STRATEGIC CITIES DEVELOPMENT PROJECT (SCDP)

SOCIAL MANAGEMENT FRAMEWORK

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Ministry of Defense and Urban Development
Government of Sri Lanka
STRATEGIC CITIES DEVELOPMENT PROJECT, SRILANKA
SOCIAL MANAGEMENT FRAMEWORK

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<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>APs</td>
<td>Affected Persons</td>
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<tr>
<td>APD</td>
<td>Assistant Project Director</td>
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<td>BP</td>
<td>Bank Procedure</td>
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<td>CBO</td>
<td>Community Based Organization</td>
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<td>CCD</td>
<td>Coastal Conservation Department</td>
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<td>CDO</td>
<td>Community Development Officer</td>
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<td>CEA</td>
<td>Central Environmental Authority</td>
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<td>DPD</td>
<td>Deputy Project Director</td>
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<td>DDR</td>
<td>Due Diligence Report</td>
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<td>DMS</td>
<td>Detail Measurement Survey</td>
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<td>DPR</td>
<td>Detailed Project Report</td>
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<td>DS</td>
<td>Divisional Secretariat</td>
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<td>EA</td>
<td>Executive Agency</td>
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<td>EIA</td>
<td>Environmental Impact Assessment</td>
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<td>EM</td>
<td>Entitlement Matrix</td>
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<td>FC</td>
<td>Family Card</td>
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<td>GMC</td>
<td>Galle Municipal Council</td>
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<td>GN</td>
<td>Grama Niladhari</td>
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<td>GOSL</td>
<td>Government of Sri Lanka</td>
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<tr>
<td>GRC</td>
<td>Grievance Redress Committee</td>
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<td>GRM</td>
<td>Grievance Redness Mechanism</td>
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<td>IEE</td>
<td>Initial Environmental Examinations</td>
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<td>IGP</td>
<td>Independent Grievance Panel</td>
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<td>KMC</td>
<td>Kandy Municipal Council</td>
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<td>LA</td>
<td>Land Acquisition</td>
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<td>LAA</td>
<td>Land Acquisition Act</td>
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<td>LAR</td>
<td>Land Acquisition Regulation</td>
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<td>LARC</td>
<td>Land Acquisition and the Resettlement Committee</td>
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<td>LDO</td>
<td>Land Development Ordinance</td>
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<td>LPMU</td>
<td>Local Project Management Unit</td>
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<td>LRC</td>
<td>Local Resettlement Committee</td>
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<td>MOD&amp;UD</td>
<td>Ministry of Defense and Urban Development</td>
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<td>NCW</td>
<td>National Committee on Women</td>
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<td>NEA</td>
<td>National Environment Act</td>
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<td>NIRP</td>
<td>National Policy on Involuntary Resettlement</td>
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<td>NPSC</td>
<td>National Project Steering Committee</td>
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<td>OP</td>
<td>Operational Policy</td>
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<td>PAA</td>
<td>Project Approving Agency</td>
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<td>PAP</td>
<td>Project Affected Persons</td>
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<td>PAF</td>
<td>Project Affected Families</td>
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<td>PAH</td>
<td>Project Affected Households</td>
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<td>PD</td>
<td>Project Director</td>
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<td>PIC</td>
<td>Public Information Centre</td>
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<td>PIB</td>
<td>Public Information Booklet</td>
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<td>PMU</td>
<td>Project Management Unit</td>
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<td>PPAs</td>
<td>Project Partner Agencies</td>
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<td>Acronym</td>
<td>Full Form</td>
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<tr>
<td>PPU</td>
<td>Project Preparation Unit</td>
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<td>R&amp;R</td>
<td>Resettlement and Rehabilitation</td>
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<td>RAP</td>
<td>Resettlement Action Plan</td>
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<td>RDA</td>
<td>Road Development Authority</td>
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<td>RoW</td>
<td>Right of Way</td>
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<td>RPF</td>
<td>Resettlement Policy Framework</td>
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<td>SA</td>
<td>Social Assessment</td>
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<td>SCDP</td>
<td>Strategic Cities Development Project</td>
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<td>Strategic Cities Stakeholder Forum</td>
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<td>SIA</td>
<td>Social Impact Assessment</td>
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<tr>
<td>SDO</td>
<td>Social Development Officer</td>
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<tr>
<td>SLLRDC</td>
<td>Sri Lanka Land Reclamation &amp; Development Corporation</td>
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<td>SM</td>
<td>Samatha Mandalaya</td>
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<td>SMF</td>
<td>Social Management Framework</td>
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<tr>
<td>S/MOD &amp;UD</td>
<td>Secretary Ministry of Defense and Urban Development</td>
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<tr>
<td>UDA</td>
<td>Urban Development Authority</td>
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<tr>
<td>UNCEDAW</td>
<td>United Nation Convention on the Elimination of all forms of Discrimination Against Women</td>
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<tr>
<td>UNESCO</td>
<td>United Nations Education, Scientific and Cultural Organization</td>
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<td>WB</td>
<td>World Bank</td>
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GLOSSARY OF TERMS

1. **Affected Person**: Any person who, as a result of the implementation of SCDP etc., loses the right to own, use or otherwise benefit from a built structure, land (Residential, agricultural, commercial) annual or perennial crops and trees, or any other fixed or movable assets, either in full or in part, permanently or temporarily.

2. **Business Owner**: A person who owns or conducts a business within the project-affected area, the operation of which may be disrupted by the construction work under the project. S/he can be a legal owner, non-titled structure owners, or tenant and will receive different compensation and R&R packages as per the EM.

3. **Compensation**: Payment in cash or in kind for an asset or a resource that is acquired or affected by a project at the time the asset needs to be replaced.

4. **Cut-off date**: The Cut-off date for eligibility for entitlement for the titleholders is the date of notification under the LAA and for non-titleholders is the date of the start of the census survey. Persons who encroach on the area after the cut-off-date are not entitled to claim compensation or any other form of resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and wood lots) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated.

5. **Custodians of Community, Cultural Properties**: A registered association or such other legally recognized organization or committee of people managing, looking after, or responsible for the up keep of, and liabilities relating to the structures described here.

6. **Encroacher**: Someone who has illegally expanded, or extended the outer limit of his private premises beyond the approved building line or agricultural land and has occupied public space beyond his/her plot or agricultural land.

7. **Entitlement**: Range of measures comprising compensation, income restoration, transfer assistance, income substitution and relocation which are due to affected people, depending on the nature of the their losses, to restore their economic and social base.

8. **Family Card**: A printed document in which details about the AP and Family, type and degree of impact and their entitlements are entered. This will be printed in duplicate. Original will be given to the AP and duplicate will be kept at the office of the PPAs. Whenever an entitlement is granted the AP will acknowledge receipt by signing on the card as received for transparency and record purposes.

9. **Host Population**: People living in or around areas to which people physically displaced by a project will be resettled who, in turn, may be affected by the resettlement.

10. **Involuntary Resettlement**: Resettlement is involuntary when it occurs without the consent of the displace persons or if they give their consent without having the power to refuse resettlement.

11. **Implementation Schedule**: Timeframe of activities of the project
12. **Income Restoration**: Re-establishing income sources and livelihood of people affected.

13. **Land Owners**: Owners of land with or without trees, crops or structures affixed to the land with clear title in government records. In some exceptional cases, a person who owns land/s within the project-affected areas regardless of proof of such ownership will also be entitled, provided that such ownership is recognized under law. In such cases, special decisions will be taken by the LARC in consultation with the local authority, and the community.

14. **Non-Resident Land and Structure Owners**: Legal land owners who are not in possession of their land either because they have rented or leased out their said land and property affixed to it, or such land has been taken possession of by any other person.

15. **OP 4.12**: The World Bank (WB) group operational on involuntary resettlement. OP 4.12 embodies the basic principles and procedures that underlie the WB approach to involuntary resettlement associated with its investment project.

16. **Protected Tenants**: Tenants occupying a legal property, commercial, or residential and are protected under the Rent Act of 1972 or its later amendments which prevents the land owners from evicting them or increase the rent at their own will.

17. **Relocation**: Rebuilding housing, assets including productive land and public infrastructure in another location.

18. **Rehabilitation**: Re-establishing incomes, livelihoods, living and social system.

19. **Replacement Cost**: The rate of compensation for lost assets should be calculated at full replacement cost. The replacement value is the cost that is adequate to purchase similar property of same quality in the open market plus transaction cost.

20. **Resettlement Action Plan (RAP)**: The document in which a project sponsor or other responsible entity specifies the procedures that it will follow and the actions that it will take to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by an investment project.

21. **Resettlement Assistance**: Support provided to people who are physically displaced by a project. Assistance may include transportation, food, shelters, and social services that are provided to affected people during their relocation. Assistance may also include cash allowances that compensate affected people for the inconvenience associated with resentment and defray the expenses of a transition to a new locale, such as moving expenses and lost works days.

22. **Resident Land and Structure Owners**: Owners of land and structures with clear title which they are currently occupying for their own use, residential or commercial as the case may be.

23. **Stakeholders**: Any and all individuals, groups, organizations and institutions interested in and potentially affected or benefitted by a project having the ability to influence a project.

24. **Squatter**: Someone who has occupied public or private land has developed structures on it and has put such land to residential, agriculture or commercial use without obtaining development permission and formal title under law.
25. **Tenants and Lessees**: Occupants that have legally taken any land or properties or both on rent or lease for a specific period with registered papers recording agreed terms and conditions as permitted under law.

26. **Vulnerable Groups**: People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits. This category specifically refers to families supported by women and not having able bodied male members who can earn; families of physically or mentally challenged, very old and infirm persons, who are not able to earn sufficiently to support the family; and families that are very poor and recognized by the government as living below poverty line.

27. **Indigenous People**: The term “Indigenous Peoples” is used to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (a) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (b) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories(c) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (d) an indigenous language, often different from the official language of the country or region. In Sri Lanka, the only IP community is Veddah community. The census data not shows any “Veddah” population presented in these proposed projects areas and he SA also confirmed that there is no IP population presented in areas covered by project.
EXECUTIVE SUMMARY

Project Description: There are three main components of the proposed Strategic Cities Development Project (SCDP). Component 1 deals with Greater Kandy Interventions with the key development concept to relieve traffic congestion and upgrade downtown services and livability to improve and sustain the world heritage city. Component 2 is related with Greater Galle Interventions with the key development concept to integrate coastal development and management, stimulate tourism development and integration with urban centers through urban infrastructure/services improvement. Component 3 aim to strengthen institutional capacity at metropolitan and local level and support project implementation.

Potential Social Impacts: Many of the project interventions involve the rehabilitation activities with some requiring the expansion. Land acquisition and resettlement is not expected to be a major issue for activities requiring rehabilitation, however, it is expected to be a major social issue in a few interventions under the proposed sub-project like Katugastota-Madawala-Digana road expansion, expansion of Moragoda Ela canal widening, Central Business District improvements in Galle. Considering the urban setting and general knowledge, the project is not expected to impact indigenous communities. Resettlement action plans/abbreviated resettlement action plan are prepared before appraisal for the first year schemes whose engineering designs are available. For the schemes whose design will be developed after appraisal, this Social Management Framework (SMF) has been prepared for the project appraisal and resettlement action plans/abbreviated resettlement action plans will be developed in line with this policy framework when the engineering designs are completed. A gender action plan and public consultation and participation plan are proposed to be developed to mainstream gender and public participation in the project implementation. A communication strategy will be developed to facilitate information dissemination, public consultation and participation.

Social Management Framework: The Social Management Framework (SMF) sets out principles and guidelines for assessing and mitigating social impacts caused due to Strategic Cities Development Project activities. The SMF provides a Resettlement Policy Framework (RPF) compliant with the Sri Lankan laws, the National Policy on Involuntary Resettlement (NIRP) and the World Bank Operational Policies. The SMF lays down principles and procedures for providing entitlements, institutional arrangements for implementing social/resettlement action plans including grievance redress, consultation, participation, disclosure, monitoring and evaluation of progress and outcomes. SMF stipulates supplementary guidelines a more participatory approach through strengthening social inclusion and accountability. Based on the SMF, social screening and impact assessment will be carried out and social action plans prepared for the sub projects.

Legal Framework and Past Experience: The Land Acquisition Act (LAA) provides compensation for land, structures and crops, and does not address resettlement issues, including impacts on non-titleholders. Sri Lanka’s national policy on involuntary resettlement (NIRP) of 2001 provides for addressing resettlement and rehabilitation issues including payment of compensation at replacement cost. The government has previous experience in managing projects involving LA and R&R applying policies acceptable to external donors such as World Bank, ADB and JICA.

Social Management and Mitigation Measures: SMF provides the details on principles and guidelines to execute SMF and elaborates the key steps in involuntary resettlement planning.
and execution. The Cut-off date for eligibility for entitlement for titleholders is the date of publication of section 2 notice under the LAA and for non-titleholders is defined in SMF as the last date of resettlement impact survey. Persons who encroach on the area after the cut-off-date are not entitled to claim compensation or any other form of resettlement assistance. The “Entitlement Matrix” explains the category and type of loss and the eligible category for entitlements. As the LAA does not address all types of losses, the involuntary resettlement policies (NIIRP and World Bank safeguards) have been applied to address such issues. All losses as a result of implementation of the SCDP will be compensated. The acquired properties will be compensated at replacement cost based on the prevailing market rates. Income Restoration Strategy suggests that those who will incur income/ livelihood losses will be provided with income assistance for six months or a livelihood restoration assistance of LKR 25,000; severely affected poor and vulnerable households will be offered vocational or skills training, income opportunities, or livelihood assistance of LKR 25,000 per household all APs depending on their loses are entitled to compensation listed in the government gazette no 1596/12 dated 07. 04.2009.

Information Disclosure, Consultations: The SMF provides a framework for information disclosure and consultation with and participation of the stakeholders in planning and implementing RAPs for various sub-projects. Affected Persons (APs) will be informed of their rights and responsibilities from the planning stage to the implementation process. Consultation will be held with APs during the sub-project prioritization, planning and implementation.

Implementation Arrangement: The Project will be implemented by the Project Management Unit (PMU) sitting under the Ministry of Defense and Urban Development (MOD&UD) and the sub-projects will be consulted and supervised by Project Partner Agencies (PPAs), namely, UDA, Road Development Authority (RDA), Coastal Conservation Department (CCD), Provincial Irrigation Department, National Water Supply & Drainage Board (NSWDB), Kandy Municipal Council (KMC), Galle Municipal Council (GMC) and other local government authorities which are within the Greater Kandy and Greater Galle under the directions of the Project Management Unit (PMU) established in MOD&UD. The institutional arrangements for implementing SMF/RAP will include establishment/strengthening of Social Management Cell at the PMU; establishing LA and R&R teams in each PPA to carry out/coordinate social screening and impact survey; prepare and implement RAPs for the activities (with the help of consultants if needed); a five stage GRM; (Independent Safeguard Monitoring and Review Mechanisms). The overall coordination of LA and R&R activities will be vested with the PMU.

Grievance Redress Mechanism (GRM): A multi-stage GRM will be established with the Local Resettlement Committee (LRC) working as the first stage GRC. If the AP is not satisfied with GRC’s decision, the grievance could be submitted to the PD within a week. The PD will take a decision in consultation with the PPA concerned within 3 weeks. If PD’s decision too is not acceptable to the AP, he or she can appeal to the Independent Grievance Panel (IGP). The IGP will comprise representatives from Ministry of Land, Ministry of Local Government & Provincial Councils, Department of Valuation a lawyer, a retired senior government servant. If the decision given by Secretary Ministry of Defense and Urban Development is not acceptable to the AP, the AP can have recourse to Courts of law. Thus the AP has five internal grievance redress instruments to resolve his or her grievances.

Social Accountability, Inclusion and Gender: A greater emphasis and special attention will be paid to these aspects in the SMF. It provides principles for strengthening social accountability and inclusion through public information; citizen involvement in planning and monitoring of services. The SMF provides guidelines on social inclusion and gender
emphasizing the participation of women in the resettlement planning process and paying special assistance to economically weak, women-headed and vulnerable households for restoring their livelihoods and incomes that may be affected due to resettlement.

**Monitoring & Evaluation:** Internal as well as independent external monitoring and evaluation will be instituted for this Project. The SMF has identified monitoring indicators. The Monitoring and Evaluation consultants will provide quarterly progress reports and annual safeguards review reports.
CHAPTER 1

INTRODUCTION

1.1 Background

1. Sri Lanka’s urban structure has the potential to evolve into a system of competitive and well-linked cities, given the country’s growth potential in tourism, port and education. Achieving this vision will also be facilitated by Sri Lanka’s small territorial size and easy topography that will allow several cities to be within a few hours trip from Colombo Metropolitan Region. The economic sustainability of the vision rests on harnessing the growth potential of Sri Lanka’s cities as a system or network.

2. However, a number of obstacles are preventing the Sri Lankan cities from realizing its full economic potential:
   - Infrastructure provision and service delivery are sectorially fragmented, especially at the local level. Municipalities are responsible for fairly limited mandates while many other areas are coordinated and managed by various agencies at the national level;
   - The limited financial and human resources available to local authorities, combined with their lack of coordination, hinder effective delivery and operation and maintenance of local infrastructure services,

3. Considering the above constraints, there is an urgent need for a project which can contribute to the improvement of urban services & infrastructure and livability in strategically important cities of Sri Lanka. This would be achieved through shaping city transformations based on the cities’ cultural and economic assets with strategic investments.

1.2 Aims and Objectives of the Project

4. The proposed project aims to bring about city transformation through strategic investments by leveraging on the city/city region’s particular cultural and economic assets. It is proposed that the Government of Sri Lanka (GoSL) sets out a Sri Lanka Strategic Cities Development Program as a common platform where the WB embarks on the first phase of development for two pilot cities, Kandy and Galle, as demonstration. The government and/or other development partners could undertake further investments in other strategic cities in parallel or subsequent phases.

5. This project will target two main categories of strategic investments: (i) integrated service delivery – with system-wide basic urban services improvement thereby enhancing the functional aspects of the city; and (ii) integrated urban planning – with catalytic urban upgrading efforts thereby enhancing the attractiveness and livability of the city. Improving the function and the livability of cities would therefore boost the economic competitiveness of these strategic cities and bring about economic growth.

6. The two selected city regions undertaken by the project are – Greater Kandy and Greater Galle - share similar characteristics. Based on the night-time lights analysis for Sri Lanka, the two areas appear to be the most urbanized regions outside of Colombo Metropolitan Region. Both Kandy and Galle are attracting population and economic activities faster than they are able to keep up with service delivery; and both have existing or planned market access points (e.g. southern expressway to Galle and planned expressway access to Kandy) that allow the benefits of agglomeration to be realized. In both cases, a metropolitan management approach will be adopted whereby the surrounding areas outside the functional city boundaries will be considered as one agglomeration.
1.3 Brief Description of the Project

7. The project comprises three components. Component 1 encompasses interventions for Kandy Area. Component 2 focuses on the interventions for Galle Area and Component 3 will provide implementation support and technical assistance activities, with the objective of increasing the technical capacity of municipalities to plan and implement their own infrastructure projects.

1.3.1 Component 1: Kandy City Region Urban Interventions

8. This component supports priority improvements to relieve traffic congestion and upgrade municipal services to enhance livability and to sustain the world heritage city and its agglomeration areas. This component includes: urban services improvements and public urban spaces enhancements of Kandy City Region. This will include: (i) traffic improvements, such as the rehabilitation of selected bypass roads, and establishment and improvements of selected public transport facilities and traffic management measures; (ii) augmentation and rehabilitation of Kandy municipal water supply system; (iii) rehabilitation of major drains; (iv) urban upgrading, including the enhancement of selected streetscapes and public spaces, restoration and adaptive reuse of historic and landmark buildings, and development of an integrated master plan.

1.3.2 Component 2: Galle City Region Urban Interventions

9. This supports priority improvements to reduce flooding, and upgrade public urban spaces to improve and sustain the City Region. This component includes: urban services improvements and public urban spaces enhancement. This will include: (i) flood reduction measures, including the rehabilitation of selected canals and surface drainage infrastructure; (ii) coastal erosion reduction measures for selected areas; (iii) urban upgrading, including the enhancement of selected streetscapes and public spaces, restoration and adaptive reuse of historic and landmark buildings, and development of an integrated master plan.

1.3.3 Component 3: Implementation Support and Capacity Building

10. This component will aim to strengthen the capacity to carry out project activities, including: (i) provision of implementation support in the areas of project management, monitoring and evaluation, procurement, financial management, and environmental and social safeguards; (ii) facilitation of public awareness and communications; (iii) provision of support with respect to construction, supervision, and compliance with environmental and social safeguards; and (iv) provision of technical advisory services, operational support, acquisition of vehicles and equipment and financing operating costs, and (v) support for the national Strategic Cities Program such as preparatory studies and planning for other strategic cities, and other implementation and management tools.

1.4 Potential Social Impacts of the Project

11. Many of the project interventions involve the rehabilitation activities with some requiring the expansion. Land acquisition and resettlement is expected to be a social issue in few interventions under the proposed project like Madawala-Digana road expansion, improvements
to Maragoda Ela, Central Business District improvements in Galle.

12. The project follows programmatic approach in its design and implementation. Accordingly, the project will follow a two-prong approach in its safeguard planning. Resettlement action plans will be prepared before appraisal for the first year schemes whose engineering designs will be completed before appraisal. For the schemes whose design will be developed after appraisal, this Social Management Framework (SMF) has been prepared for the project appraisal and resettlement action plans will be developed in line with this policy framework when the engineering designs are completed.

13. Considering the urban setting and general knowledge, the project is not expected to impact indigenous communities. However, this general knowledge will be assessed and confirmed through the social assessment (SA) proposed for the project. In case the SA confirms presence of indigenous communities in the project area and that they are likely to be affected, necessary safeguard documents will be developed before appraisal.

14. Gender and public participations are another important dimension of the project. The SA will carry out gender and stakeholder analysis, conduct consultations with various stakeholders for their views and recommendations for the project development. A gender action plan and public consultation and participation plan are proposed to be developed to mainstream gender and public participation in the project implementation. A communication strategy will be developed to facilitate information dissemination and public participation.

