

# RESETTLEMENT AND MASS TRANSIT IN COLOMBIA

## LESSONS LEARNED

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### 1. Background.

In response to the poor quality of the transport service and after the initial success of Bogota's BRT system (Transmilenio), the Government of Colombia structured the National Urban Transport Program (NTUP) through the implementation of transport systems in the main cities of the country. The program scope contemplated: i) support for the construction of BRT infrastructure, including stations, portals, pedestrian bridges and the generation and adaptation of public space, and (ii) transformation of the relationship between the Government and the transport companies, including the remodeling of their business structure from affiliate companies into concessionaries that would provide a service, in order to eliminate the so called "penny war".



BRT station and articulated bus



Interior view of the station

The proposed scheme defined that the infrastructure would be financed with public resources, with a contribution from the National Government up to 70%, given that fleet and operation expenses were borne by private operators. For the development of the projects, each participating city created an entity in charge of the planning, construction, contracting and control of the operation<sup>1</sup> (Implementing Agency). The entities created are presented in the following table:

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<sup>1</sup> In Bogotá the Urban Development Institute (IDU) has been in charge of the construction of infrastructure, and in Medellín, Metro Company has been in charge of the acquisition of vehicles and their operation.

**Table 1**  
Implementing Agencies– Cities

<b>Impementing Entinty</b>	<b>City</b>
<b>Metroplús</b>	Medellín, Metropolitan Area
<b>Transmetro</b>	Barranquilla, Metropolitan Area
<b>Transcaribe</b>	Cartagena
<b>Megabús</b>	Pereira, Metropolitan Area
<b>Metrolinea</b>	Bucaramanga, Metropolitan Area
<b>Metrocali</b>	Cali
<b>TRANSMILENIO</b>	Bogotá

Source: own elaboration.

In 2003, the Government of Colombia requested the Bank's technical and financial support to carry out this program. To date, four Bank loans have been provided in the amount of US\$ 1 trillion. Other multilateral organizations such as IADB and CAF have also participated with different loans. Subsequently, additional seven medium-sized cities were included in the program, spanning between 300,000 and 600,000 inhabitants, in which infrastructure investments of smaller scale were projected and where segregated BRT systems are not yet required.

This document aims to show the development of social and resettlement policies implemented under this program. Big challenges were overcome, given the urban interventions in consolidated areas with great impact in economic activities and private properties. The document focuses on the consultation process and grievance redress mechanism established in the program; implementation of the resettlement safeguards and its impact; and lessons learned and conclusions.

## **2. The consultation process and grievance redress mechanism**

The first contact of the project with the community is through the consultation and socialization process, which for NUTP was carried out at different levels and at different times.

At the city level, the preparation of a Municipal Development Plan is included in the constitution of the National Policy (Article 339). The Article also includes citizen engagement and accountability as the basis for the participation process. This first and more general consultation was on the BRT projects in which civil society participated in the formulation and socialization through the Territorial Planning Councils (CTP). The identification of land properties affectations and the preparation of resettlement plans, which were formulated through consultation and participation processes emerged at the second level.

During the formulation phase of the resettlement plans, meetings were held with the affected parties – owners, landlords, tenants, etc.— socializing in each case a differentiated solution according to the situation. Meetings with the stakeholders also took place to inform and present the different programs that are part of the resettlement plans (chambers of commerce, guilds, universities, community and civil society organizations also participated in these meetings). The

result of this dialogue was reflected in the adjustments made to the different plans, and, when necessary, in the creation of new programs.

On the other hand, from the formulation to the culmination of the resettlement, a grievance redress mechanism (GRM) was implemented in order to manage petitions, queries, complaints and suggestions that was based on the Right of Petition, harnessed in the Constitutional normative. The regulation stipulates a maximum of 10 days as a deadlines for the management of community requests. This GRM is based on instruments including: i) field service office, to approach the citizen, ii) reception of queries and complaints through the webpage of the Implementing Entities, by telephone or directly at their office, and iii) periodic home visits (at least twice a month) to maintain fluid communication and resolve concerns before they become a formal grievance.

