

Building an Advocacy Coalition for River Sand Mining Affected Stakeholders in Sri Lanka

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Abstract

This paper records an ongoing initiative carried out mainly by volunteers. Illicit and unregulated river sand mining has created a number of social and environmental issues in Sri Lanka. Damage to riverine ecosystems causes biodiversity, livelihood and water security losses. Illicit mining is controlled by a powerful sand mafia linked to political patronage. Localized efforts for combating this trend through community action met with limited success. Ultimately a networking initiative by CSO with local community organizations was able to raise profile nationally for this issue through successful use of media. Interaction between affected river communities was supported and linkages enabled with national level agencies for building a stakeholder platform and a collective voice.

Key words

River sand mining, community action, ecosystem damage, advocacy, sand mining mafia

“Anyone who has loved a river can tell you that the loss of a river is terrible, aching thing” - Arundathi Roy, “The Greater Common Good”¹

I. Introduction

River sand mining is fast appearing as an issue for concern for environmental security in South Asian countries facing rapid urbanization. Especially in Sri Lanka, a post-tsunami construction boom and the consequent demand for sand has been a contributory factor to the rapid increase of river sand mining. Escalation of river sand mining in Sri Lanka is seen as damaging and leading to conflicts. It is usually location specific, often leads to high levels of stress and violence for affected communities and is sometimes countered by advocacy and collective action.

Sri Lanka has an extensive practice of civil society led campaigns related to collective action in environmental governance issues. Impacts of collective action and effective NGO/CBO interventions has been recorded in the cases of the Thuruwila water transfer, Eppawela phosphate mining issue, Upper Kotmale hydropower project, Muthurajawela wetland encroachments, the Kotte wetlands and the Southern Express Highway. In many cases the issues that triggered these interventions and the resultant community/collective action were localized. Sometimes protests were conducted at regional and national level as well, with the activists sometimes (like in the Chilaw Water supply case) seeking the Supreme Court for recourse, citing loss of human rights. Basing their appeals on the National Environment Act No.47 of 1980 as amended by Act No.56 of 1988 and the Regulations made there under, NGO and CSO activists have had an impressive record of successful judicial activism.

The activity described in the paper is essentially a process documentation of an advocacy and awareness building activity carried out by a volunteer organization with river sand mining (RSM) affected stakeholders in the river basins of Deduru Oya, Nilwala Ganga and Maha Oya. Though localized at the onset, this advocacy effort has resulted in some national level actions and therefore has implications for all other water bodies currently experiencing the same set of problems generated by illicit or unregulated RSM. The issue is much wider spread than the three rivers referred to earlier. It affects many rivers, tanks and water bodies throughout the country. Media scans of newspaper reportage carried out in 2006-2008 reveal that at least 25% of Sri Lanka's 103 rivers report some level of incidence of illicit RSM (Annexure I).

As this paper documents an ongoing activity, it is largely descriptive but highlights developmental issues related to environmental governance to be studied and raised for future research and further discussion in relevant forums.

NetWwater (Network of Women Water Professionals), a volunteer group of women with water interests in Sri Lanka, has been engaged since 2004 in carrying out a series of district-wise gender and water dialogues involving substantial interaction with community groups. The river sand mining activity was first identified as the result of a gender and water dialogue carried out in 2005 in Kurunegala district, North Western Province where women complained of the damage to drinking water sources due to destructive river sand mining. Further interaction with communities revealed the extent of environmental, structural and social damage caused by RSM. This led to an initiative to work with RSM affected communities in raising awareness as well as build linkages with other CSOs and activist groups.

¹ "The Greater Common Good" by Arundhati Roy is about the Sardar Sarovar dam: <http://www.narmada.org/gcg/gcg.html>

2. Sand for Construction needs in Sri Lanka

Sand is a mineral as defined in the Mines and Minerals Act No. 33 of (1992). In Sri Lanka sand is the property of the state, the mining of which requires a permit. Sri Lanka's construction industry contributes over 8% to GDP and requires over 7 million cubic meters of sand annually. This volume has expanded in the recent past due to additional demands of post tsunami construction, during which there was an annual increase in demand by 10%. The sand is usually obtained from the country's river beds, river sides or mined from previous riverbeds and sand dunes. In one instance deep sea mining was carried out to fulfill the sand requirements of an expressway project; the project did not come through but there is little demand for this substantial stockpile due to aversion of the construction industry towards use of sea sand.