1.4.1 Key Findings of Social Assessment

15. The SCDP interventions in two cities vary due to the structure and uniqueness of each city. Kandy, especially its city center lacks space for further lateral expansion. The city as a hub of transport also faces a chronic traffic congestion. At the same time Kandy is a living World Heritage city with unsurpassed natural environment to its credit. Overall, there is a general consensus among the stakeholders including the public about on the following: 1) City should remain a heritage city; 2) Its natural beauty should be preserved while developing into a modern city; 3) The central issue, which is the traffic problem in the city, must be resolved. In this context the SCDP interventions are seen in very positive terms: a) all stakeholders agree that all project interventions will positively impact on the city and its population; b). the project interventions will ease the congestion of the city and make the city more people friendly; c) the project interventions will make the City a more aesthetically pleasing and attractive; and d) the project interventions will thus contribute to retail business and tourism in the city.

16. Galle, which is located in the Southern Coastal region also considered one of the historical cities. SCDP interventions include drainage and canal improvements within the city region to mitigate flood damages, ocean paths development, historic Fort rampart development, inner circular road with connected access roads in Galle City and so on. These interventions aimed at improving accessibility to the beach and reduction of the pedestrian congestion of the city, increasing scenic beauty of the city, solving flood situation and improvement of agricultural land in the upper streams of the Moragoda canal together with improvement of the roads system alone the canal. The stakeholders including Galle Municipal Council, Galle heritage Foundation and the Civic Society Organizations welcomed the project which they believe will transform the city in to a people friendly and tourist attraction in the longer run.

1.4.2 Key Social Risks

17. The SCDP project interventions in Kandy both the road rehabilitation and restoration of heritage have been identified by almost all stakeholders as essential to solve the fundamental problems of the city and to maintain it as a modern city and a World Heritage site. The phase
one projects of SCDP do not lead to significant adverse social impacts. A large number of narrow strips of lands along the roads proposed for project support are affected but they will not have any significant impact on the dwellings neither the income sources of the APs. Only a very few houses will have to be relocated in the certain roads subprojects. The restoration of heritage buildings will not have any impact on local businesses as the process of rehabilitation will not deter the public and tourists visiting these sites.

18. In Galle, Moragoda canal is misused by the inhabitants for last few decades and badly managed by the respective authorities. Consultations with the communities who are living beside the canal indicate they have high expectation and willing to cooperate with implementing agencies of the improvement of the canal because they believe that Development of the canal will upgrade their quality of life. Nevertheless, rehabilitation of canal may have impact on illegal structures built by encroachers on canal reservation area. Thus, there will be some physical displacements and resettlement requirements as a result of implementation of project activities.

1.5 Purpose and Structure of the Social Management Framework

19. Only a sample of roads, urban upgrading, drainage improvement, activities have been prepared for implementation in the Phase-I and the magnitude of impacts for rest of the Project activities are not known. Therefore, this SMF has been prepared to fulfill the WB policy requirement for a Resettlement Policy Framework (RPF) setting out principals and guidelines to identify and assess the potential social impacts and risks and prepare mitigation plans as a part of preparation of the future sub-projects. The SMF lays down principles and procedures for identifying impacts, providing entitlements, institutional arrangements for implementing social/resettlement action plans including grievance redress, consultation, participation, disclosure, monitoring and evaluation of progress and outcomes, and budget. SMF stipulates supplementary guidelines a more participatory approach through strengthening social inclusion and accountability. Based on the SMF, social screening and impact assessment will be carried out and resettlement action plans will be prepared for the sub projects as when necessary.
CHAPTER 2

POLICY AND REGULATORY FRAMEWORK

2.1 General

20. All activities under the proposed project must be consistent with applicable laws, regulations and notifications that are relevant in the context of the resettlement effort. It is the responsibility of the PMU and the Project Partners Agencies (PPA)s to ensure that project activities are consistent with the legal/regulatory framework. Additionally, it is also to be ensured that activities are consistent with WB policies and guidelines. This section discusses the applicable national policy and regulatory framework, WB safeguards applicable to this projects, gaps in legislation, regulation, policies and planning principles. This framework addresses the gaps to ensure conformity to the WB safeguard policies while adhering to the national policies.

2.2 National Policy and Regulatory Framework

21. The national level framework covers the legal and regulatory framework, policies and regulatory roles of the relevant agencies as described below:

2.2.1 Legal and regulatory framework in Sri Lanka on Land Acquisition

22. The current Sri Lankan laws governing matters relating to land, such as land acquisition, recovery of state lands, claiming rights of acquisitive prescription, declaration of reservations, compensation for property losses and compensation for improvements in Sri Lanka are enshrined in a number of legislative enactments, namely but not limited to:

a) Land Acquisition Act No 9 of 1950 as amended and LA Regulations of 2008
b) State Lands Act No 13 of 1949
c) State Lands (Recovery of Possession) Act No 7 of 1979
d) Land Development Ordinance No 19 of 1935
e) Prescription Ordinance No 22 of 1971
f) Law of Compensation for Improvements
g) NEA No 47 of 1980
h) Road Development Authority Act No 73 of 1981
i) Urban Development Authority Law No 41 of 1978
j) Municipal Councils Ordinance No 29 of 1947
k) Urban Development Projects (Special Provisions) Act No 2 of 1980
l) Sri Lanka Land Reclamation and Development Corporation Act No 15 of 1968
m) Temple and Devalagam Act.

n) Rent Control Act 1972 and Rent Amended Act of 2006
o) Thoroughfare Ordinance
p) Crown Land Encroachment Ordinance
q) Mahaweli Authority Act of 1977
r) Forest Ordinance as amended and all other relevant legislations

23. The brief details of the major legislative tools and regulation of the above are described below:

a) Land Acquisition Act No 9 of 1950 and LA Regulations of 2008

24. Land acquisition for public purposes is guided by the provisions and procedures outlined in the Land Acquisition Act No. 9 of 1950. It was amended several times thereafter, the latest being the Amendment Act No 13 of 1986. Further the LA Regulations, 2008 were passed in Parliament on March 17, 2009 and made effective by the Government Gazette no 1596/12 of April 7, 2009. The Act provides a framework for facilitating land acquisition within the country. It
also guarantees that no person is deprived of land except under the provisions of the LAA and entities Affected Persons (APs) to a hearing before acquisition. Usually, the land acquisition is time consuming and may take anywhere between a few months to about 2-3 years to complete the process. The main features of LAA like minimum time period for the tasks, elements and the procedures involved in the process of acquiring land for public purposes are shown in Annex-III. Further regulation passed by parliament under LAA in 2009 and made effective by the Government Gazette no 1956/12 of April 7, 2009. The Act discourages unnecessary acquisition and the land should be used for the purpose for which it is acquired.

25. A major cause of delay in the land acquisition arises with respect to the compensation procedure with its attendant legal proceedings. There is also provision under section 38A of the LAA to acquire lands under an urgency clause. The law discourages unnecessary acquisition, as lands acquired for one purpose cannot be used for a different purpose, and lands that remain unused be returned to the original owners. Several progressive provisions have been introduced in the LA Regulations of 2008 relating to provision of compensation for affected land at market rates, reconstruction cost of structure without depreciations, valuation for whole plot of land for determining proportional unit cost for the affected land parcel, business losses, relocation assistance etc. (Annex)

26. One of the inadequacies of the LAA is that the owners to prove ownership or interest in, demonstrate clear title to, gather all information and submit a compensation claim in respect of, land to be acquired, is on the AP. Often displaced persons are not aware of their rights or time frames to be observed under the LAA, or they are aware but are ill-equipped to deal with the procedures required and are also not experienced in dealing with various officials and documentation. To counter this, the project will assist displaced persons in making their claims under the LAA as part of the consultation and participation process, which has been discussed in the chapter related to implementation arrangements. The Community Development Officers (CDOs) and the Civil Society Organizations (CSO) will play a facilitative role in assisting the APs in accessing their entitlements.

27. Displaced persons may face serious delays in the land acquisition process as such, in order to speed up the process; the PMU will have a special Land Officer to provide coordination support.

28. The provisions of LAA together with the compensation listed in the Government Gazette No.1596/12 of 07th April 2009 largely meet the requirements of the OP 4.12 with regard to paying compensation. However, the LAA does not address all aspects of losses due to involuntary resettlement, especially of the squatters as per the OP 4.12. Basically, the law is indifferent to the landowner’s present socio-economic conditions or the long term adverse impacts on incomes and livelihood that the acquisition may cause on the affected people.

29. For the purpose of the determination of compensation, the market value of a land is generally the amount which the land might be expected to have realized if sold by a willing seller in the open market as a separate entity on the date of publication of the notice in the gazette. Strips of land on canal reservations were earlier assessed as narrow “separate entities” realizing a low market value. For marshy lands and encroached lands the encumbered value was computed realizing a low market assessment. This has changed with the LA Regulations of 2008, which provide that, the unit value of the land shall be calculated by taking into consideration the whole plot of land and not the narrow strip required for the project.

30. As per the LAA, the Ministry of Land is responsible for undertaking land acquisition, through the acquisition officers appointed by the Minister of Lands and gazetted for the information of the public All Divisional Secretaries are ex-officio Acquisition Officers, whereas the Valuation Department is responsible for valuation. The law stipulates compensation only for the affected persons who are in possession of valid titles and such titles registered in the respective Land Registries. It does not recognize the rights of those, such as squatters, who do not possess legal title to the lands they live in or make a living from. There is thus no provision to mitigate the adverse impacts they suffer under the LAA. However, the entitlement matrix (EM) provided
in this SMF offers compensation and Resettlement and Rehabilitation (R&R) assistance to the affected squatters.

31. The LAA provides for compensation for lands and other fixed assets built and grown on them (structures, trees and orchards and crops). And for loss of income for those who could prove their income losses by documentary proof up to a maximum of average net profit for the three years immediately preceding the publication of Section 07 notice under LAA. The Land Acquisition Regulations (LAR) of 2008 has introduced provisions for loss of income and other impacts which can be compensated on furnishing of other evidence in lieu of documentary evidence in proof of payment of income tax by the AP. The 2008 regulations however do not cover people who cannot produce evidence to claim compensation for loss of income.

32. The normal land acquisition process from the initial request to acquire land up to the taking over possession and registration of vesting certificates is a long and time consuming process. The PMU will closely follow up with the concerned authorities to see that the task is completed within a minimum period as much as possible. To facilitate the APs to restore their livelihoods within a shortest possible time, the payment of compensation and allowances must be effected in a lump sum prior to site possession and hand over for civil work.

b) State lands act No 13 of 1949

33. This act deals with the provision for the grant and disposition of state lands in Sri Lanka; for the management and control of such lands and the foreshore; for the regulation of the use of the water of lakes and public streams; and for other matters incidental to or connected with the matters aforesaid. This act comprises XIV parts.

34. Section 51 stipulates that title to state reservations cannot be acquired by possession or usage. Section 53 exempts state from liability to pay compensation for improvements effected on reservations. It states that no person shall be entitled to any compensation from the state in respect of any improvements effected at any time after the commencement of this Ordinance on any State land reservation; nor shall any claim for any such compensation be at any time entertained by any court. Section 54 provides for summary ejectment of offenders in unlawful possession of state reservations.

35. Section 103 of the State Lands Act provides that no person can by possession or user of land acquire any prescriptive title against the crown if such land is (a) after the commencement of the ordinance declared to be the property of the crown under the Land Settlement Ordinance, or (b) after such date acquired by the crown under the LAA, or (c) after such date resumed by the crown under the Land Redemption Ordinance and has at any time prior to or after the declaration, acquisition or redemption been land marked with boundary marks by or under the authority of the Surveyor General.

c) State lands (recovery of possession) act No 7 of 1979

36. The provisions for the recovery of possession of state lands from persons in unauthorized possession or occupation thereof are contained in the State Lands (Recovery of Possession) Act No 7 of 1979. Further Section 10 stipulates that no appeal is maintainable against an order of eviction by a Magistrate. Section 13 provides for reasonable compensation for the damage sustained by reason of his having been compelled to deliver up possession of such land.
d) Land development ordinance No 19 of 1935

37. This ordinance deals with the systematic development and alienation of crown land of Ceylon and comprises XII chapter.

38. Chapter VII of the Land Development Ordinance (LDO) sets out the procedure for cancellation of a state land given on a permit or grant for non-compliance of the conditions of permit. Section 106 gives notice to permit holder where there has been a breach of the condition of permit. If a person failed to appear before the inquiring officer, provision has been made under section 109 of the said ordinance to cancel the permit. Section 110 lays down the procedure where permit holder appears and shows cause for the failure to develop the land as per provision of the permit given to him. Section 112 prescribes the order of Government Agent to be served on the permit holder and to be posted on land. S.113 provides for an appeal to the Land Commissioner against the order of the Government Agent.

39. The procedure for ejectment (eviction) of a person in occupation of a state land given on a grant is spelt out in Chapter IX of the LDO. Section 168 of the LDO stipulates the offences in regard to state land. It says that if any person without the permission of the Government Agent clears or breaks up for cultivation any state land or erects any building or structure on any state land, fells any trees standing on such land or otherwise encroaches on such land is guilty of an offence and subject to fine and imprisonment. Thus, the rights of a mala fide possessor are not recognized for compensation for improvement under the laws of Sri Lanka. Notwithstanding the above provisions relating to reservations on state lands and recovery of state lands, no person affected by the Strategic Cities Development Project (SCDP) shall be ejected from his/her residence or business irrespective of his/her status without, if eligible, being provided with appropriate R&R assistance as spelt out in the EM provided in this SMF.

e) Prescription ordinance No 22 of 1971

40. This is an ordinance to confirm rights on people through a legal process who had unencumbered possession of private lands for over 10 years.

41. Can a person acquire prescriptive title to state land in Sri Lanka? Section 15 of the Prescription Ordinance enacts „nothing herein contained shall affect the rights of the crown (state). Thus prescription does not run against the state. Prescription Ordinance No 22 of 1871 made express provision with respect to the means by which a person may acquire the ownership of a block of land through the peaceable and uninterrupted possession of it for a period of ten years. Section 3 of the Ordinance provides as follows: “Proof of the undisturbed and uninterrupted possession by a defendant in any action, or by those under whom he claims, of lands or immoveable property, by a title adverse to or independent of that of the claimant or plaintiff for ten years previous to the bringing of such action, shall entitle the defendant to a decree in his favor with costs.”

f) Law of compensation for improvements

42. A person who enjoys possession can be either bona fide or mala fide. A mala fide possessor is one who knows that the land is not his property and that his possession is unlawful. The rights and remedies of a mala fide possessor in respect of improvements differ from that of a bona fide possessor. The general rule is that a mala fide possessor is not entitled to compensation for useful improvements. Thus Sri Lanka’s laws such as the Land Development Ordinance do not recognize the right to compensation for improvements done by a mala fide possessor or occupier of a state reservation. Notwithstanding these legal provisions, the EM provides for extending appropriate R&R assistance to the eligible residential and commercial squatters, who may be legally classified as mala fide possessors of state land. Which means, the affected mala fide possessors of state land, that are affected by the Project shall not be evicted under law without being provided with R&R benefits as per this SMF.
g) National environmental act No 47 of 1980

43. The National Environmental Act (NEA) was introduced in 1980 as an umbrella legislation that provides a holistic framework for the protection and improvement of the environment. The 1988 Amendment vested the Central Environmental Authority (CEA) with the legal authority to protect, manage and enhance the environment, and specifically to control pollution. CEA has introduced an environmental licensing scheme aimed at all polluting projects and helped establish pollution mitigation regulations (1990) and a statutory requirement for Environmental Impact Assessment (EIAs). The Act requires environmental clearances to be sought for specific types of new projects.

44. The EIA requires that development projects be screened for their potential impacts. Legal provision for EIA in Sri Lanka was first included in the Coast Conservation Act No 57 of 1981. These provisions were restricted to the coastal zone. EIA was mandated island wide by the 1988 amendments to the NEA and the CEA was assigned regulatory functions. Accordingly, the EIA process in Sri Lanka applies only to “prescribed projects”, which have been published in the gazette under section 23 Z of the NEA. This order lists two groups of projects that require an Initial Environmental Examination (IEE)/EIA before they can be implemented. Part IVC of the amendment Act of 1988 mandated that CEA require “prescribed” development project proposals to be subjected to EIA, where adverse and beneficial impacts of the proposed projects on the environment would be identified together with measures to minimize such adverse impacts. Based on the screening full (EIA), partial (IEE), or no environmental assessment may be required.

45. National Environment Act No 47 of 1980 as amended in 1988 also refers to involuntary resettlement. The Minister has by gazette notifications 772/22 published on 24 June 1993 and No 859/14 of 23.02.1995 determined the types of projects for which an EIA is required under Part IV (c) of the Act. The prescribed project schedule requiring EIA includes item 12, which refers to “involuntary resettlement exceeding 20 families, other than resettlement resulting from emergency situations”. The Minister by order published in the gazette has specified the projects and undertakings in respect of which approval should be obtained from the Project Approving Agency (PAAs). Typically, the PAA is also the project proponent and is required to prepare an IEE or EIA according to CEA guidelines.

h) Road development authority act No 73 of 1981

46. This act provide for the establishment of the road development authority, to specify the powers, duties and functions of such authority and to provide for matters connected therewith or incidental thereto. This act came into operation on December 15, 1981 and comprises five (5) parts.

i) Urban development authority law No 41 of 1978

47. Law to provide for the establishment of an Urban Development Authority (UDA) to promote integrated planning and implementation of economic, social and physical development of certain areas as may be declared by the minister to be urban development areas and for matters connected therewith or incidental thereto, this Law may be cited as the UDA Law. No. 41 of 1978, and came into operation on such date as the Minister may appoint by Order published in the Gazette. Act comprises six parts in total.

j) Municipal councils ordinance No 29 of 1947

48. This ordinance was meant to amend and consolidate the law relating to municipal councils. It came in operation on August 15, 1947 and comprises 16 parts.
k) Urban development projects (special provisions) act No 2 of 1980

49. It is an act to provide for the declaration of lands urgently required for carrying out urban development projects and to provide for matters connected there with or incidental thereto. This came into operation on January 14, 2013 and comprises seven (7) parts.

l) Sri Lanka land reclamation and development corporation act No 15 of 1968

50. The purpose of this act is to provide for the establishment of a corporation, to be known as the Sri Lanka land reclamation and development corporation (SLLRDC) for the development and reclamation in accordance with the national policy relating to land reclamation and development of such areas as may be declared by order of the Minister for such corporation to undertake construction work and consultancy assignments in the field of engineering; and for matters connected therewith or incidental thereto, this ordinance came into operation on September 22, 1968 and comprises five (5) parts in total.

(m) Temple and Dewalagam Act:

This act deals with lands donated to the temples and Devalas (Places of religious significance) by rulers under a deed of dedication, sometimes by Sannasas” (Order) for the maintenance of such institutions. “Rights of the custodian of temples and devalas for the receipt of compensation in the event of land acquisition for public purposes are spelled out in this Act in addition to the other provisions.

(n) Crown Land Encroachment Ordinance

51. Crown Lands Encroachment Ordinance (Sec.09) created a presumption that all waste lands, forests, unoccupied and uncultivated lands belonged to the state (then crown) until the contrary was proved. In the case of such lands, this could only be done by the production of sannasas or grant by proof that customary taxes for services were rendered to the crown or other persons as in the case of similar lands held by private proprietors. Illegal occupants of Chena lands (slash and burn) cannot claim prescriptive rights in virtue of undisturbed possession of over 10 years as prescription does not run against the state.

(o) Thoroughfare Ordinance 40 of 2008

52. Salient features of the above Act are, it empowers the Highway Authority to establish Road Network Development Advisory Council and, District Road Development Coordinating Committees. Prevent unauthorized constructions within the road reservations. Construct new roads, divert roads. Acquire lands vested in a local authority, Make special grants under the Crown land Ordinance, Power of authority to alienate lands, A temporary closure of a road, public road or national highway. Erection of fences along roads. Declare building limits alongside a road. Minister to designate user fee national highways and prescribed fees to be levied. Purchase lands for resettlement sites, Allow the survey or s to enter lands for purpose of surveying and mark the acquisition boundaries, which helps to expedite the process of designs and preparation of RAPs, prior to this Act, surveyors could enter a private land only after the issuance of Sec 02 notice under LAA. Hither to for development purposes land required for respective state organizations were acquired by the through the Acquisition Officers appointed by the Ministry of Lands. The power to purchase land by the Highways Authority would accelerate the process of resettlement, Officers are authorized to pay compensation for the damages caused to properties. In totality this act promotes the construction of new roads and improvement to existing roads in a more accelerated phase due to built-in mechanisms for acquisition of land, payment of compensation and resettlements speedily. To implement all the provisions of the Act. Parliament should enact rules under the Act.
53. Under the Mahaweli Authority Act of 1977, within the area declared under the Mahaweli Authority Act, all matters pertaining to administration of land, including that of forest, wild life matters pertaining to irrigation, agrarian services, agriculture etc. are the responsibility of MASL.

(q) Forest Ordinance as Amended

54. Land declared as forest land is administered by the Department of Forest Conservation. They have no authority to release land on long term lease. They can release land only on renewable annual permits, still land within conservation and strict reserves would not be released for other activities by the Department of Forest Conservation. Land required for public purposes should be released by the DFC when requested by the relevant PMUs, after satisfying the conditions laid down in the NEA for prescribed projects. A construction of new road over 10Km in length or conversion of more than one hectare of land for non-forest activity is considered as a prescribed project. If the development is taking place within a 100m distance from a boundary of a reserved forest EIA report should be prepared by the PMU and get the approval of CEA.

2.2.2 National Involuntary Resettlement Policy (NIRP)

55. In Sri Lanka, the LAA only provides for compensation for land, structures and crops. It does not require project executing agencies to address key resettlement issues such as exploring alternative project options that avoid or minimize impacts on people, compensating those who do not have title to, but are currently using and dependent on, land, or implementation of income restoration measures aimed at the social and economic rehabilitation of displaced persons. It does not deal adequately with the impacts on those occupiers of lands who are not legal owners but whose lands are taken over for development purposes.

