

# Alternative People's Tribunal (APT)



Proposed Second International Airport –  
Weerawila



**Date** : 11.11.2006  
**Venue** : Sri Gunalankara Temple,  
Kuda Gammmana 10, Waligaththa, Weerawila.

## **The Decision arrived at on the second International Airport by the Alternative People's Tribunal on 11.11.2006**

The Registrar of the Alternative People's Tribunal informed at the starting of the tribunal that on behalf of the Alternative People's Tribunal, the Green Movement of Sri Lanka has informed in writing to the complainants and respondents vide letter dated 03.10.2006 to be present on 11.11.2006 at 9.00 a.m. to inquire in to the following charges and to submit the reasons for their innocence of the accused, at Sri Gunalankara Temple at Kudagammana 10, Weligaththa, Weerawila,.

### **The Members of the Tribunal:**

01. Mr. Dudley Karunaratne , Hon. (Retired) Judge of the High Court
02. Dr. Pandula Edagama , Anthropologist
03. Dr. W.M.K. Wijetunga, Visiting Lecturer in History, University of Colombo

### **The Charge Sheet:**

We charge that, you as the 1<sup>st</sup> respondent, that by taking steps to construct a second International Air Port at Weerawila, have disowned the traditional cultivation activities of the people in the area, making compulsion on them to leave their livelihood, planning to expel them from their homes, making them abandon their usual life pattern and by compelling them to take up a different life pattern, subjecting them to mental depression, thus adversely affecting the economy and culture of the people concerned, you have interfered in the independent living of them.

We charge that, you as the 2<sup>nd</sup> accused has aided and abetted the 1<sup>st</sup> accused to commit the above offences, by not considering the human rights of the people concerned and by failing to provide the correct guidance to the 1<sup>st</sup> accused.

We charge that, you as the 3<sup>rd</sup> accused has aided and abetted the 1<sup>st</sup> accused by presenting an incomplete environmental report to the 2<sup>nd</sup> accused to obtain the approval of him and thus misguiding the 2<sup>nd</sup> accused.

We charge that, you as the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> accused that you have ignored the official duties of you by failing to select other suitable lands, while there are many, thus have aided and abetted the 1<sup>st</sup> accused to construct the proposed Weerawila International Airport, in the land, which would adversely affect the complainants.

We charge you, as the 7<sup>th</sup> accused that you have aided and abetted purposely to the first accused to commit an offence by failing to show the adversities that would occur on the wild life, the environment in general and for the fauna in the Bundala Century, by the construction of the Weerawila International Airport.

**The Complainants:**

1. Ranjith Kumarasinghe ,  
Secretary,  
Karadi Oya United Agricultural Society
2. Premachandra,  
President,  
South Bank Sub Committee,  
D.C. 11 & 12 Farmer Society
3. Kariyawasam Hetti Gamage  
Secretary,  
6<sup>th</sup> Colony,  
D.C. 1 - Farmer Society
4. Weerasinghe Pathirana Dayananda  
Treasurer,  
6<sup>th</sup> Colony,  
D.C. Farmer Society

**Respondents:**

1. Ministry of Civil Aviation  
No.19, Chaithya Road,  
Colombo 01.
2. Ministry of Environment and Natural Resources,  
No.82, Rajamalwatta Road,  
Battaramulla
3. The Central Engineering Consultancy Bureau,  
No. 415, Baudhaloka Mawatha,  
Colombo 07.
4. District Secretary,  
District Secretariat,  
Hambantota
5. Divisional Secretary,  
Divisional Secretariat,  
Lunugamwehera.
6. President,  
Pradheshiya Saba,  
Lunugamwehera.
7. Department of Wild Life,  
“Deal Court”, 282, New Kandy Road,  
Malabe.

The evidence was led by the Mr. Upul Dheshapriya, Attorney at Law.

The Tribunal constituted and asked whether the complainants and the respondents are present. It was confirmed that the complainants were present. It was further found that at the time of the starting of the Tribunal, the respondents were not present.

The respondents were informed to be present on 11.11.2006 by letter dated 03.10.2006. Since they have failed to be present, the Tribunal ordered the Attorney at Law to lead evidence of the complainants, in the absence of the respondents. Accordingly the evidence was lead according to the numerical order.

In addition to the 5 witnesses, as a special witness representing the (material witness) People's Forum for Environment and Development, Banduranga Kariyawasam was allowed to use the Information Technology apparatus to lead evidence. The necessary swearing on the identification of all the witnesses and to their evidences, were done.

### **Charge No.1**

The 1<sup>st</sup> charge in the above charge sheet is directed at the 1<sup>st</sup> respondent, the Ministry of Civil Aviation, No.19, Chaithya Road, and Colombo 1. The said Ministry has been delegated to obtain the approval for the Cabinet for the construction of the said Air Port and plan and implement the project. The trend of the people is that they are not against the construction of the International Air Port taken up in an alternative place without hampering the people's rights, environment, water resources, any adversity on flora and fauna, especially within the Hambantota District.