Artisanal sand mining generally was the norm in Sri Lanka until the current law Mines and Minerals Act No.33 of 1992 replaced former Mines and Minerals Law No.4 of 1973. Artisanal mining did minimal damage to ecosystems and rivers and in fact is necessary in some cases to clear river blockages. The new Act established the Geological Survey and Mines Bureau (GSMB) as the sole authority for sand mining. The GSMB regulates the exploration for, and mining of minerals, which includes sand. The GSMB defines mining sites, calls for deposits while mining tenders are called by the Divisional Secretary (DS) who is part of the Administrative structure. Two government agencies from two different Ministries thus need to collaborate on this activity. The sand mining licenses are required by the Act to contain a number of conditions, including a requirement that the licensee comply with all written laws relating to the environment and rehabilitate the land to which the mining license relates. However, it has been found that the license form issued to applicants does not contain all the conditions required by the Act, or contains them in a diluted form. Furthermore, there was limited enforcement of such applications mainly due to lack of personnel. The monitoring capacity of GSMB is very weak with sometimes only two technical officers in an entire Province and is wholly inadequate to contain the current spate of illicit sand mining.

With the post 1992 decision of the Geological Survey and Mines Bureau (GSMB) to expand sand mining sites, large scale negative impacts, affecting the local farmers and domestic water users both qualitatively and quantitatively, have been recorded. Increasing use of unregulated mechanized harvesting in the late 1990s has resulted in heavy localized river water turbidity, lowering of water tables, bank erosion, land degradation and salinity intrusion, resulting in hardship both to the population and damage to riverine ecosystems. The river sand bed acts as a natural reservoir for retaining water in the under laying soil and for maintenance of the groundwater level in the catchment areas. The base flow of the river depends on this retention. Due to excessive sand mining, the river beds become deepened and the river flow velocity increased. During the monsoons the natural retention of water is hampered by the absence of a sand bed. Water drains out quickly due to the high velocity river water flow, which damages the river bed and increases sedimentation.

Unfilled excavations and abandoned sand pits provide the breeding grounds for mosquitoes spreading vector-borne diseases. Sand excavations in the river beds create dangerous spots for bathers. In particular, community concerns are raised as regards the increasing damage to drinking water sources, damage to irrigation systems, related health and hygiene issues, which have a further detrimental impact increasing the current burden of women as primary domestic water users and family caregivers.

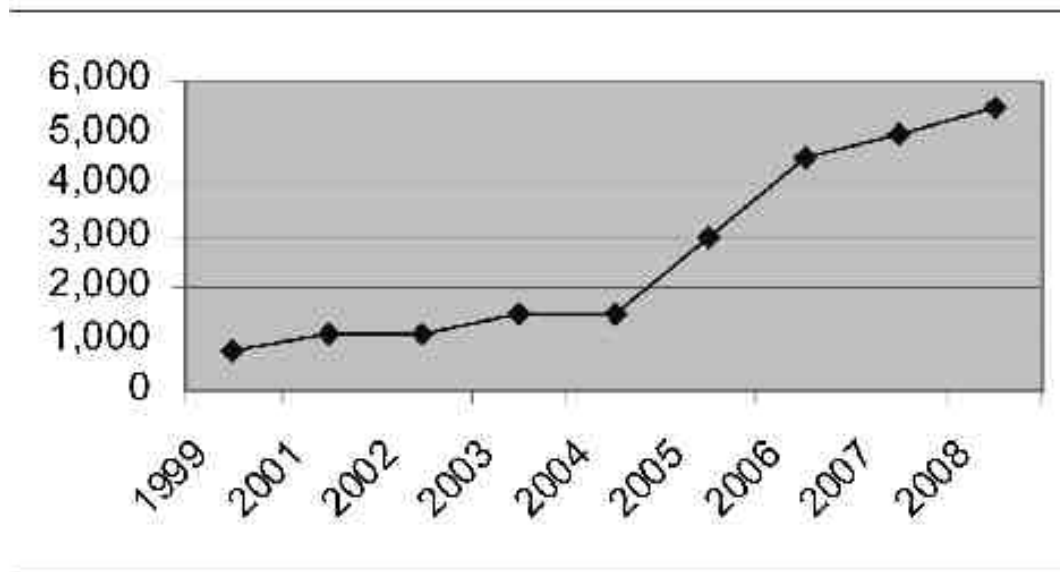
Sri Lanka is saddled with a plethora of laws and regulations regarding natural resource use, functioning within a poor enforcement environment, further complicated by the complex and often violent political context. Little benefit is derived from comprehensive laws and policies unless there is ability within the system to satisfy demand of both users and the environment as well as regulate effectively through a proper monitoring mechanism. Illicit mining is often carried out by a politically powerful sand mafia, in the face of whom affected communities are helpless. This has led to a