56. To ensure that displaced persons are treated in a fair and equitable manner, and to particularly ensure that people are not impoverished or suffer unduly as a result of public or private project implementation, Sri Lanka has adopted a national policy to protect the rights of all people affected by development projects. To remedy the current gaps in the LAA in addressing key resettlement issues, the Cabinet of Ministers approved on 16 May 2001, the National Policy on Involuntary Resettlement (NIRP) and enunciated its adoption to all development induced resettlement. The Ministry of Lands has the institutional responsibility for implementing the NIRP. The newly adopted policy, principled on human and ethical considerations entails the payment of resettlement value (replacement cost) and arranges for their resettlement and where necessary even their rehabilitation.

57. The NIRP states objectives of the policy, its scope, and principles, the details of which are attached as annex-III)

We envisaged that NIRP enables the establishment of a framework for planning and implementation of the SCDP. It should ensure that project APs are adequately compensated, relocated and rehabilitated. Accordingly, GoSL has considered that the scope of NIRP applies to all development induced land acquisition or recovery of possession, by the state where possible.

2.2.3 Women Charter of Sri Lanka

58. The State policy on women in Sri Lanka is articulated in the Sri Lanka Women’s Charter of 1993, which is based on United Nation Convention on the Elimination of all forms of Discrimination against Women (UNCEDAW) and was a collaborative effort of the national machinery and women’s NGOs. Seven areas of concern, specific to women in Sri Lanka (civil and political rights, right to education and training, right to economic activity and benefits, right to healthcare and nutrition, rights within the family, right to protection from social discrimination
and right to protection from gender based violence) are addressed in the Charter. The Charter provides for the establishment of the National Committee on Women (NCW) which comprises experts from fourteen sectors and a Chairperson, who are appointed by the Executive President. The NCW is mandated to monitor and ensure the implementation of the provisions of the Charter.

59. This charter focuses on written grants and rights of women in Sri Lanka. In this charter, the Constitution of the Democratic Socialist Republic of Sri Lanka recognizes that gender equality and freedom from discrimination on the grounds of sex is a fundamental right, and provides for its enforcement in the Courts of Law. Political and Civil rights ensure equality of men and women and eliminate discrimination against women in the public and private sectors. Moreover, an NCW was planned to be established for the purpose of examining progress made on the realization of the obligations undertaken by the Charter and for monitoring the achievement of its objectives.

2.2.4 Draft Bill for Indigenous People of Sri Lanka

60. Sri Lanka is popular to be a home for the indigenous “Vanniyaletto” also known as the “Aadivasi” or Vedda people, who have inhabited the country from the Neolithic age. Despite the challenges posed by modernization and development, the indigenous people of Sri Lanka have maintained their own identity, traditional knowledge, customs and way of life, as enshrined in the UN Declaration on Indigenous Peoples of 2007.

61. The indigenous people of Sri Lanka are recognized as citizens of the country under the Citizenship Act of 1948 and enjoy all rights and privileges enshrined in the Constitution of Sri Lanka. All Sri Lankan citizens including the indigenous community are guaranteed equal access to justice through the constitutional provisions.

62. The GoSL has launched a three-year project, implemented by the Ministries of Cultural Affairs and National Heritage, to table a draft bill to safeguard the existence and rights of the indigenous people. A National Action Plan for the Protection and Promotion of Human Rights has been prepared by the Government in 2011 which emphasizes the need for greater attention to the autonomy and rights of indigenous people. The action plan also directs the Ministry of Cultural Affairs and National Heritage to review existing laws, policies, and practices and amend or enact policies to protect the rights of indigenous people by 2016. The project also provides legal facilities to the indigenous community, measures to conserve their traditional knowledge and traditional medicines, and support to establish a museum on their heritage, among others. In order to create greater awareness about the indigenous community, which is instrumental towards the preservation of their lifestyle, the Government has also established several cultural centers and documented the history of the community and their way of life.

2.2.5 Regulatory role of relevant agencies

63. Project management arrangements reflect the present Government administrative structures that impact on the sub-project activities.

a) Urban Development Authority

64. The principal activity of the UDA is to promote and regulate the integrated planning and physical development, having regard to the amenities and services provided to the community, prepare development plans for such development areas. Further, it formulates and implements urban land use policies and development of environmental standards and implementation of such schemes. Part V of the UDA Law, No 41 of 1978 lays down the provisions relating to acquisition of immoveable property.

65. Section 15 stipulates that where the Minister certifies that any land vested in a local authority is
required by the UDA, the Minister may by Order published in the Gazette vest such land in the UDA. Where, land is declared as a development area that land is deemed to be required for a public purpose and may be acquired under the LAA by the Government. Lands declared for a development area is paid the market value for the purpose of determining the amount of compensation (section 16 (2)).

66. Urban Development Projects (Special Provisions) Act No 2 of 1980 provides for the declaration of lands urgently required for carrying out urban development projects. The President may by Order published in the Gazette declare a land required for implementing an urgent urban development (section 2). Section 3 restricts the remedies available to an aggrieved party by such acquisition such as injunctions, enjoining order or a stay order to restrain the acquisition of such land. Under section 7 of the Act, the Government can take possession of such land in respect of which an Order has been made under section 2 under the provisions of the State Lands (Recovery of Possession) Act No 7 of 1979 without waiting for its acquisition under the LAA. This act enables the UDA to take speedy possession of a private land required for urban development projects where the APs are denied the legal rights in a court of law to restrain acquisition procedure. Notwithstanding the above powers of the UDA under legal provisions cited above, no household or person affected by the SCDP shall be evicted, or disturbed in any manner without the provision of eligible R&R benefits as per the EM provided in this framework.

b) Ministry of Lands and Land Development

67. The Ministry for the subject of “Lands” was established in 1932, as per the recommendation of the Committee appointed in respect of the subject of Land and Agriculture of the State Council 1931.

68. The main objectives of establishing this Ministry were to implement activities such as formulate and implement state land policies, conserve state lands, land settlement, land acquisition for public purposes, with in the country.

69. It deals with Land Surveying, Land Acquisition, Land Alienation and Disposition Land Policy and Development, Land Used Policy Planning, Land Title Registration.

c) Sri Lanka Land Reclamation and Development Corporation (SLRDC)

70. The Corporation is the authority responsible for the maintenance of canals in Colombo and in any area declared. The Colombo District Low-Lying Areas Reclamation and Development Board was established in 1968 by Act No. 15 of 1968 with the twin objectives of reclaiming and developing marshy and low lying areas declared under Section 2 of the Act No. 15 of 1968 and to retain the custody, management and control of such vested lands. In 1979, the activities of the organization which had been limited to the Colombo District since its inception, extended beyond Colombo District extending the benefits of planned reclamation to the whole island. The organization was re-designated as SLLRDC by the amendment Act No. 52 of 1982 to the Colombo District (Low Lying Areas) Reclamation and Development Board Act No. 15 of 1968, and the scope of activities was extended to include construction work and consultancy services in the field of engineering.

71. As per the recent amendment by Act No.35 of 2006 the Corporation is empowered to take legal action against unauthorized reclamation activities and pollution of water bodies. The penal provisions are incorporated under Sections 20C and 22A. The amendments to the Principal Act by Act No.35 of 2006 are:

a. To have the custody, management, improvement, maintenance and control of canals and prevention of pollution of canals;

b. To prohibit filling or developing any area of land declared to be a Reclamation and Development Area under section 2 and 2b of the Act, without the written approval of the Corporation;

c. To declare any area of land other than an area declared to be a Reclamation and
Development Area under section 2, as a low lying marshy, waste or swampy area; and
d. To declare any area of land on a canal bank as a “Canal Reservation” and prohibiting the
construction of buildings or structures in such area without the written approval of the
Corporation.

72. The strengths of the Corporation include:

a. The powers vested with the Corporation by the act of Parliament to acquire, reclaim and
develop lands in any part of Sri Lanka and to engage in diversified activities;
b. The availability of expertise knowledge and machinery for land development, storm water
drainage designing, civil engineering construction, inland dredging, fabrication work and
environmental studies;
c. The achievement of ICTAD – M1 registration enabling the Corporation to engage in
construction projects with unlimited value; and
d. Ability to take legal action against unauthorized reclamation & development of areas and
canal reservations declared under the act.

73. The Agency’s opportunities include:

a. The increasing demand for buildable lands by different users;
b. The emerging demand for recreational facilities in and around water bodies;
c. The increasing demand for inland dredging where the Corporation has a monopoly;
d. Supply of sea sand to the construction industry by dredging off – shore sand due to
environmental hazards caused by sand mining in the rivers; and
e. Creation of land by sea reclamation.

74. SLLRDC has been engaged in design of drainage plans for marshy lands and structural
designs for multi storied buildings and hydraulic structures for the last 40 years. SLLRDC has
acquired specialized knowledge on hydrology and hydraulics required for design and analysis
of storm water drainage systems in Sri Lanka.

75. A step was taken to demarcate canal reservations by an order by the Minister under Section 4
(a) 1 of the SLLRDC Act No 15 of 1968 as amended by Act No 52 of 1982 and Act No 35 of
2006. It declares the surface width for all canal, sub canal and feeder canals as reservation
areas required from the bank within the Western Province. The Table 2.7 specifies the limits in
gazette No 1662/17 of 14 July 2010.

<table>
<thead>
<tr>
<th>Surface width of the</th>
<th>Reservation from the canal bank</th>
</tr>
</thead>
<tbody>
<tr>
<td>canal (meters)</td>
<td>For open canals (meters)</td>
</tr>
<tr>
<td></td>
<td>For surface covered canals</td>
</tr>
<tr>
<td></td>
<td>(meters)</td>
</tr>
<tr>
<td>1.0 -1.2</td>
<td>1.0</td>
</tr>
<tr>
<td>1.3 -3.0</td>
<td>2.0</td>
</tr>
<tr>
<td>3.1 -4.5</td>
<td>2.75</td>
</tr>
<tr>
<td>4.6 - 6.0</td>
<td>3.5</td>
</tr>
<tr>
<td>6.1 - 9.0</td>
<td>4.5</td>
</tr>
<tr>
<td>More than 9.0</td>
<td>6.5</td>
</tr>
<tr>
<td></td>
<td>2.0</td>
</tr>
</tbody>
</table>

Source: Government Gazette Extra ordinary No. 1662/17, July 14, 2010

76. In case where lengths declared by the UDA, Irrigation Department, Central Environment
Authority, Agrarian Services Department and Local Government Institutions regarding the
reservations mentioned below exceed the lengths given in this statement, the lengths declared by the said institutions shall be accepted.

d) Local Government institutions

77. Section 97 of the Municipal Councils Ordinance No 29 of 1947 empowers a Municipality to construct through or under any enclosed or other land, alter or extend such public mains or other drains, sewers and water courses necessary for the effectual draining of the municipal area. Section 100 of the said Ordinance authorizes an Municipal Council to cause all public drains, culverts, gutters and watercourses to be so constructed and maintained and kept as not to be a nuisance or injurious to health and to be properly cleaned and emptied. Any person who fills up or obstructs with the free flow in, any public drain is liable for conviction (Section 102). No person is permitted to erect any building over any public drain, culvert, gutter or watercourses without the written consent of the Council (Section 104 (4)).

78. Sections 104 to 109 of the Urban Councils Ordinance No 61 of 1939 incorporate provisions with respect to drainage within the area of its authority. Section 104 authorizes an Urban Council to layout, make, alter or extend any drain for effectual draining of any area within the town. Section 105 empowers it to maintain, repair, enlarge or alter any public drains, culverts, gutters and watercourses so that no nuisance is created by such act. No new building can be erected over any public drain, culvert or water course which further prohibits the obstruction and building over drains.

79. Notwithstanding the above provisions, any unlawful structure constructed on public land shall not be dismantled under legal provisions cited above; if the concerned household or person is affected by the SCDP is required to be evicted for project related work. Such household or person shall not be evicted, or disturbed without the provision of eligible R&R benefits as per the EM provided in this framework.

2.3 World Bank Social Safeguards Polices

80. The SMF seeks to sustain a due diligence process, to avoid exacerbating social tensions and to guarantee unfailing treatment of social issues across all development interventions. All projects funded by WB must comply with the Bank’s social safeguards. OP 4.12 Involuntary Resettlement is one of the most important safeguards guiding land acquisition and related resettlement /compensation issues during project implementation. It assists the PPAs in screening the sub-projects for social impacts in conformity with applicable laws and regulations and the Bank’s safeguard policies. In order to eliminate or reduce the adverse effects of developmental projects, the WB has three Social safeguard policies as listed below.

1.1 OP/BP 4.10: Indigenous Peoples
1.2 OP/BP 4.11 Physical Cultural Resources
1.3 OP/BP 4.12: Involuntary Resettlement

2.3.1 Involuntary Resettlement Policy (OP/BP 4.12)

81. Involuntary resettlement covers situations where a project must compensate people for loss of land, other assets, livelihood, or standard of living. The SCDP may not require any major acquisition of private lands in most of the projects but in some interventions, it may require major land acquisition. However, it involves the recovery of possession of state lands which form canal embankments and reservations. SCDP sub-projects may adversely affect the assets of people occupying these strips of land. In these situations, the involuntary resettlement safeguard policy could be triggered.
82. Bank policy states that a RPF should be prepared for projects of this nature where the sub-projects that have not been fully prepared could potentially have a negative effect on people’s assets and livelihoods. This SMF (which provides the RPF for this project) sets out principles for safeguards management, procedures to screen and survey social impacts and prepare Resettlement Action Plan (RAP) to mitigate the same, lays down entitlements with eligibility criteria for providing compensation and resettlement benefits, implementation arrangements necessary to implement the action plans to mitigate impacts in the course of implementing sub-projects. This SMF provides templates for preparing such action Plans in the Annex II.

83. The WB operational policies seek to avoid where feasible or minimize involuntary resettlement, exploring all viable alternative project designs. Resettlement planning has the objectives of providing displaced persons with a standard of living equal to, if not better than, their pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. The required measures to address the impacts resulting from involuntary taking of land a RPF is required to ensure that the displaced persons are informed about their options and rights pertaining to resettlement; consulted on and provided with technically and economically feasible resettlement alternatives and provided compensation at full replacement cost. Where the impacts include physical relocation the RPF includes measures to ensure that the displaced persons are provided moving allowances and provided with residential housing.

84. Where impacts on the entire displaced population are minor, or fewer than 200 people are displaced, an abbreviated resettlement plan may be agreed with the borrower. Impacts are considered “minor” if the affected people are not physically displaced and less than 10 per cent of their productive assets are lost.

2.3.2 Indigenous people (OP 4.10)

85. OP 4.10 recognizes that the identities and cultures of Indigenous Peoples are inextricably linked to the lands on which they live and the natural resources on which they depend. These distinct circumstances expose Indigenous Peoples to different types of risks and levels of impacts from development projects, including loss of identity, culture, and customary livelihoods, as well as exposure to disease. The policy requires the projects to identify whether indigenous peoples are positively or adversely affected by the project and presented, if so, to undertake specific consultation activities and to avoid or mitigate impacts on this potentially vulnerable group.

2.3.3 Physical cultural resources (OP/BP 4.11)

86. OP 4.11 sets out the WB requirement to avoid or mitigate adverse impacts resulting from project developments on cultural resources. Both cities selected for the project are historically and culturally important locations and the investment under the project may require careful planning and designs to protect and follow due diligence in upgrading of cultural and physical resources in the cities. Thus this policy has been triggered and environmental and social assessments will review the magnitude of the impacts on such properties if any. This aspect is comprehensively dealt with by an EIA under the EAMF.

2.4 Gap Analysis of National and World Bank Safeguard Requirements

87. To summarize, Sri Lanka has a highly developed legal system to manage land acquisition and regulate land use. It has an advanced system for valuation of properties, both in specialized and non-specialized categories involving different methods as mentioned earlier in this chapter. The existing legal provisions come close to meeting the WB’s safeguard requirements when it comes to land acquisition and involuntary resettlement. The GoSL’s NIRP and the LA Regulation of 2008 seek to address gaps bringing the process closer to the Bank’s safeguards polices. The NIRP is a statement of policy intention without specific rules and prescriptions to guide safeguards implementation. In this context, this SMF provides an EM and specific
guidelines to address involuntary resettlement and risks associated to physical cultural resources in compliance with the Bank OP 4.11 and 4.12. Whereas the LAA will remain the main legal procedure for acquiring any private land required for the Project, the APs and households will receive eligible compensation and resettlement benefits as per the EM given in this SMF irrespective of their title or occupancy status prior to losing shelter, business, assets, and incomes due to this Project.

88. The Women’s Charter of 1993 based on the UNCEDAW remains to be translated into a legally binding instrument. The NCW has been mandated with monitoring the implementation of the provisions of the Women's Charter but lacks institutional back up. Converting the NCW to the proposed National Commission with quasi-judicial functions is still in the making. The National Plan of Action on Women revised in 2000 is yet to be successfully implemented.

2.5 Guiding Principles for the Project

89. Based on the above analysis, the following are the recommended resettlement/land acquisition and impact mitigation principles:

2.5.1 Project resettlement /land acquisition principles

90. SCDP will select development interventions and activities that will take into consideration alternative designs with an emphasis on avoiding or minimizing adverse impacts on private landowners and those non-title holders who have been using state lands with or without authorization. To minimize adverse impacts, the SCDP will adopt the following principles:

- Avoid or minimize acquisition of private lands unless absolutely required through analysis of alternatives;
- Avoid or minimize involuntary resettlement and loss of land, structures, other assets and incomes by exploring all viable options;
- Use as much state lands as possible which are free of encroachment and other encumbrances;
- Alternative designs will be considered in order that the project may not affect objects and sites like places of worship, cemeteries and structures that are considered socially and religiously important.; and
- Incorporating the gender considerations in social management, resettlement planning and implementation process.

2.5.2 Impact mitigation principles

91. Where adverse impacts are found unavoidable, the SCDP will plan to mitigate them in accord with the following principles:

- SCDP will undertake social screening(see Annex II for screening format) followed by social impact assessment (SIA) as screening suggests, of all development activities to identify potential social safeguard issues and plan and implement impact mitigation measures consistent with the social safeguard policies of GoSL and the WB;
- Resettlement of the project APs will be planned and developed as an integral part development interventions;
- Absence of legal titles in cases of public land users will not be considered a bar to assistance, especially for the socio-economically vulnerable groups;
- Vulnerability, in terms of socio-economic characteristics of the APs/households will be identified and mitigated through targeted inclusion, capacity building and income assistance;
- Women will be given equal access to resources and services and provided with opportunities that would empower them to participate in the development process. Gender
equity principles will be enshrined in the policy. For instance, ensure that land titles and compensation entitlements are issued in the name of both spouses, and youth employment opportunities are equally targeted at men and women;

- Homestead losers, including the poor and vulnerable households squatting on state lands, will be assisted with physical relocation with the provision of houses, basic facilities like water supply and sanitation;
- Where development interventions affect community facilities such as social, religious and cultural facilities will be restored in the relocation areas in consultation with the relocatees and the host community;
- Alternative shops will be provided to the displaced shop keepers irrespective of their ownership status if they are found eligible;
- Consultation and disclosure requirements will be adapted to meet the special needs of the project; and
- The scheduling of the land acquisition and resettlement planning and implementation will be appropriately linked with civil works ensuring that the affected people are provided with their entitlements and suitably relocated prior to site handover for civil works.

92. The pace and quality of the land acquisition and R&R activities will be monitored with the help of independent third party consultants to ensure safeguards compliance and identify and address any issue threatening smooth implementation of the R&R activities.
CHAPTER 3

SOCIAL MANAGEMENT AND MITIGATION MEASURES

3.1 General

93. This section provides strategies and principles for identifying project affected individuals, families, communities, and to assess potential social impacts of sub-projects, and suggests measures to avoid/minimize and manage any adverse impacts. The SMF is meant to enable the project implementing agencies to adequately incorporate social safeguard considerations in the planning, execution and operation/management of different activities. The SMF will apply to planning and implementation of all socio-economic infrastructure activities to be undertaken by the implementing agencies with funding support under this Project.

3.2 Probable Adverse Social Impacts of the Project

94. The social screening of probable subprojects have been carried out under the SA to understand the potential socio-economic, cultural and physical impacts that the project affected persons will have to undergo as a result of implementation of the SCDP. According to initial screening, the Phase-I activities will involve generic, localized and temporary impacts such as: access and mobility, partial damages to structures such as fences, boundary walls safety issues, labor and wages etc. because of expansion of existing roads and upgrading of urban infrastructures. These activities will not involve large scale land acquisition, but may involve relocation of few households, shops and kiosks.

95. Key social impacts associated with the Stage-II investments are expected to emerge out of possible private land acquisition required for infrastructure works and the resettlement of business stalls, households living in informal settlements on canal banks, as part of the flood and drainage management investments. A few works proposed by the participating Municipal Authorities may in cases involve possible involuntary resettlement impacts on account of land acquisition or resumption of occupied public lands in the Greater Galle and Greater Kandy area. Specific activities that may generate involuntary resettlement impacts include: drainage management works (rehabilitation and improvement of the drainage and canal systems with dredging and widening to reduce flood risks); development of the Kandy lake area around by the Irrigation Department; civil works planned by the participating municipalities including rehabilitation or, and improvement of local and municipal roads; improvement of historical buildings, etc. These activities may require acquisition of private lands/structures, and may affect residences and businesses in the area, community facilities and physical and cultural properties. In some cases redemption of public lands for civil works under the occupation of unauthorized residents and shops could also generate resettlement impacts.

3.3 Principles and Guidelines to Execute Social Management Framework

96. The resettlement principles adopted for SCDP recognizes the LAA of Sri Lanka, the NIRP, and the requirements of the WB safeguards and other country policies and guidelines. The principles which will guide management and mitigation measures proposed in the SMF are summarized in Table 3.1.