The witnesses stressed that out of 25000 acres of paddy fields and upper land cultivations, dwellings, schools, temples etc; in the villages of Agbopura, Karambawewa, Rambuk Wewa, Keerthipura, Ranasiripura, Weerawila Town, Kahandawewa and Samanpura villages, fed by Kirindi Oya, Menik Ganga, Lunugamwehera and the proposed Weheragala reservoirs, around 5000 acres paddy fields and the people living in this area will be facing tragedy by this proposed Weerawila International Airport project phase I. Before 25 years from now the people who came to the area as youngsters have developed the said area with many obstacles and challenges. Now, when the cultivations are at the verge of flourishing, once again the people are to be subjected to an unsustainable life. At this juncture the witnesses further stated not that they are to be dragged but their children. The witnesses further said that once again they have to go on searching for new areas to dwell and they will not have any opportunity to develop themselves once again. They further said that by this tragedy, they will have to undergo hardships in the whole life.

Already around 5000 acres used for the cultivation purposes have been taken over and it is proposed to take another 3000 acres for this purpose. Like wise paying compensation to these lands, the money to be spent on the new land for a new settlement and the grant for new houses are added a huge amount of wealth will be wasted on them. From this, we could presume that these sort of activities are a wastage of a huge wealth of the country. The Lunugamwehera Dam is said to be insufficient for irrigation to the area, a sum of Rs.1870 million has been borrowed for the Weheragala Dam. In addition a sum of Rs.27000 million has been spent for the Lunugamwehera Project. While the works are

nearing completion, a portion of the cultivable lands under this scheme is to be taken over for the Air Port Project. The witnesses reiterated that this is a utter waste of huge capital of the country.

The other attractive fact presented by the witnesses was, that an Air Port is essential to the area and without spending such huge money, an alternative place was suggested for the Air Port, which could be constructed at a lower cost. Out of that Gonnoruwa and Udamaththala are significant. Also the Udamaththalawa has been pointed out by them as non agricultural area and the damage is very minimal if this area is selected.

According to the evidence, it is very clearly found that by constructing an Air Port the traditional agricultural activities of the complainants will be affected and their survival will be at a stake. As they will be compelled to adopt a different life style, their economy, social structure and culture will be badly affected. Since there had been no response to these charges forwarded against the respondent, we find that the respondent has committed an irregularity.

## **Charge No.2**

The respondent in this charge is the Ministry of Environment and Natural resources, situated at 82, Rajamalwatta Road, Battaramulla. Failure of the Ministry to ensure the right guidance to the 1<sup>st</sup> accused, it has inflicted loss of basic entitlement and basic rights thus subjecting the complainants to tragedy. The complainants stated in a single voice that the 2<sup>nd</sup> respondent has not adequately inquired the rights of the people and failed to provide correct information to the 1<sup>st</sup> respondent. Thereby the positions of the complainants have been made inconsistent. The Attorney at Law further inquired in to the charges and the complainant gave further evidence on the environmental disasters on the establishment of the proposed Airport. Especially it was mentioned about the World re-known century situated at Bundala , just 1.5 k.m. away from the proposed site. In order to prove the damages that could affect the Bundala Century, the complainants have been continuing to ascertain the expected adversities. The complainants continued to analyze the adversities on economy as Bundala Century has been an area important for foreign tourists and the local tourists. They continued to establish that the foreign exchange income could affect by this Air Port project. Also the future Elephant-Man fighting and the dangers facing the Air Port also pointed out.

Further it was stated that the proposed Air Port would be a hindrance to the historical places and monuments those have been spread around. Like wise these sort of important facts have been ambiguous in the environmental report. It is revealed that the respondent has failed not only to take in to consideration the human rights, but also the National Assets and about the wild life in a sympathetic manner. It is very clear that the department which is responsible to focus attention on the evidences in a reasonable manner but has failed to do so. Therefore by the negligence of the 2<sup>nd</sup> accused, by failing to act in the proper manner and failed to properly analyze the situation, seems to have aided and abetted the 1<sup>st</sup> respondent as stated in the charge I. Since there is no fact submitted on this charge therefore it is found that for the Charge No.2 the 2<sup>nd</sup> respondent becomes liable.

### **Charge No.3:**

This has been referred to the 3<sup>rd</sup> respondent the Central Engineering Consultancy Bureau. The 3<sup>rd</sup> respondent has failed to provide complete environmental evaluation report while providing technical information to the 1<sup>st</sup> and 2<sup>nd</sup> respondent to take necessary decision. Thereby the 3<sup>rd</sup> respondent has become liable for misleading the 1<sup>st</sup> and the 2<sup>nd</sup> respondent. While the evidence was led, the complainants gave evidence in a manner that the charge has been committed. Further the feasibility report of the 3<sup>rd</sup> respondent was challenged. The witnesses continued to point out the short comings that are in the Environmental Report. The witnesses further reiterated that the damage is not only to the Farmers but also to other living things by the proposed project. The witnesses further stated that risks could be faced to the said Air Port by elephants, and some varieties of birds. The witnesses stated that in the environmental report the possible harms to the passengers and the plans have not been stated. If at least, one such accident takes place, it could affect the international reputation of the Air Port. It was further ascertained from the evidences the short term and long term challenges that could be expected.