situation where the Sri Lankan rivers are gravely endangered and the well being and livelihoods of riverine communities badly affected.

The post tsunami construction needs have tremendously increased the demand for sand in Sri Lanka and correspondingly increased the damage to rivers. The acute problem of supply is driving construction costs to uneconomic levels and high prices encourage suppliers to secure sand at any cost. The price increase of the commodity by 250% over the last decade is seen below in Table I.

Table I Price of sand

Sand Prices (Rupees per cube) 1999-2008.



It is further increasing at an alarming rate as the high sand demand has driven the problem from the normal mining sites of wet zone rivers such as Kelani, Deduru Oya and Ma Oya even to fragile dry zone areas such as Mahiyangana and Amparai. River sand mining has escalated even in remote rural areas such as Kaltota and areas in North Central Province adjacent to Malwathu Oya and Mee Oya which had hitherto been free of commercial mining. This has resulted in widespread damage to ecosystems, agriculture and rural infrastructure. The quality and the quantity of available freshwater have reduced, causing a serious problem especially in the North Western Province, with dropping groundwater tables and salinity intrusion. Many lucrative permanent crops – mainly coconut trees – are thus destroyed. River bank collapse adds to crop losses, endangering the subsistence livelihoods of agricultural labourers.

On the other hand the poorly paid agricultural male wage laborers can earn high wages through illegal RSM as nobody- especially not the police – would want to upset the status quo; there is no such advantage for female wage labourers. In many RSM affected villages substantial school drop-out levels by boys has been reported they prefer to earn money in RSM instead of continuing their education. Social problems such as alcohol abuse and drugs have increased amongst such youth due to the fact that they have money to spend, sometimes more than their own fathers.

It would have been useful and important to assess what would be the costs to the country due to damage to infrastructure due to river sand mining. There have been cases of state agencies shoring up shaky bridges and repairing damaged roads but there is no clear record of such expenditure. Nevertheless a conservative estimate of replacing an endangered bridge would be a minimum of Rs 400 million (Euro 1 = Sri Lankan Rs. 157 in December 2008). Replacement of a water supply intake will cost a minimum of Rs 10 - 20 million. The water intake on Nilwala river in Southern province has already been shifted upstream twice due to salinity intrusion. Prompt action needs to be taken to decrease such damage in a situation already exacerbated by falling foreign exchange earnings and global recession.

Offshore sand mining requires major investment both in terms of machinery and infrastructure. Holding of sand inventories in quantity before release of offshore sand of usable quality requires major capital. Neither is within the capacity of current suppliers of mechanized mining (mostly small contractors and machine owners). Nor was it possible for the relevant local authorities to invest or regulate in such magnitude given the “float” time between harvesting and release of sand from offshore sources. Thus it requires the state to take the initiative in this regard. Otherwise the current policy declarations remain mere platitudes that are unenforceable for practical purposes. Some efforts are being made to seek offshore mining as a solution but there is resistance from the builder’s lobby.