This mechanism, which extends to all the population located within the area of influence during the construction period, enabled management of queries and complaints in its initial stage. The mechanism fostered a climate of trust and an effective communication channel throughout the process. Finally, for each of the resettlement plans, a completion document of the process was prepared, in which all the queries and complaints were verified, checking that all were responded and ensuring compliance.

**Table 2**

<b>Implementing Agencies – GRM</b>		
<b>Number of queries and complaints received during the construction period (Accumulated)</b>	Megabús	538
	Metroplus	6242
	Transmetro	1368
	Transcaribe	3032
	Metrolinea	795
	<b>TOTAL</b>	<b>11975</b>
<b>Number of queries and complaints successfully solved (Accumulated)</b>	100% of those received in the works were solved. 11975 grievance attended and solved.	
<b>Verification method</b>	Closing records for each of the sections and acts of receipt of work to the satisfaction of the community.	
<b>Main reason (s) for complaints received during project execution</b>	<ul style="list-style-type: none"> <li>• Closing of streets or accesses,</li> <li>• Damage or affectation of properties by the works,</li> <li>• Nonconformities for road contingency plans,</li> <li>• Procedures for payment of compensations, purchase of properties.</li> </ul>	

The table shows a high number of queries and complaints received and processed. The scheme of linking the construction contractor in this activity shows positive results and allows for rigorous

monitoring. To date, none of the Implementing Agencies have had legal processes opened related to the GRM, indicating a complete and satisfactory management.

### 3. Safeguards and Instruments

Since the preparation of the first loan, the WB triggered the involuntary resettlement safeguard (OP 4.12), envisioning that major land acquisition, resettlement of population and relocation of public space occupants (PSO) was likely.

The instruments built for the project included both the World Bank’s and local regulations, and the different institutional actors had active participation in their formulation. All documents were published and consulted, especially resettlement plans with the affected population.

**Table 3**  
Policy Instruments – from international to local management

<b>World Bank</b>	<b>Operational Policy OP 4.12 Resettlement Safeguard</b>
<b>National Planning Department – DNP</b>	Resettlement Policy Framework for BRT - Colombia
<b>Ministry of Transport – MoT</b>	Guidelines for the implementation of Land Acquisition and Resettlement Plans
	Guidelines for the preparation of Public Space Occupants Plan (PSOP)
	Guidelines for the calculation of economic reimbursement in land acquisition and resettlement processes
<b>Implementing Agencies</b>	Resettlement Plans with No Objection from the WB
	Management Resolution of economic reimbursements
	Resettlement Committee
<b>Municipalities</b>	Legal framework

Source: own elaboration

In general, the layout of works for the BRT projects pass through the cities’ historic centers, affecting established businesses, families with vulnerable elderly adults, properties in rent, public space occupants (PSO), among others. In addition, they cross urban areas, including vulnerable populations and, in some cases, formal and informal housing and businesses, with a heterogeneous and complex effect that can lead to: ruptures in the social fabric, internal family conflicts, affectations and changes to existing uses, interruption of revenue from economic activities, uncertainty, and initial rejection. All this identifies the need to create spaces for dialogue and participation, creation of channels and spaces for conflict resolution, and interdisciplinary view on involuntary resettlement.

This complexity involved the preparation of different resettlement plans for homogeneous sections according to the schedule of works, which multiplied the number of plans as seen in the following table.

**Table 4**  
Resettlement Plans (RP) by Implementing Agency

Implementing Entity	Number of RP	Status	
		Finished	Execution
<b>Metroplus</b>	9	6	3
<b>Transcaribe</b>	3	3	0
<b>Transmetro</b>	3	3	0
<b>Megabús</b>	3	3	0
<b>Metrolinea</b>	7	7	0
<b>Metrosabanas</b>	2	0	2
<b>SIVA</b>	2	1	1
<b>TOTAL</b>	<b>29</b>	<b>23</b>	<b>6</b>

Source: own elaboration

Note: Two additional Resettlement Plans for Neiva (Transfederal) / Sincelejo (Metrosabanas) and Valledupar (SIVA) are expected.

