

**METRO COLOMBO URBAN DEVELOPMENT PROJECT  
(MCUDP)**

**SOCIAL MANAGEMENT FRAMEWORK**

January 26, 2012

**Ministry of Defence and Urban Development  
Government of Sri Lanka**

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**ABBREVIATIONS**

<b>APs</b>	Affected persons
<b>CBO</b>	Community Based Organization
<b>CDO</b>	Community Development Officer
<b>CEA</b>	Central Environment Authority
<b>CMC</b>	Colombo Municipal Council
<b>CMR</b>	Colombo Metropolitan Region
<b>DMMC</b>	Dehiwela-Mount Lavinia Municipal Council
<b>DMS</b>	Detail Measurement Survey
<b>DS</b>	Divisional Secretary
<b>EA</b>	Executive Agency
<b>EIA</b>	Environmental Impact Assessment
<b>EM</b>	External Monitoring
<b>FC</b>	Family Card
<b>GN</b>	<i>Grama Niladhari</i>
<b>GOSL</b>	Government of Sri Lanka
<b>GRC</b>	Grievance Redness Committee
<b>GRM</b>	Grievance Redness Mechanism
<b>IC</b>	Information Center
<b>IEE</b>	Initial Environmental Examinations
<b>IM</b>	Internal Monitoring
<b>KUC</b>	Kolonnawa Urban Council
<b>LAs</b>	Local Authorities
<b>LDO</b>	Land Development Ordinance
<b>LIC</b>	Low Income Communities
<b>LAA</b>	Land Acquisition Act
<b>LRC</b>	Local Resettlement Committee
<b>MCUDP</b>	Metro Colombo Urban Development Project
<b>MDSF</b>	Metro Development Stakeholder's Forum
<b>M &amp; E</b>	Monitoring & Evaluation
<b>MIS</b>	Management Information System
<b>MLD</b>	Ministry of Land
<b>MOD &amp; UD</b>	Ministry of Defence and Urban Development
<b>MOU</b>	Memorandum of Understanding
<b>NEA</b>	National Environment Act
<b>NGOs</b>	Non Government Organizations
<b>NIRP</b>	National Involuntary Re-Settlement Policy
<b>NPSC</b>	National Project Steering Committee
<b>PD</b>	Project Director
<b>PPAs</b>	Project Partner Agencies
<b>PMU</b>	Project Management Unit
<b>PIB</b>	Public Information Booklet
<b>RAP</b>	Resettlement Action Plan
<b>LRC</b>	Local Resettlement Committee
<b>RDA</b>	Road Development Authority
<b>RUSP</b>	Resettlement of Underserved Settlement Project
<b>SA</b>	Social Assessment
<b>SDO</b>	Social Development Officer
<b>SEMU</b>	Social and Environmental Management Unit
<b>SJKMC</b>	Sri Jayawardanapura Kotte Municipal Council
<b>SLOR</b>	Special Land Acquisition Act

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<b>SLLRDC</b>	Sri Lanka Land Reclamation & Development Corporation
<b>SM</b>	<i>Samatha Mandalaya</i>
<b>SMF</b>	Social Management Framework
<b>S/MOF</b>	Secretary Ministry of Finance
<b>S/MOD &amp; UD</b>	Secretary Ministry of Defense and Urban Development
<b>SS</b>	Social Safeguard
<b>UDA</b>	Urban Development Authority
<b>VI</b>	Variable Indicators
<b>WB</b>	World Bank

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## GLOSSARY OF TERMS

1. **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
2. **Cut-off date:** The Cut-off date for eligibility for entitlement for titleholders is the date of notification under the LAA and for non-titleholders is the 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. . 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.
3. **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.
4. **Involuntary Resettlement:** Resettlement is involuntary when it occurs without the informed consent of the displace persons or if they give their consent without having the power to refuse resettlement.
5. **OP 4.12:** The World Bank group operational directive on involuntary resettlement. OP 4.12 embodies the basic principles and procedures that underlie the World Bank's approach to involuntary resettlement associated with its investment project.
6. **Affected Person:** Any person who, as a result of the implementation of MCUDP etc., loses the right to own, use or otherwise benefit from a built structure, land(Residential ,agricultural) annual or perennial crops and trees, or any other fixed or movable assets, either in full or in part, permanently or temporarily.
7. **Replacement Cost:** The rate of compensation for lost assets must be calculated at full replacement cost, that is, the market value of the assets plus transaction cost.
8. **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.
9. **Resettlement Assistance:** Support provide 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.
10. **Stakeholders:** Any and all individuals, groups, organizations and institutions interested in and potentially affected by a project having the ability to influence a project.
11. **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.

12. **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
13. **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.
14. **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.
15. **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.
16. **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.
17. **Squatter:** Someone who has occupied public or private land, has developed structures on it and has put such land to residential or commercial use without obtaining development permission and formal title under law.
18. **Encroacher:** Someone who has illegally expanded, or extended the outer limit of his private premises beyond the approved building line and has occupied public space beyond his/her plot.
19. **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
20. **Condominium Management Fund:** Referred to also as sinking fund, this fund is collective held by the members of the condominium and is operated through a Bank account for the purpose of carrying out major fixing and repair works as necessary for sustainable maintenance of the building complex.
21. **Condominium Management Committee:** The committee constituted by the members of the condominium for the purpose of looking after management, security, maintenance, and such other aspects necessary for sustainable maintenance of the building complex.
22. **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.

23. **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.
24. **Income Restoration:** Re-establishing income sources and livelihood of people affected.
25. **Relocation:** Rebuilding housing, assets including productive land and public infrastructure in another location.
26. **Rehabilitation:** Re-establishing incomes, livelihoods, living and social system.
27. **Implementation Schedule:** Timeframe of activities of the project
28. **Family Card:** A printed document in which details about the AP and Family 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.

## EXECUTIVE SUMMARY

**Project Description:** There are two main components of the proposed MCUDP. The first component, flood and drainage management comprises the four sub-components: improvements to main canals and lakes, improvements to secondary canals, improvements and rehabilitation to storm water drainage, road improvements and other social and physical infrastructure. The second component, institutional strengthening for sustainable metropolitan and local infrastructure and service provision and implementation support, aims at strengthening institutional capacity at metropolitan and local level and support project implementation. Eight sub-projects have been prepared for the stage-I.

**Social Impacts:** The Stage-I activities require no land acquisition, and involve, generic, localized and temporary impacts such as difficulties with access and mobility, health and safety, and very minimum relocation impacts. Key social risks and impacts associated with the Stage-II investments include possible private land acquisition for infrastructure works and resettlement of about 1500 households living in informal settlements on low-lying lands, as part of the flood and drainage management investments.

**Social Management Framework:** The Social Management Framework (SMF) sets out principles and guidelines for assessing and mitigating social impacts caused due to MCUDP activities. The SMF has been prepared based on a Social Assessment undertaken to understand key social risks, regulatory frameworks, institutional mechanisms and capacities, and past experience in social management. The SMF provides a Resettlement Policy Framework (RPF) compliant with the Sri Lankan laws, the National Involuntary Resettlement Policy (NIRP) and the World Bank Operational Policies. The SMF provides summary of social impacts, legal framework for land acquisition and R&R, entitlements for the affected people, implementation arrangements for carrying out social screening/social impact assessment and for preparing social action plans (SAPs), schedule for implementing SAPs linking resettlement with civil works, roles and responsibilities of various agencies, grievance redress mechanism, monitoring and evaluation, public consultation, information disclosure, social accountability and gender, and budget. The SMF is applicable also to “activities” linked to MCUDP as per para 6 of the WB OP 4.12.

**Methodology:** The SMF preparation involved desk review of relevant literature, sample survey of likely impacts and consultation with stakeholders including community groups likely to be affected.

**Legal Framework and Past Experience:** The Land Acquisition Act (LAA) provides for 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 ADB, JICA, and IDA/IBRD.

**Entitlements Matrix:** 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 (NIRP and World Bank safeguards) have been applied to address such issues. All losses as a result of implementation of the MCUDP will be compensated. The acquired properties will be compensated at replacement cost based on the prevailing market rates.

**Cut-off Date:** The Cut-off date for eligibility for entitlement for titleholders is the date of notification under the LAA and for non-titleholders is the 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.

**Income Restoration Strategy:** Those who will incur income/ livelihood losses will be provided with

Income assistance for six months or a livelihood restoration assistance of LKR 18,000; severely affected poor and vulnerable households will be offered vocational or skills training, income opportunities, or livelihood assistance of LKR 18,000 per household.

**Information Disclosure, Consultations:** The SMF provides a framework for information disclosure and consultation with and participation of the stakeholders in planning and implementing SAPs for various sub-projects. Affected persons 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 managed by the Ministry of Defence and Urban Development (MODUD) and the sub-projects will be implemented by Project Partner Agencies (PPAs), namely, the Sri Lanka Land Reclamation and Development Corporation (SLLRDC), Urban development Authority (UDA), Colombo Municipal Council (CMC), Sri Jayewardena-Kotte Municipal Council (SJKMC), Dehiwala-Mount Lavinia Municipal Council (DMMC), and Kolonnawa Urban Council (KUC) under the directions of the Project Management Unit (PMU) located in the Ministry of Defense and Urban Development (MOD & UD). The institutional arrangements for implementing SMF/RAP will include: (a) 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 Stage-II activities (with the help of consultants if needed); (c) unified mechanism at UDA to ensure sustainably address the post-resettlement issues; (d) a two stage GRM; and (e) Independent Safeguard Monitoring and Review Mechanisms. The overall coordination of LA and R&R activities will be vested with the Land Acquisition and Resettlement Committee (LARC) instituted at the PMU level.

**Grievance Redress Mechanism (GRM):** A multi-stage GRM will be established with the local resettlement committee (LRC) working as the first stage GRC. At the second level, the Project manager of the PPA shall head the GRC and then, the Project Director and Additional Secretary, MoDUD can hear and resolve grievance. Finally, there shall be an Independent Grievance Redress Panel comprising representatives Ministry of Land, Ministry of Women Affairs, Department of Valuation, Civil Society, a lawyer and a retired Civil Servant to hear and address appeals from the aggrieved party not satisfied with decision of the GRCs. There shall be a Technical Assessment Committee comprising structural engineering and survey experts to aid and advise the LARC and the IGP regarding compensation for damage caused to buildings.

**Post Resettlement Strategy:** GoSL will provide new resettlement buildings to re-house affected dwelling/commercial units, estimated to be around 1500, along with those affected by development of these resettlement sites. The SMF prescribes measures to make resettlement sites sustainable, with provision of key civic facilities. The post resettlement strategy envisages formation of Condominium Management Committees to self-manage affairs of the resettled community.

**Social Accountability, Inclusion and Gender:** The SMF provides principles for strengthening social accountability including through public information; citizen involvement in planning and monitoring of services. The SMF provides guidelines on social inclusion and gender emphasizing involvement of women in the resettlement process and special assistance to poor 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 M&E consultants will provide quarterly progress reports and annual safeguards review reports.

**Budget:** The budget of US\$ 53 is estimated to cover all components of compensation, assistance, entitlements, relocation, monitoring and evaluation, and contingencies of the resettlement program.

## CHAPTER 01

### 1. Introduction & Background:

**1.1** The Ministry of Defence and Urban Development (MoDUD), Government of Sri Lanka is undertaking the Metro Colombo Urban Development Project (MCUDP) a project to reduce flood risks and improve urban infrastructure and services with financial assistance from the World Bank. The Project Development Objectives are to (i) reduce flooding in the catchment of the Colombo Water Basin, and (ii) support local authorities in the Colombo Metropolitan Area to rehabilitate, improve and manage local infrastructures and services. The flood mitigation measures under this Project are estimated to benefit some 220,000 people across the metro Colombo area. The Project will be implemented in Four urban local bodies: (1) Colombo Municipal Council, (2) Dehiwela-Mount Lavinia Municipal Council, (3) Sri Jayawardenapura-Kotte Municipal Council and (4) Kolonnawa Urban Council. The total population of the four Local bodies is about 1,066,000 in 2011. The project comprises the following two main Components:

**1.2 Project Component 1: Flood and Drainage Management.** This component addresses the urgent issue of urban flooding, which regularly paralyzes the economy of the Colombo Metropolitan Area with high socio-economic costs. This component will finance both structural and non-structural activities related to flood control and drainage management identified as a priority by the inter-agency Flood Mitigation Task Force chaired by the SLLRDC. This component will also finance a number of selected demonstration complementary interventions to enhance the economic value and aesthetic qualities of the water bodies.

**1.3** The implementation of the investment packages under this component will be phased. To begin with, only those investment packages that are urgent and well prepared with limited or no social and environmental impacts will be implemented on a fast tracked basis in Year 1. More complex flood mitigation engineering interventions, with potential social and environmental impact, and whose preparation requires the development/update of hydraulic and hydrological models for the macro- and micro-drainage systems will be implemented as and when they are ready for implementation with technical and social and environmental details. This component will include:

- a. **Sub-Component 1.1: Primary and Secondary Canals and Lakes.** (a) increase storage capacity of the south-eastern part of the basin; (b) create lakes/retentions areas around Parliament Lake; (c) remove system bottlenecks in downstream reaches to maximize conveyance capacity of canals; (d) improve outflow of Saint Sebastian Canal; (e) improve outflow capacity of Mutwal, North Lock and Gotatuwa; and (f) integrate water quality improvement with flood management.
- b. **Sub-Components 1.2 Micro-Drainage System within CMC (localized floods)** Improving micro-drainage to address localized flooding reported on a major scale in some areas of Colombo Municipality, which are affected unauthorized constructions, waste dumping and flow blockages, backwater from main canals during floods, lack of maintenance and increasing rainfall frequency and intensity.
- c. **Sub-Components 1.3: Capacity Enhancement for Flood and Drainage Management** This Sub-component will aim at improving the overall Drainage System Management for the Greater Colombo Basin to ensure the sustainability of project investments over time. This sub-component will fund the purchase of maintenance machinery; investments for a pilot

water-based transport system to demonstrate the viability of this type of public transport; a detailed drainage study and real-time monitoring system, including the development of an integrated flood management system (IFMS) for the Greater Colombo Basin.

- d. ***Sub-Components 1.4: Beira Lake Development and Beddagana Bio-diversity Wetland Management Park.*** Two priority interventions by the UDA with strong potential for urban regeneration and mobilization of private sector investment will be funded under the project to complement the flood reduction measures. Within its urban regeneration activities, UDA plans to: (i) improve the public fruition of the East and South-West Beira Lake through the development of a continuous promenade (linear park) and seven green areas (nodal parks) along its shores; and (ii) establish a natural reserve area on a wetland branch of the Parliament Lake (the Beddagana Bio-diversity Park)

**1.4 Components 2: Urban Development and Infrastructure Rehabilitation for Metro Colombo Local Authorities, and Implementation Support.** This Component aims at (a) strengthening strategic planning processes at the metropolitan level and (b) supporting local authorities in the CMA to (i) rehabilitate and manage their drainage infrastructure and streets, and (ii) improve solid waste collection. It will comprise the following Sub-components:

- a. ***Sub-Component 2.1: Support to metropolitan planning.*** This Sub-component will support improved metropolitan planning and development by financing the Metropolitan Colombo City Development Strategy and subsequent Integrated Master Plan.
- b. ***Sub-Component 2.2: Support to Local Authorities.*** This Sub-component aims to enhance the capacity of the four core Local Authorities composing the CMCC to deliver sustainable, quality local services and coordinate at the metropolitan level. Activities that will be financed under this sub-component include a combination of (a) Investment Support to Local Authorities and (b) Institutional Strengthening Support for Local Authorities:
  - i. ***Investment Support to Local Authorities.*** This sub-component aims at building local capacity through “on the job training” implementing a number of selected demonstration projects, while at the same time helping Project Local Authorities (PLAs) respond effectively to local demand for better services and infrastructure, and gain greater credibility with their constituencies through immediate and visible service delivery improvements. This sub-component will support high priority infrastructure investments (sub-projects) in the four PLAs. Capital funds would be disbursed on a sub-project basis, and would be allocated to PLAs based on their readiness to undertake the investments. The sub-projects are in six categories: (i) selected area-based interventions; (ii) rehabilitation of drainage infrastructure including landscaping of flood retention areas; (iii) rehabilitation of urban roads, including their drainage; (iv) acquisition of equipment for road and drainage works, and rehabilitation of maintenance facilities; (v) acquisition of equipment for solid waste collection; and (vi) acquisition of IT equipment and specialized software for asset management.
  - ii. ***Institutional Strengthening Support for Local Authorities.*** This Sub-component will provide technical assistance to the CMA Local Authorities in the areas of asset management for drainage and urban roads, technical standards and preparation of drainage and street rehabilitation and maintenance works (including quality control), and solid waste management. This component will also provide assistance for the

computerization of business systems and processes, and information sharing among CMA Local Authorities.