Given the extent of damage caused by illicit and unregulated RSM, it would not be incorrect to call it a second tsunami for Sri Lanka. Often environmentalists and advocacy campaigns react to events rather than anticipate and mobilize civil society and communities to take precautionary measures. In the case of sand mining, it was seen by the activists that this process now needed to be rapidly reversed by proactive measures.

3. Policy and legal initiatives

The environmental impacts of the escalation of river sand mining and the introduction of mechanized mining (especially on Ma Oya) has been raised by the affected communities at various forums for at least 5 years. Several localized initiatives were taken to curb excessive mining which damaged the environment, citing sand mining related corruption. Temporary bans of sand mining have been periodically sought from the Courts. RSM has led to several high profile instances of legal activism. In 2004 a sand miner in Ma Oya petitioned the Supreme Courts for the right to exercise his livelihood. The Supreme Court taking judicial notice of the social and environmental problems caused by the then largely unregulated mining of sand from riverbeds and river banks, suspended all sand mining licenses on Ma Oya pending a study of the impacts, and called upon a well known environmental organization (Environmental Foundation Ltd) to assist the Court. The case is still going on, with periodic hearings taking the form of an accounting by the relevant sectors (GSMB, Police, North-Western Provincial Authority, and Environmental Foundation Ltd) as to how the issues of enforcement of controls and the rehabilitation of the river are being dealt with.

A new draft National Policy on sand for construction needs was prepared by the Ministry of Environment and Natural Resources in March 2005 articulating the proposed state policy principles and institutional arrangements that will be the basis of control and regulation and published for public comment. It is not made clear how the issue of supply and demand will be satisfied through this policy. Moreover the draft policy is limited in that it only refers to sand for construction purposes and does not emphasize preservation of ecosystems, water security, biodiversity needs, and livelihoods.

4. Organizational Background

The RSM activists' coalition was first initiated through requests made by contacts made at community level IWRM awareness programs, including children's water awareness programs (Sisu Jala Hamuwa). It was slowly built up into a loosely connected alliance of community groups in RSM affected areas and CSO activists. Almost all the RSM affected communities had attempted controlling RSM through interventions of religious and community leaders and through appeals to politicians. Where there was a strong community leadership there had been higher levels of activism. The highest level of community activism prior of the formulation of the CSO alliance has been seen in Deduru Oya in the North Western Province. The sand mining groups here as elsewhere are seen to have political patrons that sponsor local "strongmen". Local communities along Deduru Oya (DO) had mobilized under the aegis of an umbrella organization termed as "Movement to Save Deduru Oya", a movement led by the Chief Incumbent of a historic temple (Devagiri Raja Maha Viharaya) in Bingiriya.

Their campaign too had at first been one of peaceful demonstrations, appealing to various political and administrative authorities and demonstrations. After some time, the DO campaign took a new turn for a period with the activists physically blocking the sand miners for three months. Windscreens were broken and nail boards used to puncture tires, but no physical violence is recorded. Sand mining came to a halt in DO and livelihoods of sand miners were temporarily lost. The temple, in pursuance of its religious beliefs, supported both the sustenance of the blockage and its religious principles during this time by feeding the families of sand miners who had lost their source of income.

In these early days of the DO agitation, women played an active role in demonstrations and roadblocks, effectively acting as human shields. As has been observed earlier in similar community protests such as the Thuruwila campaign (Athukorala 2006), women are seen as front runners in protest marches, signature campaigns etc. This is partly due to the fact that activism opponents and the police are generally seen as wary of physically attacking women demonstrators. It could also be that women are recognized as raising a legitimate voice regarding loss of water security since they are the most severely affected by RSM related loss of drinking water supplies. However, in subsequent consultations and negotiations with legislators and administrators as part of judicial activism, women are seen to play a less dominant role. This is an interesting issue for further in depth observation and study.

In early 2006, with increasing levels of aggression from the sand mafia, the DO movement and the temple felt that a change of strategy was required. Efforts were made by local DO community to seek, with external CSO support, contacts to launch a national awareness program. Their reasoning was that RSM hitherto seen as a local problem, now needed to be profiled at the national level, as a national and not merely a provincial problem, if a solution was ever to be reached.