#### 4. Resettlement

As a public work, resettlement for BRT projects is involuntary and forced, and unlike other forms of resettlement, such as high risk or armed conflict, it can be planned and managed. Given that the Government is causing the resettlement, the possibility of participation, planning and discussion is high. In addition, it does not generate the overwhelming feelings of a natural disaster or an armed conflict situation, where the dialog with the "guilty party" is usually tough.

**Table 5**  
Modalities of involuntary resettlement

Forced	Natural disasters Armed conflict
Compulsory	Public work

Source: own elaboration.

The number of properties to be acquired versus the number of social units (SU)<sup>2</sup> identified are basic indicators for the planning, follow-up and monitoring of the process. The acquisition of properties will be more complex depending on whether the property is affected partially or totally. The first is more demanding in terms of impact assessment, functional reconstruction of the

<sup>2</sup> Social Unit: "people or group of people, with or without consanguinity links, that have been associated to meet their needs on a permanent basis. They may be natural or legal persons" Guidelines of the Ministry of Transport - MT (2005, p. 4)

property and professional accompaniment needed. For instance, Metroplús (Medellin) implemented a mixed mode for specific cases, acquiring all the construction but only the affected part of the property, an approach that allowed the owners to benefit directly from the urban transformation and the transportation system.

In terms of Social Units, Households SU (owners and possessors), economic SU (formal and informal), socioeconomic SU (the sum of the two previous ones), landlord SU and tenant SU were typified. The total number of properties acquired for the BRT projects (first three loans) was 2,799 and the number of identified SU (excluding landlords and tenants) amounted to 4,187. Resettlement progress for these SU is 100%.

**Table 6**  
Total or partial land acquisition by Implementing Agency

Implementing Entity	Private properties		
	TOTAL	PARTIAL	MIXED
Metroplús	1074	415	64
Transcaribe	98	334	NA
Transmetro	115	404	NA
Megabús	153	52	NA
Metrolinea	65	25	NA
<b>TOTAL</b>	1505	1230	64

Source: own elaboration (data till December 2013)

Note: it does not include the properties acquired with the fourth loan, under implementation.



Vulnerable works and housing (before construction)



Finished resettlement and construction

#### 4.1. Public space occupants (PSO)

Public space occupants (PSO) are a special chapter since, except for Bogota and Medellin, the cities did not have public policies in this regard. Guidelines for this type of resettlement were developed together with the Ministry of Transport, emphasizing in the formalization, economic reconversion, training and financing of their transition to formality. The process was especially instructive in Cartagena (Transcaribe), the city with the highest number of PSO, but also the one that deployed greater efforts and finally left greater lessons learned. In all cases, people have been successfully transferred and without conflict.

**Tabla 7**  
PSO identification and progress of the solution provided by Implementing Agency

Implementing Entity	PSO	Estado del traslado	
		Temporal	Definitive
<b>Metroplús</b>	294	49	245
<b>Transcaribe</b>	1260	620	640
<b>Transmetro</b>	459	169	290
<b>Megabús</b>	46	0	46
<b>Metrolinea</b>	142	142	0
<b>TOTAL</b>	2201	980	1221

Source: own elaboration (data till December 2013)



Public space occupied and public space recovered in Cartagena (Basurto and Av. Venezuela)

## 5. Safeguards Pedagogy

When implementing projects with safeguards, one of the initial difficulties is the search for experienced social professionals. This was the case of the BRT projects in Colombia, where except for Bogota and Medellín, the cities were unaware of this issue and the social staff hired by the Implementing Entities did not have the specific experience in safeguards. The strategy adopted

during the first NUTP loan was an intensive process of training in safeguards, resettlement and dissemination of project instruments through local and, in some cases, regional workshops.

Subsequently, annual workshops were held with all NUTP participating cities, to share experiences, lessons learned and unresolved challenges, which allowed to strengthen links and cross-cutting networks among social, legal and technical professionals. This strategy became so strong that nowadays, in the execution of the fourth loan and with the inclusion of the intermediate cities in the program, these workshops are scheduled twice a year and they allow the sharing of experiences and learning not only with those cities with WB financing, but also with the five cities financed by IADB and CAF.