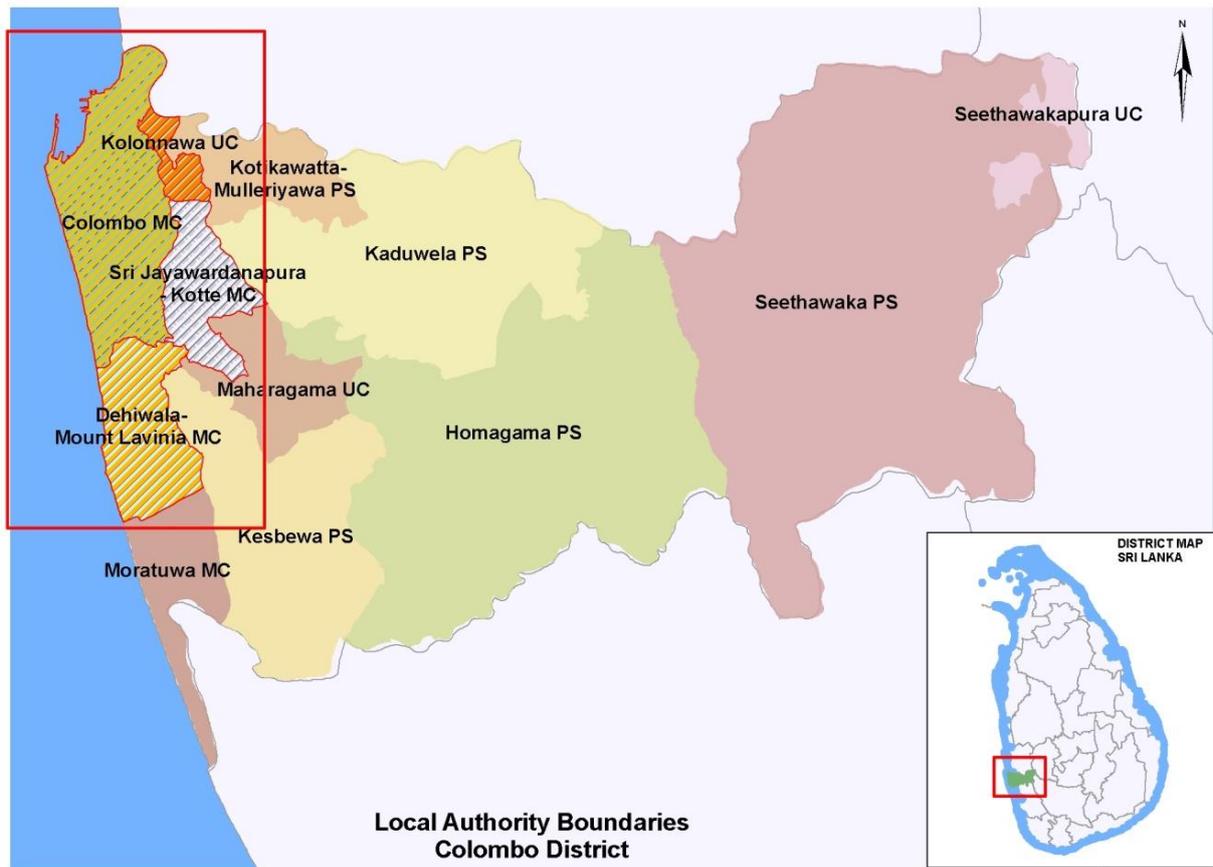
- c. **Sub-Component 2.3: Implementation Support:** This sub-component comprises: (i) Project Implementation Support in the areas of project management, detailed design, construction supervision, monitoring & evaluation, procurement, financial management and environmental and social safeguards; (ii) preparatory work for priority follow-on SIL projects to support the broader urban regeneration agenda in the Colombo Metropolitan Area, possibly including preparation of updated metropolitan solid waste management strategy and plan and detailed project preparation studies to implement the strategy, and preparation of feasibility study for Kotte-Sri Jayawardenapura sewerage system.

**1.5** The basic environmental issue in the Colombo Metropolitan Region (CMR) is the lack of consideration of the region's natural structure and its natural drainage in particular. The CMR receives an average 2400 mm of rainfall each year. Whenever there is heavy rain, the Colombo water basin gets flooded due to: (a) spread of urban/industrial development; (b) infilling of land for housing and increased run off from impervious surfaces; (c) uncontrolled filling of low lying lands; (d) siltation and blocking of water ways; (e) inadequate and poorly maintained drainage systems; (f) encroachment of canal banks by squatter settlements; (g) proper solid waste management; and (h) formation of sand bars at sea outlets. In this context, MCUDP seeks to reduce flooding risks.

**1.6** Of the proposed project activities described above, EIGHT sub-projects have been fully prepared for implementation. These include:

1. Walkability and parking improvements along key Colombo roads
2. Improvement to Public Conveniences in Colombo municipal area
3. Model Zone Development of Town Hall Square of Colombo
4. Marine Drive Storm Water Drainage (section 2,4,5) Improvement in Colombo
5. Upgrading / Rehabilitation of Main Drain, Mutwal Tunnel and Aluthmawatha Culvert
6. Dehiwala Canal Upgrading Sub Project (Bank Protection and Rock outcrop removal)
7. Beira lake restoration (gabion walls along 2.5 km and rehabilitation of McCollum Gates)
8. Beddagana Biodiversity Park and Bird Sanctuary with Rampart Nature Park

**1.7 Project area:** The Metro Colombo urban region constitutes the project area which comprises the jurisdictions of the Colombo Municipal Council, Dehiwala-Mount Lavinia Municipal Council, Sri Jayawardena-Kotte Municipal Council and Kolonnawa Urban Council. (See Location Map). The project locations within this area will be constituted by the specific sub-projects that will be taken up during Stage I and Stage II. The 8 sub-projects to be taken up during stage-I are listed above. The rest will be taken up subsequently as listed in **Appendix II**.



Project Location Map

### Purpose of the SMF

**1.8** Only EIGHT specific activities have been prepared for implementation in the stage-I, and the magnitude of impacts for rest of the Project activities are not known. Therefore, this Social Management Framework has been prepared based on a Social Assessment in fulfillment of the World Bank 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 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 social action plans prepared for the sub projects.

**1.9 Methodology:** The SMF has been prepared based on the Social Assessment, which involved desk review of available literature and government documents on urban development, relevant legal frameworks, reports on previous implementation experiences, interactions with key stakeholders including the implementing agencies, people likely to be affected, focus group discussions with select affected groups, and a sample survey amongst the affected informal settlements along the Beira Lake and canal banks.

**1.10** The Social Assessment has shown the socio-economic, cultural and physical characteristics of the Project-affected area. The sample social survey, focus group discussions, interviews with

identified community members and observations by the project staff and consultants enabled an understanding of the potential socio-economic, cultural and physical impacts that the project affected persons will have to undergo as a result of implementation of the MCUDP. The eight Stage-I activities will involve generic, localized and temporary impacts such as: access and mobility, health and safety issues, equal wages for men and women, etc. These activities will not involve and land acquisition, and will involve relocation of two shops and one kiosk.

**1.11** 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 vulnerable households living in informal settlements on low-lying lands, as part of the flood and drainage management investments under Component 1. A few works proposed by the participating Local Authorities may in cases involve possible involuntary resettlement impacts on account of land acquisition or resumption of occupied public lands in the Metro Colombo area. Specific activities that may generate involuntary resettlement impacts include: flood and drainage management works (rehabilitation and improvement of the drainage and canal systems with dredging and widening to reduce flood risks) to be undertaken by the SLLRDC; development of the Beira lake and other lakes by UDA; civil works planned by the participating municipalities including rehabilitation or, and improvement of municipal roads; construction of schools, libraries, etc. These activities may require acquisition of private lands/structures, and may affect residences and businesses in the area, especially those located in low lying areas, community facilities and physical and cultural properties. In some cases resumption of public lands for civil works under the occupation of unauthorized residents and shops could also generate resettlement impacts.

**1.12** Most of the people likely to be affected live in under-served settlements (USS) without secure tenure; have informal incomes and access to minimum basic services including water, electricity, and common toilets; and are poorer than the mainstream population of the metropolitan area. Some of them belong to linguistic or religious minorities, but not indigenous communities. Although the main objective of resettlement will be to ensure a better quality of life for communities occupying environmentally sensitive flood-prone low lying lands, the relocated people might face temporary or longer term livelihood impacts or income losses due to the loss of existing business tied to their location. Interventions involving involuntary resettlement (IR) will have a long gestation period, and will therefore be implemented in the Stage-II with mitigation plans prepared and implemented for the Project as per the Social Management Framework.

**1.13 Summary of Social Assessment:** A Social Assessment was carried out through desk review of existing literature, sample survey, focus group discussions and consultations with the likely to be affected people. The SA focused on larger development context of the Metro-Colombo Area (CMA), legal-institutional setting, socio-economic situation, social risks and impacts, legal framework for handling involuntary resettlement, implementation arrangements and experience with regard to involuntary resettlement management, and for addressing social inclusion, accountability and gender issues. The study showed that only 49% of the dwellings in CMA are formal with the rest being informal settlements, many of which are located close to the drainage and canal systems and suffer flooding during the monsoon. The SA has identified both positive and some negative impacts of the project. The Project is likely to benefit households likely to be relocated to safe and formal housing away from flood prone areas. The key positive impacts identified are: formal ownership of house for squatters likely to be affected by the project, social recognition and security associated with formal tenure, improvement in living conditions in new condominiums, integration of the younger generation in the middleclass mainstream of the capital region, enhanced credit-worthiness, and poverty alleviation. Among the negative impacts, the flood control measures may involve minimal land acquisition and some involuntary resettlement impacts, even as the majority of the works, chiefly

improvement of existing infrastructure such as canals, micro/storm drainage, streets, recreation areas, and similar works will have only temporary impacts relating to access, mobility, health, and safety.

**1.14 Key Findings:** A sample social survey was carried out for 161 households living in informal settlements along the Beira Lake who are likely to be affected by the stage-II activities. The survey showed that the male-female ratio in the sample (slums) was 49-51. Some 38.6 % were Sinhalese, 31.4% were Muslim/Malay, 28.5% were Tamils, and 1.2% households were Burghers (descendants of mixed European-Lankan parentage). Religion wise, the composition was also mixed: 34.8% Buddhists, 31.7% Muslims, 16.8% Hindus, 14.3 Roman Catholics, and 2.4% Anglican, and other faiths. The school going children had access to schools with 1-2 kilometers distance. 39.7% of the sample households lived in the slums for over 20 years, 24.9% lived for 10-20 years, 21.8% for over 5 years and the rest 13.6% for less than 5 years. These squatters possess Municipal Registration cards and consider they have ownership, which is legally not correct. 37% of the houses surveyed did not have electricity, whereas 61% received power from Colombo Electricity Board. 50% of the sample households have piped water supply, whereas the rest use public stand posts. Only 26% houses have private toilet facilities whereas the rest use public toilets. Some 73% of the affected households were engaged in the informal sector with 30% households being unskilled laborers; 23% self-employed, and 12.4% skilled laborers, and 8% having unspecified skills. The rest 23% worked in public or private sector agencies.

**1.15 Key Social Risks:** The key social risks and issues identified for the project are associated with: (i) mitigating potential involuntary resettlement (OP/BP 4.12) and any adverse impacts on physical and cultural resources (OP/BP 4.11), (ii) promoting social inclusion and accountability, and (iii) supporting sustainable management for resettlement sites developed to re-house displaced households. It is estimated that some 1,500 squatter households living in underserved settlements (USSs) along Beira Lake and canal banks and some 200 squatter families affected by construction of resettlement sites on public lands where they were living, all of whom will be resettled. The detailed negative impacts listed in the SA include: loss of habitat, loss of location advantage, likely loss of informal incomes of women, impact on community living, psychological attachment to old dwellings, disruption in education of students, loss of access to free basic services such as water, sanitation facilities, etc. The sustainable management of condominiums developed to resettle the affected households is also highlighted as a risk. The social impacts are discussed in more detail in Chapter 3.

## Guiding principles

### Project Resettlement /Land Acquisition Principles

**1.11.** MCUDP 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 MCUDP will adopt the following principles:

- Avoid or minimize acquisition of private lands unless absolutely required,
- Minimize involuntary resettlement and loss of land, structures, other assets and incomes by exploring all viable options
- Use as much state lands as possible
- Avoid or minimize displacement from homesteads
- 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.

Impact Mitigation Principles

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

- MCUDP will undertake social screening followed by social impact assessment 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 World Bank.
- Resettlement of the project affected persons 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 affected persons/households will be identified and mitigated through targeted 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 housing and shops will be provided to the displaced residents and shops 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
- 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.
- The pace and quality of the LA 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 02

### Existing Policy and Regulatory Frameworks

**2.1** 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 PPAs to ensure that project activities are consistent with the legal/regulatory framework. Additionally, it is also to be ensured that activities are consistent with World Bank policies and guidelines. This section discusses the gaps in legislation, regulation, policies and institutions for social management framework and resettlement. Additionally, an outline of the social safeguard policies of the Bank is presented. This framework addresses the gaps to ensure conformity to the World Bank safeguard policies while adhering to the national policies.

### Sri Lankan Legal and Regulatory Framework

**2.2** 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:

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

Laws relating to management of condominiums

- m) Apartment Ownership Law No :11 of 1973
- n) Apartment Ownership (Amendment) Act. No : 45 of 1982
- o) Common Amenities Board (Amendment) Act. No : 46 of 1982
- p) Apartment Ownership ( Special Provisions ) Act No : 4 of 1999
- q) Apartment Ownership ( Special Provisions ) ( Amendment ) Act No : 27 of 2002
- r) Apartment Ownership ( Amendment ) Act No : 39 of 2003
- s) Common Amenities Board Law No : 10 of 1973
- t) Common Amenities Board ( Amendment ) Act No : 24 of 2003

### Land Acquisition

**2.3** The private land acquisition for public purposes is guided by the provisions and procedures outlined in the Land Acquisition Act (LAA) 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 issued in Gazette on 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 entitles affected persons 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. 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. Minimizing land acquisition: 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.

**2.4** One of the inadequacies of the LAA is that the onus 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 implementation arrangements in Chapter 5. The Community Development Officers (CDOs) and the NGOs will play a facilitative role in assisting the APs in accessing their entitlements.

**2.5** Displaced persons often face serious delays in the land acquisition process due to inquiries that can go on for several days, and the fact that they are conducted by Divisional Secretaries who often do not have experience or are unable to interpret legal documents or decide complicated ownership issues. In order to speed up the process, the PMU will have a special Land Officer to provide coordination support. The minimum time period for the tasks involved in the process of requiring land for public purposes is listed in Table 2.1.