The building up of an advocacy coalition per se was not a target at the first point of intervention. The objectives of the DO activists were to simply identify a partner organization which would support their efforts in:

- Highlighting damage caused by river sand mining especially in North Western Province to water security, rural livelihoods and ecosystems
- Raising awareness on resultant loss of national investments and impact on national debt due to RSM
- Raising national consciousness on RSM leading to a change of policy
- Emphasizing the need for development of alternate sources of sands and modes of construction

The chosen method of the CSOs thus involved to be linked with the DO activists, was the organization of a media blitz highlighting the issue of Deduru Oya. Deduru Oya had by then suffered major damage due to erosion and salinity intrusion. A media tour involving members of the print and visual media was carried out on the 28th February 2006 to cover the most damaged hotspots in Deduru Oya. The involvement of all prestigious national media organizations and the extent of ensuing print and visual coverage made this an unprecedented advocacy event even in the eyes of the participant media personnel. NetWwaters and its partner the Centre for Environmental Justice (CEJ) coordinated this activity.

This activity was planned to take place before the dry season started, to move away from the hitherto reactive response of the media and the authorities into a proactive response. The media tour and resultant publicity was intended to red-flag the issue and serve as an early warning for all decision makers before the onset of the dry season. This advocacy effort proved to be extremely successful, with a spate of media reports eliciting positive responses from political decision makers including the Minister of Environment and the President himself. It also sensitized the media, who continue thereafter to highlight RSM issues. The level of reportage has increased substantially and it was even possible to conduct a two day water issues sensitization program for the media. This effort successfully opened out the RSM dialogue from being solely a provincial issue into the national arena.

Another CSO, Sri Lanka Water Partnership, conducted a National Sand and Clay Mining Dialogue presenting the damage due to RSM as well as the need for promotion of alternate sands. This was coordinated by NetWwater with the assistance of Capnet Lanka on 24 April 2006. Several presentations on manufacture of alternate sands highlighted the fact that efforts were needed to draw the attention of actors outside the traditional water sector in order to find solutions. Quartz sand and offshore mining were seen as two possible solutions. The need to sensitize engineers and the construction industry to develop new construction methods too was highlighted. As a result the Minister of Science and Technology agreed to set up a Ministerial Task Force for technological alternatives. But there has been no follow up on this due to prevailing political problems and the escalation of the conflict taking precedence over environmental issues.

As a result of the National Dialogue, the Deduru Oya local action group also gained sufficient public profile to be invited to present their views to the Minister of Environment and the Chairman Geological Survey and Mines Bureau (GSMB) who promised redress especially on the issue of forged mining permits in Deduru Oya. But again little action is seen to have been taken to curb this issue, though certain corrective measures (such as printing permits on water marked security paper) were proposed.

NetWwater received requests from other affected areas to facilitate a similar supportive action. With the support of Lanka Jalani and Capnet Lanka, a linkage was formed with the University of Ruhuna to form a Southern Province RSM Action Committee. An initial meeting was called in December 2006 for a high profile meeting. It had attendance of the Governor, members of the media as well as police. A Southern Province Action Committee was formed with representation from all sectors, including a representative of sand miners. It was anchored in the University of Ruhuna in the Southern province. A reputed university academic became the chair. This group has access to resources of the university and had wide social acceptance. They have therefore been able to continue with awareness building activities, including the production of a video documentary. A positive outcome of the awareness building of the SP Action Committee was that a request was received from the Southern Province Police Department to conduct an awareness program on the impacts of river sand mining for police station heads in the entire province. In all local communities the relative inaction or alleged corruption of the police has highlighted as a major cause for the proliferation of RSM. The police program, however, highlighted political interference as the major issue.

Several local community groups came to the conclusion that localized initiatives alone were insufficient to create an impact on national policy makers. The CSOs thus involved, NetWwater and Sri Lanka Water Partnership with the support of Capnet Lanka were requested to bring together the different local river based initiatives to engage in a broad national campaign. During a meeting of the DO and Nilwala river groups held in January 2007 it was collectively agreed to join forces to form a national network of RSM affected people.