Table 3.1: Principles guiding management and mitigation measure

<table>
<thead>
<tr>
<th>Principles</th>
<th>Guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principle 1:</td>
<td>Land acquisition and involuntary resettlement will be avoided where feasible or minimized to the extent possible through the incorporation of social considerations into project design options. For example, In the case of any activities where land acquisition may be required and</td>
</tr>
<tr>
<td>Principles</td>
<td>Guidelines</td>
</tr>
<tr>
<td>------------</td>
<td>------------</td>
</tr>
<tr>
<td>wherever possible.</td>
<td>Land, house or assets may be affected, while selecting the sub-project, the PPA will explore design and site alternatives and opt for the design and site alternative involving minimum land and resettlement impacts. The objective should be to avoid impact on productive land and economic assets, shelter and cultural properties.</td>
</tr>
</tbody>
</table>

**Principle 2:** Identify all Project impacts and record all losses properly.

- As soon as the site/land/Right of Way (RoW) is identified for any activity, a Social Screening will be undertaken to broadly estimate the involuntary resettlement impacts;
- Based on the findings of the Social Screening, if the impacts are minimal (less than 200 persons are displaced), an abbreviated RAP will be prepared recording impacts in detail through a Census Survey;
- If the Social Screening shows substantial impacts requiring a full RAP, a Social Impact Assessment (Census Survey supplemented by a Socio-Economic Survey) will be carried out to record all the impacts in detail;
- A database of all project APs/Families (PAPs/PAFs) will be established which will include information on the following:
  - landholding and land tenure; non-retrievable loss of land, buildings and structures to determine compensation at replacement value and mitigation measures;
  - census information, detailing household composition and demography; and
  - Current income streams and livelihood of the families.
- The asset inventories will be used to determine entitlements of individual families/persons; severely project APs/families;
- The socio-economic census data will be used to monitor how the affected households are able to re-establish their shelter and livelihoods with the R&R benefits provided by the Project; and
- All information will be entered into the database to facilitate planning, implementation, and monitoring and evaluation.

**Principle 3:** Plan and implement land acquisition and resettlement activities as an integral part of the Project.

Land acquisition and involuntary resettlement activities will be an integral part of the project planning and implementation through the following steps:

- Land acquisition and resettlement costs will be built into the overall project budget as an upfront cost;
- The design and site layout will be prepared with social screening in order to avoid/minimize Land Acquisition (LA) and IR impacts;
- Detailed Project Report (DPR) for the sub-projects will incorporate Social Screening/SIA findings and the RAP;
- An organizational framework will be established ensuring coordination of the roles and responsibilities of the social development and engineering units so that the schedules for LA and R&R and the civil works are properly linked; These arrangements should ensure that payment of compensation, resettlement are completed before site clearance and
- LA process and key resettlement actions must be completed prior to award of civil works.

**Principle 4:** Inform and hold public consultations with affected people and other stakeholders such

- Disclose and disseminate information on sub-project at feasibility stage;
- Disclose and disseminate Social Screening and SIA results (LA and R&R impacts) before preparing RAP;
- Disclose and Disseminate Entitlements, compensation and R&R
<table>
<thead>
<tr>
<th>Principles</th>
<th>Guidelines</th>
</tr>
</thead>
</table>
| as registered Civil Societies during planning and implementation. | assistance payment schedule; RAP Implementation Plan; and Grievance Procedure during RAP preparation and implementation;  
- Pay special attention to the following:  
  - inform people about of sub-projects and implementation schedules;  
  - consult people on measures to restore their shelter, and livelihoods, and ensure their participation in design and implementation; and  
  - Inform affected families about relocation and land acquisition dates sufficiently in advance of actual implementation.  
- Put information board at sub project sites  
- Seek assistance of registered civil societies in implementation of RAP. |

**Principle 5:** Include gender considerations into social management and resettlement planning  
- Preparation of a gender strategy and action plan  
- Gender responsive consultation strategy and gender disaggregated data during census and socio-economic survey  
- During resettlement planning, include following gender consideration:  
  - Special attention to women headed households in the relocation and post resettlement process with targeted livelihood assistance;  
  - Gender sensitive provision of civic infrastructure including sanitation, transport furniture, and facilities for women in recreational places created as a part of the project; and  
  - Encouraging women participation in management of resettlement buildings. |

**Principle 6:** Assist the APs to restore, and ultimately to improve, their livelihoods to conditions equal or better than their earlier status.  
- The Project implementing agencies will take the following steps to enable the affected families to restore and improve their livelihoods through the following provisions:  
  - provide compensation at replacement rates for all loss and damage caused to land and assets;  
  - R&R assistance for the loss of assets attributable to the project including to those without title to land where such asset is established;  
  - Support to re-establish lost or damaged shelter/shop any other structure through cash and/or, alternative site and/or, building at replacement cost (which will could building alternative residential housing sites with shops and basic amenities and services to resettle the affected households and commercial units;  
  - offer relocation assistance including transport allowance where physical relocation is required; and  
  - support for livelihood restoration and community development. |

**Principle 7:** Special support to enhance Project benefits for the vulnerable households.  
- Pay special attention to adverse impacts on vulnerable households (elderly and physically disabled, female-headed households) who may be vulnerable to changes brought about by project activities or excluded from its benefits. Members of these groups are often not able to make their voice heard effectively, and therefore may need special support in accessing their entitlements and getting their grievances redressed; and  
- The Project will assess and compensate for loss of economic activities, shelter, and access to welfare benefits. |

**Principle 8:** Grievance and Establish grievance mechanism at the local, PPA levels and institute an Independent Grievance Panel at higher level comprising
### Principles

<table>
<thead>
<tr>
<th>Monitoring procedures will be in place.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representatives from the civil society</td>
</tr>
<tr>
<td>▪ Independent safeguards monitoring agency (consultants) will be instituted to carry out periodic review of the safeguard due diligence with regard to land acquisition, resettlement and livelihood restoration; and</td>
</tr>
<tr>
<td>▪ Monitoring will involve ongoing internal and quarterly external monitoring exercises and annual quality review exercises using quantitative and qualitative methods.</td>
</tr>
</tbody>
</table>

#### Principle 9:

Resettlement planning will take account of:

- Any current/planned development scheme in the project area, including initiatives to address poverty targeted at vulnerable households; and any current/planned registered civil societies /funding agency initiatives in the area, and try to facilitate their continuation.

#### Principle 10:

Resettlement planning and implementation will comply with project policies and the provisions of relevant national legislation and WB policies pertaining to:

- Social management;
- Public participation and disclosure;
- Land tenure, occupation, acquisition and compensation; and
- Local government, development and service provision.

#### Principle 11:

Establish mechanisms to ensure sustainable self-management of the resettlement sites.

- Adopt participatory planning of relocation process to ensure that the social networks of affected groups are not adversely affected; registered civil societies and community based organizations will be consulted to minimize adverse impacts
- Provide capacity building and hand holding support to the management committees of the resettled households;
- Provide the basic amenities and services including day care center for children, common room for women, office for the management committee; open space, storm drainage, sanitation facilities, etc. and
- Resettle the people displaced due to the development of the resettlement buildings/sites in the same sites.

### 3.4 Key Steps in Involuntary Resettlement Planning and Execution

97. The key steps in resettlement planning are: social screening, SIA, inventory and valuation, determining eligibility and entitlements, consultation and disclosure of findings, preparation of resettlement instruments (abbreviated or full resettlement action plan), consultation and finalization of the RAPs, development of resettlement sites, disclosure of the final RAP (impacts, entitlements, implementation agencies and schedule, list of eligible APs, grievance redress mechanisms (GRMs), initiation of the land acquisition process; disbursement of compensation and the R&Rs entitlements, relocation planning and actual relocation, resolution of grievances if any, site clearance, site handover to contractor for civil works; post resettlement support measures, monitoring and evaluation. The process starts with assessment and categorization of impacts discussed below.
3.4.1 Social Screening and categorization of Involuntary Resettlement Impacts

98. Screening of subprojects for assessing their potential IR impacts will be carried out by the respective PPAs during the preparation using the Social Screening Format given in Annex 11. Based on the screening data on the extent of likely IR impacts, sub-project safeguard requirements will be categorized as follows:

A. Significant (Category A) – If as a result of the subproject, about 200 or more people may experience major impacts, that is, being physically displaced from housing, or losing 10% or more of their productive (income-generating) assets;

B. Not significant (Category B) – If as a result of the subproject, fewer than 200 people will be physically displaced from housing or lose less than 10% of their productive (income-generating) assets. Resettlement plans are prepared commensurate to their impacts;

C. No resettlement effect (Category C) – If the subproject does not require temporary or permanent land acquisition, and there are no impacts involving the loss of land, structures, crops and trees, businesses or income. No resettlement plan is required. This category also includes temporary but not significant impacts which will have to be mitigated as a part of construction management in consultation with the AP by the Contractor as specified in the EM and in Implementation Arrangement Chapter:

99. The screening and categorization of impact on involuntary resettlement will be initiated by PPA either with its own social specialists and other relevant staff or, if there are no such skills, with the help of external consultants. The social screening report will be prepared by the PPA's Social Scientist, reviewed by the Sub-Project Manager and submitted to the PMU for clearance. The Deputy Project Director (Social Safeguard) at PMU will finally endorse the social screening and safeguard categorization of the proposed sub-project.

100. Any subproject causing significant resettlement impacts (Category A) will require a full scale SIA/census survey and will require preparation and implementation of a comprehensive RAP, whereas, abbreviated RAPs will be prepared for Category B sub-projects affecting less than 200 persons. If a sub-project has no adverse impact, a due diligence report (DDR) will be submitted confirming the same and also stating reasons for the same. Social DDRes, abbreviated and full RAPs will be shared with the WB for review and clearance prior to the award of civil works contracts. A sample template for preparing abbreviated RAP and full RAP are provided in Annex-I for reference. Both full and abbreviated RAPs shall ensure that compensation, rehabilitation, and relocation arrangements are planned and budgeted, meeting the agreed resettlement policy requirements. Once finalized, the RAP must be approved by the PMU. The table 3.2 summarizes safeguards documentation requirements.

Table 3.2: The Type of Social Safeguard Documents required preparing for the Project

<table>
<thead>
<tr>
<th>Coverage of Negative Social Impacts</th>
<th>Type of Documents Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>For sub projects which will result in minor impacts affecting access to residences, improvement of existing properties</td>
<td>Due Diligence Report explaining the procedures adopted to minimize negative impacts and measures taken to mitigate construction induced impacts</td>
</tr>
<tr>
<td>For investments of sub projects which will result in affecting less than 200 people, but not physically displaced and/or less than 10% of their productive assets are lost. (WB – OP 4.12)</td>
<td>Abbreviated Resettlement Plan is Required. Outline of Abbreviated Resettlement Plan is provided in Annex-I.</td>
</tr>
<tr>
<td>Investment in sub projects of the SCDP that may result in more significant impacts, displacement of more than 200 people, and more than 10% of their productive assets are lost. (WB – OP 4.12)</td>
<td>Full RAP is required to be prepared. Outline of the RAP is shown at Annex I Socio-economic Survey and income restoration measures need to be covered by the Plan.</td>
</tr>
<tr>
<td>Screening of Physical Cultural Resources (OP 4.11)</td>
<td>Preparation of a list of affected cultural properties for mitigation under cultural property improvement plan. This will be carried out under Environmental safeguards and community consultations is a part of cultural property improvement plan</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Adverse Impact on Indigenous People (OP 4.10)</td>
<td>Not Applicable</td>
</tr>
<tr>
<td></td>
<td>As per the initial screening of census data, and social assessment, there are no indigenous people live in the project areas. However, the social assessment which is underway will determine the presence of IP community and so Indigenous People’s Development Plan will be prepared as if necessary.</td>
</tr>
</tbody>
</table>

3.4.2 Social impact assessment, inventory and valuation

101. If the Social Screening indicates that the project is Category A and B, then the PMU will carry out SIA including 100% census survey of affected households. PPAs can do this with their own staff or through consultants depending on size of the assignment. For large works such as ring roads, etc. they may like to hire external consultants. The SIA will provide information on loss and damage suffered by individuals/families, and communities, impact on indigenous and vulnerable communities.

102. Following the finalization of the design, the detail measurement survey (DMS) of the affected land and/or non-land assets and census survey of the affected households will be carried out to record the actual impacts and preparing the inventory. As a part of the land acquisition, replacement cost assessment (or asset valuation) will be carried out, which will form the basis for determining the compensation for the affected land and assets. This information will be used for fixing up compensation amounts for the land and assets to be acquired. This valuation can also be used to negotiate the value with the plot owner for acquiring the plot as per the LAA, or when land is to be directly purchased.

103. The information will also include a profile of the affected households including demographic and socio-economic details including landownership, usage and productivity and income, impacts on vulnerable communities. Additional information can be gathered through Stakeholder Consultations (focus group discussions) with the affected people, and vulnerable community groups, their leaders, registered civil societies and Community Based Organizations (CBOs). These discussions should focus on the positive/negative impacts; measures to enhance positive impacts and reduce/mitigate negative impacts.

104. Sri Lanka’s NIRP prescribes payment of compensation for loss of affected property at replacement cost. As per the LAA of Sri Lanka, the Ministry of Land is responsible for undertaking land acquisition, and the Valuation Department is responsible for valuation. The valuation of properties involves use of approved methods including “accounts and profit method”, “investment or income method”, and “comparable method”. The comparable method is mostly used for valuing urban properties. The investment/ income method is adopted for non-specialized properties (residential or commercial) where the property is producing or has the potential to produce future cash flows through the letting of the property. The comparable method is used for non-specialized properties where there is good evidence of previous sales. Account and profit methods are used for specialized profits such as agricultural land where the market may not be rational.

3.4.3 Eligibility and entitlements

105. An EM has been developed outlining various types of losses resulting from sub-project impacts and provisions for compensation and R&R benefits for various categories of affected
people. The matrix will apply to all sub-projects entailing IR impacts irrespective of the size of the sub-project and extent of impact. If at any stage of a sub-project, additional resettlement impacts are identified, the RAP will be updated by the concerned PPA making provisions for mitigating such impacts with compensation and R&R benefits in line with the EM. This EM has been prepared considering various categories of losses and impacts based on initial social screening under the SA, which is summarized in Table 3.3.

Table 3.3: Categories of Losses and Impacts Identified During Social Assessment

<table>
<thead>
<tr>
<th>Category</th>
<th>Types of Losses</th>
</tr>
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<tbody>
<tr>
<td>Losses By Individuals/Households</td>
<td></td>
</tr>
<tr>
<td>Land</td>
<td>▪ Agricultural or horticultural land</td>
</tr>
<tr>
<td></td>
<td>▪ House plot (owned or occupied)</td>
</tr>
<tr>
<td></td>
<td>▪ Business premises (owned or occupied)</td>
</tr>
<tr>
<td></td>
<td>▪ Bare land</td>
</tr>
<tr>
<td>Structure</td>
<td>▪ Complete loss of houses/Commercial building</td>
</tr>
<tr>
<td></td>
<td>▪ Partial loss of housing and commercial building</td>
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<tr>
<td></td>
<td>▪ Other physical structure</td>
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<tr>
<td></td>
<td>▪ Structures used in commercial/manufacturing activities</td>
</tr>
<tr>
<td></td>
<td>▪ Displacement from rented or other occupied residential units</td>
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<tr>
<td></td>
<td>▪ Displacement from rented or other occupied manufacturing units</td>
</tr>
<tr>
<td>Income and Livelihood</td>
<td>▪ Income from renting of houses</td>
</tr>
<tr>
<td></td>
<td>▪ Income from renting of other structures</td>
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<td></td>
<td>▪ Income from wage earning</td>
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<tr>
<td></td>
<td>▪ Income from economic activities such as fishing, food processing, vending’s</td>
</tr>
<tr>
<td></td>
<td>Available income/ employment opportunities</td>
</tr>
<tr>
<td>Loss of Access</td>
<td>▪ Access to employment, schools, hospitals, markets</td>
</tr>
<tr>
<td></td>
<td>▪ Access to informal credit in community/ mobile vendors</td>
</tr>
<tr>
<td></td>
<td>▪ Access to water, electricity, etc.</td>
</tr>
<tr>
<td>Losses by the Community</td>
<td></td>
</tr>
<tr>
<td>Community used land</td>
<td>▪ Land and access to lands</td>
</tr>
<tr>
<td>Community and cultural site</td>
<td>▪ Schools, Community Centers, Markets, Health Centers</td>
</tr>
<tr>
<td></td>
<td>▪ Shrines, other religious symbols or sites</td>
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<td></td>
<td>▪ Places of worship – church, temple, mosque</td>
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<td></td>
<td>▪ Dislocation from the neighborhoods</td>
</tr>
<tr>
<td></td>
<td>▪ Dislocation from social / ethnic groups</td>
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<td></td>
<td>▪ Community living</td>
</tr>
</tbody>
</table>

106. The EM is governed by applicable Sri Lankan laws, the NIRP and is in compliance with the WB’s safeguard policies. The EM offers compensation for land and structure at replacement cost, compensation for structures for squatter families, priority to avail shops on long-term lease for displaced shopkeepers, assistance for temporary loss of incomes, additional benefits for vulnerable displaced households, re-establishment of community facilities, and mitigation measures for temporary impacts. The SMF provides additional guidelines for integrating social inclusion, accountability and gender considerations defending on their rights while planning and implementing resettlement activities.

107. The Unit of Entitlement can be an individual, household, family or a community. The concept of household has been accepted by most of the planning exercises for data collection and impact assessment. The EM considers the unit of loss to determine the unit of entitlement. Even as household is the unit of entitlement, for R&R benefits, in case of providing compensation for the loss of land and structure, the titleholder-who may be an individual, a
household, or a group of individuals, become the unit of entitlement. If more than one person has legal or customary rights to a property or resource recognized under law the compensation has to be shared by all of them.

108. **Eligibility Criteria:** Any person or household, or community who suffers loss of land, shelter, business, incomes, sources of livelihood because of the Project impact is eligible for receiving compensation and or R&R assistance to offset such loss enabling restoration of living conditions to a state better or equal to the pre-project situation. The eligibility will be determined on the basis of impact survey carried out while preparing the RAP and approved by the PMU. Whereas the eligibility list provided in the RAP will remain the basis for providing entitlements to the non-titleholder APs, in case of the titleholders eligibility will be determined through scrutiny of title deeds or other legal documents admissible and recognized under law as valid ownership documents. The following categories are eligible for receiving entitlements as per this SMF.

A. **Landowner:** Owners of land with or without trees, crops or structures affixed to the land with clear title in government records. In some exceptional cases, a person who owns land/s within the project-affected areas regardless of proof of such ownership will also be entitled, provided that such ownership is recognized under law.

B. **Tenant:** Occupants that have legally taken any land or properties or both on rent or lease for a specific period with registered papers recording agreed terms and conditions as permitted under law. A tenant who don’t have legal documents, commercial, or residential and are protected under the Rent Act of 1972 or its later amendments which prevents the land owners from evicting them or increase the rent at their own will.

C. **Non-residential owner Land and Structure Owner:** Legal land owners who are not in possession of their land either because they have rented or leased out their said land and property affixed to it, or such land has been taken possession of by any other person. Owner will be eligible to receive compensation and allowances for loss of income from his/her affected land and structure, but no rehabilitation assistance meant for the displaced families.

D. **Business Owner:** A person who owns or conducts a business within the project-affected area, the operation of which will be disrupted by the construction of the project. S/he can be a legal owner, non-titled structure owners, or tenant and will receive different compensation and rehabilitation assistance as per the EM.

E. **Community:** A community who owns project affected building structures or resources and utilizes buildings or resources of the affected areas.

F. **Government Agency:** A government agency that owns project affected building structures or resources and utilizes buildings and resources of the affected areas.

G. **Project Affected Household (PAH):** All members of a PAH residing under one roof, using one kitchen and operating as a single economic unit, who are adversely affected by the project or any of its components.

H. **Squatters:** People who have occupied land and have erected structures on it for the purpose of residence/income activities without legal title/rights and are not entitled to compensation for lost land under this policy. But, if displaced they are entitled to compensation for the structure and rehabilitation assistance.

I. **Vulnerable Households:** Socially and economically distressed households who may suffer disproportionately due to resettlement. They may include women headed households, extremely poor (disabled. and others identified as case by case,
3.4.4 Cut-off dates

109. The cut-off date for eligibility for entitlement for titleholders is the date of notification under the Section 2 of LAA and for non-titleholders is the last date of resettlement survey. Persons who encroach on the area after the cut-off-date are not entitled to claim compensation or any other form of resettlement assistance. Fixed assets such as built structures or planted trees after this date will not be compensated.

3.4.5 Development of Entitlement Framework

a) Compensation at replacement cost

110. All involuntary land acquisition will be compensated at replacement cost as per the LAA regulation of 2008 and the APs will be assisted to re-establish their living standards (affected shelter and incomes) to a level to or better than their living condition prior to the project. Sri Lanka has an advanced system for valuation of properties and has both state and registered private Valuers. But the replacement cost for acquired assets will be determined by the valuation department. The LA Regulation of 2008 provides detailed guidelines for determining compensation at current market rate for land and replacement (reconstruction) cost for structures without deducting any depreciation. The LA Regulation, 2008 provides for offering compensation for damage caused by any severance or injurious affection and disturbances caused due to land acquisition based on evidence furnished by the affected party including all expenses.

b) Disputes relating to compensation:

111. In cases where disputes arise on account of the fact that land records are not updated or where the APs are unable to produce the desired documents, where a group of owners or interested parties are involved or where absentee land owners do not turn up for document verification and declaration of compensation award, the compensation shall be awarded as per established procedures under the LAA and relevant laws and regulations.

c) Acquisition of non-viable remainder plots

112. It is possible that after acquisition of the land parcel required for the project, the remainder plot is not viable as per existing development regulations, the balance portion, i.e. less than average land holding in the locality and will be compensated as per the LAA 2008. PPA has no authority to acquire lands if the owner desired to hand over the balance portion which is not economical to use. The affected person should make a request to Divisional Secretariat (DS) to acquire the balance portion under the rules on severance, injury existed before 17th March 2009. The valuation department decides on the percentage of injury subject to a maximum of 20% as per the LAA, but this has now changed for projects implemented after 17th March 2009.

d) Compensation for Structures

113. If only a part of the structure is acquired, the floor area to be considered for payment will be calculated up to the structural support points. If after acquiring the affected portion, the reminder portion may become structurally unsustainable, compensation will be paid as per the LAA 2008. In case of Rent controlled shops and houses, compensation will be payable at replacement cost to the tenant and the owner as follows given in Table 3.4, unless otherwise provided for under the latest regulations relevant to the case:
Table 3.4: Compensation Payment to Tenant

<table>
<thead>
<tr>
<th>Period of Occupancy by Tenant</th>
<th>Percent of Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Tenant</td>
</tr>
<tr>
<td>More than 20 years</td>
<td>75</td>
</tr>
<tr>
<td>10-20 years</td>
<td>50</td>
</tr>
<tr>
<td>05-10 years</td>
<td>25</td>
</tr>
<tr>
<td>Less than 5 years</td>
<td>10</td>
</tr>
</tbody>
</table>

e) R&R benefits for the non-title holders:

f) Non-titled residential squatter households residing in the sub project areas of the SCDP in Kandy or Galle prior to the cut-off date and verified to be in the displaced category during social impact survey will be compensated as per the LAA 2008 Commercial non-titled squatters on state lands will receive compensation for their affected structure at replacement value and rehabilitation assistance to continue their livelihood. The non-title holders shall not receive any compensation for land.

g) Development of Resettlement, Rehabilitation and Livelihood restoration strategy

114. All measures will be taken to avoid resettlements. If there are situations which the resettlement unavoidable, the project may seek all possible measures to minimize the negative impacts by planning compensation package for all physical structures, lands and livelihoods affected by the project intervention as well as rehabilitation assistance to continue the livelihood of APs. As per the findings of social assessment, there will be no major resettlement impacts expected by the project interventions.