**Table 2.1: Process for Requirement of Land for Public Purpose**

Aspect	Activity	Responsibility	Minimum Period for tasks (weeks)
Acquisition Proposal	Prepare land acquisition proposal	Project Director	02 weeks
Approval of proposal	Submit to the Head of Department for approval	Project Director	01 week
Line Ministry Approval	Head of Department submits Proposal with draft gazette notification to Secretary of Line Ministry	Secretary to the Ministry	03 weeks
Minister's Approval	Secretary, Line Ministry obtains Minister's approval	Secretary, Line Ministry	03 weeks
Publication of intent	Secretary to the Ministry gets the Gazette notification published	Government Printer	06 weeks
Forward Gazette	Secretary, Line Ministry submits proposal	Secretary, Line	04 weeks

notification to Lands Ministry	with the Gazette notification to Secretary, Lands Ministry	Ministry	
Approval of proposal	Lands Minister approves proposal	Lands Minister	04 weeks

The main elements and the procedure involved in the Land Acquisition Act are outlined in Table 2.2.

**Table 2.2: Procedural steps in the land acquisition process**

Section	Aspect	Activity	Responsibility	Minimum period for tasks (weeks)
Section 2	Notice	Secretary, Lands Ministry issues Section 2 notice to the Divisional Secretary specifying the area in which a land is required for a public purpose, and that notice permits authorized personnel to undertake investigations to determine whether the land is suitable for the public purpose.	Secretary, Lands Ministry	03 Weeks
Section 4 (1)	Publication of Notice		Ministry of Lands	06 weeks
Sections 4 (2) and 4 (4)	Opportunity for Objections	Notice affords an opportunity for the owner / occupiers to make written objections to the intended acquisition.	Secretary, Line Ministry	12 weeks
Section 5	Declaration published in Government Gazette	Where Minister decides that a particular land should be acquired, he shall make a declaration that is gazetted.	Minister of Lands	05 weeks
Section 7	Notice to Persons interested	Describes the land and the intention to acquire it and directs any persons with any interest in the land to appear before him on a specified date, time and place and make their claims for such interest and compensation.	Acquiring Officer (Divisional Secretary)	06 weeks
Section 9	Inquiry into claims for compensation	Inquiries into the respective interests of the claimants, ascertains the market value of the land, the claims for compensation and any other relevant matters provided for in the LAA. At the conclusion of the inquiry, the acquiring officer makes a decision on the claims.	Acquiring Officer	08 weeks
Section 10 (1)	Reference to Court	Refers the claims with disputes to the District Court or the Primary Court for determination.	District Court / Primary Court	Indefinite
Sections 10 (3) 10 (4) 10 (5)	Reference to Court	Determines the persons who are entitled for compensation, the total amount of compensation for the acquisition and the apportionment of such amount between several persons with interest in the land.	District Court / Primary Court	Indefinite
Section	Award of	After enquiry, the acquiring officer	Acquiring	05 weeks

Section	Aspect	Activity	Responsibility	Minimum period for tasks (weeks)
17	acquiring officer	determines the persons who are entitled to compensation, the total amount of compensation for the acquisition and the apportionment of such amount between several persons with interest in the land.	Officer	
Section 22	Right of Appeal	If parties disagree, an appeal lies to the Board of Review.	APs / Board of Review	Indefinite
Section 28	Appeal to Supreme Court	Review to the Court of Appeal on questions of law. Legal provisions applicable to the assessment of compensation are included in Part VI of the LAA. After an award is made and compensation paid, the Minister publishes an order under Section 38 of the LAA directing the acquiring officer to take possession of the land.	Supreme Court	Indefinite
Section 29	Payment of Compensation	The Acquiring Officer tenders to each person, the amount of compensation allowed to him by that award.	Acquiring officer	04 weeks
Section 38A	Notice	A notice under Section 38A is gazette. This is a vesting order. The Implementation Agency requests the Land Minister to take over the land.	Minister of Lands	06 weeks
Section 44 (1)	Vesting of Land	After taking possession of the land, the Divisional Secretary hands over to the respective Government Institutions and issues Section 44 (1) Vesting order.	Divisional Secretary	03 weeks

**2.6** Currently the legal framework that governs land acquisition in Sri Lanka is the LAA. However, its provisions largely meet requirements of the Bank's Operational Policy (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. Some of the salient gaps in the existing legal framework are summarized below.

**2.7** 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 one. The PMU will closely follow up with the concerned authorities to see that the task is completed within the minimum time required. To facilitate the affected persons 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.

**2.8 Determination of Compensation at Replacement Cost:** 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. The Sri Lanka National Involuntary Resettlement Policy (NIRP) prescribes payment of compensation for loss of affected property at replacement cost.

**2.9** As per the LAA, the Ministry of Land is responsible for undertaking land acquisition, whereas 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.

**2.10** The law stipulates compensation only for the persons who appear in the land administration records as the owners. 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 provided in this SMF offers structure compensation and R&R benefits to the affected squatters.

**2.11** People who are impacted through loss of income are not recognized. The LAA provides for compensation for lands and other fixed assets built and grown on them (structures, trees and orchards and crops). The LA Regulations of 2008 has introduced provisions to cover loss of income and other impacts which can be compensated on furnishing of evidence by the land loser. The LAR-2008 however does not cover people who cannot produce evidence to claim benefits towards loss of income. The Entitlement Matrix in this framework however recognizes and offers assistance for the loss of incomes documented, or minimum livelihoods assistance in lieu thereof.

#### Reservation on State Lands.

**2.12** State reservations are provided for in Part VI of the State Lands Act No 13 of 1949. Section 51 stipulates that title to state reservations cannot be acquired by possession or user. Section 53 exempts state from liability to pay compensation for improvements effected on reservations. It states: *Subject as hereinafter provided, 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 reservation; nor shall any claim for any such compensation be at any time entertained by any court.* Section 54 provides for summary ejection of offenders in unlawful possession of state reservations.

**2.13** 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 Resumption Ordinance and has at any time prior to or after the declaration, acquisition or resumption been land marked with boundary marks by or under the authority of the Surveyor General.

### Recovery of Possession of State Lands

**2.1.** 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 ejectment 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.

**2.15.** 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. Section 109 makes provision for order cancelling permit if permit holder fails to appear. Section 110 lays down the procedure where permit holder appears and shows cause. 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.

**2.16.** The procedure for ejectment of a person in occupation of a grant of a holding of a state land is spelt out in Chapter IX of the Land Development Ordinance. 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 MCUDP shall be ejected from his/her residence or business irrespective of his/her status without, if eligible, being provided with appropriate resettlement and rehabilitation assistance as spelt out in the Entitlement Matrix provided in this SMF.

### Law of Prescription

**2.17.** 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. Acquisitive prescription is a MOD & UD of acquiring ownership of immovable property. 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 immovable 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 favour with costs.*”

**2.18.** Prescriptive title to *chena* (slash and burn) lands cannot be set up against the state, the reason being that section 7 of the Crown Lands Encroachment Ordinance 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 *sannasasor* 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.

Law of Compensation for Improvements

**2.19.** 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. Most of the dwellers around the canal reservations and Beira Lake reservation are accordingly mala fide possessors. 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 Entitlement Matrix provides for extending appropriate resettlement and rehabilitation 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.*

Environmental Impact Assessment

**2.20.** 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 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 EIAs. The Act requires environmental clearances to be sought for specific types of new projects.

**2.21.** The Environmental Impact Assessment (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 National Environmental Act 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 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.

**2.22.** 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 environmental impact assessment is required under Part IV (c) of the Act. The prescribed project schedule requiring EIA includes item 12, which refers to "... involuntary resettlement exceeding 100 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 PAAs. Typically, the Project Approving Agency (PAA) is also the project proponent. The PAA is required to prepare an IEE or EIA according to CEA guidelines.

**Regulatory Role of Relevant Agencies**

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

Urban Development Authority

**2.24.** 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 Urban Development Authority Law, No 41 of 1978 lays down the provisions relating to acquisition of immovable property.

**2.25.** 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 Land Acquisition Act 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)).

**2.26.** 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 Land Acquisition Act. This act enables the UDA to take speedy possession of a private land required for urban development projects where the affected persons 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 MCUDP shall be evicted, or disturbed in any manner without the provision of eligible resettlement and rehabilitation benefits as per the Entitlement Matrix provided in this framework.

Sri Lanka Land Reclamation and Development Corporation

**2.27.** 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 “Sri Lanka Land Reclamation and Development Corporation” with the amending 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.

**2.28.** 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.
- 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.

**2.29.** 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.
- d) Ability to take legal action against unauthorized reclamation & development of areas and canal reservations declared under the act.

**2.30.** 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.
- e) Creation of land by sea reclamation

**2.31.** 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.

**2.32.** A step was taken to demarcate canal reservations by an order by the Minister under Section 4 (a) 1 of the Sri Lanka Land Reclamation and Development Corporation 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 2.3 specifies the limits in gazette No 1662/17 of 14 July 2010.

**2.33.** In case where lengths declared by the Urban Development Authority, 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

**Table 2.3: Width of Canal Reservations**

Surface width of the canal (meters)	Reservation from the canal bank	
	For open canals (meters)	For surface covered canals (meters)
1.0 -1.2	1.0	0.3
1.3 - 3.0	2.0	1.0
3.1 -4.5	2.75	1.0
4.6 - 6.0	3.5	1.5
6.1 - 9.0	4.5	1.5
More than 9.0	6.5	2.0

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

#### Local Government Institutions

**2.34.** 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 authorizes an MC 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)).

**2.35.** 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. 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 MCUDP is required to be evicted for project related work. Such household or person shall not be evicted, or disturbed without the provision of eligible resettlement and rehabilitation benefits as per the Entitlement Matrix provided in this framework.

#### **National Policy on Involuntary Resettlement**

**2.36.** The policy framework governing the above matters with respect to the MCUDP is contained in the following instruments:

- a) National Involuntary Resettlement Policy (NIRP)
- b) World Bank Operational Policies on Involuntary Resettlement.

#### National Involuntary Resettlement Policy (NIRP)

**2.37.** 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.

**2.38.** 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 in the LAA in addressing key resettlement issues, the Cabinet of Ministers approved on 16 May 2001, the National Policy on Involuntary Resettlement 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. The Sri Lanka National Involuntary Resettlement Policy (NIRP) is given in **Appendix III**.

**2.39.** Resettlement can have a number of adverse social and cultural effects and impacts including:

- Impoverishment of displaced persons due to homelessness and landlessness,
- Joblessness
- Economic marginalization
- Increased morbidity
- Food insecurity
- Lack of access to common property and public services
- Disruption of existing community networks.

**2.40.** The NIRP seeks to:

- a. Avoid, minimize and mitigate negative impacts of involuntary resettlement by facilitating the reestablishment the affected people on a productive and self-sustaining basis. The policy should also facilitate the development of the APs and the project;
- b. Ensure that APs are fully and promptly compensated and successfully resettled. The livelihoods of any and all displaced persons should be re-established and their standard of living improved;
- c. Ensure that no impoverishment of people shall result as a consequence of compulsory land acquisition for development purposes by the state;
- d. Assist APs in dealing with the psychological, cultural, social and other stresses caused by compulsory land acquisition;
- e. Make all APs aware of processes available for the redress of grievances that are easily accessible and immediately responsive, and
- f. Have in place a consultative, transparent and accountable involuntary resettlement process with a time frame agreed to by the project executing agency and APs.

**2.41.** It is envisaged that NIRP enables the establishment of a framework for planning and implementation of the MCUDP. It should ensure that project affected persons are adequately compensated, relocated and rehabilitated. Accordingly, the GOSL has directed that the scope of NIRP applies to all development induced land acquisition, or recovery of possession, by the state. The

NIRP requires that a comprehensive resettlement action plan be prepared where twenty or more families are affected. Even for instances where less than 20 families are affected, the NIRP still requires a plan which may be prepared in less detail. The policy applies to all projects regardless of the source of funding.

### **World Bank Social Safeguard Policies Applicable to the Project**

**2.42.** The SMF seeks to sustain a due diligence process, to avoid exacerbating social tensions and to guarantee unflinching treatment of social issues across all development interventions. All projects funded by World Bank 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 Project Partner Agencies 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 World Bank has ten safeguard policies.

1. BP/OP 4.01: Environmental Assessment
2. BP/OP 4.12: Involuntary Resettlement
3. OP 4.04, BP 4.04: Natural Habitats
4. OP 4.09: Pest Management
5. OPN 11.03: Cultural Property
6. OD 4.20: Indigenous Peoples
7. OP 4.36, BP 4.36: Forestry
8. OP 4.37, BP 4.37: Safety of Dams
9. OP 7.50, BP 7.50: Projects on International Waters
10. OP 7.60, BP 7.60: Projects in Disputed Areas

**2.43.** The World Bank's safeguard policies, ten of them, are meant to ensure that operations of the Bank do not cause harm or lead to adverse impacts. The following four out of the ten are relevant for the MCUDP:

- OP/BP 4.12: Involuntary Resettlement.
- OP/BP 4.01: Environmental Assessment
- OP/BP 4.11: Physical Cultural Resources
- OP 4.04, BP 4.04: Natural Habitats

**2.44.** The basic resettlement policies and principles to be followed by this project are spelt out in the World Bank operational manual OP 4.12 on involuntary resettlement (December 2001). MCUDP potentially triggers two of the above policies, namely, environmental assessment and involuntary resettlement. Involuntary displacement occurs when the decision of moving is imposed by an external agent and when there is no possibility to stay. Involuntary displacement can be caused by environmental degradation, natural disasters, conflicts or development projects. It is associated with loss of housing, shelter, income, land, livelihoods, assets, access to resources and services, among others. Resettlement is a process to assist the displaced persons to replace their housing, assets, livelihoods, land, access to resources and services and to restore their socioeconomic and cultural conditions.

**2.45 Indigenous People:** Indigenous people refer to a population with social, cultural, economic and political traditions and institutions distinct from the dominant society or culture. The Veda community in Sri Lanka maintains cultural, social and linguistic identities different from that of the

dominant society and as such are considered indigenous people. They wish to preserve their identity and seldom participate in the development processes. However, the World Bank's 'Indigenous People' safeguard policy is not triggered in the MCUDP, as the Vedda community is not located in the project area.

**2.46. OP 4.12: Involuntary Resettlement.** Involuntary resettlement covers situations where a project must compensate people for loss of land, other assets, livelihood, or standard of living. The MCUDP may not require any major acquisition of private lands. However, it involves the recovery of possession of state lands which form canal embankments and reservations. Most MCUDP 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.

**2.47.** Bank policy states that a Resettlement Policy Framework 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 plans (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 **Appendix V and VI**.

**2.48.** The WB's 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 resettlement policy framework 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 resettlement policy framework includes measures to ensure that the displaced persons are provided moving allowances and provided with residential housing.

**2.49.** The World Bank involuntary resettlement policy states that project planning must avoid and minimize involuntary resettlement, and that if people lose their homes or livelihoods as a result of Bank-financed projects, they should have their standard of living improved, or at least restored. The policy was designed to address the plight of millions of people around the world whose homes are destroyed or whose livelihoods are adversely affected as a result of Bank-financed projects. 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.

**2.50. OP 4.01: Environmental Assessment.** Most of the development interventions take place in critical natural habitats such as, Wetlands, Sanctuaries, Lakes, flood retention areas and the coastal zone. It is imperative to implement environmentally and socially sound options for disposal of canal dredging material and construction debris during maintenance and construction activities. (A separate

environmental assessment report is being done by another group of consultants and hence will not form a part of this report.)

**2.51. OP 4.11: Physical Cultural Resources:** According to the Bank, the term “Physical Cultural Resources” includes sites having archeological (prehistoric), paleontological, historical, religious, and unique natural values. The World Bank’s general policy regarding cultural properties is to assist in their preservation, and to seek to avoid their elimination. Specifically, the Bank normally declines to finance projects that will significantly damage non-replicable cultural property, and will assist only those projects that are sited or designed so as to prevent such damage. The development interventions along lake and canal banks may pose a minimal risk of damaging cultural property such as religious buildings located fully or partly on the reservations. The MCUDP will avoid any demolition of such property by alternate designs.

**2.52. OP 4.04, BP 4.04: Natural Habitats:** The construction of new settlements for displaced persons will require a large extent of land. The MCUDP will avoid using the available natural habitats such as forest and wildlife reserves and sanctuaries for this purpose. For instance, the minimum buildings required for the Information Centre, bird watching towers and viewing desks at the Beddagana Biodiversity Park are designed to be constructed on stilts to keep full use of the wetlands.