The activist group supporting the coalition building tried to build interlinkages. The Deduru Oya Activist group called meetings bringing together affected communities of mid and lower Deduru Oya region (Chilaw to Nikeweratiya). There were cross visits with the Southern Province Action Group and other observers visiting Maha oya and Deduru Oya further strengthening the linkage of affected communities. These cross visits were intended to bring together communities mobilized around the issue thereby building critical mass. Maha Oya and Attanagalu Oya groups were eventually added on and since then have become very active. Since some of these groups had access to the web and an internet based newspaper they were able to communicate RSM issues in general.

The following suggestions for joint action leading to a People Sand Charter were made at the Bingiriya Joint Rivers meeting in February 2007.

- To form an Environmental Protection Force (EPF) to take prevention measures for river bank erosion such as establishment of trees to strengthen the river banks.
- To take measures to define and protect river reservation areas.
- Support coordination between national organizations which prepare acts & laws related to water resources in Sri Lanka.
- To present observations leading to a Peoples' Sand Mining Charter and hold a conference on revisions needed for the draft National Sand Policy.
- Promote greater awareness and usage of alternative sands.
- Request definition of quality standards for sea sand and revisions in quality standards for the construction industry.
- Start awareness programs for school children (Sisu Jala Hamuwa) in RSM affected areas.

This activity took the form of a meeting facilitated by the Central Environment Authority (CEA) in Colombo. One positive aspect of the joint action was the increasing ability of community groups to dialogue with decision makers. One stated objective of this meeting was to present a Peoples' Charter for Sand Mining and elicit comments on the draft Sand National Policy on Sand as a Resource for the Construction Industry (presented by the Ministry of Environment and Natural Resources in 2005 and as yet in draft form). The DO group has taken the lead in this issue as it noted in particular that that the current draft policy confines itself to construction needs and does not mention sand as a necessary resource for sustenance of ecosystems.

The different river based groups carried out various activities, based on localized needs using the limited resources available. The DO Oya group decided to conduct a workshop for further strengthening the lower and mid Deduru Oya activists to formalize a Deduru Oya Area Water Partnership affiliated to the Sri Lanka Water Partnership. The Maha Oya group requested assistance to build awareness and mobilize communities through a community leaders meeting and a Sisu Jala Hamuwa on World Water Day 2007. This activity has been carried on in conjunction with fishing societies and village disaster management societies in Maha Oya. Community legal rights awareness programs were also conducted in Deduru Oya and Maha Oya. Video documentaries and leaflets regarding corruption and river sand mining have been produced and disseminated. Activities have continued slowly but steadily since, and action is taking place at various levels though the minimal funding and the current tensions caused by the escalation of hostilities in the North continue to pose barriers.

5. Judicial activism related to river sand mining

Public interest litigation, the favoured weapon of Sri Lankan environmental activists, was also undertaken by two environmental groups: the Green Movement of Sri Lanka (GMSL) and the Centre for Environmental Justice (CEJ). Undertaken together with stakeholders of the lower Deduru Oya this served to raise the issue. They collaborated with local level organizations such as Navodya and Mihisara Foundation in North Western Province.

The ongoing Deduru Oya case (S.C.F.R. No.226/06) as it is popularly known was filed by leaders of three community based organizations in 2006. It concerned the issue of virtually unregulated sand mining from a river bed in the North-Western part of the country that had not only destabilized the river banks, but had also caused the level of the water to drop to such an extent that the water supply scheme for Chilaw, the main town of the area was threatened. The allegation of the petitioners was that there was a widespread flouting of the law in which the miscreants were backed by local politicians and the police were therefore turning a blind eye. The Court, having granted an injunction against any further sand mining from the river in question, has assumed the role of monitor, whereby the police and officers of the mining regulatory authority are required to report to the Court every two to three months. This had a salutary effect on police vigilance, increasing the number of arrests for illegal mining and transportation of sand for a short while. The petitioners were allowed to mention any shortcomings and the respondents are required to state what remedial action they have taken. As a result the petitioners have now been able to raise funds and embark on a project to rehabilitate the river banks. Amongst the project's workforce are several poor persons of the area who previously had to make a living doing the illegal mining for the "sand mafia".