115. In case of large number of APs which exceed more than 200, of which majority needs resettlement, resettlement site might be required to be developed. It is recommended that resettlement sites should be developed with due care and consideration given to the site selection and the host communities. The following site selection criteria are recommended for the resettlement sites:

- Near to affected areas or sites;
- Possesses good potential for infrastructure development;
- Minimum loss to other assets; and
- Host community’s acceptance.

116. A Post resettlement support strategy will be prepared prior to the actual relocation of the affected households and shall be implemented with the help of CSOs. This strategy will involve training and hand holding support to help the affected households re-establish their lives in the resettlement sites after relocation.

117. In case of fewer numbers of APs which not exceed 10 households will be encouraged for self-relocations. Self-relocation will be assisted and guided by the project to ensure systematic and gradual resettlement of affected households to new locations. If APs having commercial activities attached to houses, they will be provided with additional livelihood restoration facilities to continue their livelihood once they relocated into new houses.

118. Acquisition of land which is a source of livelihood should be discouraged. Best efforts should be made in selecting the relocation sites which should be finalized in consultation with the PAPs. Necessary utility facilities and buildings should be provided in the proposed townships. The existing social and cultural institutions of re-settlers and any host communities should be preserved and re-settlers’ preferences with respect to relocating in pre-existing communities and groups should be honored. Host community must be considered as affected...
and should be consulted before the implementation.

119. Following are the proposed actions which should be taken for an effective resettlement site development strategy:

- Strict compliance with resettlement site selection criteria during site selection;
- Designing of consultation plans with the APs to involve them in site selection if required;
- Planning host community consultation for integration of APs in new sites

3.4.6 Entitlement matrix

120. The Entitlement Framework has been worked out considering the analysis of impacts and the nature of the losses that the APs under this project. First, the APs are entitled to receive compensations for losses covered under the LAA No 09 of 1950 and Gazette Notice No 1596/12 dated 07/04/2009. (Annex X). Secondly, as the LAA does not address all types of losses, the involuntary resettlement safeguards and policies (NIRP and World Bank safeguards) have been applied to address such issues. This EM explains the category and type of loss and the eligible category for entitlements. The “EM” proposed for the project is explained in Table 3.5 and it supersedes any discrepancies arise in all other chapters in this document.

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Type of Loss/Disurbance</th>
<th>Definition of AP</th>
<th>Entitlement</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Loss of land due to project related activities</td>
<td>Legal title holders/affected parties with land use rights recognized under the law</td>
<td>Compensation at replacement cost</td>
<td>1.1.1 Compensation for affected land cost as per LAA</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>1.1.2 Three months advance notification for harvesting standing crops, or compensation for crop damage.</td>
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<td></td>
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<td></td>
<td>1.1.3 Compensation for trees affected at current market price and allows AP to retain felt trees. Applicable interest on compensation amount for delay in payment of compensation calculated from the date of taking over possession of land as per LAA.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>1.1.4 Compensation for the remaining portion of the land which is economically non-viable at replacement cost if the affected person is willing to surrender if not covered under the land acquisition regulations of 2008.</td>
</tr>
<tr>
<td>1.2</td>
<td>Loss of tenancy/Profitable occupancy</td>
<td>Registered tenants and leaseholders, share-croppers and non-title holders</td>
<td>Compensation for standing crops, or income losses</td>
<td>1.2.1 No compensation for the land.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>1.2.2 Three months advance notice to salvage standing crops or cash payment for loss of standing crops at market value, if cultivated by the tenant or lessee lease, if not covered under the land acquisition regulations of 2008.</td>
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<td></td>
<td></td>
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<td></td>
<td>1.2.3 Cash payment for six months of rental income loss for the affected portion of land for the remaining period of tenancy or lease or SLR 25,000/- whichever is higher as income assistance to the owner if an advance payment has not been taken and not covered under land acquisition regulations of 2008.</td>
</tr>
<tr>
<td>Sr. No.</td>
<td>Type of Loss/Disturbance</td>
<td>Definition of AP</td>
<td>Entitlement</td>
<td>Details</td>
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<tr>
<td>2.1</td>
<td>Permanent and full loss of private land and residential structure(^1)</td>
<td>Owner—occupants with title or other ownership documents recognized under the law</td>
<td>Compensation as per LAA</td>
<td>2.1.1 Compensation for the whole plot valued as per replacement cost (new regulation) after acquisition if the remaining portion is not developable the relief to be provided if not covered under land acquisition regulations of 2008 2.1.2 Non-titled Occupant with other ownership documents recognized under the Law will be compensated as per the LAA 2008 2.1.2 For disputed titles, compensation will be deposited in courts the project can take over the land without the affected receiving the compensation money 2.1.3 Minimum Compensation for affected structure is SLR 300,000/ for a house, if not covered under land acquisition regulations of 2008 2.1.4 Full compensation for the structures/properties before take them into physical possession 2.1.5 In case of shifting, cash allowance for alternative rental accommodation of equivalent standards for six months @ SLR 9000/ per month, if not covered by land acquisition regulations of 2008 2.1.6 Right to salvage material from the demolished structure</td>
</tr>
<tr>
<td>2.2</td>
<td>Non-resident Owner of land and structure with title or other ownership documents recognized under the law</td>
<td>Compensation at replacement cost Income Restoration Assistance if leased within one year prior to the cut-off date</td>
<td>2.2.1. Compensation for affected land as per the LAA 2.2.2 Minimum Compensation for the structure is SLR 300,000/, if not covered under land acquisition regulations of 2008 2.2.3 Loss of rental income from the affected structure for six months calculated on the basis of average annual income from the affected structure in the previous 3 years as determined by PMU on a case to case basis, or @ SLR10,000/ per month whichever is high, if not covered by land acquisition regulations of 2008 2.2.4 Right to salvage material from the demolished structure</td>
<td></td>
</tr>
<tr>
<td>2.3</td>
<td>Loss of rental accommodation</td>
<td>Legal Tenants/ Lease Holders</td>
<td>2.3.1. Three months advance notice for Relocation. 2.3.2. Compensation as per the LAA for registered lessees for the unexpired period 2.3.3. Minimum Allowance for alternative rental accommodation @LKR9,000/ per month for six months for tenants/lessees if not covered by land acquisition regulations of 2008</td>
<td></td>
</tr>
<tr>
<td>2.4</td>
<td>Loss of Residential Structure</td>
<td>Squatters</td>
<td>Rehabilitation Assistance</td>
<td>2.4.1 Compensation for affected structure as per LAA subject to minimum payment of SLR 300,000/</td>
</tr>
</tbody>
</table>
### Sr. No. Type of Loss/Disturbance Definition of AP Entitlement Details

| 2.4.2 | Where the person is willing to allow the construction to begin after signing of MOU with PMU, entitled for rental allowance as 2.1.5 until the full settlement of the compensation. |
| 2.4.2 | Transportation allowance of SLR5500/ for vacating the old structure. |
| 2.4.3 | Minimum Rental allowance @ SLR 7000/ per month for six months if not covered by land acquisition regulations of 2008 |
| 2.4.4 | Right to salvage building materials |

| 2.5 | Partial loss of residential land and structure | Owner-Occupants of residence with title or sale deed in their favor | Compensation & Rehabilitation Assistance |
| 2.5.1 | Compensation for affected land and structure as per LAA including at replacement cost as per existing Laws and regulations according to the actual loss to repair or rebuild the structure to original condition when remaining land is sufficient to rebuild upon. |
| 2.5.2 | Minimum Rental allowance for alternative accommodation is SLR 10,000 per /month for six months if the premises cannot be used if not covered by land acquisition regulations of 2008 |
| 2.5.3 | Transportation allowance of LKR 5500 |

| 2.6 | Non-Resident Owners of Land and Structure with title | Compensation & Resettlement Assistance |
| 2.6.1 | Compensation for affected land and structure at replacement cost as per existing laws and regulations without depreciation according to the actual loss to repair or rebuild the structure to original or better condition when remaining land is sufficient to rebuild upon as per LAA |
| 2.6.2 | Six months minimum rental allowance @ SLR10,000/ per month to compensate for loss of rental income from the property as income assistance if the structure had been leased out one year prior to cut off date if not covered by land acquisition regulations of 2008 |

| 2.7 | Loss of rental accommodation due to partial impact on structure | Tenants/lessees/ Protected tenants | Rehabilitation assistance |
| 2.7.1 | Tenants/Lessees will have the option to continue to stay in the building in agreement with the owner; OR |
| 2.7.2 | Vacate the house on receipt of rental allowance for six months @ SLR9000/ per month in case of emergency relocation with three months advance notice if not covered by land acquisition regulations of 2008 |
| 2.7.3 | Protected tenants will be entitled as per rent act in addition to 2.7.2. |
| 2.7.4 | Transportation allowance of LKR5500 in case the tenant/lessee is required to relocate |

| 2.8 | Partial loss of residential structure | Squatters living in structures without title | R&R |
| 2.8.1 | Compensation for only for the affected structure at replacement value according to the actual loss to repair or rebuild the structure to original condition when remaining part is sufficient for rebuilding. Minimum compensation SLR |
### Strategic Cities Development Project (SCDP), Sri Lanka

#### Social Management Framework

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Type of Loss/Disturbance</th>
<th>Definition of AP</th>
<th>Entitlement</th>
<th>Details</th>
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</thead>
<tbody>
<tr>
<td></td>
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<tr>
<td>300,000/-</td>
<td>2.8.2 Transportation allowance of SLR 5500/= if not covered under LAA.</td>
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<td>2.8.3 Rental allowance @ SLR 7000/ per month for maximum of six months. If the remaining portion is not suitable to live</td>
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<tr>
<td>3. Commercial land and Structures</td>
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<tr>
<td>3.1 Permanent and full loss of commercial property</td>
<td>Compensation as per the LAA R&amp;R Assistance</td>
<td>3.1.1. Compensation for the affected land as per LAA for whole plot if the residual plot is not developable under law.</td>
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<td>3.1.2. Minimum compensation of SLR 300,000/-, and with the right to use salvageable materials if not covered by land acquisition regulations of 2008</td>
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<td>3.1.3 Priority will be given to avail of a shop on long-term lease at any commercial site (if available or planned) or any other public shopping scheme on payment of lease premium</td>
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<tr>
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<td>3.1.3 Transportation allowance of LKR 5500/= if not covered by land acquisition regulations of 2008</td>
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<td>3.1.4 In case of shifting, cash allowance for alternative rental accommodation for six months @ SLR 10,000/= per month whichever is higher. If not covered by land acquisition regulations of 2008</td>
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<td>3.1.5 Right to use salvage material from the demolished structure</td>
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<td>3.1.6 Cash assistance to enable re-establishment of business calculated as net profit for six months on the basis of average net annual profit for preceding three years as recorded in income/sales tax returns filed, OR a lump sum livelihood assistance of SLR 25,000/; whichever is higher. If not covered by land acquisition regulations of 2008</td>
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<td></td>
<td>3.1.7 Employees loosing employment is entitled for six months take home salary if not covered under LAA of 2008</td>
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<td></td>
<td>3.1.9. Should be assisted as the income restoration assistance</td>
<td></td>
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</tr>
<tr>
<td>3.2 Do</td>
<td>Non-resident property owners with title</td>
<td>Compensation as per LAA</td>
<td>SAME as described in clauses 2.2.1, 2.2.2 and 2.2.4 above</td>
<td></td>
</tr>
<tr>
<td>3.3 Loss of rental accommodation</td>
<td>Legal Tenants/Lease Holders running business</td>
<td>Compensation and Rehabilitation Assistance</td>
<td>3.3.1. Rental allowance of equivalent accommodation as determined by LARC/EAC, OR Maximum of SLR 9,000/ per month for six months</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>3.3.2 Compensation as per applicable law for protected tenants</td>
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</tbody>
</table>
| | | 3.3.3 Cash assistance to enable re-establishment of business in case of relocation calculated as net profit for six months on the basis of average net annual profit for preceding three years as recorded in income tax returns filed,
<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Type of Loss/Disturbance</th>
<th>Definition of AP</th>
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<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>OR a lump sum livelihood assistance of LKR25,000, whichever is higher</td>
</tr>
<tr>
<td>3.4</td>
<td>Loss of commercial Structure</td>
<td>Squatters/ operators of business without title</td>
<td>Compensation &amp; Rehabilitation Assistance</td>
<td>3.4.1 Compensation for affected structure at replacement cost  3.4.2 Opportunity to avail of a shop on long term lease at any commercial resettlement site (where available or planned) on payment of lease premium.  3.4.3 Transportation allowance of SLR 5500/  3.4.4 Rental allowance SLR 7000/month for alternative accommodation in case of emergency shift  3.4.5 Right to use salvage material from the demolished structure  3.4.6 Assistance as per 3.1.6 and 3.1.8</td>
</tr>
<tr>
<td>3.5</td>
<td>Partial Loss of Commercial Property affecting the normal functioning of the business</td>
<td>Owner occupant with title</td>
<td>Same as benefits offered under 2.5.1 to 2.5.2 AND 3.1.6</td>
<td></td>
</tr>
<tr>
<td>3.6</td>
<td>-do-</td>
<td>Non-resident owner of the property</td>
<td>Same as benefits offered under 2.6.1 to 2.6.2.</td>
<td></td>
</tr>
<tr>
<td>3.7</td>
<td>Loss of rental Accommodation</td>
<td>Registered Tenants/Lessees</td>
<td>Rehabilitation Assistance</td>
<td>Same as benefits offered under 2.7.1 to 2.7.4 AND 3.1.6</td>
</tr>
<tr>
<td>3.8</td>
<td>Partial loss of commercial structure</td>
<td>Squatters operating business in structure without title deeds</td>
<td>Rehabilitation Assistance</td>
<td>Same as benefits offered under 2.8.1 to 2.8.3 and 3.1.8 if doing business in the remaining portion is not commercially viable</td>
</tr>
<tr>
<td>3.9</td>
<td>Loss of Commercial Kiosks</td>
<td>Vendors operating kiosks with or without permission</td>
<td>Rehabilitation Assistance</td>
<td>3.9.1 Fixed kiosks/sheds will get structure compensation and one time income assistance of SLR 5000/; and allow to continue if suitable space is available.  3.9.2 Mobile/Movable vendors will get one month’s prior notice to relocate for continuing their business</td>
</tr>
</tbody>
</table>

4. Loss of Livelihood

<p>| 4.1     | Loss of Livelihood due to relocation | Any families, including vulnerable and women headed families losing income due to relocation Poor self-employed persons | Rehabilitation Assistance | 4.1.1 Assistance for obtaining Training, credit access and skill training support for maximum two youths (one male and one female) from the settled families for livelihood strengthening for the maximum period of six months with the help of CBOs/CSOs  4.1.2 Vulnerable families eligible for government welfare assistance will be assisted to get any government benefits available.  4.1.3 Housekeeping assignments at the Commercial resettlement sites and employment in civil works for this Project if available.  4.1.4 Priority will be given to avail of a shop on long-term lease at any commercial site (if available or planned) or any other public shopping scheme on |</p>
<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Type of Loss/Disturbance</th>
<th>Definition of AP</th>
<th>Entitlement</th>
<th>Details</th>
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<td></td>
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<td>payment of lease premium</td>
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<td>4.1.4 Facilitating for any welfare assistance given by State to the vulnerable families after relocation.</td>
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<td>4.1.5 Cash assistance to enable re-establishment of income calculated as net income for six months on the basis of average net annual incomes for preceding three years as recorded in income/sales tax returns filed, OR a lump sum livelihood assistance of SLR 25,000/- whichever is higher</td>
</tr>
<tr>
<td>5. Temporary Impacts</td>
<td>Temporary Adverse Impacts of Civil Works (such as loss of access, damage to property or land, safety hazards, impact of mobility)</td>
<td>Households/ Businesses</td>
<td>Mitigation Measures</td>
<td>5.1.1 Public notice at the site informing the people about: work schedule, likely temporary impacts, signage, safety advice and mitigation measures, contact details of officer in charge and GRM.</td>
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<td></td>
<td></td>
<td></td>
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<td>5.1.2 Necessary traffic management measures for facilitating mobility</td>
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<td></td>
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<td>5.1.3 Special measures to provide access for continuing trade/business</td>
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<td></td>
<td>5.1.4 In case of complete loss of motorable access leading to loss of business over a week, financial assistance @ SLR 1000/- per day from 8th day until ease of access has been restored by the contractor. In the case of loss of pedestrian access alternative temporary access should be provided by the contractor</td>
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<td></td>
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<td>5.1.5 The contractor shall bear the compensation cost of any impact on structure or land due to negligent movement of machinery during construction or establishment of construction plant, as per standard contract provision</td>
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<td>5.1.6 All temporary use of lands outside proposed ROW to be through written approval of the landowner and contractor. Location of construction camps will be set up by contractors in consultation with the implementing agencies.</td>
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<td>5.1.7 Necessary Health and Safety measures to be undertaken as a part of Environment Management Plans including measures for sound, dust pollution, minimize hazard risks through signage and safety barricades, first aid facilities at work sites/camps, etc.</td>
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<tr>
<td></td>
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<td>5.1.8 Steps to minimize and mitigate adverse impacts on human and vehicular mobility including through traffic diversions and management; phased construction strategy; minimizing work during peak hours.</td>
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<td>5.1.9 Legal provision ensuring fair wages for men and women working at project construction sites and preventing child labor</td>
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<td>5.1.10 Measures as necessary to deal with any other emergent impacts</td>
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</table>
Strategic Cities Development Project (SCDP), Sri Lanka
Social Management Framework

<table>
<thead>
<tr>
<th>Sr. No.</th>
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<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>properties</td>
<td>communities and groups</td>
<td>community structure and common property resources</td>
<td>structures and replacement of common property resources in consultation with the managing trustees and appropriate 6.1.2 Assistance of SLR 3500/ up to maximum of LKR 50,000 to cover cost of exhumation including any religious ceremonies required, accordingly to prevailing customs, as decided by the EAC</td>
</tr>
</tbody>
</table>

6.2 Loss of social and civic facilities

| Affected communities User groups | Rehabilitation of the affected facility | 6.2.1 Reconstruction of the civic, social service facility in consultation with the managing trustees as appropriate. 6.2.2 Provision of temporary services during civil work to avoid inconvenience to the user group |

NB. Under the new regulations all additional compensations would be decided by the Valuation Department.

3.4.7 Guide to cost estimation and funding

121. In order to implement the social management measures suggested above budgetary provisions will be made available, in terms of each sub projects. Budgetary estimates for sub project where resettlement implementation is necessary including resettlement management will be incorporated in to the cost estimates.

122. Accordingly, land acquisition and resettlement expenses for consultation and participation, grievances redress, cost for relocation, Income restoration, transitional allowance, livelihood program, monitoring and evaluation, administration, contingencies etc. will be included as cost estimates for social management.

3.4.8 Approval Process of Resettlement Plans in Sri Lanka

123. The approval process of resettlement plans is briefly discussed with reference to the approvals at project level as well as approvals required at national level.

124. At project level, RAPs/ARAPs will be prepared by PPAs by their own staff or through hiring Consultants. Once finalized, the RAP must be approved by the PMU. The RAPs/ARPs will be submitted to World Bank for review and final approval.

125. At national level, Sri Lanka also has a system for review and approval of RAPs. The National Environment Act (NEA) specifies that all prescribed projects must receive approval from a PAA, prior to the implementation, which in most of the cases is the project proponent as well like UDA, irrigation departments etc. Accordingly, prescribed projects involving resettlement too, must obtain approval in terms of Part IVC of the NEA.

126. The PPA most concerned with or connected with such prescribed project would be responsible for ensuring that the prescribed project obtains approval following the procedure described in Part IVC of the NEA (Amendment) No. 56 of 1988). The list of PAA is published in Gazette Extraordinary No. 859/14 of 23rd February 1995.

127. The approval process under the NEA, informally referred to as the “EIA process” is mandatory for all prescribed development projects since 1993.
CHAPTER 4

GENDER AND DEVELOPMENT

4.1 General

128. Gender is a key issue in social safeguard management in view of the differential vulnerabilities of affected men and women. In view of their higher vulnerability levels, specific measures are proposed to enable the affected women—especially those that are poor and vulnerable—to cope with the R&R process. The process of gender inclusive social management and resettlement planning include the gender analysis, project specific gender considerations and a gender strategy and action plan.

4.2 Gender Analysis

129. Gender analysis is important in the formulation of country economic memoranda, country sector strategies, structural adjustment, country portfolio management, poverty assessments, environmental assessment, and in sector-specific project planning, monitoring, and evaluation; thus, many variants of policy and sector-specific gender analysis tools are available.

130. Gender analysis, has focused on understanding and documenting the differences in gender roles, activities, needs, and opportunities for this project and involve the disaggregation of quantitative data by gender. It has highlighted the different roles and learned behavior of men and women based on gender attributes.