The complainants have expressly stated that this project is a complicated and risky one, without grieving for any mishap in the future, the time is still available, and so it is better to secure the technical expertise of the local and foreign intellectuals and to carry forward this project.

The witnesses also challenged the information available in the environmental report on the emission of affluent from Air Crafts. Especially the 'Watershed' will be affected by this. Thereby the water shortage in the village will aggravate in the future. It is also the duty of the authorities to look in to the recent flood situation around Weeravila.

In terms of the evidences recorded, all the respondents by taking individual decisions should think that, whether an incomplete feasibility report could contribute to the betterment of the Nation and its subjects? Is it not justifiable that complainants echoing their grievances embedded in their minds? Further the respondents, especially the 3<sup>rd</sup> respondent by failing to be present to ascertain his innocence. Thereby it could be construed that he has neglected his responsibility.

### **Charge No.4**

Under this charge, the respondents are No.4,5 and 6. The charge is that to identify a suitable area to construct the proposed second Weerawila International Airport for and on behalf of the respondent No.1. In this instance the complainants state that these respondents have hurriedly identified this area while there are many other suitable areas, thus creating a problematic situation to the complainants and have flouted the their responsibilities.

- While there are 25000 acres of irrigated land and under the Kirindi-Oya (Lunugamvehera) project another 3000 acres of land to be irrigated for cultivation through the new Weheragala Project, from the evidences led it could be realized that the previous Divisional Secretary has irresponsibly recommended that this area is unsuitable for cultivation and thus creating a situation by which the State will lose a revenue from local and foreign income to the tune of Billions of rupees.

- According to the evidence led by most of the witnesses, while there are other alternative places for the construction of the Air Port, the respondents Nos. 04,05 and 06 have failed to collect information on those lands in the proper manner and to forward to the Authorities concerned. Therefore it could be construed that these respondents have irresponsibly and negligently carried out their duties.
- It is the belief of the complainants that it is an act of the Secretary to the Ministry (District Secretary) for removing the feasibility study report on the Moneragala and Polannaruwa for the construction of the Air Port. In a recent study it was found out that out of Weerawila, Gannoruwa and Pahala Maththala, the least affected area will be Gonnaruwa and Pahala Maththala. But the complainants No.04, 05 and 06 have failed to forward this report and provided priority to the Weerawila and forwarding the same cannot be an acceptable act. But it is the responsibility of the District Secretary and the Divisional Secretary to inform the intentions of the people of the area to the Authorities in a positive manner.
- The witnesses led evidence that these three respondents have prepared the feasibility report in a hurried manner which is detrimental to the public of the area.
- In any development activities the people of the respective area would be a stake holder. Therefore in any decision making process their presence is expected. Therefore the witnesses state that they were not summoned for any discussion while the said project is under process thus an unreasonable act has been caused on them.
- According to the Complainants, the respondents No.04, 05 and 06 have failed to seek the opinion of the Defense Sector while preparing the feasibility report on Weerawila Air Port. The witnesses also mentioned about the LTTE attack on the Bandaranayake International Airport.

While the inquiry is proceeding, the complainants directed the 4<sup>th</sup> charge against the 04<sup>th</sup>, 05<sup>th</sup> and 06<sup>th</sup> respondents. It is construed that these charges have been proved against these respondents.

#### **Charge No.05:**

This charge has been directed against the 07<sup>th</sup> respondent the Wild life Department, whose office is situated at No.18, Gregory's Road, Colombo 7. The responsibility of the department is responsible for the protection of wild life in this country. It is also the responsibility to protect the only bird century the RAMSA wetland zone. While the situation is as such, the complainants raise the question that how far this department has committed to accomplish its task? According to them, innumerable varieties of wild life would have been vanished and thereby the good name of Sri Lanka could be tarnished by this irresponsible act. These charges were made verbally and in electronic media, in front of the tribunal. (Within this record of evidence the page 25, 55, and 57 are included) However, there is no evidence was led by the respondents; the facts on the charges of the complainants (Plaintiff) have been furnished. Accordingly the charge against the respondent no.5 has been proved.

Sgd. Dudley Karunaratna  
Former High Court judge  
President - APT

Sgd.Pandula Adagama  
Member – APT

Sgd. W.M.k. Wijethunga  
Member – APT

**Alternative Peoples Tribunal (APT)**

**Second International Airport – Weerawila**

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