This Deduru Oya case highlights two interesting developments:

- (i) The willingness of local communities and local organisations, under a capable community leadership, to work together towards protection of water resources.
- (ii) The willingness of the Supreme Court to play a monitoring role where other agencies of the State are seen to have failed.

The input of external CSO activists raised awareness of local communities on issues related to the court case. The local communities were not aware of court procedure and how to access the Supreme Court. The CSOs and judicial activists educated the affected communities on the issues related to the court case. The CSOs also absorbed the legal costs of the case. Though the administrative cost of filing a fundamental rights case in the Supreme Court is relatively small, the cost of lawyers' fees, preparation of court briefs and obtaining copies of each day's proceedings

substantially add to the costs. This capacity building and information sharing support given by external CSOs had a positive impact on the local level activism.

However, unlawful sand mining activities continued, together with a high level of sporadic intimidation against the petitioners and other groups who were trying to rehabilitate the river banks. As a result the Supreme Court adopted a policy of calling the case in open court at regular intervals to monitor the situation and in particular monitor the conduct of the police officers of the area.

6. Role of media as a tool for RSM advocacy

Media interventions were seen by the advocacy coalition activists as a key weapon for promoting their cause following the success of the DO media tour in 2006. As such NetWWater with support of the Sri Lanka Water Partnership carried out a media scan of all river sand mining issues reported in five leading Sinhala language newspapers (Lanka Deepa, Divaina, Dinamina, Silumina and Lakkima) and presented at its National Partner Forum 2007 to raise awareness regarding the extent of the damage. Though very limited in its scope, the media scan was revealing, as the news reports from these five newspapers alone referred to ongoing river sand mining activities on 35 of the 103 Sri Lankan rivers.

Though Deduru Oya, Ma Oya, Nilwala Ganga and Kelani Ganga were the focus of attention of the advocacy coalition, it is seen through the media that there is hardly any river or water body which is not affected by RSM at some point of its extent. Throughout the country there were scattered and muted protests of groups whose water security and livelihoods was being threatened by uncontrolled RSM. There were very few instances where a strong collective community voice was raised even intermittently as it was in Deduru Oya and Ma Oya. The placement of the news items is indicative of the importance given to the issue. Usually the RSM news items are found tucked away in the Provincial news section or middle pages. The RSM issue rarely made the front page or even the high profile third page.

The rivers mentioned in the reportage listed in the media scan for 2006 are 23 in number. They are Maha Oya, Deduru Oya, Kala Oya, Mahaweli Ganga, Mee Oya, Gin Oya, Ma Oya, Mawath Oya, Maguru Ganga, Galmal Oya, Kalu Ganga, Malawe Oya, Nilwala Ganga, Kimbulwana Oya, Kirindi Oya, Minipe Yodaela, Galewela Rakshita Ela, Talawe Ela, Gin Ganga, Kirindiwella Ganga, Polathu Ganga, Halwatta Oya and Sengal Oya. In an area where formal studies and research are minimal, the media scan was very useful for the advocacy coalition as it further enabled the RSM issue to be profiled as a national (and not a mere provincial) issue by highlighting the extent of the problem.

7. Bottlenecks, pitfalls and possible solutions

As is seen from the above, the damage to rivers and river centred livelihoods by RSM was not without reaction from local communities. The opponents of organized illicit mining usually focused on legal means, advocacy and awareness raising and judicial activism whereas the RSM proponents take the path of intimidation and violence. In the current scenario of political instability, their methods are seen to be more effective and in 2008 high levels of RSM activism has become very difficult to sustain due to escalating threats.

The aim of the advocacy coalition was to create a critical mass and a public voice needed to speed up various processes and receive commitment from the government agencies and the construction sector to invest in research for alternatives that will decrease the use of river sand in construction. There is some success in that there is widespread recognition of RSM as a critical issue. The use of alternatives has been less successful. However, the escalation of the conflict situation in the North,

steep increases in the cost of living, the constant threat of LTTE suicide bombers in the South and the resultant erosion of civil life have been a hindrance to organizing the planned levels of activism in 2007.