**2.5.3. Gaps Between Country and Bank Safeguards Requirements:** 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 World Bank’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 policies. The NIRP is a statement of policy intention without specific rules and prescriptions to guide safeguards implementation. In this context, this SMF provides an entitlement matrix 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 affected persons and households will receive eligible compensation and resettlement benefits as per the Entitlement Matrix given in this SMF irrespective of their title or occupancy status prior to losing shelter, business, assets, and incomes due to this Project.

**2.54 SMF Application to Linked Activities and Ancillary Impacts:** As required by para 6 of the Bank OP 4.12, the SMF applies to all activities resulting in involuntary resettlement which are: (a) directly and significantly related to the Bank-assisted MCUDP; (b) necessary to achieve its stated objectives; and (c) carried out, or planned to be carried out, contemporaneously with the project. The SMF also applies to all ancillary impacts of sub-projects undertaken under this project, such as land fill and quarry sites for drainage cleaning and civil works respectively. The Social Screening for sub-projects will include information on such linked activities and likely impacts thereof, based on which impact assessments and mitigation plans (RAPs) will be prepared as appropriate.

## CHAPTER 03

### Situational Analysis and Potential Social Impacts

**3.1.** The List of Sub-project activities identified for development in two stages under MCUDP, of which only EIGHT sub-projects will be implemented during stage-I. by UDA (2), CMC (4) and SLLRDC (2) All the six project partner agencies SLLRDC, UDA, SJKMC, DMMC, CMC and Kolonnawa UC will implement sub-project activities under the direction of the PMU which functions under the MOD & UD. The SA has identified both positive and some negative impacts of the project. The Project is likely to benefit households likely to be relocated to safe and formal housing away from flood prone areas. The key positive impacts identified are: formal ownership of house for squatters likely to be affected by the project, social recognition and security associated with formal tenure, improvement in living conditions in new condominiums, integration of the younger generation in the middleclass mainstream of the capital region, enhanced credit-worthiness, and poverty alleviation. Among the negative impacts, the flood control measures may involve minimal land acquisition and some involuntary resettlement impacts, even as the majority of the works, chiefly improvement of existing infrastructure such as canals, micro/storm drainage, streets, recreation areas, and similar works will have only temporary impacts relating to access, mobility, health, and safety.

### **Situational Analysis**

**3.2.** The eight sub-project activities identified for Phase I will mostly involve localized and temporary impacts relating to access and mobility, health and safety, noise, air pollution, etc. These activities will not involve land acquisition, and of the eight activities only one will involve relocation of two commercial tenants running shops and one shopping kiosk. Key impacts of the Stage-II will emerge out of possible private land acquisition required for infrastructure works and the resettlement of vulnerable households living in informal settlements on low-lying lands, as a part of flood and drainage management investments under Component 1. A few works proposed by the participating Local Authorities may involve possible involuntary resettlement impacts on account of land acquisition or resumption of occupied public lands in the Metro Colombo area. Specific activities that may generate IR impacts include: flood and drainage management works (rehabilitation and improvement of the drainage and canal systems with dredging and widening to reduce flood risks) by the SLLRDC; development of the Beira lake by UDA; civil works by the participating local authorities including rehabilitation or, and improvement of municipal roads; schools, libraries, etc. In some cases resumption of public lands for civil works which are occupied by unauthorized residents and shops could also generate IR impacts. Although the main objective of resettlement will be to ensure a better quality of life for communities occupying environmentally sensitive flood-prone low lying lands, the relocated people might face temporary or longer term livelihood impacts or income losses due to the loss of existing business tied to their location. Interventions involving involuntary resettlement (IR) will have a long gestation period. These negative impacts listed in SA include: loss of habitat, loss of location advantage, likely loss of informal incomes of women, impact on community living, psychological attachment to old dwellings, disruption in education of students, loss of access to free basic services such as water, sanitation facilities, etc. The sustainable management of the condominiums being developed to resettle the affected households is also highlighted as a risk. These activities requiring involuntary resettlement will be implemented in the Stage-II with mitigation plans prepared and implemented as per the Social Management Framework.

**3.3** Based on sample field surveys and field visits, it is estimated that about 1500 squatter residences living in informal settlements along the Beira Lake and canal banks may have to be relocated in Stage-II. Most of the people likely to be affected live in under-served settlements (USS) without secure tenure along the canal banks, and lakes; they have informal incomes and access to minimum basic services including water, electricity, and common toilets; and are poorer than the mainstream population of the metropolitan area. The following sections discuss various categories of social impacts likely during the Stage-II investments, and socio-economic profile of the people who may be

affected in order to provide a picture of the impact areas. The findings are based on field visits, interactions with the implementing agencies to understand the nature and scope of work likely to be undertaken, discussion with the people likely to be affected and a sample survey amongst the affected people living in informal settlements along the Beira Lake and canal banks.

### Beira Lake

**3.4.** The development of Beira Lake shall be a key activity, which will include dredging, restoration of embankments and development of Linear Park will require relocation of families under involuntary resettlement policies. A total of 600 households may be affected due to the development of the Beira Lake.



### Secondary Canals

**3.5.** The other subprojects which have potential relocation impacts are improvements to secondary canals, which is estimated to affect about 800 households. The Consultants visited four secondary canals and identified Sri Wickrama Canal and Sarana Mawatha Canal to have potential resettlement impacts while Poorwarama Canal will have minor impacts in the process of improvements. Sethsiripaya Canal may require one informal sector commercial unit to be shifted to make the improvements considering the required reservation areas from the canal bank.

**3.6.** Sri Wickrama Canal is covered with water plants and filled with sand. It is not possible to identify the canal presently as some temporary housing units have been constructed. There are 79 residential units and business units identified as potential structures which will affect as a result of improvements to this canal in which 47 households and 2 business units may require to resettle, as fully affected structures. The actual impact will be assessed through SIA during sub-project preparation.



Note: canal is filled and covered with water plants and can't be identified.

**3.7.** Sarana Mawatha Canal improvements also will have potential resettlement impacts for some households. Majority of them are casual labourers living in extremely substandard housing conditions. There are also 13 partly affected households, who have encroached the canal reservation, but among them, five households belong to the upper class of Colombo, living in large houses. They have erected their parapet walls without leaving any reservations to the canal banks. These data will be verified and reconfirmed through impact survey during preparation.



3.8. Poorwama Canal (Colombage Mawatha) improvements will potentially affect over 11 households in one stretch.



Embankment Protection and Demarcation of Reservations

3.9. This activity which will be carried out in four main canal areas will generate significant impacts to the population living along the reservations. A large number of families are residing along St. Sebastian’s Canal and they have erected structures encroaching the standard reservation lands stipulated

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by the SLLRDC. Wellawatte and Canal banks have encroached by the living around. It observed that embankments of Wellawatte and canals are fairly maintained in most parts, but in Kolonnawa Canals, embankments are satisfactorily maintained as there encroachments.

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Government**

### Colombo Canal System

**3.10.** If Wadugodawatha Ela and Kambikotuwa Ela are included for Kolonnawa Canals, a large number of families may have serious impacts as a large number of units are located on the embankments. There are nearly 50 units located on Wadugodawatha embankments who may have to be resettled for restoring embankments.

#### Localized Flood Issues

**3.11.** Encroachments to Norris Canal have created serious flooding issues to the Colombo City. The SLLRDC and CMC are engaged in designing a viable solution. There are a few squatter residences that have been living in this area for a considerable period. Unless these families are resettled, development activities cannot be preceded. As discussed with these families, they will be happy to be resettled in the vicinity.

#### **Stage-I Sub-Projects: Social Impacts of and Mitigation Plans**

**3.12.** The Stage-I investments include eight front runner sub-projects prepared fully to be undertaken in the first batch. These include: 4 subprojects proposed by CMC. [1] The Walkability and Parking Improvements to eleven road sections of the City. [2] Improving public convenience by erecting public toilets at fourteen locations. [3] Model zone development of Town Hall Square and [4] the Marine Drive Development which will address flooding and drainage issues around the Marine Drive area. SLLRDC has proposed two subprojects: [5] Improvements to main drain, Mutwal Tunnel and to Aluthmawatha culverts and [6] Improvements to Dehiwala canal bank from Galle Road bridge up to the sea outfall. The UDA has proposed two projects: [7] Beira Lake Restoration Project which will construct Linear Park, Lake Bank protection wall, foot bridge and rehabilitation of McCallum Lock Gates and [8] Beddagana Bio-diversity Park and Bird Sanctuary Park. Social Screening has been completed for these activities and an abbreviated resettlement action plan (RAP) has been prepared as a separate document in line with this SMF.

**3.13.** The Social Screening exercise for these eight sub-project areas indicated that these will not involve land acquisition, will require relocation of two rented shops and one commercial kiosk, and will involve mostly temporary construction management related impacts. These eight sub-projects do not involve any linked activities as per para 6 of the OP 4.12 and the ancillary impacts of these sub-projects have been considered while preparing the social screening reports. Individual Social Screening Reports were prepared for these stage-I sub-projects, based on which a consolidated Social Screening and Abbreviated Resettlement Action Plan (RAP) has been prepared. The Social Screening process is the first step to rapidly identify if any subproject has any social issues, so that a fuller impact survey can be undertaken where larger impacts are identified. Social Screening helped to identify what sub-projects can be undertaken in the Stage-I. The social screening format is given as Appendix- IV, and requires the implementing agency to describe project details, corridor of impact, site conditions, and potential positive and negative impacts including land acquisition and resettlement requirements with suggested mitigation measures and categorization of impact with recommendation for preparing SIA and RAP.

#### **Potential Impacts on Squatter Households Living in Low Lying Areas**

**3.14.** A sample survey was carried out in three different settlements along the Beira Lake and canal banks to understand the conditions of people living in the low lying under-served informal settlements who are likely to be relocated as a part of the Beira Lake development sub-project.

#### Potential Negative Social Impacts

**3.15.** Beira Lake Sample Survey of the settlement clearly highlights that according to the employment pattern, a majority of the household heads is engaged in the informal sector, and their livelihood is

closely related with the city economy. Accordingly, their present location is the most important factor of their daily income. Some of them are engaged in selling of food stuff on the beach, some do individual fishing, whereas others are daily wagers or petty vendors. Loss of location advantage could affect their incomes.

**3.16.** The sample survey of the other two settlements located on the canal banks of Sri Vickrama Canal and the Sarana Mawatha Canal also confirm the locational advantage as the settlers in both of these settlements are earning their livelihood from the informal sector of Colombo. When they were asked to comment on the nature of seriousness of their impacts according to their priority resulting from this proposed development, over 80% of Beira Lake affected households reported likely loss of shelter and access to employment and other facilities such as school, hospital, and marketplace.

**3.17.** The resumption of public lands along the canal banks and lakes will generate potential resettlement impacts for the affected persons located in canal banks in the stage-II, which will be surveyed during preparation of the concerned sub-projects. Approximately 99% of the residents living in informal settlements informed that they would relocate away from their unhealthy environment, however, were also attached to their homes where they lived for many years.

**3.18.** Dislocation of houses which lived together for many years and shared resources is an impact among the settlers. A significant feature among Beira Lake and other two communities, is that cutting across race, religion and culture, the affected people share common identities and social relationships, resources, food and many other things. Dislocation of social and ethnic groups' as a result of relocation was perceived as a potential risks by the people interviewed. Social / ethnic groups in adjoining houses live as one community group with shared customs, obligations, religious beliefs and other elements which make a social or ethnic group distinct. During the Social Survey it was observed that in some houses the Chief Occupant had gone out for their livelihoods and the adjoining houses were looking after their children. If all such families are not considered to live together in new resettlement sites as one cluster, their social and personal ties will break putting some families in social and economic disadvantage. There are families who possess a long period of stay in these settlements and they may suffer from greater health and psychological impacts than the other groups as a result of community dislocation. Relocating these people will require steps to rebuild their social capital which may be affected.

**3.19.** Presently, in most of these settlements, residents enjoy free water in common gardens. Garden taps and common sanitation facilities have been provided. They do not pay any rates or taxes to the CMC, but once they are resettled in formal housing, they will be subjected to pay for all these services. Water, electricity, maintenance and payment of rates will be mandatory. Therefore, losing these free services maybe a potential impact.

**3.20.** It is observed that both spouses in a family are engaged in livelihood activities to supplement the household incomes. Most of the women are engage in ad-hoc work in the nearby middleclass neighborhoods and earn some addition income to support their family. Whether such opportunities will be available in the new relocation sites is doubtful. This also maybe a potential negative impact of the residents sought to be relocated from where they live at present.

**3.21.** There are several NGOs working in these settlements providing various services. In addition, people have developed rapport with the local authorities and political leaders over a long period of time, which may be affected. These political leaders may oppose the shifting away of the local residents who support them in elections.

#### Potential Positive Social Impacts

**3.22.** The project will prevent/reduce flooding in many residential areas along the Lakes and the main canals, save millions of rupees worth of loss due flooding and consequent financial burden on the affected households. Many of the households affected by flooding in the low lying areas live in USS

and have to bear the debilitating impact of regular flooding. Field visit interactions showed that many of these people were willing to relocate to avoid flood irrespective of the quality of resettlement package. Flooding also affects economic activities in the city and education of children. These will be addressed through the proposed flood management works along the lakes and the canals. The damage to the roads and inconvenience caused to people living in some neighborhoods affected by regular water logging during monsoon will be prevented with storm water drainage improvement works.

**3.23.** The most significant positive impact of this resettlement exercise is that the residents who live in marginal lands presently identified as squatters or illegal occupants of the City will become house owners, provided with new houses of 400 sft carpet area worth over Rs 2.5 million each in multi-storey condominiums. In other words, they will not be treated as underserved settlers. This is expected to bring significant positive changes of their lifestyles. They will not only be residentially stable, but also be motivated to contribute productively to the City economy. Separate residential facilities and amenities in these formal housing will enhance their quality of life. They will have the opportunity to live in a healthier environment. Their feeling of insecurity (as squatters) will disappear and they will face life in a more organized and planned manner.

**3.24.** Social recognition to them will be another motivating factor, particularly in obtaining permanent addresses that make more comfortable in getting access to their children's education. The younger generation will also benefit more from the new lifestyles in a formal housing environment. One of the serious drawbacks they have as illegal occupants is that their status is not recognized by the banking system to obtain loans, even though they have the ability to pay. But with this acquisition of ownership to a house, the banks will encourage executing loan facilities and that will enhance their credit-worthiness.

**3.25.** Besides, the MCUDP will contribute with improving the living standards of the people living in underserved settlements with the provision of formal housing and economic assistance. The project will also improve the city ecology and make Colombo a better city transforming lives of people living in the under-served settlements.

**3.26. Resettlement Sites:** The Government has arranged for relocating these settlers within the Colombo Metropolitan Area under the MCUDP and the construction work of the resettlement sites have commenced. These resettlement sites are not far from the locations where they presently stay. The resettlement will be around maximum 3 – 4 kms from the present locations, and the project has considered their locational advantages. The present regulations generally consider a 3 km radius in admitting children to schools as one of the key criteria. Like any other children travelling 3 – 4 kms to their schools, the relocated children too can travel this distance. Hence, schooling for children from the new resettled locations will not be an issue and most of the children may continue to attend the same school. The details of resettlement sites in discussed in **Chapter-7**.

**3.27.** As the relocation will take place within Colombo, hardly anyone will lose the present employment that they are engaged in. Many of them who are contributors to the informal sector will continue in their present functions. The travel time between the new resettlement areas and places of employment will be within half an hour of travel time. As such, the probability of losing employment by the potential relocated persons will be very remote and marginal. Some self-employed persons such as providing processed food to the presently residing locations may lose their market temporarily. But they may be able to recapture their activities in a better way as they are going to be resettled in large housing complexes where marketing and business opportunities will emerge with the influx of a large number of families. They will also continue to enjoy health facilities presently provided by Colombo hospitals.