131. Applied to SCDP project, gender analysis will help to:

- Identify gender-based differences in access to resources to predict how different members of households, groups, and societies will participate in and be affected by planned development interventions;
- Permit planners to achieve the goals of effectiveness, efficiency, equity, and empowerment through designing policy reform and supportive program strategies, and
- Develop training packages to sensitize development staff on gender issues and training strategies for beneficiaries.

132. Five major categories of information comprise gender analysis:

- Needs assessment
- Activities profile
- Resources, access, and control profile
- Benefits and incentives analysis
- Institutional constraints and opportunities

4.3 Project Specific Gender Consideration

133. The gender considerations have been made an integral part of the project planning from its early stage. As a first step, it has helped to describe the context of the identified problem. By understanding the level at which a problem originates project planners are better able to define the problem and suggest possible solutions.
134. Proposals include a statement to explain the gender-neutrality of the project because few projects may have no differential impact on women and men.

135. Gender analysis has been done for the project planners to clearly identify target group(s) and to carefully consider assumptions about intended beneficiaries.

136. The project objectives, activities, inputs and expected outputs need to be consistent with the gender context for both men’s and women’s vulnerabilities, otherwise the project is unlikely to address the underlying factors that contribute to risk and/or impact. These factors can only be consciously incorporated into the project design if there is a clear understanding of the external context. For example, desired outcomes for women may be different from that of men and different approaches may be needed to ensure that women and men learn about and participate in the project as planned.

4.4 Gender Strategy and Action Plan

137. The social management and resettlement instruments prepared for the Sub-Project will include a strong section on gender and social inclusion statement. Some of the gender considerations that need to be addressed in the RAP include: (a) provision of title of the alternative house in the joint name of spouses if both are willing and in the name of the mother and the children, in case of the husband is dead; (b) special attention to women headed households in the relocation and post resettlement process with targeted livelihood assistance; (c) gender sensitive provision of civic infrastructure including sanitation, transport furniture, and facilities for women in recreational places created as a part of the project; and (d) encouraging women participation in management of resettlement buildings. The objective of this gender strategy is to ensure equity in the resettlement process enabling the economically and socially women and their families to sustainably re-establish their shelter and livelihoods.

138. NB. If there is a last will the alternate accommodation should be in the name of the person given in the last will.
CHAPTER 5

CONSULTATION AND PARTICIPATION

5.1 General

139. Consultation with the affected parties should be the beginning of a Participatory Process for designing and implementing projects. Providing accurate information about the project to people from the planning stage prevents misconception and builds trust between the affected population and the project and enhances transparency. Consultation has several objectives which include: sharing information, listening to feedback, engaging in decision making discussions, and involving people in participation in the implementation process.

140. Consultations enable the project team to hold joint discussions with the affected people, share ideas about planning and implementation and benefit from local knowledge and take more informed decisions. Consultation can be in different forms, such as organizing public meetings, holding focus group discussions, or carrying out household surveys or even having direct one to one consultations.

5.2 Stakeholder Analysis

141. Stakeholders are those who have direct interest in the project and who will be participating in the consultative process. As the initial step it is necessary to identify the primary and secondary stakeholders.

142. Primary stakeholders include the APs, the beneficiaries of the project, the host population, the PPAs such as RDA, UDA, LAs and more importantly the project proponent and the MOD&UD, Ministry of Finance and Ministry of Land and Land Development. The secondary stakeholders are those who have an interest in the project such as the provincial and local government authorities, the political authority, policy-makers, advocacy groups, registered civil societies and other private and public sectors which have indirect involvements with the project.

143. The next step in this process will be to prepare a description of all stakeholders who will participate in the consultative process including the registered civil societies and others who have potential to act effectively and efficiently in achieving positive results in the project. A carefully planned consultation and participation process need to be formed with the stakeholders thereafter, agreeing on an information dissemination strategy.

5.3 Stakeholder Consultation and Participation

144. APs should be fully informed of their rights and responsibilities from the very beginning of the process to achieve transparency and understanding between the APs and the project implementers. In order to achieve this, the information should be made accessible and understandable and where necessary, information must be translated into the mother languages of the affected population. Information also can be disseminated by public media and public notice boards and newspapers, leaflets and flyers, door to door visits.

145. Public Information Booklet (PIB) will also be used as a consultation technique which needs to be delivered to each household where all relevant information and rights of the APs are recorded. The PIB will be translated into Sinhalese and where necessary into Tamil and distributed to the APs in the project areas, in order to fully understand the details of the project including the compensation and rehabilitation measures which can be applied to the project APs.
146. The PIB will include the following information:

- Brief Account of the Project;
- Potential impacts which can be expected during the project;
- Compensation policy and entitlements;
- An outline of livelihood restoration measures;
- Consultation and participation of APs and communities including the host;
- Implementation Schedule with name and designation of key officers in charge; and
- Persons to be contacted for further information with contact details.

147. A descriptive bulletin to be provided to each affected person. Copies of project information leaflets to be placed with local offices of DS, GN, Religious places and other relevant offices.

5.4 Stakeholder Consultation and Participation Model

148. Community participation can be undertaken by stages such as Identification Stage, Project Planning Stage and Implementation Stage.

5.4.1 Prioritization stage

149. The PPA can disseminate project information to the affected communities at sub project level and stakeholders at divisional and district level during the project initiative or preliminary stage. The community as a whole shall be made available and the project alternatives and necessary feedback could be obtained.

5.4.2 Project planning stage

150. Sub-project information could be disclosed to the affected communities towards increasing their awareness and to ascertain their roles and responsibilities. As this planning stage will be involved in more interactive process with the communities, project designer and planners can have direct interactions with the communities in finalizing the best fit alternatives and options in finalization of the detailed designs. This nature of consultation with the project APs and their profiling are mandatory as per the requirements of preparing the RAP, which needs to be carried out as socio-economic and census surveys as an integral part of detailed designing.

5.4.3 Implementation stage

151. The Implementing Agency of the project can have direct interactions with the affected communities more closely during this stage. Mostly, the interactions and dialogue will be on relocation and cultural properties and towards impacts related to their livelihood and resource structures which are going to be distracted as a result of the development which is anticipated. Therefore, PPA need to be assisted more closely in explaining and guiding them in resolving the issues in a more productive manner more favorable to the APs, as per involuntary resettlement principles and guidelines.

152. The Table 4.1 given in the next page indicates the key activities which need to be carried out during the preliminary, planning and designing and implementation stages.
<table>
<thead>
<tr>
<th>Project Stage</th>
<th>Consultation Activities</th>
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</table>
| **Project Identification and Preliminary Stage**  | - Identify project stakeholders (primary and secondary);  
- Involve stakeholders in the consultation process;  
- Organize information material and plans for dissemination;  
- Organize and document public meetings; and  
- Identify needs for a social preparation program if Involuntary Resettlement impacts are going to be generated.                                                                 |
| **Project Planning and Designing Stage**          | - Convene and record meetings with potential displaced persons and or potential host population;  
- Consultations with APs on relocation alternatives and income restoration options;  
- Involve APs in assessing project impacts;  
- Institutionalize a participatory framework for compensation, income restoration and resettlement;  
- Obtain inputs from potential displaced persons, hosts, CBOs on selection and development of resettlement sites;  
- Establish Grievance Redress Committee (GRC) procedures, representatives of APs;  
- Involve potential displaced persons to Review Participatory Mechanisms given in the Resettlement Plan; and |
| **Implementation Stage**                          | - Organize participation of the potential displaced persons in implementation of the Resettlement Plan;  
- Involve CBOs and other suitable institutions in resettlement efforts;  
- Support from CBOs and Stakeholders / Private Sector in livelihood and income restoration efforts;  
- Involve APs in decision-making committees;  
- Ensure that GRC procedure is functional; and  
- Involve APs in monitoring and evaluation. |
IMPLEMENTATION ARRANGEMENTS

6.1 General

153. The design of project implementation arrangements will have two objectives. First is to ensure accountability of the project implementation authorities, sector service providers as well as registered civil societies and private organizations partnering project implementation in regard to the delivery of the social safeguards as well as resettlement entitlements. Second is to provide for the required capacity in terms of organizational arrangements, systems and procedures as well as knowledge, skills, and attitudes for efficient and effective project delivery.

154. The principle of subsidiarity which retains decisions at the lowest appropriate level will underpin the institutional arrangements for the practice of the social safeguards and implementation of the resettlement plan. The delivery of social safeguards and resettlement will be linked to the implementation of sub-project civil works.

6.2 Roles and Responsibilities

155. The project will bring together a network of stakeholders for project delivery. It is therefore necessary to establish clarity in regard to their roles, responsibilities and accountabilities. The Project will establish systems and mechanisms for evolving consensus and ensuring coordination for achieving the objectives of SMF. The institutions involved are as follows:

a. MOD&UD as the project Implementing Agency a dedicated Project Management Unit (PMU) will be created under the MoDUD for the purpose of managing and fast-tracking project preparation and for overall implementation responsibility;

b. Relevant Social Sector Agencies and Government Departments to provide services and support the safeguard program will include central and provincial service providers. The local authorities will have a dual role as service providers as well; and

c. Community based Organizations (CBOs), Consultants and other private sector players as required.

156. Institutional arrangements for implementing SMF/RAP will include:

a) Establishment of Social Management Cell at the PMU and, as necessary, and establishment of Land Acquisition and R&R cells in each PPA to carry out/coordinate social screening and impact survey;

b) Prepare and implement RAPs for the Stage-II activities (with the help of consultants if needed);

c) Unified mechanism at PMU to address and monitor post-resettlement sustainability issues;

d) A multi-stage Grievance Resolution Mechanism;

e) Independent Safeguard Monitoring and Review Mechanisms.

157. A Strategic Cities Stakeholder Forum (SCSF) will be established, which will be an advisory body including representatives from government, professional experts and civil society for discussing overall progress, issues of importance, and providing advice to the PMU. A Steering Committee of relevant government departments will be established to review progress and ensure implementation coordination at the highest level. These bodies will meet periodically, in which the designated officers or their representatives will participate.

158. At the field level, Local Resettlement Committees (LRC) will be established at the settlement level including local elected representatives and community representatives. The LRC will include Community Development Officers (CDO) who will be assigned the responsibility of resettling and rehabilitating a fixed number of households (30-50) through
consultation and mobilization. The MoDUD has hired a full-time social development professionals to reinforce the social management capacity in the PMU. The PMU will hire four more social development officers (SDO) by end of first year of implementation, and second those to major PPAs like RDA, PID, KMC, GMC to assist with technical support for implementing SMF/RAP. Depending on the scale of resettlement (based on screening results), the PMU will hire consultants to carry out SIA and prepare RAP for stage-II activities.

159. The implementation network will function at five levels:

a. The total stakeholder network, both primary and secondary, constituted as a Sustainable Cities Stakeholders Forum;
b. The project management steerage, constituted by the project authorities as National Project Steering Committee;
c. PMU at MOD&UD;
d. PPAs; and
e. The Sub-project cells and Local PMUs.

160. The overall project management structure will enable effective communication and distribution of responsibilities amongst different stakeholders at all the different levels for the delivery of social safeguards and resettlement entitlements.

161. A multi-tier project management structure will be established to ensure effective communication and distribution of responsibilities between the three primary stakeholders, MOD&UD, the PPAs and the affected people. Accordingly project management system has been structured with specific responsibilities for the delivery of the social safeguard and resettlement program assigned to all five levels.

6.2.1 Project Management Unit

162. A PMU will be established in the MOD&UD to manage and coordinate the Project’s b projects through the Implementing Agencies. A Project Director (PD) will be appointed to head the PMU who would report directly to Additional Secretary MOD&UD. The details of qualifications and experience for key staff is provided in Annex-IV. The PMU will function as the secretariat for the Project Steering Committee. The Local PMU will be responsible for the day to day implementation of the Project with the assistance of the PPAs. According to the proposed implementation structure by the MOD&UD, the PD will be supported by Deputy Project Director in Kandy and Galle, a Deputy Project Director (finance), a Deputy Project Director (Procurement), Deputy Project Director (Environmental), a Deputy Project Director (Social) and Technical Staff. Adequate technical and administrative staff will be recruited to support project implementation.

163. The PMU and the PPAs will be adequately staffed for technical, administrative and financial operation. Adequate number of CDOs will be appointed to the PPAs to liaise with the APs, communicate with them and discuss all aspects of the project and obtain their views and, suggestions to implement the project effectively, efficiently and smoothly. Consultants will be hired on a case to case basis to bridge capacity gaps. Annex V describes the PMU’s scope of work.

164. The project implementation will be done through the existing government structures and their capacity will be strengthened with additional man power, machinery and equipment. A National Project Steering Committee (NPSC) will be established, which will comprise the following officers/agencies or their authorized representatives:

a. Secretary of MOD&UD
b. Additional Secretary (Urban Development), MOD&UD
c. Additional Secretary (LG & PC), Ministry of Local Government & Provincial Council
d. Director General, Department of External Resources
e. Chairman, UDAs/Director General, UDAs
f. Municipal Commissioner, KMC
g. Municipal Commissioner, GMC
h. DG, Coast Conservation Department
i. General Manager, National Water Supply & Drainage Board
j. Director General, Central Environment Authority

k. Project Director (PD) and others as and when necessary will be co-opted as the members of the committee.

165. Among other responsibilities, the NPSC will meet bi-annually to a) review and approve the project proposals to ensure that they comply with the subproject selection criteria; b) monitor the overall Project implementation based on progress reports; c) resolve implementation problems and d) Coordinate with other National Government Agencies which are connected to project implementation.

166. Responsibilities and Organizational Procedures for Delivery of Entitlements: The PMU and PPAs will be responsible for delivery of entitlements to the APs. The PMU (or the acquiring officer) will be responsible for approving the final list of eligible APs, their entitlements and provision of funds for payment of entitlements. The PPAs will establish organizational procedures for delivery of entitlements. They should ensure that all sub project implementing partners adhere to the procedures, and entitlements are made available on time.

167. SDOs. A number of SDOs will be appointed by the Local PMU as per requirement of the sub project. It is suggested that one CDO is appointed to service approximately 30-50 affected families. However the EA would decide on the number of families to be managed by SDOs depending on the volume and intensity of work. As the services of CDOs will be required for few months, may be less than a year, it is advisable to recruit officers who are in government service on release on a temporary basis. The Development officers of the Ministry of Planning and Social Service officers of the Ministry of Social Services are suitable candidates for SDOs posts. Their experience in development and social work will be very valuable to the effectiveness of project implementation. There is provision in the Management circular No.33 (1) of 5.4. 2007 issued by the General Treasury for the release of officers from public service and payment of additional allowances to the officers released on full time basis. It will be difficult to recruit officers outside the public service for few months on a temporary basis with suitable qualifications and experience to effectively implement the sub project.

168. Deputy Project Director (DPD-Social): The PMU will hire a qualified Social Specialist and the key PPAs such as RDA, KMC, GMC and UDA will hire CDOs to steer the implementation of the SMF. They should be post graduates in social sciences or related field with familiarity with urban development issues including slums and resettlement. This DPD will be responsible for:

- Carrying out social screening, and SIA with the help of external consultants if necessary;
- Preparing RAPs with the help of consultants;
- Endorsing the social screening and categorization of the impacts;
- Assist project in relocation of displaced APs and economic rehabilitation of PAPs
- Monitoring, documentation, and managing consultants; and
- Planning and facilitating external monitoring and annual safeguard quality review.
6.2.2 Project Partner Agencies (PPAs)

169. Responsibilities of the PPAs shall include inter alia:

- The site/land/Right of Way (RoW) is identified for any activity, a Social Screening will be undertaken to broadly estimate the involuntary resettlement impacts;

- Based on the findings of the Social Screening, if the impacts are minimal (less than 200 persons are displaced), an abbreviated RAP need to be prepared recording impacts in detail through a Census Survey;

- If the Social Screening shows substantial impacts requiring a full RAP, a Social Impact Assessment (Census Survey supplemented by a Socio-Economic Survey) need to be carried out to record all the impacts in detail;

- For sub project does not require temporarily or permanent land acquisition, and there are no significant social impacts, then a due diligence report need to be prepared;

- Assisting the PMU in ensuring compliance with the projects environment and social safeguards.

- Residences, improvement of existing properties with no land acquisitions need to be submit due diligence report.

- All LA process and key resettlement actions must be completed prior to award of civil works.

  - Preparation of sub projects, development of implementation plans and carrying out detailed designs of the sub projects. The project will make available design and supervision consultants to work with the PPAs to carry put these tasks, if PPAs does not have sufficient capacity.

  - Supervising and implementation of sub projects and reporting to the PMU on progress and quality.

  - Committing to future operation and maintenance of delivered infrastructures.

  - Supporting the PMU in collecting information/Data required to carry out M&E activities.

6.2.3 Preparation of proposals for approval for implementation of activities

170. The PPAs will prepare proposal for activities in a format acceptable to PMU and WB. The activity proposals will be submitted to the PMU by PPAs and PD with his observations will submit the proposals to World Bank. The PMU will be responsible for the establishment of a Management Information System to track subprojects through their preparation, submission, approval, implementation and evaluations stages.

171. A Local PMU in Kandy and Galle will be established for the project interface with the APs, households and the communities in delivering the social safeguard program. The CDO will be the liaison officer.

172. Public Information Centers (PIC) will be established to disseminate all information to all stakeholders. A CDO will be in charge of the PIC. The PIC will be responsible for ensuring dissemination of information during and implementation stages. Dissemination of information
about the safeguards program and its implementation would include:

a) Safeguard specific information need to be made available to all APs;
b) Project Information brochures to be made available from the PPAs; and
c) Reports and publications, as deemed fit, for public dissemination.

173. PPAs through Information Centers under the directions of the PMU will conduct awareness programs for APs, Field officers, CBOs, Sectorial Heads and Private sector organizations involved in delivery procedures, and APs entitlements, to ensure that all, especially APs will become aware of their entitlements and how the entitlements have been worked out. This will remove the misunderstanding and minimize grievances.

### 6.2.4 Formation of LRCs

174. LRC of the APs will be formed for the purposes of consultation, participation and resolution of grievances at the sub-project level. The LRC will comprise:

- Two Members elected by the APs
- SDO/CDO to be the Chairman
- The engineer in charge of the sub-project;
- Grama Niladhari (GN); either GN in charge of the original place of residence or relocation site; and
- Community leader (Priests; depends on the religious composition of APs).

175. Membership of the priests and GN will change when the APs are relocated.

176. The PPAs will share all relevant information relating to the sub project with the LRC. The committee will assist project management in collecting information about the effectiveness of the implementation of the sub project and disclosing of all aspects of the sub project to APs especially the social impacts and social safeguards. Participation and consultation with the APs facilitate development of entitlement options and ownership of the people. It will also play an important role in identifying eligible APs and negotiating compensation, designing strategies for restoration and development of livelihood and monitoring overall implementation of the RAP. The committee’s feedback on project implementation will contribute to effective monitoring. The continuous dialogue with the committee will ensure smooth implementation of the project and minimize grievances. The LRCs will function as one of the instruments of GRM.

### 6.2.5 Entitlement Assessment Committee (EAC)

177. A EAC (or LARC) will be constituted comprising the Divisional Secretary(Chairman) representative from the Ministry of Land, Valuation Department, Assistant Project Director (APD Social), - APD (Finance), Survey Department, concerned PPA as the need arises, shall be headed by the Divisional secretary The recommendation of the EAC has to be approved by the Project Director. EAC will have a range of functions including the following:

- Deciding ex-gratia benefits and other R&R assistances not covered by existing laws and regulations;
- Fixing maintenance and management fees payable by recipients of alternative house/shop;
- Deciding premium payable by recipients of alternative shops;
- Approving assessment of damage or injurious affection caused by civil works for the purpose of compensating such impacts;

### 6.2.6 Payment of entitlements

178. Responsibilities of the PMU in regard to payment of entitlements shall include:

- Establishment of a time table for the payment of entitlements;
Each eligible AP is issued a brochure, “Public Information booklet”. The brochure will describe the entitlements available to an AP for losses sustained due to the project;

Basing on the Detailed Measurement Survey (DMS) and Socio Economic Survey, a Register is prepared enumerating the personal details and the entitlements of each AP;

The PMU will make arrangement to publish a certified list of the eligible APs at public places for public scrutiny of the eligibility of APs. If anyone raise objections or make observations in writing to PMU about a APs eligibility, it should be inquired into and appropriate decisions taken before commencing payment to the contested AP;

Each of the AP is sent a “FAMILY CARD” (FC-Annex VI) giving all their entitlements and eligible compensation for his or her concurrence. FC will be printed in duplicate, original issued to the AP and duplicate retained at the office of the PMU for record and audit purposes.

On receipt of the concurrence, accepting the correctness of their entitlements, a payment voucher for the amounts will be prepared. If an AP contests the entitlement/compensation immediate action to redress the grievances will be taken through the grievance redress instruments. Payments for such APs will be made only after the resolution of grievances. APs who concur with entitlements offered will be paid as scheduled without any delay;

The AP will be informed by the PMU to collect the entitlement within ten days of the receipt of his acceptance of the entitlements;

The entitlements will be deposited into AP’s bank account.

Payments made directly to a joint account of the AP and spouse (If living) or any other member of the family if the owner (spouse) is consented to open a joint account.

When the AP acknowledges receipt of the payments of entitlement, the AP will sign on the payment voucher and FC, and prove his identity. The GN or a priest or any other Government officer has to identify the recipient. A letter will be issued to the AP to have access to cash in APs “ bank account after forty eight hours of signing the voucher; and

All R&R benefits to non-title holders will be provided in the joint names of husband and wife and in the name of the wife and the children if the husband is dead.

179. Based on a time table prepared in consultation with the APs, they will be moved to new relocation sites for commercial establishments.