Sharing these achievements and difficulties among the 15 cities participating in the Colombia NUTP can be one of the most enriching experiences for the professionals involved and for the communities, that receive a more accurate assistance in resolving resettlement problems.

## **6. Results of Resettlement Plans**

As a tool for the verification and evaluation of the resettlement process, closing documents for the resettlement plans were implemented, corresponding to post-resettlement or land acquisition monitoring. To date there are 23 closing documents for the same number of completed resettlement plans. For the preparation of these documents, which were reviewed by the Ministry of Transport, the following topics were considered, among others: i) updated situation of all social units registered; ii) monitoring of the differentiated solution applied and verification of its implementation, iii) monitoring of the payment system to establish that all payments for land, constructions or any type of compensation have been made, iv) monitoring of the scope and progress of each program in each resettlement plan. In cases of vulnerable social units, visit to the new location were also carried out to verify compliance with the agreement.

These closing documents, as the name implies, helped to identify the completion of the plans or the situations to be resolved. However, since the BRT program is still being implemented, there is no final evaluation of the results. Some indicators of success are the absence of lawsuits filed by those affected, the timely progress of works, and the absence of social conflicts around resettlement. In addition, in many of the cities where transportation systems are implemented, municipalities have observed resettlement as a good practice and have involved, to a greater or lesser extent, programs and methodologies used in this project.

## **7. The Social Cost**

One of the most frequent discussions when it comes to implementing resettlement is the cost or overburden of social teams and the compensation values to be paid. The following tables show, first, the cost of the project vs. cost of land acquisition, and second, a breakdown of the compensation value. Compensations are a marginal cost and the value of the properties, although very important in the project, do not exceed 10% in most cases.

**Table 9**

Percentage ratio between compensation, properties acquired and total value of works by city

Implementing agencies	Total value of economic compensations	%	Total value of land and property acquisition	%	Total value of the project
<b>Metroplus – Medellín</b>	3,734,441,827	0.997	33,642,412,866	8.98	374,621,765,954
<b>Metroplus – Envigado</b>	1,112,992,872	0.666	15,470,315,821	9.25	167,226,392,535
<b>Metroplus -Itagüí</b>	1,392,280,030	0.768	16,386,411,372	9.04	181,217,900,000
<b>Transcaribe</b>	2,911,808,662	0.748	74,611,418,607	19.15	389,519,460,772
<b>Transmetro</b>	2,294,836,400	0.492	32,933,202,814	7.05	466,881,038,603
<b>Megabús</b>	2,119,401,112	0.985	17,435,475,041	8.11	215,059,439,795
<b>Metrolinea</b>	1,111,088,681	0.217	30,285,437,016	5.90	513,070,057,000
<b>TOTAL</b>	14,676,849,584	0.636	20,764,673,537	9.57	2,307,596,054,659

Source: own elaboration (data till December 2013)

**Table 10**

Percentage ratio between types of economic compensation

Procedures	Transfer	Rent	Transfer of economic activity	Housing replacement	Additional acknowledgements
3,479,973,000	548,171,000	1,645,273,000	5,914,419,000	762,721,000	1,891,178,000

Source: own elaboration (data till December 2013)

Note: some values are approximate.

## 8. Conclusions

- The role of the WB and the activation of safeguards is decisive for adequate social interventions regarding resettlement. Considering that Colombia does not have explicit rules on resettlement, only projects financed by multilateral banks internalize resettlement within projects.
- The Resettlement Policy Framework has been adopted by the Ministry of Transport for all multilateral-funded projects, a decision that is on the right track to implement a public policy.
- The interdisciplinary approach is key for resettlement. It is still necessary to intensify the search for methodologies that allow a better articulation between disciplines, treated with equal hierarchy, and a horizontal dialogue with the communities.

- Economic compensations are correlated with "the involuntary", key issue in a resettlement policy. It is required that the projects contemplate these items in their execution.
- Valuation methods of the goods to be acquired, even if they are in line with the WB policy, still depart from a dominant position of the State, where the citizen –turned into a "seller"— is a passive subject with few opportunities to discuss transaction values.
- Impact mitigation has spread to the reestablishment of law, an approach that may allow a better understanding of resettlement, beyond a mere commercial transaction.