**3.28.** In addition, welfare measures such as Samurdhi and other assistance packages will not be curtailed from the residents who are presently receiving them, as a result of their relocation. They will continue to receive such assistance. In addition the Project will provide income and livelihood assistance to the eligible households, especially those that are poor and vulnerable as per the

entitlement matrix. Having considered this background, the resettlement programme will offer much more than currently anticipated by the APs. The entitlement matrix provides specific income generating support measures including training for youth of the women headed and vulnerable households. Overall, the quality of life of the relocated people is expected to improve in the formal housing environment, and contribute to poverty alleviation.

3.29. The table below summarizes some of the adverse impacts and possible mitigation measures identified during the SA exercise in consultation with the key stakeholders and communities.

**Table 3.1: Likely Impacts and Mitigation Measures**

Potential Impacts	Typical Mitigation Measures
<ul style="list-style-type: none"> <li>Loss of private land and, houses, business units and other structures</li> </ul>	<ul style="list-style-type: none"> <li>Compensation and R&amp;R assistance</li> <li>Alternative housing in a planned manner</li> </ul>
<ul style="list-style-type: none"> <li>Loss of access to livelihoods</li> </ul>	<ul style="list-style-type: none"> <li>Assistance for temporary loss of lands and crops</li> <li>Participatory approach during preparation of mitigation plans</li> </ul>
<ul style="list-style-type: none"> <li>Loss of access to common property resources (CPR)</li> <li>Impacts to non-title holders on public land</li> </ul>	<ul style="list-style-type: none"> <li>Reconstruction of affected CPR</li> <li>R&amp;R benefits for Non-title holders including alternative housing .</li> </ul>
<ul style="list-style-type: none"> <li>Dislocation of social capital and networks Loss of community living</li> <li>Loss of locational advantage</li> </ul>	<ul style="list-style-type: none"> <li>Facilitate group relocation of APs to same relocation sites</li> <li>Consultative planning of relocation</li> <li>Support for income generating activities</li> </ul>
<ul style="list-style-type: none"> <li>Loss of free access to basic utility services such as public stand posts for water</li> </ul>	<ul style="list-style-type: none"> <li>Provision of water, toilets for individual households and common amenities for buildings</li> </ul>
<ul style="list-style-type: none"> <li>Disturbance to community population and neighbouring residential communities</li> </ul>	<ul style="list-style-type: none"> <li>Social mobilization to establish contact and rapport and support integration in host communities.</li> </ul>
<p>Partial damage to structures Commuters and resident population in the vicinity are affected by flooding of roads Flooding of Kimbula Ela area affects the dwellings of nearly 5000 people where houses go under 3 feet of water.</p>	<p>Compensation and R&amp;R benefits Improved drainage by improvement to roadside drains will remove obstructions to mobility Improved drainage will enhance public health of the residents Improvement to Kimbul Ela flow prevents flooding of Kimbula Ela settlement</p>

**Physical Cultural Resources**

3.30 **Cultural Heritage of Colombo:** The relation between the city and its endowment of built heritage has been evolving throughout the centuries and successive Portuguese, Dutch and British influences. It is still alive in the city’s historic center, its precious gardens and open grounds, its oldest residential areas, its lakes and canals, its scattered civic buildings such as market places, hotels and railway stations, its Buddhist and Hindu temples, churches and mosques that witness different historic moments and beautify the city with their physical appeal and living culture. As Colombo grows into a major metropolitan area, the protection and conservation of its built heritage becomes increasingly important to provide the city with most needed and precious identity and to qualify its urban context among other metropolitan areas.

3.31 Colombo's cultural heritage is defined by five distinct historical periods: the early pre colonial period; the Portuguese colonial period (1505–1656); the Dutch colonial period (1656–1796); the British colonial period (1796–1948); and the post-independence period. Heritage buildings and sites grace many districts of Colombo MC as well as other specific locations in its metropolitan area and basin. Historic urban fabrics represent at least 5% of the entire urban area of Colombo MC which total some 3,640 square km. The number of listed buildings of historical and architectural value exceeds 250. The Beira Lake continues to play a dominant role in shaping Colombo's urban development as a natural and cultural heritage asset. Living heritage is a permanent feature of many religious buildings, which host traditional celebrations and festivals. Living heritage can be also found in many traditional markets in the proximity of heritage buildings, such as the Edinburgh market near the old town hall.

3.32 The relation between Colombo and its built heritage has been stressed by the city's modernization process. In the historic center, rapidly evolving land and real estate values have resulted in the replacement of heritage buildings with higher density constructions that have compromised the architectural integrity of the original urban fabric, have brought congestions and unsuitable economic activities. In other locations, the development of transport and other trunk infrastructure has broken the visual and physical continuity of the traditional city.

3.33 Central and local government authorities are increasingly aware of the importance of harmonizing Colombo's development needs with the preservation and valorization of its built heritage. They have started restoring and rehabilitating heritage buildings in the historic center and plan to expand the endeavor to other significant urban areas. This development is positive. However, to avoid patchy interventions, it needs to be set into a comprehensive vision of the role that Colombo's built heritage plays in the urban and socio-economic development of the city and its entire metropolitan area.

**3.34 Built Heritage:** While Sri Lanka has a varied built heritage made of archeological ruins and structures that span well over two thousand years (Anuradhapura, Polannaruwa and Kandyan architecture), Colombo, having being established as a colonial capital, has a more recent built heritage limited to its colonial and post-independence times. Yet, this heritage is varied, presents impressive structures and constitutes an exclusive urban endowment, historically significant and visually precious. As already mentioned, such endowment is made of individual monuments and buildings, built complexes and sites, historic urban fabrics, engineering structures, and natural and manmade water bodies.

3.35 The "City of Colombo Development Plan" of 1999, developed by the Urban Development Authority of the then Ministry of Urban Development, Housing and Construction, acknowledges the city's rich physical heritage by establishing an extensive list of buildings of historic and architectural value that deserve protection. This list was compiled by city district, notably: Fort, with 76 buildings; Slave Island, with 3; Galle Face, with 4; Kollupitiya, with 5; Pettah, with 33; Cinnamon Gardens, with 45; Borella, with 4; Maradana, with 9; Hultsdorf with 21; Kotahena, with 31; and Modara, with 11. The list was prepared on recommendations by the Department of Archeology and the report "Listing and Preservation of Historic Buildings & Zones in the Colombo Urban Area, August-September 1980" of Mr. Roland Lewcock. Nowadays, the list requires updating because some of the structures have been lost or altered. It also requires to be completed with an assessment of the physical context of each monument and heritage building.

3.36 It is felt that the protection of monuments and heritage buildings should be expanded to that of their immediate surroundings. This acknowledges that the ultimate value of monuments and heritage buildings (visual perception and fruition) is strictly related to the preservation of a context (buffer zone) that is architecturally consistent and functionally congruous with their nature. In many instance, protecting the environment of certain heritage buildings, such as temples, contributes to preserving their traditional use and associated living culture.

3.37 Colombo’s heritage buildings are often part of wider heritage precincts. This is the case of Fort District, Cinnamon Gardens and Beira Lake. The latter is both natural and cultural heritage. The “City of Colombo Development Plan” of 1998 and its amendment of 2009 acknowledge the exceptional nature of the above three areas and make them subject to special development regulations and programs.

3.38 A detailed description of Colombo’s built heritage is left to the specialized publications that have been produced on the subject. This report presents the main building typologies and architectural styles that characterize the patrimony as a whole.

<b>Historical Period</b>	<b>Building Typology</b>	<b>Style</b>
<b>Dutch Colonial Period</b>	<b>Secular buildings</b> -Villas with inner courtyard <b>Religious Buildings</b> -Churches	Colonial with Sinhalese influence  Late Gothic influence
<b>British Cultural Period</b>	<b>Secular Buildings</b> -Civic buildings (banks, schools, hospitals, hotels) -Palaces and Bungalows  <b>Religious Buildings</b> -Buddhist temples -Hindu temples -Churches  Mosques  Railway stations Warehouses & Industrial buildings	Neo-classical influence Edwardian influence Eclectic influence Queen Anne influence Victorian and Art Deco influence  Traditional  Neo classical influence Neo-baroque influence Moorish influence
<b>Post Independence Period</b>	Warehouses Industrial buildings Monuments Civic architecture Residential architecture Vernacular architecture	<i>Pseudo traditional,</i>  <i>contemporary traditional,</i> <i>contemporary modern</i>

**3.39 Management of Cultural Properties:** Managing built heritage is a shared responsibility between the public and the private sector. In Sri Lanka and Colombo, public sector responsibilities are fragmented among a host of different institutions operating with limited coordination. The most important institution is the Department of Antiquities under the Ministry of National Heritage. The Antiquities Ordinance of 1940, revised in 1956 and 1998, provides legal background to its activities. Local government is another critical institution insofar it manages urban affairs in the vicinity of heritage buildings and in heritage precincts and is responsible for the delivery of construction permits. To-date, the private sector has shown limited interest in supporting the protection and conservation of

built heritage and promoting its socio-economic fruition. The main institution operating in this area is the National Trust Sri Lanka.

## CHAPTER 04

**Social Management and Mitigation Measures 4.1.** 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.

**4.2** Involuntary Resettlement Policy is one of the safeguard policies to be followed in development projects where relocation of people is involved. The World Bank Operational Policy 4.12 describes the objectives and guidelines to be followed in situations involving involuntary taking over of lands for development projects where World Bank assistance is utilized for the Project.. This policy also covers direct economic and social impacts that both resulting Bank assisted investment projects and we are caused by involuntary taking over of land resulting relocation or loss of shelter, loss of assets or access to assets and loss of income sources or means of livelihood. These policies also aim to avoid involuntary resettlement to the extent feasible or minimize and mitigate the adverse social and economic impacts. Further, the World Bank policies promote the participation of the displaced people in resettlement planning and implementation. The key objectives in the policy are to assist the displaced persons in their efforts to improve or at least restore their income and standard of living after displacement. Close consultation of the affected population and suitable mitigation measures need to be taken for the potential negative impacts generating as a result of development, according to these policy guidelines. The policy also specify the importance of giving attention to potential negative impacts of ethnic, gender and other vulnerable group issues. The WB policies also require grievance redress mechanisms, monitoring and evaluation and capacity building of the stakeholder agencies are followed in the Involuntary Resettlement Policy effectively.

**4.3.** The National Involuntary Resettlement Policy (NIRP) guidelines which is also explained before has similar approach specially pertaining to non-title holders losing their lands and shelter presently occupied but which are not addressed by the Land Acquisition Act (LAA) in payment of compensation. The Government of Sri Lanka adopted this policy to ensure that affected persons by development projects are treated in a fair and equitable manner and to ensure that they are not impoverished in the development process. The Involuntary Resettlement Policy of the World Bank is the most effective and relevant safeguard measure to be applied in the MCUDP in planning and development. The NIRP Policy is given in Appendix III. Among the other WB safeguards policies the one dealing with only physical cultural resources (OP 4.11) is relevant to this MCUDP. In this regard the project will investigate and provide an inventory of physical cultural resources that are potentially affected, and propose mitigation measures as a part of the RAPs. Table 4.1 below provides a general guideline for determining the type of Social Safeguard documents required according to the number of affected persons and the degree of social and economic impacts.

**4.4.** The resettlement principles adopted for MCUDP, recognizes the Land Acquisition Act of Sri Lanka, the NIRP, and the requirements of the World Bank (WB) policies on Involuntary Resettlement and Physical Cultural Resources, and other country policies and guidelines related to urban

development. The SMF has been prepared based on the general findings of the reviews of literatures and stakeholder and community consultations. The principles which will guide management and mitigation measures proposed in the SMF are summarized in Table 4.1.

**Table 4.1 Principles and Guidelines to execute the Social Management Framework**

Principles	Guidelines
<p><b>Principle 1:</b> Minimize human displacement and resettlement wherever possible.</p>	<p>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 land, house or assets may be affected, while selecting the sub-project, the Project Partner Agency (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.</p>
<p><b>Principle 2:</b> Identify all Project impacts and record all losses properly.</p>	<ul style="list-style-type: none"> <li>• As soon as the site/land/RoW is identified for any activity, a Social Screening will be undertaken to broadly estimate the involuntary resettlement impacts.</li> <li>• Based on the findings of the Social Screening, if the impacts are minimal, an abbreviated Resettlement Action Plan will be prepared recording impacts in detail through a Census Survey.</li> <li>• 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.</li> <li>• A database of all project Affected Persons/Families ( PAPs/PAFs) will be established which will include information on the following:                         <ul style="list-style-type: none"> <li>○ landholdings; non-retrievable loss of buildings and structures to determine fair and reasonable levels of compensation and mitigation;</li> <li>○ census information, detailing household composition and demography; and</li> <li>○ Current income streams and livelihood of the families.</li> </ul> </li> <li>• The asset inventories will be used to determine entitlements of individual families/persons; severely project affected persons/families;</li> <li>• 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 resettlement and rehabilitation benefits provided by the Project.</li> <li>• All information will be entered into the database to facilitate planning, implementation, and monitoring and evaluation.</li> </ul>
<p><b>Principle 3:</b> Plan and implement land acquisition and resettlement activities as an integral part of the Project.</p>	<p>Land acquisition and involuntary resettlement activities will be integral part of the project planning an implementation through the following steps.</p> <ul style="list-style-type: none"> <li>• Land acquisition and resettlement costs will be built into the overall project budget as an upfront cost;</li> <li>• The design and site layout will be prepared with social screening in order to avoid/minimize LA and IR impacts; Detail Project Report (DPR) for the sub-projects will incorporate Social Screening/SIA findings and the RAP</li> <li>• 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&amp;R and the civil works are properly linked; These arrangements should ensure that payment of</li> </ul>

	<p>compensation, resettlement are completed before site clearance.</p> <ul style="list-style-type: none"> <li>• LA process and key resettlement actions must be completed prior to award of civil works</li> </ul>
<p><b>Principle 4:</b> Inform and hold public consultations with affected people during planning and implementation.</p>	<ul style="list-style-type: none"> <li>• Disclose and disseminate information on sub-project at feasibility stage;</li> <li>• Disclose and disseminate Social Screening and SIA results (LA and R&amp;R impacts) before preparing RAP;</li> <li>• Disclose and Disseminate Entitlements, compensation and RR assistance payment schedule; RAP Implementation Plan; and Grievance Procedure during RAP preparation and implementation;</li> <li>• Pay special attention to the following: <ul style="list-style-type: none"> <li>○ inform people about of sub-projects and implementation schedules;</li> <li>○ consult people on measures to restore their shelter, and livelihoods, and ensure their participation in design and implementation; and</li> <li>○ Inform affected families about relocation and land acquisition dates sufficiently in advance of actual implementation.</li> </ul> </li> </ul>
<p><b>Principle 5:</b> Assist the affected persons to restore, and ultimately to improve, their livelihoods to conditions equal or better than their earlier status.</p>	<ul style="list-style-type: none"> <li>▪ The Project implementing agencies will take the following steps to enable the affected families to restore and improve their livelihoods through the following provisions: <ul style="list-style-type: none"> <li>○ Provide compensation at replacement rates for all loss and damage caused to land and assets.</li> <li>○ Offer fair, equitable and prompt compensation and R&amp;R assistance for the loss of assets attributable to the project including to those without title to land where such asset is established provided that their eligibility for such assistance has been confirmed with the local community.</li> <li>○ 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.</li> <li>○ Offer relocation assistance including transport allowance where physical relocation is required;</li> <li>○ Support for livelihood restoration and community development;</li> </ul> </li> </ul>
<p><b>Principle 6:</b> Special support to enhance project benefits for the vulnerable households.</p>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• The Project will assess and compensate for loss of economic activities, shelter, access to welfare benefits;</li> </ul>
<p><b>Principle 7:</b> Grievance and monitoring procedures will be in place.</p>	<p>Establish grievance mechanism at the local, PPA levels and institute an Independent Grievance Panel at the top comprising representatives from the civil society</p> <ul style="list-style-type: none"> <li>▪ 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.</li> <li>▪ Monitoring will involve ongoing internal and quarterly external monitoring exercises and annual quality review exercises using</li> </ul>

	quantitative and qualitative methods;
<p><b>Principle 8:</b></p> <p>Resettlement planning will take account of the local socio-economic development context.</p>	<p>Resettlement planning will take account of:</p> <ul style="list-style-type: none"> <li>• any current/planned development scheme in the project area, including initiatives to address poverty targeted at vulnerable households; and any current/planned NGO/funding agency initiatives in the area, and try to facilitate their continuation.</li> </ul>
<p><b>Principle 9:</b></p> <p>Resettlement planning and implementation will comply with the legal and policy provisions of the Sri Lanka and the World Bank safeguard policies (comply with the latter in case of conflict amongst them).</p>	<p>Resettlement planning and implementation will comply with project policies and the provisions of relevant national legislation and WB policies pertaining to:</p> <ul style="list-style-type: none"> <li>▪ environmental management;</li> <li>▪ public participation and disclosure;</li> <li>▪ land tenure, occupation, acquisition and compensation;</li> <li>▪ local government, development and service provision.</li> </ul>
<p><b>Principle 10:</b></p> <p>Establish mechanisms to ensure sustainable self-management of the resettlement sites.</p>	<ul style="list-style-type: none"> <li>• Adopt participatory planning of relocation process to ensure that the social networks of affected groups are not adversely affected;</li> <li>• Institute condominium management committees and train them in management of finances, assets and services for the resettled households;</li> <li>• Provide capacity building and hand holding support to the management committees of the resettled households;</li> <li>• 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.</li> <li>• Re-house the people displaced due to the development of the resettlement buildings/sites in the same sites;</li> </ul>

**4.5 Key Steps in Resettlement Planning and Execution:** The key steps in resettlement planning are: social screening, census survey/impact assessment, 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 PAPs, grievance redress mechanisms, initiation of the land acquisition process; disbursement of compensation and the R&R 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. This long process starts with assessment and categorization of impacts discussed below.