6.3 Linkages between IR and Civil Works Implementation

180. Social Screening will be carried out for each activity and based on the magnitude of impacts and scale of resettlement required, RAPs will be prepared in consultation with the affected communities and disclosed. The eligibility lists will be disclosed at the community and at the PPAs level for objections before finalizing the same. Eligibility will be determined on the basis of census survey and once the beneficiary list is finalized, the affected families will be issued Family Identity Cards. The LA and R&R benefits will be provided before handing over the site for civil work. The Chief Engineer from the concerned implementing agency will certify that the necessary actions have been completed as per the RAP for handing over encumbrance free land for civil work. The SMF provides for giving rental allowance to the affected families till final relocation in permanent buildings in the case of emergency shifting.

181. There are several factors which could cause delay in relocation which would impact the civil works construction. Some of them are;

- Delays in payment of entitlements;
- Delays in resolution of complaints and grievances. Sometimes if APs resort to courts for resolution of grievances, the AP cannot be moved out until the court decides on the matter. As a result of this, relocation may get delayed for number of months. Consequently the civil works construction will get affected;
- Delays in construction of houses at the new site. APs may refuse accommodation in temporary relocation center’s;
- If relocation takes place in phases, it can affect the civil work construction;
- If the APs do not get their preferred new locations they may delay the relocation; and
• Relocation will be delayed if the APs feel the education of their children will get disrupted.

182. If civil works construction is commenced before or during relocation, many safety and health problems may arise. Due to road construction, canal widening, walkway improvements, APs access to their houses may get blocked and road deviation and traffic controls may become necessary. Safety measures have to be taken to avoid accidents and hardships to pedestrians. Temporary storage of materials, cutting of trees may block transportation. Water supply, electricity, telephone and sewerage facilities may get affected. There can be noise and air pollution. Vibration due to blasting may affect the houses. As a result of these, the health and living conditions of the APs may deteriorate. All in all the APs day to day life will get affected. These factors should be carefully taken into consideration in resettlement planning and timing of the civil works construction.

6.4 Contractors Compliance on Social Safeguard Measures:

183. The contractors will be accountable for their responsibility to act on mitigation measures listed above and for the following actions:

• Hire as many local laborers as possible (priority has to be given to poor and marginalized),
  Avoid use of child labor (below 16 years age);
• Encourage contractor to pay equal wages to men and women;
• As far as possible contractors shall attempt to ensure equity of distribution project related employments
• Ensure life insurance of the laborers;
• Ensure access to public facilities such as schools, hospitals, markets
  ▪ Avoid damage / disturbance to historical / cultural / archeological sites / natural habitats.
  Relocate public infrastructure such as; electricity pole, telephone pole, taps, irrigation, etc. and

6.5 Accountability Framework

184. Accountability in the delivery of the social safeguard program will be ensured by disclosures and access to information in the public interest. It will be the responsibility of the PMU to take specific actions to further enhance governance and accountability. It would include:

  ▪ An independent and credible system to deal with external complaints. The project will establish an Independent Grievance Panel at the top for this purpose, which is discussed in detail in the chapter dealing with GRM; and
  ▪ Delivery timelines, standards and targets in regard to the delivery of agreed safeguards as outlined in the RAPs.

185. Information shall be provided in advance during project preparation and implementation to all stakeholders, affected parties, and the general public. Access by the public to information and documentation held or generated by PMU and PPAs will facilitate the transparency, accountability and legitimacy. There will be a designated Information Officer who will be responsible for ensuring public information dissemination on an ongoing basis.

6.6 Capacity Building and Training

186. The PMU will provide training facilities to plan and implement training and orientation in social safeguards for the technical and managerial staff of the Project and the PPAs.

187. The PMU will carry out a training and knowledge needs assessment exercise for preparing the capacity building and training plan. The needs assessment will identify the specific
capability requirements of the safeguard functionaries as well as the orientation and attitudes for the effective engagement of the stakeholders in the delivery of the safeguard program.

188. Training and workshops will be arranged for officers in the areas of project management, monitoring & evaluation, procurement, financial management and environmental and social safe guards.

189. The knowledge, skills and attitudes of the core operational social safeguard network, the project officials, PPA coordinators, sector officials, registered civil societies agents and community leaders, will be critical to the effective delivery of safeguard actions in a coherent manner. It is necessary to establish a baseline of knowledge and skill in the following areas.

- Social management measures and methodologies;
- Social safeguard program and process;
- Program delivery and implementation mechanisms;
- Social management good practices;
- Accountability and reporting measures; and
- Project Orientation.

190. All levels of the project management system will be introduced to the social safeguard aspect of the project as a general orientation to establish a consistent and coherent baseline of understanding of the project objectives, social issues and safeguard approaches. The orientation will also cover the following aspects of the project.

- Policy, legal and administrative framework;
- Project interventions and social impacts;
- Social management measures to safeguard affected communities against negative impacts;
- The institutional arrangements for project management; and
- Approach to implementation and management of the delivery of the social safeguard program.
CHAPTER 7

GRIEVANCE REDRESS

7.1 General

191. Grievance Redress Mechanisms (GRMs) are institutions, instruments, methods and processes by which a resolution to a grievance is sought and provided. Adequate care should be taken to prevent grievances through careful design and implementation of projects. However grievances are inevitable when complex projects are implemented, and APs or groups should be provided with an institutionalized GRM for them to submit their grievances and obtain redress to achieve their aspirations and satisfaction of needs or to be satisfied that justice has been dealt with in an equitable manner. Timely redress through such mechanism creates trust and confidence in the minds of the APs which is vital to the satisfactory implementation of resettlement and to completion of the project on schedule. It is important that the GRM should be easily accessible to APs and should be transparent, cost effective, and efficient and provide quick response for resolution of grievances.

7.2 Features of GRM

192. Five project specific internal grievance redress instruments include the following;

a) CDO appointed by the PPAs
b) LRC formed at the resettlement location by PPAs
c) GRC appointed by PPAs
d) Additional Secretary/MOD&UD and Project Director)
e) Independent Grievance Panel (IGP).

193. Under SCDP and two external instruments namely Samantha Mandala (Mediation Boards) appointed by the Ministry of Justice and Courts are also available for the APs for redress of grievances.

194. The APs can opt to have recourse to any of these instruments. A grievance redress process is shown in Figure 7.1. All the grievance redress instruments should ensure that the complete proceedings of each case is registered and recorded.

195. To resolve grievances and complaints, each PPAs will establish a GRC common to all sub projects coming under its purview. The composition of the GRC could be changed to suit AP’s location from where the grievance emanates (see Annex-VII for proposed composition of GRC). It is essential to ensure that gender balance in the composition of the membership. Membership of the priests and GN will change when the APs are relocated.

196. Members of the committee should be knowledgeable about the project and they are able to ensure proper presentation of grievances and complaints and as well as impartial hearings and transparent decisions. The PPAs should conduct workshops for the members of the GRCs to enrich them with knowledge on the project; organization of GRC, its objectives, conducting the deliberations and arriving at balanced resolutions.
197. The GRC will have a well-defined structure coupled with grievance redress resolution procedure. Wide publicity will be given about the composition of members, the procedure adopted to receive complaints and grievances, holding inquiries and arriving at transparent decisions. The SDOs, registered civil societies and CBOs will be used for this purpose. In this project, grievances may arise due to dissatisfaction over rates of compensation, eligibility criteria, locations of resettlement sites, quality of services at resettlement sites etc., and in application of the guidelines adopted in the SMF for assessment and mitigation of adverse social impacts.

198. The GRC will establish a Grievance Redress Resolution Procedure. The procedure will include provisions inter alia for:

(a) A prescribed form for APs to report grievances;(see Annex-VIII for sample application form for grievance redress);
(b) Recording of the proceeding of the hearings, registering and sorting grievances; GRC will record the reasons that led to the acceptance or rejection of the particular cases and the decision agreed with the complainants;
(c) Guidelines for determining resolution process for consistent decision making;
(d) Implementing decisions; and
(e) Tracking, monitoring, documentation and evaluation.

199. In this project, issues related to disputed assessments, entitlements, disputes between APs could be solved with the assistance of the GN, who is very knowledgeable about the people and the area. Resolution of grievances will be handled through negotiations aiming to achieve consensus between the PPAs/Local PMUs and the AP

7.3 Proposed GRM

200. In the first instance, the AP should bring the grievance to the notice of the CDO/SDO. If an amicable settlement is not reached, CDO will submit the grievance to the LRC. All endeavors should be made by the LRC to settle the grievance with the help of the GN. If a grievance cannot be resolved at the LRC level, it should be submitted to the GRC for adjudication with all related documents. Meantime the AP also should be advised to submit the grievance in the prescribed form to the GRC.
201. The APs should make their grievances preferably in writing. If they are illiterate to do so, an officer at the GRC should record the grievance in the prescribed form and obtain the AP’s signature before the proceedings of the resolution process.

202. The deliberations of the GRC will be transparent and the hearings will be public. Resolution of the grievance should be made. The GRCs will record the details of grievance that led to acceptance or rejection of the particular case and the decision agreed with complainants.

203. If the AP is not satisfied with GRC’s decision, the grievance could be submitted to the PD within a week. The PD will take a decision in consultation with the PPAs/Local PMUs concerned. If PD’s decision too is not acceptable to the AP, he or she can appeal to the Independent Grievance Panel. The IGP will comprise representatives from Ministry of Land and Land Development, Ministry of Women Affairs, Department of Valuation, a lawyer, a retired senior government officer, and a representative of recognized Civil Society Organization. If the decision given by Secretary MOD&UD is not acceptable to the AP, the AP can have recourse to Courts. Thus the AP has five internal grievance redress instruments to resolve his or her grievances.

204. In addition to the CDO, LRC, Local PMU, GRC, PD and Addl. Secretary- MOD&UD, the APs could make use of the Mediation Board (Samantha Mandala- SM), the conflict resolution committee appointed by the Ministry of Justice to resolve grievances or as a last resort the Courts. The APs will not be charged any fees related to redress resolution by the Project except court expenses.
CHAPTER 8

MONITORING AND REPORTING

8.1 General

205. The project management system will establish a monitoring and reporting system which will be organized in the PMUs. The monitoring and reporting system will integral to social safeguards and the Project will establish a monitoring and reporting system for ensuring efficient and effective implementation performance of the delivery of the project social safeguard program. A Monitoring and Evaluation mechanism will be established to perform the monitoring and reporting function involving independent safeguards monitoring and review consultants.

206. The monitoring and reporting system will be responsible for the systematic collection of information on the progress of the application of the social safeguards program and reporting the findings to the stakeholders through the PMUs. Overall the objective of monitoring and reporting will be to ensure that the proposed mitigation measures are producing the intended results. The monitoring system will involve: guidelines and terms and reference, monitoring indicators, mechanisms and methodologies, frequency, documentation and reporting arrangements.

8.2 Monitoring System

207. Monitoring will be both internal and external with details as described below:

8.2.1 Internal monitoring

208. Internal monitoring will be done by the PMU at the project level and by the Local PMUs/PPA at the sub-project level. The DPD (Social) will play a key role at the PMU level whereas the SDOs/CDOs will play an active role at the sub-project levels. Internal monitoring will be focused on timely execution of safeguard activities in line with the SMF including screening, survey, mitigation planning, RAP implementation, scheduling with civil works, monitoring the role of contractors, managing safeguards consultants and their outputs, documentation of progress with regard to eligibility list preparation, disclosure and consultation, grievance registration and resolution, disbursement of entitlements, day-to-day relocation support, etc. Internal Monitoring will pay special attention to the following:

- Efficiency and effectiveness of the day to day planning and implementation of the RAP;
- Efficient and transparency in disbursement of compensation and R&R benefits;
- Data collection, feedback information, identification of bottlenecks and troubleshooting;
- Documentation for informed decision making, and efficient response to implementation issues;
- Maintenance of each APs entitlement updated file;
- Management of baseline information on socio economic conditions of the APs, to access whether the socio economic conditions improve and income and living standard improve restored;
- Preparation of progress reports; and
- Coordination within the implementing organization as well as with outside agencies.

8.2.2 External monitoring

209. The PMU will engage an external monitoring and review agency/consultant for independent review of the safeguard implementation program to determine whether intended goals are
being achieved, and if not, what corrective actions are needed. External monitoring will have
two objectives.
- Verify if the safeguard program is being implemented in accordance with the approved
  framework; and
- Verify whether APs, households and communities are able to address negative impacts
  and either improved or at least restore their livelihoods and living standards.

210. External Monitoring is intended to:
- Verify that the RAP has been implemented according to approved plans and procedures;
- Assess that the objectives of the RP has been achieved;
- Determine that APs livelihood and living standards have been restored or improved and if
  not suggesting ways and means of improving performance;
- Obtain views of the APs on their relocation, entitlements and Grievance Redress
  committee’s performance;
- Evaluate the performance of the all implementing Agencies including PMU, PPAs,
  registered civil societies, CBOs and other Government Agencies associated with the
  implementation of the project;
- All social development goals have been met; and
- Review of all reports by the internal monitoring agencies.

211. The external monitoring agency/consultant will carry out a baseline survey prior to
implementation and carry out periodic updates as agreed. The findings of external monitoring
will be submitted to the PMU and considered at the Project Steering Committee. A ToR for
hiring such a consultant is provided in Annex-IX.

212. The design of the monitoring system will also involve the delineation of the monitoring roles
and responsibilities and mechanisms for coordination of monitoring. The monitoring system will
provide for both internal and external monitoring and reporting. Social audits on the progress of
the safeguard program will be conducted as an integral part of external monitoring.

8.2.3 Monitoring roles and responsibilities

213. There will be several monitoring roles and responsibilities in the delivery of the social
safeguard program. The monitoring roles and responsibilities will follow the overall project
management system and be organized as a two-way reporting to the implementing partnership
and the affected households and communities.

a) Strategic Cities Stakeholder Forum (SCSF)

214. In order to establish a partnership in social management a “SCSF” will be constituted to
bring together all stakeholders including representatives of affected settlement communities.
The Forum would meet bi-annually. The Social Management Unit will prepare a bi-annual
Report on the status of the social safeguards program incorporating the program for the next
reporting period and submit the same to the Stakeholder Forum. The monitoring role of the
Stakeholder Forum will be to review the report, identify gaps and propose remedial measures
and consider partnership linkages.

b) Project Management Unit

215. The PMU will function as the overall review body and receive monthly monitoring reports
from the Monitoring and Evaluation Cell that will be submitted to the monthly meetings of the
Project Steering Committee. The Project Steering Committee will be guided by the
recommendations of the Stakeholder Forum in reviewing reports being submitted by the
Monitoring and Evaluation Cell. The Project Steering Committee will be responsible for:

- Review progress on the delivery of social safeguard program;
- Review status of the partnership arrangements for the delivery of the safeguard program; and
• Identify policy and technical initiatives to support the efficient and effective implementation of the safeguard program.

c) Monitoring & Evaluation Cell

216. The Social management Cell will function as the Monitoring and Evaluation Cell. The responsibility of the Cell would include the following.
• Provide program communications and technical support to the PMU;
• Establish and maintain data base and reporting system on the social safeguard program;
• Co-ordinate with the Project Divisions, Local PMUs/PPAs, Sector Service Providers, Non-government and Private Sector partners in following up on implementation gaps and issues;
• Prepare and submit reports as per monitoring design; and
• Arrange for external monitoring especially for reporting to the stakeholder forum.

d) Local PMU

217. Monitoring at the sub-project level will be direct and focus on the implementation status of safeguard actions and the progress in respect of the APs and households in addressing negative impacts. The Local PMU will monitor progress on a monthly basis.

8.3 Reporting

218. The key output of Monitoring will consists of various types of written and oral reporting including:

• Periodic Reports (Monthly; Internal, Quarterly, and Annual SMRC Reports);
• Ad hoc Reports, especially on particular subject at the request of the management; and
• Internal notes or oral presentation for informal management review sessions.

219. The reports will be on a standardized format so that information received could be easily compared with previous reports. It should be precise and concise; timely and highlight exceptions and departure from plans and schedules.

8.3.1 Reporting responsibilities

• Reporting to the APs will constitute an important element of the accountability arrangements. The reporting mechanisms at this level would be simple and be accessible to all. Reporting will consist of briefing material, notices in regard to safeguard measures, and leaflets that can be distributed to persons and households. The monthly progress review meetings of the NPSC will also constitute the reporting mechanism.

• Reporting to the PMU and Steering Committee and The Stakeholder Forum

• The Deputy Project Director (Social) will report to the PD who will in turn report monthly to the NPSC and SCSF bi-annually.

8.4 Monitoring Framework

220. The range of activities to be monitored would include the following.
• Program for partnership engagement;
• Program for capacity building and training;
• Program for grievance redresses;
• Program for participation and consultations;
• Program for disclosure and reporting;
221. Internal and external monitoring will be carried out in respect of above safeguard program activities. Monitoring will follow a framework of process, output and outcome indicators as described in Table 8.1 below: The modes of measure progress includes monthly and quarterly reviews as well as bi-annual progress reports.

<table>
<thead>
<tr>
<th>Type of Indicators</th>
<th>Indicator</th>
<th>Suggested Variable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Process</td>
<td>a. Partnership engagement</td>
<td>Stakeholder Organizations, services provided, staff deployed by gender; Participation at stakeholders meetings and consultations; and Field visits by stakeholder organizations.</td>
</tr>
<tr>
<td></td>
<td>b. Capacity building and training</td>
<td>Training programs conducted for the stakeholders and number of participants; Training programs conducted for staff and other officers and number of participants; and Systems and procedures designed and introduced.</td>
</tr>
<tr>
<td></td>
<td>c. Grievance Redress</td>
<td>Number of grievances received and resolved by all internal instruments of GRC by type; redresses provided, timeliness of response; and</td>
</tr>
<tr>
<td></td>
<td>d. Participation and consultations</td>
<td>Number of participations and consultations by purpose, venue, attendance; and Number and type of handbooks and informative bulletins distributed.</td>
</tr>
<tr>
<td></td>
<td>e. Disclosure and reporting</td>
<td>Number of disclosures and reporting to Resettlement Committees, PMU, and SCSF Forum.</td>
</tr>
<tr>
<td></td>
<td>f. Involuntary resettlement</td>
<td>Number of households affected. Number of houses built and allocated to households; Number of households occupied newly allocated houses; Number of households received titles for the houses; Housing and related infrastructure completed; and Relocation of people completed.</td>
</tr>
<tr>
<td></td>
<td>g. Entitlements and payment of compensation</td>
<td>Number of APs received compensations by type of loss, Number of APs received R&amp;R assistance</td>
</tr>
<tr>
<td></td>
<td>h. Restoration of cultural and community property resources</td>
<td>Number of cultural and community resources that requires relocation / restoration Number of such community resources relocated/restored.</td>
</tr>
<tr>
<td></td>
<td>i. Vulnerable households, groups and persons</td>
<td>Number of vulnerable (poor, women, children and disabled) requiring assistance Number of Vulnerable Group APs received assistance, number of such APs productively utilizing assistance provided.</td>
</tr>
<tr>
<td>Impact</td>
<td>Number of persons/households economically active following relocation or re-adjustment.</td>
<td></td>
</tr>
<tr>
<td>------------------------</td>
<td>------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>j. Restoration of incomes</td>
<td>Number requiring income opportunities, type of income opportunities provided, Number of APs received IR training Number of APs using IR training for income generation</td>
<td></td>
</tr>
<tr>
<td>k. Re-establishment of incomes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>l. Vulnerable households, groups and persons</td>
<td>▪ Changes in status of vulnerable by type of service provided e.g., training, micro-finance, schooling, jobs etc. Number of households lost access to informal credit and number regained; and ▪ Number of households lost access to informal credit and how many regained access.</td>
<td></td>
</tr>
</tbody>
</table>
Annex I

Sample Outline of Abbreviated Resettlement Action Plan

(a) **Project Description;**

Identify Project location and its features.

(b) **Census Survey of Displaced Persons and Valuation of Assets;**

Potential displacement due to proposed sub-project, assets lost and people displaced from homes or livelihood, and methodology to be used in valuing losses to determine their replacement cost.

(c) **Legal and Regulatory Framework;**

Describe key national acquisition, compensation, policies and donor policies, entitlements. Explain how NIRP and WB safeguard policies will be achieved.

(d) **Eligibility, Description of Compensation and Other Resettlement Assistance to be provided;**

Describe the packages of compensation and other resettlement measures and other assistances that will assist each category of eligible displaced persons to achieve the objectives.

(e) **Consultations;**

Discuss the consultation and participation process in the light of NIRP and WB safeguard requirements.

(f) **Institutional Responsibility for Implementation and Procedures for Grievance Redress;**

Identify main tasks and responsibilities in planning, negotiating, consulting, approving, coordinating, implementing, grievance redress, financing, monitoring and evaluation of the resettlement and rehabilitation.