With the pressure of the activists minimized and the police more concerned with national security issues, all rivers, and especially Deduru Oya, have seen a recent escalation of illicit RSM which the authorities have done very little to curb. With it levels of hostility towards the media too have risen in 2007-2008 (Annexure 2). Village level RSM activists also experienced severe setbacks due to high levels of intimidation. Continuing violence against civil society resonates in the ongoing threats against media and reflects the current weakness of civil society in Sri Lanka.

Against the backdrop of the ongoing defiant rejection of communities agitating against the Special Economic Zones (SEZ) in neighbouring India, the preferred modes of collective action in Sri Lanka are as yet supporting dialogue, peaceful protests and leaning towards judicial activism. Sri Lanka has not yet seen a Nandigram where activists actually suffer in confrontations. But the sand mafia is successfully sidelining the activists through selective violence and threat in an ever politicized context.

The advocacy coalition followed a well known pattern of ground level activities which built confidence of local persons and communities, followed by networking among CSOs. Nevertheless suspicions among CSOs and perhaps fears of competition for funding too proved to be barriers for strengthening the network. Another constraining factor was the weakness of volunteerism which often found difficulties in identifying human and financial resources for sustaining programs. Ideological divides too were a divisive factor in limiting the power of the advocacy coalition. Against this backdrop, the politically savvy sand monopolies and their powerful linkages with the sand mafia further enhances community powerlessness by their single-minded strength.

Development of alternate construction technology and manufacture of alternate sands for construction is critically needed to reduce the negative impacts on the rivers. Though such technology now exists there is little state or professional support for such alternative technology. Benefits of improving efficiency in use of traditional natural resources such as mud bricks need be recognized and researched and recognized if RSM is to be curbed. Though there have been a few initiatives (such as use of quartzite and quarry dust for a sand substitute) the need to vigorously seek alternatives for sand in the construction industry has not been followed through at a policy or practical level; certain substitutes and aggregates may be cost effective and less damaging to the environment than the current degradation of rivers and waterways. The supply gap can only be met by a clear strategy and involvement of the state and investment of private sector resources in order to satisfy short and long term demand for sand.

Long term related impacts of RSM such as out-migration from the rural sector and reduced agricultural efficiency need to be studied from a national perspective. Control of illicit RSM needs to go in tandem with provision of alternate livelihoods of the affected poverty groups currently engaged in RSM, and with resuscitation of the degraded lands.

RSM in Sri Lanka has not yet been viewed from a serious researcher or development perspective. At the time this paper was in its first draft there were no serious writing on the non-technical issues associated with river sand mining. For long the developmental needs of the construction industry have over-shadowed the damage to ecosystems and livelihoods. RSM creates damage to rivers that are ecologically irreversible in the long run and an urgent and sustainable solution is now needed for the affected rivers and communities in Sri Lanka. The worst affected rivers need a complete moratorium on RSM in order to be allowed to regenerate even briefly. Until then the problems of lost water security and vanished livelihoods due to illicit RSM will remain in the affected communities.

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Annexure I. Map of RSM affected rivers




Annexure 2. Newspaper Clipping

Unauthorized sand miners assault journalist

Jan 2008 DM

By S SUBASINGHE - BINGIRIYA



Bingiriya

Bingiriya provincial correspondent of the Lankadeepa newspaper Victor Somaweera was seriously assaulted by the unauthorized sand miners in Deduruoya and was admitted to Bingiriya District hospital.

At present, the illegal sand mining is going on unchecked in Deduruoya and Kolamunuoya rivers causing extensive environmental damage. An environmentalist and the Lankadeepa correspondent who visited the area recently were waylaid and assaulted at Urapotta. Somaweera said the gang assaulted him when he photographed a lorry transporting sand. He said the gang armed with clubs and knives destroyed his camera equipment during the assault. OIC Bingiriya police said he initiated inquiries to arrest the suspects. However, the journalist was discharged from hospital after treatment.