**4.6 Social Screening and Categorization of Impacts on IR:** 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 **Appendix-IV**. Based on the screening data on the extent of likely IR impacts the 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 PAP by the Contractor as specified in the entitlement matrix and in the **Paragraph 5.20**:

**4.7** Any subproject causing significant resettlement impacts (Category A) will require a full scale Social Impact Assessment and will require preparation and implementation of a comprehensive Resettlement Action Plan (RAP). 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 Social Specialist at PMU will finally endorse the social screening and safeguard categorization of the proposed sub-project.

**4.8 Social Impact Assessment:** If the Social Screening indicates that the project is Category A and B, then the Municipalities will carry out social impact assessment (SIA) including 100% census survey of resettlement impact. 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 Screening for categorization will be done using the Format provided in the Annex 1 and social impact assessment SIA (census survey of impacted households) will be done using the Format provided in Appendix-VIII. The SIA will provide information on loss and damage suffered by individuals/families, and communities, impact on indigenous and vulnerable communities. This will also provide a profile of the affected households including demographic and socio-economic details including landownership, usage and productivity and income, impacts on IPs and vulnerable communities. Additional information can be gathered through Stakeholder Consultations (focus group discussions) with the affected people, and vulnerable community groups, their leaders, NGOs, and CBOs. These discussions should focus on the positive/negative impacts; measures to enhance positive impacts and reduce/mitigate negative impacts.

**4.9** Based on the SIA findings, the PPA will prepare safeguard action plans for the sub-project. It will prepare an abbreviated RAP if the sub-project is category-B and a Full RAP if the sub-project is Category A. The scope of RAP will depend on the magnitude of impact. Abbreviated RAPs will be prepared for Category B sub-projects affecting less than 200 persons, whereas full RAPs will be prepared for Category A sub-projects. 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 DDRs, abbreviated and full RAPs shared with the World Bank for review and clearance prior to the award of civil works contracts. A sample template for preparing abbreviated RAP is provided in **Appendix-V** full RAP template is provided in Appendix-VI 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 Land Acquisition and the Resettlement Committee (LARC) instituted for the Project at the MoDUD level. The table 4.2 summarizes safeguards documentation requirements.

**Table 4.2: The Type of Social Safeguard Documents required preparing for the Project**

Coverage of Negative Social Impacts	Type of Documents Required
1. For investments of sub projects which will result in affecting less than 200 people, but not physically displaced and less than 10% of their productive assets are lost. (WB – OP 4.12)	<u>Abbreviated RAP is Required</u> Outline of an abbreviated Resettlement Action Plan is provided in <b>Appendix V</b> .
2. Investment in sub projects of the MCUDP 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)	<u>RAP is required to be prepared.</u> Outline of the Resettlement Action Plan (RAP) is shown at <b>Appendix VI</b> . Socio-economic Survey and income restoration measures need to be covered by the Plan. The Social survey questionnaire is given at <b>Appendix VII</b>
3. Screening of Physical Cultural Resources (OP 4.11)	Preparation of a list of affected cultural properties for mitigation under Involuntary Resettlement Implementation.
4. Adverse Impact on Indigenous People (OP 4.10)	<u>Not Applicable</u> As there are no indigenous people within the sub project sites or in the vicinity Indigenous People’s Development Plan is not applicable.

### Entitlements and Eligibility

**4.10** An Entitlement Matrix (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 in 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 identified during the social assessment, which is summarized in **Table 4.3**.

**Table 4.3: Potential Individual and Community Losses**

Category	Types of Losses
Losses By Individuals/Households	
Land	<ul style="list-style-type: none"> <li>- Agricultural or horticultural land</li> <li>- House plot (owned or occupied)</li> <li>- Business premises (owned or occupied)</li> </ul>
Structures	<ul style="list-style-type: none"> <li>- Complete loss of House</li> <li>- Partial loss of housing</li> <li>- Other physical structures</li> <li>- Structures used in commercial / manufacturing activities</li> <li>- Displacement from rented or occupied residential units</li> <li>- Displacement from rented or occupied Manufacturing unit</li> </ul>

Income and Livelihood	<ul style="list-style-type: none"> <li>- Income from rent of housing units</li> <li>- Income from renting other structures</li> <li>- Income from wage earnings</li> <li>- Income from economic activities such as fishing, food processing, vending</li> </ul>
Location	<ul style="list-style-type: none"> <li>- Access to employment, schools, hospitals, markets</li> <li>- Available income/ employment opportunities</li> <li>- Access to informal credit in community/ mobile vendors</li> <li>- Access to free water, electricity, etc.</li> </ul>
Losses by the Community	
Community used Land	<ul style="list-style-type: none"> <li>- Land</li> </ul>
Community and Cultural Site	<ul style="list-style-type: none"> <li>- Schools, Community Centres, Markets, Health Centres</li> <li>- Shrines, other religious symbols or sites</li> <li>- Places of worship – church, temple, mosque</li> <li>- Dislocation from the neighbourhoods</li> <li>- Dislocation from social / ethnic groups</li> <li>- Community living</li> <li>- NGOs lose their activities.</li> </ul>

**4.11** The entitlement matrix is based applicable Sri Lankan laws, the NIRP and is in compliance with the World Bank’s safeguard policies. The EM offers compensation for land and structure at replacement cost, alternative housing for squatter families in multistorey condominiums, 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 while planning and implementing resettlement activities.

**4.12** 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 Entitlement Matrix 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.

**4.13 Eligibility Criteria:** Any person or household, or community who suffers loss of land, shelter, business, incomes because of the Project impact is eligible for receiving compensation or, and 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 on impact survey carried out while preparing the RAP and approved by the Land Acquisition and Resettlement Committee. Whereas the eligibility list provided in the RAP will remain the basis for providing entitlements to the non-titleholder PAPs, 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. In such cases, special decisions will be taken by the LARC in consultation with the local authority, and the community.

**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 protected tenant is one who is 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.

B. **Non-residential 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. S/he will be eligible to receive compensation and allowances for loss of income from his/her affected land and structure, but no rehabilitation assistances meant for the displaced families.

C. **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 R&R packages as per the EM.

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

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

F. **Project Affected Household (PAH):** All members of a project affected household 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.

G. **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 R&R assistance as per the EM.

H. **Vulnerable Households:** Socially and economically distressed households who may suffer disproportionately due to resettlement. They may include women headed households, very poor (below poverty line), disabled, elderly and landless families.

**4.14 Cut-off date** The Cut-off date for eligibility for entitlement for titleholders is the date of notification under the LAA and for non-titleholders is the date of resettlement survey, i.e. **December 1, 2011**. 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.

**4.15 Impact Measurement and Valuation:** Following the finalization of the design, the detailed 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. 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.

**4.16 Valuation Methods:** The Sri Lanka National Involuntary Resettlement Policy 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

**4.17 Compensation at Replacement Cost:** All involuntary land acquisition will be compensated at replacement cost and the PAPs will be assisted to re-establish their living standards (affected shelter and incomes) to a level equal to or better than their living condition prior to the project. Sri Lanka has an advanced system for valuation of properties and has registered valuers who can assist in fixing the replacement costs for land and assets. 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.

**4.18 Disputes Relating to Compensation:** 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. Where absentee landlords are involved, the Government will publicly notify affected parties regarding the compensation award on its website and newspapers, following which the amount shall be deposited with such agency as required by law and the site shall be taken possession of for civil work.

**4.19 Acquisition of Non-Viable Remainder Plots:** 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, i.e. less than average land holding in the locality and not profitable for cultivation in case of agricultural land, and not developable in case of urban land (for example in many areas of CMA this means the remaining plot is less than 6 perches of homestead land, or less than 2 perches of commercial land). In such cases, the Project Authorities will acquire the residual land for the project following the entitlements listed in the entitlement matrix; or pay the affected party 25% of the land hardship compensation for that portion of land without its purchase/acquisition, based on the land loser's choice. All such plots shall be approved with the LARC prior to payment of compensation. All ex-gratia payments shall be approved by the LARC unless otherwise provided for under the existing legislations.

**4.20 Compensation for Structures:** 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 remainder portion may become structurally unsustainable, compensation should be paid for the full structure. If the remainder portion of the structure collapses within six months after acquisition of the required part, Project will bear all the losses caused due to such an event under the LA Regulations of 2008, or as determined by the LARC as required. In case of Rent controlled shops and houses, compensation will be payable at replacement cost to the tenant and the owner as follows, unless otherwise provided for under the latest regulations relevant to the case:

Period of Occupancy by Tenant	Percent of Compensation	
	Tenant	Owner
More than 20 years	75	25
10-20 years	50	50
05-10 years	25	75
Less than 5 years	10	90

**4.21 R&R Benefits for the Non-Title Holders:** Non-titled residential squatter households residing in the sub project areas of the MCUDP prior to the cut-off date and verified to be in

the displaced category during social impact survey will be re-housed in resettlement sites, subject to their willingness to bear the cost of management and maintenance costs, which will be decided by the LARC. Commercial non-titled squatters on state lands will receive compensation for their affected structure and opportunity to obtain an alternative shop available at the resettlement site or any other shopping scheme on a long-term lease basis, subject to their willingness to bear the cost of lease premium and maintenance and management charges as decided by the LARC. The non-title holders shall not receive any compensation for land. Encroachers on private land which have not been contested in a Court of law by the land owner will be paid compensation for the improvement carried on the land, upon adequate proof of that improvement have been made by such person.

#### **Allocation of Alternative Houses**

**4.22** Under the direction of the MOD & UD, the UDA will be responsible for the relocation and allocation of the houses. The UDA will prepare a relocation schedule in consultation with the AP's including the date of time and time of the movement, how information on the relocation will be disseminated to the APs, logistics of transportation of people and belongings to the sites, MOD & UD of payment of transport allowances to APs and other necessities. Each bulk relocation proposal must be approved with the LARC in advance and necessary arrangements made with verification of readiness of the new houses for occupation.

**4.23** Each squatter household which loses its shelter due to involuntary resettlement will be allocated a new house in a new location. A house with a floor area of 400 sq feet costs LKR 2.5 million exclusive of land cost with electricity, water supply and sanitation facilities. The APs will be given legal ownership of the houses, but they cannot sell the houses for ten years. In order to safeguard the rights of women, the house will be allotted in the name of both the spouses and in the name of the wife in the event of death of her husband. The APs who obtain houses will have to make oe contribution to the Condominium Maintenance Fund and monthly management charges as decided by the LARC. The payment shall be made in favour of the UDA, and this will be kept in separate joint account to be managed by the Condominium Management Committee for the respective buildings. the

**4.24** The Government of Sri Lanka is implementing a pro-poor housing program, under which it has commissioned construction of new multi-storey buildings with flats of 400 sft. each in several locations in the Colombo area to re-house people living in USS. Of these, the GoSL has committed to earmark 1,500 flats and a proportional number of commercial units and social facilities to meet the potential resettlement requirements for the MCUDP. The flats will be made available in condominiums, currently under construction in two government sites closest to the MCUDP project areas. The Bank oversight in this regard shall be focused on the relocation of the project affected households in the new condominiums.

**4.25** The process required for development of resettlement sites involve social and environment screening of the site to identify key risks and issues and preparation of safeguard

instruments in line with the guidelines provided above for addressing any land acquisition and resettlement requirements as per the SMF. As the MoDUD has decided to develop resettlement sites only on public lands available within CMA, the issues that remain to be addressed are related to resettlement and rehabilitation of any occupants of these plots of land and ensuring environmental management of the sites for making them suitable for living. The MoDUD has decided that 200 odd squatter households hitherto living at locations identified as resettlement sites will benefit from the pro-poor housing program by getting new flats. Environmental issues will be addressed before developing the resettlement sites.

**4.26** The resettlement condominiums will have basic facilities for the APs including individual water supply, toilets and electricity, shopping and community facilities such as community hall, open space for children to play, day care center for children and common room for women, condominium office, primary schools, if no such facilities are available nearby. The facilities proposed are in line with the basic facilities required for healthy condominium living. . The architects will take special attention in identifying the needs of the APs. Allocation will be done through a process of consultation. In determining the allotment of floors, preference will be given to vulnerable groups (physically challenged, aged and infirm), size of the existing house and the number of years of stay in the older location will be considered in making such decisions. (More to be inserted once PMU gives the details)

**4.27** Relocation will avoid breaking of communities so that the social net works linking members of the affected communities will be maintained. Management Corporation will be established for the maintenance of the condominiums with the participation of the occupants. 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 NGOs. This strategy will involve training and hand holding support to help the affected households re-establish their lives in the resettlement sites after relocation.

**4.28** The Entitlement Framework has been worked out considering the analysis of impacts and the nature of the losses that the APs under this project will face. The “Entitlement Matrix” proposes eligibility and payments for all kinds of losses and sets standards for compensation. As the LAA does not address all types of losses, the involuntary resettlement policies (NIRP and World Bank safeguards) have been applied to address such issues. The Entitlement Matrix explains the category and type of loss and the eligible category for entitlements. The compensation policy describes the compensation and rehabilitation measures for each type of loss. The “Entitlement Matrix” proposed for the project is at Table 4.4.

## Entitlement Framework

**Table 4.4: Entitlement Matrix**

S.No	Type of loss/ disturbance	Definition of Affected Persons	Entitlement	Details
<b>1. Private Land Without Structure</b>				
1.1	Loss of land due to project related activities	Legal title holders/ affected parties with land use rights recognized under the law	Compensation at replacement cost  Resettlement and Rehabilitation	<p>1.1.1 Compensation<sup>1</sup> for affected land at replacement cost<sup>2</sup> as per LAA<sup>3</sup></p> <p>1.1.2 Three months advance notification for harvesting crops, or compensation for crop damage</p> <p>1.1.3 Compensation for trees affected at market price.</p> <p>1.1.4 Applicable interest on compensation amount for delay in payment of compensation calculated from the date of taking over land possession</p> <p>1.1.5 Compensation for the economically non-viable remainder or residual land, if the land loser is willing to surrender such land, at replacement cost<sup>4</sup></p>

<sup>1</sup> Compensation must be paid fully prior to taking possession of any affected land or property or both for the Project, and not in installments as allowed by the section 29 of LAA in order to enable the land and property losers to re-establish their shelter/business.

