payment and receipt of deeds and although the payment requested was below market rates it posed a very significant financial burden. The third problem is habitability; although in some respects this had improved, particularly in private spaces, public spaces were becoming increasingly degraded. This was linked to the final problem of social disarticulation, which was the widest reported loss with the new housing in terms of trust and the density of civic organisations.

Very significant improvements in all of these areas would be required for this housing to be considered adequate. In terms of legal security, deeds would have to be issued as a matter of course, naming all members of the household with right of ownership in previous locations. There should be much greater clarity about the requirement to pay for the new homes. Where houses are provided as compensation for previous homes to which individuals held legal title the requirement to pay appears to lack justification. Continuing habitability should be guaranteed through regular maintenance and the institutionalisation of community societies to report problems. Further efforts to tackle social disarticulation may require a reduction of housing density and a broad array of social services and community policing. None of these interventions will be cheap, but the financial rewards from the resale of the land are very substantial and wholesale relocation of established communities can never be a cheap option.

The broader costs go beyond those evicted and may affect the continuation of the ongoing process of urban redevelopment. One resident of Colombo A highlighted this very danger:

> People in other *wattas* know this…know what happened to us. They will never leave their *wattas* again knowing what happened to us. (interview D7)

The ongoing urban redevelopment scheme in Colombo depends on the continued relocation of *watta* dwellers into new housing devleopments in order to free the land for ongoing redevelopment projects. Without this relocation commercial development in the centre of Colombo cannot take place as planned. Opposition to rehousing schemes has grown over the last few years, as suspicions have developed that these projects do not serve the interests of the urban poor but facilitate the development of Colombo principally targeting an international business and tourist elite. In February 2014, residents of one *watta* refused to move, they began a large protest, registered a complaint against the UDA in the Supreme Court and attacked a Member of Parliament from the then ruling party who came to mediate (Colombo Telegraph 17.2.2014). This protest was widely covered in the Sri Lankan media, yet following a process of military intimidation they eventually moved in September 2014 (Perera 2015).

In January 2015 a very different national administration came to power on the basis of widespread rejection of the militarised nationalism associated with the previous regime. If

this new government holds onto power, it will face tremendous opposition to the continued use of violence in the eviction process. As final revisions to this chapter were being made, on June 13th 2015 the new government announced the suspension of forced evictions in Colombo. It is hoped that they will now address the history of forced evictions under the previous regime and take steps to ensure adequate housing for those evicted.

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Endnotes

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[2] The Million Houses Programme was a national policy and only 12% of the houses supported were in urban areas. In 1988, the programme won the Building and Social Housing Foundation's World Habitat Award.

[3] The construction of the Southern Expressway, which opened in late 2011, is widely considered a model application of the NIRP where displacement was avoided if possible and where displacement occurred, compensation was provided and a robust complaints system was effectively operated (Jayawardena 2011).

[4] Although in practice a substantial number of these earlier arrivals had managed to sell off their purpose built flats.