(g) **Arrangements for Monitoring and Implementation; and**

Specify the arrangements for M&E

(h) **Timetable and Budget.**

An Implementation schedule will be prepared including all resettlement activities from preparation to implementation.
Sample Outline of Resettlement Action Plan

a) Project Description

- Identification of project location with map;
- General description of the Project and list project components which create resettlement with maps;
- Describe the alternatives considered to avoid or minimize resettlement (if any during the design stage); and
- Explain the main objectives of the Resettlement Action Plan.

b) Social Impact Assessment

- Conduct DMS, Socio Economic Survey, collect Demographic Data and prepare a Register of affected persons at all levels including vulnerable persons such as Women, women headed households, elders, disabled etc.;
- Prepare an inventory of physical impacts;
- Gender impacts;
- Consultation and participation of affected persons in the planning process from the very beginning of the planning exercises; and
- Socioeconomic baseline (replicating largely the SA, but zooming in on the communities immediately in the project scheme area).

c) Legal and Policy Frameworks

- Describe the applicable legal and administrative procedures, relevant law (LAA, NIRP, WB safeguards) governing land tenure, valuation of assets and losses, compensation, and social welfare legislation;
- Laws and regulations relating to the agencies responsible for implementing resettlement activities;
- Gaps between local laws, policies and WB safeguards, and the mechanisms to bridge such gaps; and
- Any legal steps necessary to ensure the effective implementation of resettlement activities under the project.

d) Eligibility, Description of Compensation and Other Resettlement Assistance to be provided

- Define eligibility, and entitlements for the potential losses that affected persons will receive;
- Prepare Entitlement Matrix in the light of EM of SMF;
- The methodology to be used in valuing losses to determine their replacement cost;
- A description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets;
- A description of the packages of compensation and other resettlement measures

e) Consultation and Public Participation

- Describe the Consultation and Participation process which need to commence from the planning stage.

f) Relocation of Commercial Shops and Residential Settlements (if applicable)

- Relocation options and site selection will be done with the help and participation of APs.
g) **Income Restoration Strategies**

- Identify income and livelihoods at risk;
- Develop income restoration and rehabilitation strategy; and
- Specify job opportunities for youth, women and others whose livelihoods are affected.

h) **Institutional Framework and Grievance Redress**

Identify the organization and institutions for implementing resettlement and grievance redress, including identification of agencies responsible for delivery of resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies’ capacity to design and carry out resettlement activities.

i) **Resettlement Budget and Financing**

- Identify resettlement costs, annual budget and specify timing for release of funds; and
- Identify the source of funding.

j) **Implementation Schedule**

- Provide a time schedule showing start and finish dates for major resettlement tasks; and
- Show how affected people will be provided with entitlements before they shift to the new relocation sites (if applicable).

k) **Monitoring and Evaluation**

- Prepare a plan for internal monitoring of financial and physical resettlement targets;
- Specify key indicators of progress;
- Prepare an evaluation plan with provisions for external monitoring; and
- Specify participation of APs in both monitoring and evaluation.
Annex II

Social Screening Format

A. Sub-Project Description:
   1. Give a brief introduction to the sub-project and its components, their objectives and benefits.
   2. Details about existing conditions of the facilities and proposed civil works with scope
   3. Available design maps earmarking site and proposed activities in order to explain work.
   4. Whether this is purely rehabilitation of existing facilities or will involve any new works.
   5. Is this sub-project closely linked to any other activity not funded under SCDP?
   6. Will this sub-project involve any ancillary impact/ activity away from the work site?
   7. Time line for completion

B. Justification of Project Design and Alternative Analysis:
   1. Importance of the proposed activities and why it is taken up:
   2. Scenario if the work is not taken up.
   3. Scenario if the work is taken up with greater scope of work.
   4. What kind of natural disasters this corridor is vulnerable to?: (good if this can be answered).
   5. How is the proposed work disaster resilient? (good to answer)

C. Corridor of Impact:
   1. Where will the activity be taken up, what does it (drain/road, canal) pass through: markets, residential areas, green fields, USS, etc.
   2. Brief socio-economic profile of the work site and impact area, beneficiary/affected communities: businesses, livelihoods;
   3. Who all will benefit, and welcome the work? Who may oppose the proposed work?

D. Social Impact Screening Report:
   (Kindly take into consideration answers to A-5 and A-6 while provide information below)

<table>
<thead>
<tr>
<th>Probable Involuntary Resettlement Effects</th>
<th>Yes</th>
<th>No</th>
<th>Not Known</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will the sub-project include any physical construction work?</td>
<td></td>
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<tr>
<td>Does the sub-project include upgrading or rehabilitation of existing physical facilities?</td>
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<tr>
<td>Is the sub-project likely to cause any damage to or loss of housing, other assets, resource use?</td>
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<td></td>
</tr>
<tr>
<td>Is the site for chosen for this work free from encumbrances and is in possession of the government/Municipality?</td>
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<tr>
<td>If the site is privately owned, will this be purchased or obtained through voluntary donation?</td>
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<tr>
<td>If the land parcel has to be acquired, is the actual plot size and ownership status known?</td>
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<tr>
<td>Is land for material mobilization or transport for the civil work available within the existing plot/ Right of Way?</td>
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<tr>
<td>Are there any non-titled people who living/doing business on the proposed site for civil work?</td>
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<tr>
<td>Will there be loss of /damage to agricultural lands, standing crops, trees?</td>
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<tr>
<td>Will there be loss of incomes and livelihoods?</td>
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<tr>
<td>Will people permanently or temporarily lose access to facilities, services, or natural resources?</td>
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<tr>
<td>Does the Urban Local Body have its own procedures for land acquisition?</td>
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<tr>
<td>Are there any previous land acquisitions I under this p subproject?</td>
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<tr>
<td>Re any indigenous people affected?</td>
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<tr>
<td>Whether the affected land/structure owners likely to lose less than 10% of their land/structure area.</td>
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<tr>
<td>If so, are these land / structure owners willing to voluntarily donate the required land for this sub-project?</td>
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<tr>
<td>Is any temporary impact likely?</td>
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</tbody>
</table>
### E. Estimates of Specific Impacts

<table>
<thead>
<tr>
<th>Components of the Sub Project</th>
<th>Private and required in Sq. m.</th>
<th>No. of Land owners losing more than 10% of Land area</th>
<th>Governmental and required in Sq. m.</th>
<th>Forestry land required in Sq. m.</th>
<th>No. of houses affected</th>
<th>No. of shops affected</th>
<th>No. of other structures affected</th>
<th>No. of squatters affected</th>
<th>Public utilities affected</th>
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</table>

### F. Information on Affected persons

Any estimate of the likely number of households that will be affected by the sub project?

- [ ] No. [ ] Yes. If yes, approximately how many? ..............................................
- No. of HHs losing <10% of their productive assets
  (land/cowshed/shops)........................................
- No. of HHs losing 10% or more of their productive assets?............................

Are any vulnerable households affected? [ ] No. [ ] Yes. If yes, please briefly describe their situation with estimate numbers of HHs?

What are the needs and priorities for social and economic betterment of vulnerable people who are affected by this project?

### H. Decision on categorization

After reviewing the answers above, it is determined that the sub project is:

- [ ] Categorized as an A project, a full resettlement plan is required
- [ ] Categorized as a B project, a short resettlement plan is required
- [ ] Categorized as an C project, no RP is required, Only Due Diligence Report is required
Strategic Cities Development Project (SCDP), Sri Lanka
Social Management Framework

Prepared by:
(Screening Consultant)
Date:

Approved by:
(Authorized Person, Implementing Agency)
Date:

Approved by:
(Deputy Project Director /Social, SCDP)
Date:

Approved by:
(Project Director, SCDP)
Date:
TOR for Hiring External Consultants

Objective: Ministry of Defense and Urban Development has prepared a Social Management Framework (SMF) as per National Involuntary Resettlement Policy (NIRP 2001) and the World Bank Operational Policies (social safeguards) to identify and mitigate unavoidable involuntary resettlement impacts of Strategic Cities Development Project. The SMF is disclosed on the Web site of Ministry of Defense and Urban Development for easy reference.

The SMF has provisions to provide the affected families with compensation and rehabilitation support by engaging consultants to assess impacts and prepare plans and External Consultants for facilitating support for community participation and income restoration, and enhance accountability in the implementation process. This ToR provides the nature and scope of tasks and deliverables to be undertaken by the prospective consultants to be engaged for this purpose with reporting arrangements and timeframe. MoDUD invites Expressions of Interest (EOI) from well-established consultants with substantial experience in urban resettlement and slum issues, urban governance, and income generation to assist in the R&R process.

Reporting Arrangements: The consultants will work at the PMU level under the supervision of Project Director and Deputy Project Director (Social). PMU will provide overall policy and training support to consultants, the actual execution will be done by the PPAs such as UDA, RDA, and Irrigation, others in coordination with the PMU.

Scope of Work

1. Strengthen people’s awareness regarding the project; their rights and entitlements;
2. Strengthen participation of APs in livelihood and income restoration activities;
3. Strengthen transparency in the LA and RR through social accountability measures such as community display boards, information dissemination, and regular consultation;
4. Strengthen women’s participation in R&R process with special focus on livelihoods;
5. Assist in identifying and enabling vulnerable families to cope with resettlement;
6. Assist in providing post resettlement support to the relocated families; and
7. Such other assignments relevant to strengthening social inclusion and equity in the R&R process as may be assigned by the employer.

Specific Tasks

Relocation Support: The consultant will assist with facilitating smooth relocation of affected people from USS to the resettlement sites; and help them to re-establish their shelter and businesses, and monitor and document the process. It will provide women headed and vulnerable displaced families with need-based capacity building support in addition to R&R benefits.

Information, Education and Communication: The consultants will assist in IEC activities through public meetings and consultations with the AP and vulnerable groups and their organizations like CBO. The consultant will establish rapport with APs and inform them about their entitlements provisioned in the SMF and RAPs. It will raise their awareness regarding documentation and procedures to receive their rights and benefits. The consultant will organize AP beneficiaries groups and educate them about the program and dispel misinformation. The consultant will facilitate AP interactions with the PMU and local authorities. Consultant will organize monthly meetings with APs at pre-disclosed time and locations. Decisions taken in these meetings will be documented and submitted to PMU/PPA as part of Monthly Progress Reports.
**AP Identification and Verification:** The consultant will —cross verify through consultation with community groups the list of eligible vulnerable families and squatters and assist in issuing ID cards to the APs eligible. The consultant will also act as a medium for recording AP grievances and informing the PMU/PPA for action.

**Hand Holding Support for Livelihood/Income Restoration:** The consultant will assist the APs in opening bank accounts; counsel them regarding utilization of the R&R assistance, educate them about investment options and enable them to restore their incomes. For this purpose, the consultant will advise the Project to disburse R&R package in a manner that will economically benefit them most. Consultant may form local thrift and credit groups, help APs with skill training for income generation.

**Coordination and Mainstream Linkage:** The consultant will coordinate with government/other mainstream institutions to strengthen socio-economic development of the resettled families and enhancing their access to welfare and income schemes.

**Capacity building for Condominium Management:** The consultant will provide training to their settled people at the new sites to build their capacity to manage their own affairs in a sustainable manner.
### Qualifications and Experience of Key Staff

<table>
<thead>
<tr>
<th>Position and Qualification</th>
<th>Tasks</th>
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</thead>
<tbody>
<tr>
<td><strong>Project Director:</strong> A senior administrative officer with a higher degree in engineering and management</td>
<td>Overall responsibility to provide leadership to the project; convene IGP; convene stakeholder forum and steering committee meetings; respond to all emerging issues and problems, lead the social management unit with guidance and monitoring, hire consultants, allocate staff and resources for social management, report to the Government and Bank regarding safeguards compliance.</td>
</tr>
<tr>
<td><strong>Deputy Project Director (Social):</strong> A professional with five years of sector experience and a higher degree in social sciences or related field</td>
<td>- Carrying out social screening, and social impact assessment with the help of external consultants if necessary; - Preparing RAPs with the help of consultants; - Endorsing social screening and categorizing impacts, recommending SIA and RAP; - Internal monitoring, documentation; - Managing consultants; - Facilitating external monitoring and annual safeguard review; - Planning remedial social protection plan for vulnerable households as per SMF, before the commencement of relocations; - Addressing gender issues; - Developing IEC materials for awareness raising activities; - Leading SDOs and CDOs working at sub-project level with technical guidance; - Document grievance resolution at PMU level; and - Conducting training programs.</td>
</tr>
<tr>
<td><strong>Assistant Director /Social Development Officers:</strong> A professional with a master’s degree in urban sociology, planning, human geography, development studies, social work, social sciences or related field with 3 years’ experience in the sector</td>
<td>- Assist with social screening, plan and carry out census survey and impact assessment; - Address Gender Issues; - Ensure coordination of RR with civil works; - Monitor RAP planning and implementation; - Assist with resolution of grievances of APs; - Monitoring of sub-project level social activities; - Developing IEC materials for awareness raising activities; - Document grievance resolution at PPA level; and - Conducting training programs.</td>
</tr>
<tr>
<td><strong>CDO:</strong> A graduate with five years of experience in social work</td>
<td>- Conducting awareness programs for people, CBOs and other agencies supporting safeguard programs; - Disseminating information regarding social safeguards among all stakeholders.</td>
</tr>
<tr>
<td>Consultant</td>
<td>Must have well trained social development professional and should have experience in urban resettlement and slum issues</td>
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<tr>
<td>------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
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<tr>
<td></td>
<td>Refer Annex VII for details.</td>
</tr>
</tbody>
</table>

- Arranging for the delivery of entitlements;
- Coordinate with consultants, CBOs and service providers to assist APs in resettlement activities;
- Resolving the grievances of the APs;
- Recording of data in regard to implementation of the project and submission to PPA;
- Facilitating internal monitoring; and
- Functioning as Liaison Officer of the sub-project cell.
Annex V

Scope of Activities and Work of PMU

1) **Planning**: Each PPA will prepare implementation plans for the subproject activities coming under their purview. The PMU will coordinate and prepare the final detailed implementation plan;

2) **Project coordination**: Integrate all stakeholders into a smooth working group;

3) **Staffing**: Recruiting of staff required for PMU and PPAs. Some staff such as consultants will be selected in accordance with Government and WB procedures;

4) **Enhancing Capacity**: Training of PMU staff;

5) **Project implementation**: Supervising project activities, including managing physical and financial progress;

6) **Project Management Control**: Implementing cost, schedule, and technical performance control system; and framing reporting procedures. Issuing implementation guidelines to the staff of the PMU and PPAs.

7) **Management Information System**: Establishment of a Management Information System to track the physical and financial progress;

8) **Linkages**: Establishing procedures for interacting and cooperating with other agencies involved in project implementation;

9) **Financial Management**: Managing disbursement of Project funds, ensuring that such funds are utilized for approved activities by establishing and maintaining an effective financial monitoring system. Ensure timely allocation of funds for payment of entitlements. Preparation and submission of Withdrawal applications to the WB for reimbursement;

10) **Monitoring**: Monitor the project activities with identifiable indicators;

11) **Gender concern**: Develop a plan to address Gender concern;

12) **Covenants**: Ensuring compliance with all requirements and covenants in the agreements with WB;

13) **No cost or time overrun**: Ensure that the Project is implemented without Cost or Time overrun;

14) **Removal of bottlenecks**: Identification of issues, problems and resolution;

15) **Reporting**: Submitting the required periodical reports to EA, NPSC, SCDF and WB;

16) **Coordination**: Coordinate with related Agencies to restore / improve the income and living standard of the APs; and

17) **Grievance Redress**: Coordinate the activities of all the grievance redress instruments including GRCs.
Family Card for Relocation Assistance (Sample Format)

Ministry of Defense and Urban Development
Family Card for Relocation Assistance under Strategic Cities Development Project

Number of the family card:
Name of Sub project: District:
National Identity card Number: Divisional Secretary /A.G.A Division
Area:
Name of the chief occupant: a) Original place of residence:
Name of Spouse: b) Relocated place of residence:

Address of Applicants: Number
of Family members: Occupation:
A) Chief occupant: a) Original place of residence:
B) Spouse b) Relocated place of residence
C) Any other member of the family:
D) Entitlements and Payments

<table>
<thead>
<tr>
<th>S. No</th>
<th>Entitlements</th>
<th>Amount (Rs)</th>
<th>Received Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>House</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Transportation</td>
<td>5,000/=</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Loss of structures &amp; Immoveable Asset</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Income Assistance, if eligible</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Rental allowance, if eligible</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Any other assistance</td>
<td></td>
<td></td>
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</table>

NB: In a APs Family Card only eligible entitlements will be entered
Proposed Composition of the GRCs

Independent Grievance Panel:
(a) Representative, Ministry of Land, GoSL
(b) Representative, Ministry of Local Government and Provincial Councils,
(c) Representative, Department of Valuation
(d) Representative, Civil Society
(e) A Lawyer,
(f) A Retired Civil Servant of the rank of a Secretary to GoSL (Chairperson)

Entitlement Assessment Committee (EAC)
a) Divisional Secretary
b) Representative, Superintendent of Survey
c) Representative of District Valuer
d) Deputy Project Director (Social)/PMU
e) Deputy Project Director (Finance)/PMU
f) Representatives from Ministry of Land
g) Concerned PPAs as the need arises.

PPA Level GRCs

(1) GRCs for sub-projects coming under the purview of UDA.
(a) Director General UDA or his nominee (Chairman)
(b) Chairman of the LRC of the location.
(c) GN of the location.
(d) SDO (Secretary) and
(a) Two respectable citizens from society including one from the under-served community, one of whom should be a woman.

(2) GRCs for subprojects coming under the purview of SLLRDC
(a) Chairman of SLRRDC or his/her nominee
(b) Chairman of the LRC of the location.
(c) GN of the location.
(d) APD/SDO (Secretary) and
(e) Two respectable citizens from society including one from the affected community, one of whom should be a woman

(3) GRCs for subprojects coming under the purview of RDA
(f) Director General of RDA or his nominee
(g) Chairman of the LRC of the location.
(h) GN of the location.
(i) SDO (Secretary) and
(j) Two respectable citizens from society including one from the affected community, one of whom should be a woman

(4) GRCs for subprojects coming under the purview of Irrigation Department
(k) Director General of Irrigation Department or his nominee
(l) Chairman of the LRC of the location.
(m) GN of the location.
(n) SDO (Secretary) and
(o) Two respectable citizens from society including one from the affected community,
one of whom should be a woman

(5) GRCs for subprojects coming under the purview of Municipal councils

(a) Municipal Commissioner (Chairman)
(b) Chairman of the LRC of the location
(c) GN of the location
(d) SDO (Secretary) and
(e) Two respectable citizens from society including one from the under-served community,
one of whom should be a woman
Application for Grievance Redress

CHAIRMAN GRC ------------ Date:………………

APPLICATION FOR GRIEVANCE REDRESS

Name of Sub project: District:

National Identity card Number:

Number of the family card: a. Original place of residence:

--------------------------
Divisional Secretary /A.G.A Division

Name of the chief occupant: b. Relocated place of residence:………..

Divisional Secretary /A.G.A Division

Name of Spouse:

a. Original place of residence:………..

Address of Applicant: Grama Niladhari Division & Number:

Number of Family members: b. Relocated place of residence:………..

Grama Niladhari Division & Number:

Occupation:

A) Chief occupant:

B) Spouse

C) Any other member of the family:

…………………………………………………………………………………………………………

A. GRIEVANCES

2

3

B. EXPECTED REDRESS

2

3

……………………….

SIGNATURE OF APPLICANTS

NOTE: Both spouses should sign the application
Annex IX

ToR for Hiring Independent Safeguards Monitoring and Review Consultants

Request for Expression of Interest

Country: Sri Lanka
Project: Strategic Cities Development Project, Sri Lanka

Consultant services: Safeguard Monitoring and Review
Consultant Project ID No: XXX

1. This request for expression of Interest follows the general procurement notice for this project that appeared in the newspaper.............. of dd/mm/yy.

2. Loan for the project sanctioned Vide No. xxx–elk by World Bank, MoDUD intends to apply part of the proceeds for engagement of Safeguard Monitoring and Review Consultant (SMRC) for SCDP.

3. The consulting services includes monitoring and reviewing of various social and environmental safeguards associated with land acquisition, Compensation, R&R policies, Environmental Action Plan, Information disclosure, Communication etc., for SCDP.

4. MoDUD now invites eligible consulting firms (Consultants) to indicate their interest in providing the services. Interested consultants should provide information demonstrating that they have the required qualifications and relevant experience to perform the services. The short listing criteria are that the Consultants should have a minimum of ----- years of experience in the relevant area and having successfully undertaken at least -------- similar assignments, particularly urban and resettlement projects. The consultant should have qualified and experienced qualified personnel in their team.

5. Consultants will be selected in line with the procedure set out in the World Bank guidelines Selection and Employment of consultants by World Bank borrowers January, 2011

6. Interested consultants may obtain further information at the address given below from 1000 hrs. to 1700 hrs. on all working days from MoDUD.

7. Expression of interest must be delivered to the address given below no later than 1500 hrs on dd/mm/yy.

SCDP Project
Project Director—SCDP
Address: XXXXXXXXXXXXXXXXXXXXXXXX
PART I : SECTION (I) — GENERAL

Government Notifications

LANDACQUISITION ACT, No. 09 OF 1950

REGULATIONS imposed by the Minister of Land and Land Development under Section 63(2)(I) of the Land Acquisition Act, No. 09 of 1950 and approved by the Parliament of Sri Lanka on 17th March, 2009.

These regulations are effective for the acquisition where intention of acquisition is published under Land Acquisition Act, on or after 17.03.2009.

JAYALATH B. W. Dissanayake,
Secretary
Ministry of Land and Land Development.

C patriotism, 06th April, 2009.

Regulations

These regulations may be cited as the Land Acquisition Regulations, 2008.

The basis of assessing the market value of any land or the compensation for any injurious affection caused by the acquisition of any land under this Act.

(1) Market Value should be assessed as given under :

1.1 In the case of land where part of a land is acquired and when its value as a separate entity deems to realize a value proportionately lower than the Market Value of the main land the compensation should be proportionate to the value of the main land.

1.2 Where at the date of intension to acquire was published, the building is used for occupation and or business purposes or is intended to be used for occupation and or business purposes, the difference between the cost of re-construction and the value of building, based for determination of Market Value under Section 1.1, should be paid as an additional compensation.
1.3 Value based on development potential could be considered for paddy lands acquired where permission to fill such lands have been granted by the Agrarian Services Commissioner General.

1.4 When an acquired building is occupied by a tenant/statutory tenant protected under the provisions of the Rent Act, No. 7 of 1972 (as amended thereafter) the compensation should be ascertained in proportion having regard to the provisions of Rent (Amendment) Act, No. 26 of 2006.

(2) Injurious affection and Severance—

Damage caused by any severance and injurious affection should be allowed fully.

(3) Payment of Disturbances and Other Expenses—

To fulfill the requirement of the definition of compensation, in addition to the compensation under Section 1 and 2 above, which are based on the “market value”, compensation for Disturbance based on the “value to owner” basis should be paid under following Sub-headings, after taking into consideration the written claims made.

3.1 Expenses incurred for appearing for Section 9 inquiry;
3.2 Expenses for finding alternative accommodation;
3.3 Cost incurred in change of residence;
3.4 Cost of advertising;
3.5 Refixing cost of fixtures and fittings;
3.6 Expenses incurred for transport;
3.7 Loss of earnings from business (within the limits given in prevailing Act);
3.8 Increased overhead expenses;
3.9 Double payments;
3.10 All other expenses to the owner due to the acquisition;
3.11 Any other additional expenses for disturbance or compensation not connected under any other Sub-section of this Act which is directly not connected to market value of the land;
3.12 When an owner of a house or of an investment property displaced, additional 10% payment based on market value.