<sup>2</sup> The Sri Lanka National Involuntary Resettlement Policy prescribes payment of compensation for loss of affected property at replacement value. 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.

<sup>3</sup> The compensation will include statutory compensation and ex-gratia as appropriate under the applicable provisions of the Land Acquisition Act and LA Regulation, 2008..

<sup>4</sup> Where the remainder plot is not viable as per existing development regulations, i.e. less than average land holding in the locality and not profitable for cultivation in case of agricultural land, and not developable in case of urban land (for example in many areas of CMA this means the remaining plot is less than 6 perches of homestead land, or less than 2 perches of commercial land). In such cases, the Project Authorities will acquire the residual land for the project following the entitlements listed in the entitlement matrix; or pay the affected party 25% of the land hardship compensation for that portion of land without its purchase/acquisition, based on the land loser’s choice.

S.No	Type of loss/disturbance	Definition of Affected Persons	Entitlement	Details
1.2	Loss of tenancy/profitable occupancy	Registered tenants and leaseholders, share-croppers	Compensation for standing crops, or income losses	<p>1.2.1 No compensation for the land.</p> <p>1.2.2 Three months' advance notice to salvage crops OR, compensation for the same valued at market rate</p> <p>1.2.3 Cash payment for six months of rental income for the affected portion of land or LKR 18000 whichever is higher as income assistance.</p>
<b>2. Residential Land and Structures</b>				
2.1	Permanent and full loss private residential structure <sup>5</sup>	Owner -occupants with title or other ownership documents recognized under the law	Compensation at replacement cost  Resettlement & Rehabilitation Assistance	<p>2.1.1. Compensation for the whole plot valued as per LAA if the residual plot is not developable under law (refer to footnote 4 for explanation)</p> <p>2.1.2. Compensation for affected structure at replacement cost without deduction of any depreciation or salvageable materials,</p> <p>2.1.3. Opportunity to buy a residential flat available at any resettlement site in the metro Colombo area, on payment of price determined by the government, contribution to the condominium management fund and monthly maintenance charges<sup>6</sup> (depending on availability?).</p> <p>2.1.4. Transportation allowance of LKR 5000.</p> <p>2.1.5. In case of emergency shifting, cash allowance for alternative rental accommodation of equivalent standard for six months as determined by UDA on case to case basis OR @ LKR 8000/month, whichever is higher,.</p> <p>2.1.6. Right to salvage material from the demolished structure, however, without permission to carry these to the new condominium in the resettlement site, unless approved</p>
2.2	-do-,	Non-resident Owner of land and structure with title	Compensation at replacement cost  Income restoration Assistance	<p>2.2.1. Compensation for affected land at replacement cost as per the LAA</p> <p>2.2.2. Compensation for the structure at replacement cost without deduction of depreciation or salvageable materials<sup>7</sup></p> <p>2.2.3. Assistance for 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 UDA on a case to case basis , or @ LKR 8,000/month, whichever is higher.</p>

<sup>5</sup> Any structure which is affected more than 50 % of its built up area; or where the remaining plot area not developable under law i.e. it is less than 6 perches of residential plot or 2 perches of commercial plot.

<sup>6</sup> The concerned legal residence loser should be permitted to buy the new flat by adjusting compensation payable to him/her towards the cost of the flat.

<sup>7</sup> Apportionment of compensation will be done for land and structure among the interested parties as per LAA

S.No	Type of loss/ disturbance	Definition of Affected Persons	Entitlement	Details
				2.2.4. Right to salvage material from the demolished structure.
2.3	Loss of rental accommodation	Legal Tenants/ Lease Holders	Resettlement & Rehabilitation Assistance	<p>2.3.1. Three months advance notice for relocation,</p> <p>2.3.2. An apportionment of compensation for registered lessees for the unexpired period of lease as permissible under law.</p> <p>2.3.3. Allowance for alternative rental accommodation of equivalent standard as determined by UDA or LKR 8000/month (whichever is higher) for a maximum of six months for tenants/lessees, and for such period as required by law in case of protected tenants</p> <p>2.3.4. Transportation allowance of LKR 5000</p>
2.4	Loss of Residential Structure	Squatters	Resettlement and Rehabilitation Assistance	<p>2.4.1. Offer of a flat of 400 square feet in a multi-storey condominium at with basic facilities subject to beneficiary contribution to the condominium management fund and payment of monthly maintenance charges<sup>8</sup></p> <p>2.4.2. Transportation allowance of LKR 5000 for vacating the old structure</p> <p>2.4.3. Rental allowance @ LKR 8000 per month in case of emergency shifting until the offer of permanent relocation to condominium buildings</p> <p>2.4.4. Right to salvage building materials (use of old materials will not be permitted at new sites where these will affect condominium living)</p>
2.5	<b>Partial loss of residential land and structure</b>	Owner-Occupants of residence with title or sale deed in their favour	Compensation  Rehabilitation assistance	<p>2.5.1 Compensation for affected land and structure at replacement cost as per LAA according to the actual loss to repair or rebuild the structure to original or better condition when remaining land is sufficient to rebuild upon (see endnote 4);</p> <p>2.5.2 Rental allowance for alternative accommodation of equivalent standards OR LKR 8,000/month (whichever is higher) for six months for enabling owner rebuild the affected structure</p> <p>2.5.3 Transportation allowance of LKR 5000</p>
2.6	Same as above	Non-Resident Owners of Land and Structure	Compensation  Rehabilitation	2.6.1 Compensation for affected land and structure at replacement cost as per LAA without depreciation according to the actual

<sup>8</sup> Where the structure was used for both residential and commercial purposes, the occupier can opt for a residential flat. The allotted flat cannot be sold for ten years; however, can be transferred to legal heirs in case of death of the beneficiary.

S.No	Type of loss/disturbance	Definition of Affected Persons	Entitlement	Details
		with title	Assistance	<p>loss to repair or rebuild the structure to original or better condition when remaining land is sufficient to rebuild upon (see endnote 4);</p> <p>2.6.2 Six months rental allowance as received for the previous month OR @ LKR 8000/month to compensate for loss of rental income from the property as income assistance.</p>
2.7	Loss of rental accommodation due to partial impact on structure	Tenants/lessees/ Protected tenants	Rehabilitation assistance	<p>2.7.1 Tenants/Lessees will have the option to continue to stay in the building in agreement with the owner; OR</p> <p>2.7.2 Vacate the house on receipt of rental allowance for six months @ LKR 8000 in case of emergency relocation with three months advance notice;</p> <p>2.7.3 Protected tenants will get rental allowance for accommodation of equivalent standard OR LKR 8000/month for such period as required by the Rent Act to allow restoration of the building for the tenant to return</p> <p>2.7.4 Transportation allowance of LKR 5000 in case the tenant/lessee is required to relocate.</p>
2.8	Partial loss of residential structure	Squatters living in structures without title	Resettlement and Rehabilitation	<p>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 or better condition when remaining part is sufficient for rebuilding.</p> <p>2.8.2 Transportation allowance of LKR 5000.</p> <p>2.8.3 Rental allowance @ LKR 8000/month for six months to allow the affected family to relocate elsewhere and rebuild the affected structure</p> <p>2.8.4 Provision of alternative flat in lieu of 2.8.1 at par with fully affected squatters (2.5.1) if the remaining structure is not sufficient to accommodate the family.</p>
<b>3. Commercial land and Structures</b>				
3.1	Permanent and full loss of commercial	Owner-Operator of registered business with title or sale deed	Compensation at replacement value  Resettlement and	3.1.1 Compensation for the affected land at replacement cost as per LAA (for whole plot if the residual plot is not developable under

S.No	Type of loss/ disturbance	Definition of Affected Persons	Entitlement	Details
	property	in his/her favour	Rehabilitation assistance	<p>law, i.e. less than 2 perches (see endnote 4)</p> <p>3.1.2 Compensation for affected structure at replacement cost without deduction of any depreciation or salvageable materials,</p> <p>3.1.3 Opportunity to avail of a shop on long-term lease at any resettlement site or any other public shopping scheme in the metro Colombo area, on payment of lease premium, contribution to the condominium management fund and monthly maintenance charges (</p> <p>3.1.4 Transportation allowance of LKR 5000.</p> <p>3.1.5 In case of emergency shifting, cash allowance for alternative rental accommodation of equivalent standard for six months as determined by UDA on case by case basis, or @LKR 10,000/month (whichever is higher).</p> <p>3.1.6 Right to salvage material from the demolished structure, however, without permission to carry these to the new condominium unless approved.</p> <p>3.1.7 Cash assistance to enable re-establishment of business 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 LKR 18,000, whichever is higher.</p>
3.2	Same as above	Non-resident property owners with title	Compensation at replacement value	SAME as described in clauses 2.2.1 to 2.2.4 above
3.3	Loss of rental accommodation Same as above	Legal Tenants/ Lease Holders running business	Compensation  Resettlement and Rehabilitation Assistance	<p>3.3.1 Rental allowance of equivalent accommodation as determined by UDA, OR LKR 8,000/month for six months</p> <p>3.3.2 Rental allowance as above for a period not exceeding six months in case of protected tenants, or as per the applicable law.</p> <p>3.3.3 Apportionment of compensation for protected tenants and lessees if and as permitted under applicable laws.</p> <p>3.3.4 Cash assistance to enable re-establishment of business in case of relocation calculated as net income for six months on the basis of average net annual incomes for preceding three years as recorded in income</p>

S.No	Type of loss/ disturbance	Definition of Affected Persons	Entitlement	Details
				tax returns filed, OR a lump sum livelihood assistance of LKR 18,000, whichever is higher.
3.4	Loss of commercial structure	Squatters/ operators of business without title	Resettlement and Rehabilitation	<p>3.4.1 Compensation for affected structure at replacement cost without deduction of any depreciation or salvageable materials,</p> <p>3.4.2 Opportunity to avail of a shop on long term lease at any resettlement site or any other public shopping scheme in the metro Colombo area, on payment of lease premium, contribution to the condominium management fund and monthly maintenance charges.</p> <p>3.4.3 Transportation allowance of LKR 5000.</p> <p>3.4.4 Rental allowance LKR 8,000/month for alternative accommodation in case of emergency shifting until the offer of leased shop at resettlement site.</p> <p>3.4.5 Right to salvage material from the demolished structure, however, without permission to carry these to the new condominium unless approved</p> <p>3.4.6 Assistance as per 3.1.7</p>
3.5	Partial Loss of Commercial Property			SAME as benefits offered under 2.5.1 to 2.5.3 AND 3.1.7
3.6	Same as above	Non-resident owner of the property	Compensation	SAME as benefits offered under 2.6.1 to 2.6.2.
3.7	Loss of rental accommodation	Registered Tenants/Lessees	Resettlement and Rehabilitation Assistance	SAME as benefits offered under 2.7.1 to 2.7.4 AND 3.1.7
3.8	Partial loss of commercial structure	Squatters operating business in structure without title deeds	Resettlement and Rehabilitation Assistance	SAME as benefits offered under 2.8.1 to 2.8.3 AND 3.1.3 if doing business in the remaining portion is not commercially viable as before

S.No	Type of loss/disturbance	Definition of Affected Persons	Entitlement	Details
				AND 3.1.7
3.9	Loss of Commercial Kiosks	Vendors operating kiosks with or without permission	Resettlement and Rehabilitation Assistance	<p>3.9.1 Fixed kiosks/sheds will get structure compensation without depreciation and onetime income assistance of Rs 5000, or a mobile vending cart as replacement</p> <p>3.9.2 Mobile/Movable vendors will get one month's prior notice to relocate nearby for continuing their business.</p>
<b>4. Loss of Livelihood</b>				
4.1	Loss of Livelihood due to relocation	<p>Vulnerable and women headed families losing income due to relocation</p> <p>Poor self-employed persons</p>	Rehabilitation Assistance <sup>9</sup>	<p>4.1.1 Training, credit access and skill training support for maximum two youths (one male and one female) from the resettled families for livelihood strengthening with the help of NGOs</p> <p>4.1.2 Vulnerable families eligible for government welfare assistance, will be supported with Samrudhi poverty alleviation scheme or old age pension scheme</p> <p>4.1.3 Housekeeping assignments at the resettlement sites and employment in civil works for this Project</p> <p>4.1.4 Opportunity to avail of a shop at the resettlement site on long term lease on payment of premium and maintenance charges as applicable.</p> <p>4.1.5 Continuation of any welfare assistance given by State to the vulnerable families after relocation.</p> <p>4.1.6 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 LKR 18,000, whichever is higher.</p>
<b>5. Temporary Impacts</b>				
5.	Temporary Adverse Impacts of Civil Works (such as loss of access, damage to property or	Households/ Businesses	Mitigation Measures	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 grievance redress mechanism.

<sup>9</sup> Poverty and vulnerability levels will determine the order of priority in extending these livelihood support measures to the affected households, which will be as approved by the Land Acquisition and Resettlement Committee (LARC) specially constituted for the Project in the Ministry of Defence and Urban Development. The LARC will comprise the Additional Secretary and Project Director, MoDUD; Social Specialist of the PMU, Land Officer from Ministry of Land, representative from the Valuation Department/ or a registered valuer, and representatives from UDA, SLLRDC and CMC.

S.No	Type of loss/ disturbance	Definition of Affected Persons	Entitlement	Details
	land, safety hazards, impact of mobility			<p>5.1.2 Necessary traffic management measures for facilitating mobility</p> <p>5.1.3 Special measures to provide access for continuing trade/business</p> <p>5.1.4 In case of loss of access to business for over a week, financial assistance @ LKR 1000 per day until ease of access has been restored by the contractor and certified by the engineer with approval of the LARC.</p> <p>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.</p> <p>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 set up by contractors in consultation with the implementing agencies.</p> <p>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.</p> <p>5.1.8 Steps to minimize and mitigate adverse impacts on human and vehicular mobility including through traffic diversions and management; phased construction strategy; avoiding work during peak hours</p> <p>5.1.9 Legal provisions for ensuring equal wages for men and women working at project construction sites and preventing child labour.</p> <p>5.1.10 Measures as necessary to deal with any other emergent impacts.</p>
<b>6. Loss of Community Infrastructure/Common Property Resources</b>				
6.1	Loss of cultural properties	Affected communities and groups	Reconstruction of community structure and common property resources	<p>6.1.1 Reconstruction of community structures and replacement of common property resources in consultation with the managing trustees and the host community as appropriate.</p> <p>6.1.2 Assistance of LKR 3000 – 20000 to cover cost of exhumation including any</p>

S.No	Type of loss/ disturbance	Definition of Affected Persons	Entitlement	Details
				religious ceremonies required, accordingly to prevailing customs, as decided by the LARC.
6.2	Loss of social and civic facilities	Affected communities ; User groups	Rehabilitation of the affected facility	<p>6.2.1 Reconstruction of the civic, social service facility in consultation with the managing trustees and the host community as appropriate.</p> <p>6.2.2 Provision of temporary services during civil work to avoid inconvenience to the user group</p>

### Cultural & Community Properties

4.29 During SA it was observed that no cultural property will be affected by the Phase-I activities except the McCollum Gate of the Baira Lake, which will be rehabilitated and protected. In the of phase II, a few small Buddhist shrines and Bo Trees located on the canal bank reservations may be affected. The Social Screening and Assessment to be carried out for the Stage-II subprojects will provide exact details of the likely impacts, based on which the RAPs will include required actions to protect, repair or reconstruct the affected physical cultural resources. PPA will prepare cultural management plans as a part of the RAPs for the stage-II sub-projects in case of major impacts.



4.30 **Vulnerable Families, Women Headed Households and the Disabled** The social assessment showed that of the 133 sample households surveyed, 25 households or 19% of the total households identified for resettlement from Beire Lake and 7 HH out of 47 or 15% HHs from Sri Vikramapura canal were recipients of *Samurdhi* welfare scheme. These *Samurdhi* recipients are considered as the poorest families in the settlement and need special attention in new locations. They will continue to obtain *Samurdhi* assistance even in their new settlement sites. Vulnerable households including women headed households, families having aged, disabled and very poor will be provided with special livelihood support measures as spelt out in the Entitlement Matrix. According to the sample survey there are 45 woman headed households, 30 around the sample households around the Beire Lake, one at Sarana Mawatha and 14 at Sri Vikrama Canal settlement. Similarly, according to the sample survey there are 7 disabled persons at Beire Lake settlements, 2 at Saranamawatha and 4 at Sri Vikramapura settlement.

4.31 **Gender:** 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 that are poor and vulnerable, to cope with the R&R process. The resettlement instruments prepared for the Sub-Project will include a section on gender and social inclusion measures in line with the EM. 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 and in the name of the mother, 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 and effectively participate in the condominium management activities.

## CHAPTER 05

### Implementation Arrangements

**5.1.** 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 non-government 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.

**5.2.** 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.

### Roles, Responsibilities and Accountabilities

**5.3.** 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. Discussed below are roles and responsibilities of various agencies and stakeholders.

**5.4.** The institutions involved are as follows:

- a. The Ministry of Defence and Urban Development (MOD & UD) as the project EA, with overall implementation responsibility assigned to the Project Management Unit (PMU).
- b. The Project Partner Agencies (PPAs) will include UDA, SLLRDC, CMC, KMC, DMMC, SJKMC and K/UC.
- c. Relevant Social Sector Agencies (SAs) 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.
- d. Non Government Organizations (NGOs), Community Based Organizations (CBOs), Consultants and other private sector players as required.

**5.5.** 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 project partner agency (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 UDA to address and monitor post-resettlement sustainability issues; (d) a multi-stage Grievance Resolution Mechanism; (e) Independent Safeguard Monitoring and Review Mechanisms. A Metro Colombo Stakeholder Forum (MCSF) 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.

**5.6** 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 professional to reinforce the social management capacity in the PMU. The PMU will hire three more social development officers (SDO) and second them to the three major implementing agencies-UDA, CMC and SLLRDC-to assist with technical support for implementing SMF/RAP. Depending on the scale of resettlement, the PMU will hire consultants to carry out SIA and prepare RAP for stage-II activities. The PMU will also hire an NGO to assist with post resettlement support activities. Tasks identified and Agencies responsible to execute the tasks are given in **Appendix VIII**.

**5.6.** The implementation network will function at five levels

- a. The total stakeholder network, both primary and secondary, constituted as a Metro Colombo Stakeholders Forum.
- b. The project management steering, constituted by the project authorities as National Project Steering Committee
- c. Project Management Unit at MOD & UD
- d. Implementation units in the PPAs
- e. The Sub-project cells and Local Resettlement committees

**5.7.** 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. The overall project management system is set out in **figure 1. (Please see Appendix IX)**.

5.8 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. A “**Metro Development Stakeholder Forum**” (**MDSF**) will be constituted to provide for partnership all project actors including the affected settlement communities.

#### Project Management Unit

**5.9.** A Project Management Unit (**PMU**) has been established in the MOD & UD to manage and coordinate the Project’s sub projects through the Implementing Agencies. A Project Director (PD) has been appointed to head the PMU who would report directly to Secretary MOD & UD .The PMU will function as the secretariat for the Project Steering Committee. The 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 one Deputy Director, a financial Controller, a Procurement Specialist, an Environmental Specialist, a Social Specialist and two engineering specialists .Adequate technical and administrative staff will be recruited to support project implementation.

**5.10.** The PMU and the PPAs will be adequately staffed for technical, administrative and financial operation. Adequate number of Community Development Officers (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. The PPAs will also have SDOS hired and seconded by the OMU. Consultants will be hired on a case to case basis to bridge capacity gaps. **Appendix XI describes the PMU's scope of work.**

**5.11.** The project implementation will be done through the existing government structures and their capacity will be strengthened with additional man power, machinery and equipment.

**5.12. 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 (Technical), Ministry of Defence & Urban Development
- c. Additional Secretary (LG & PC), Ministry of Local Government & Provincial Council
- d. Director General, Department of External Resources
- e. Chairman, UDA
- f. Director General, UDA
- g. Chairman, SLLRDC
- h. General Manager, SLLRDC
- i. Chairman, Sri Lanka Ports Authority
- j. Municipal Commissioner Colombo Municipal Council
- k. Deputy Municipal Commissioner (Engineering Services), CMC
- l. Municipal Commissioner, Sri Jayawardenapura Kotte, Municipal Council
- m. Municipal Commissioner, Dehiwala Mount Lavinia MC
- n. Secretary, Kolonnawa Urban Council
- o. DG, Coast Conservation Department
- p. General Manager, Ceylon Electricity Board.
- q. General Manager, Water Supply & Drainage Board
- r. Director General, Central Environment Authority
- s. Director, Department of National Budget
- t. Director (Planning), Ministry of Plan Implementation
- u. Project Director (**PD**) and others as and when necessary will be co-opted as the members of the committee.

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. NPSC will meet bi- monthly.

### **Responsibilities and Organizational Procedures for Delivery of Entitlements**

**5.13.** The PMU and PPAs will be responsible for delivery of entitlements to the APs. The PMU 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,

#### Project Partner Agencies (PPAs)

**5.14.** Responsibilities of the PPAs shall include inter alia:

**a) Preparation of proposals for approval for implementation of activities**

The PPAs will prepare proposal for activities in a format acceptable to PMU and WB (see **Appendix-XII for sample format**). The activity proposals will be submitted to the PMU by PPAs and PD with his observations will submit the proposals to the NPSC for approval. The proposals should be circulated among the members of the committee two weeks before the NPSC meeting. On acceptance by the committee the project proposals will be implemented by the PPAs. 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.

**b) Creation of sub project cells**

A sub-project cell at each of the sub-projects will provided for the project interface with the affected persons, households and the communities in delivering the social safeguard program. Sub-project cells will also be established in the host community locations to take care of the post resettlement needs of the affected persons and households. The CDO will be the liaison officer.

**c) Establishment of Public Information Centres (PICs) and conducting Awareness Programmes**

Public Information Centres (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
- c) Reports and publications, as deemed fit, for public dissemination

PPAs through Information Centers under the directions of the PMU will conduct awareness programs for APs, Field officers, NGOs, 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.

**d) Formation of LRCs**

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:

1. Two Members elected by the APs; one of them as Chairman
2. CDO and SDO
3. The engineer in charge of the sub-project
4. GN; either GN in charge of the original place of residence or relocation site
5. Community leader (Priests; depends on the religious composition of APs)

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

The PPA 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 PAPs 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 grievance redress mechanism

e) **Land Acquisition and Resettlement Committee:** A LARC will be constituted comprising the Project Director, representative from the Ministry of Land, Valuation Department, concerned PPA (such as UDA, SLLRDC, CMC), one registered valuer, and representatives from the civil society at the PMU level and shall be headed by the Project Director-MCUDP and additional secretary MoDUD. The LARC 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;
- Approving RAPs, eligibility lists, implementation schedules, bulk relocation plans;
- Approving lists of vulnerable households for receiving special livelihood and income support assistance;
- Monitoring and advising the PPAs about quality control, and updating of SMF/RAP.

f) **Payment of entitlements**

Responsibilities of the UDA 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 and Socio Economic Survey, a Register is prepared enumerating the personal details and the entitlements of each AP
- The UDA will make arrangement to publish a certified list of the eligible APs and their entitlements at public places for public scrutiny of the eligibility of APs and their entitlements. If anyone raise objections or make observations in writing to UDA 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) 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 UDA for record and audit purposes. **(see Appendix XIII for a sample FC)**
- 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 through a personal messenger by the UDA to collect the entitlement within ten days of the receipt of his acceptance of the entitlements.
- Most of the entitlements will be deposited into AP's bank account. The AP has to open a joint account with his or her spouse and if the spouse is not living with another member of the family and give the Bank account number to the UDA to be entered in the FC and payment voucher. Payments through bank are much more "corruption resistant" than payment by cash. Cash payments of this nature by Government Departments had been subjected to many abuses in the past.
- Payments made directly to a joint account of the AP and spouse (If living) or any other member of the family, so that accessibility to the funds is not restricted to one member of the family. This will also help to develop banking habits among the vulnerable groups. When joint account is operated, the female spouses will feel confident and empowered by playing a role in financial management of the family.
- 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.
- 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 if the husband is dead.

**g) Movement of APs to relocation sites**

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

Community Development Officers (CDOs)

**5.15.** A number of CDOs will be appointed by the PMU as per requirement of the sub project. It is suggested that one CDO is appointed to service approximately 30 affected families. (**Please see Appendix XIV for the functions of the SDO.**) However the EA would decide on the number of families to be managed by CDOs 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 CDOs 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.

**Social Development Specialist**

5.16 The PMU will hire a qualified Social Specialist and the key PPAs such as SLLRDC, CMC and UDA will hire Community Development Officers (CDOs) to steer the implementation of the SMF. They should be post graduates in social sciences with familiarity with urban development issues including slums and resettlement. These Social Specialist will be responsible for:

- carrying out social screening, and social impact assessment with the help of external consultants if necessary
- preparing RAPs with the help of consultants
- endorsing the social screening and categorization of the impacts
- monitoring, documentation, NGO coordination, and managing consultants
- Planning and facilitating external monitoring and annual safeguard quality review.

### Linking Relocation Implementation to Civil Works

**5.17.** Social Screening will be carried out for each activity and based on the magnitude of impacts and scale of resettlement required, SIAs will be commissioned through independent consultants or will be carried out by the Social Specialist. Based on the SIA, RAPs will be prepared in consultation with the affected communities and disclosed. The eligibility lists will be disclosed at the community and at the implementing agency 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.

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

- a. Delays in payment of entitlements
- b. 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.
- c. Delays in construction of houses at the new site. APs may refuse accommodation in temporary relocation centres.
- d. If relocation takes place in phases, it can affect the civil work construction.
- e. If the APs do not get their preferred new locations they may delay the relocation.
- f. Relocation will be delayed if the APs feel the education of their children will get disrupted.

**5.19.** If civil works construction is commenced before or during relocation, many safety and health problems may arise. Due to road construction, canal dredging or dam construction, 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.

**5.20 Contractors Compliance on Social Safeguard Measures:** The contractors will be accountable for their responsibility to act on mitigation measures listed above and for the following actions:

- Use construction materials from approved site, and of standard quality.
- Reclaim the quarry site and fill up borrow pit after the completion of the work,

- Keep the bitumen at least 0.8 Km far from the human settlements,
- Maintain health and sanitation of the labor camp,
- Do not allow haphazard disposal of spoil along hill slopes, vegetated areas, water bodies and other environmentally sensitive areas
- Enforce use of recommended disposal sites that are approved by project manager,
- Provide health and safety gears to the labors,
- Restrict labors' use of forest products, hunting and poaching.
- Hire as many local laborer as possible (priority has to be given to poor and marginalized),
- Avoid use of child labor (below 16 years age),
- Pay equal wages to men and women,
- Ensure life insurance of the laborers
- Avoid damage / disturbance to historical / cultural / archeological sites /natural habitats.
- Relocate public infrastructure such as; electricity pole, telephone pole, taps, irrigation, etc.

The PPAs will be responsible to provide quarry and work sites required for civil works.

#### Integration of the Resettled People in the Host Population

**5.21.** “In resettlement planning, the APs cannot be considered in isolation. The relocation of APs in likely to have impacts on the host population in many areas, including employment, use of common property resources, and pressure on natural resources or social services. Conflicts between hosts and resettled population may arise if the resettlement implementation agency assists only the APs. Infrastructure and support services at the relocation sites can be shared with the host community and the hosts can participate with relocatees in programs for economic development and social integration. The host population should not feel that they are being discriminated against in the distribution of non-compensation entitlements.

#### Accountability framework

**5.22.** 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:

- a. 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 grievance redress mechanism
- b. Delivery timelines, standards and targets in regard to the delivery of agreed safeguards as outlined in the RAPs.

**5.23.** 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 implementing agencies 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.

#### **Capacity Building and Training**

**5.24.** The PMU will establish a Capacity Building and Training Cell within the PMU to plan and implement training and orientation in social safeguards for the technical and managerial staff of the Project and the PPAs. The Capacity Building and Training Cell will be headed by a Human Resources Development Specialist. The Cell would work through the PPAs in organizing training and knowledge sharing programs with the help of External Resource Persons.

**5.25.** The Cell will carry out a training and knowledge needs assessment exercise for preparing the capacity building and training plan. The needs assessment will identify the 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.

**5.26.** To enhance the knowledge and experience in resettlement, the officers may be given exposure of successful projects such as Lunawa Environmental Improvement and Community Project by tours to project sites. Training and workshops should be arranged for officers in the areas of project management, monitoring & evaluation, procurement, financial management and environmental and social safe guards.

#### Capability Building

**5.27.** The knowledge, skills and attitudes of the core operational social safeguard network, the project officials, PPA coordinators, sector officials, non government 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.

- a. Social management measures and methodologies.
- b. Social safeguard program and process.
- c. Program delivery and implementation mechanisms.
- d. Social management good practices
- e. Accountability and reporting measures

#### Project Orientation

**5.28.** 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.

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

#### Grievance Redress Mechanism

**5.34.** Please see Chapter 8

## CHAPTER 06

### Consultation and Participation

**6.1.** 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.

**6.2** 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. Collaboration also refers to joint decision-making.

### Stakeholder Consultation and Participation

**6.3.** 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.

**6.4.** Primary stakeholders include the affected persons, the beneficiaries of the project, the host population of the transit and resettlement sites, the project partner agencies such as SLLRDC, UDA, LAs and more importantly the project proponent and the Ministry of Defence & Urban Development and Ministry of Finance. The secondary stakeholders are those who have an interest in the project such as the National Government, the political authority, policy-makers, advocacy groups, NGOs and other private and public sectors which have indirect involvements with the project.

**6.5.** The next step in this process will be to prepare a description of all stakeholders who will participate in the consultative process including the NGOs 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.

**6.6.** Affected persons should be fully informed of their rights and responsibilities from the very beginning of the process to achieve transparency and understanding between the affected persons 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, newspapers, leaflets and flyers, door to door canvassing but besides all, a Public Information Booklet (PIB) which needs to be delivered to each household where all relevant information and rights of the APs are recorded, will be more effective.

### Public Information Booklet (PIB)

**6.7.** In addition to all other forms of disclosure, the project will adapt the PIB as an effective media of communication of project information to the affected persons. The PIB will be translated into Sinhalese and where necessary into Tamil and distributed to the affected persons 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 affected persons.

The PIB may include the following information:

- Brief Account of the Project
- Potential impacts which can be expected during the project
- Basic 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
- Persons to be contacted for further information with contact details.

### **Stages of Community Participation**

**6.8.** Community participation can be undertaken by stages such as Prioritization Stage, Project Planning Stage and Implementation Stage.

*Prioritization Stage:* The Project Partner Agency (PPA) can disseminate project information to the affected communities and stakeholders 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.

*Project Planning Stage:* 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 affected persons 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.

*Implementation Stage:* 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, Project Partner Agencies need to be assisted more closely in explaining and guiding them in resolving the issues in a more productive manner more favourable to the affected persons, as per involuntary resettlement principles and guidelines.

**6.9.** The Table 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 6.1: Consultation and Participation  
Key Activities**

Project Stage	Key Activities
1. Project Identification and Preliminary Stage	<ul style="list-style-type: none"> <li>- Identify project stakeholders (primary and secondary)</li> <li>- Involve stakeholders in the consultation process</li> <li>- Organize information material and plans for dissemination</li> <li>- Organize and document public meetings</li> <li>- Identify needs for a social preparation programme if Involuntary Resettlement impacts are going to be generated</li> </ul>
2. Project Planning and Designing Stage	<ul style="list-style-type: none"> <li>- Convene and record meetings with potential displaced persons and or potential host population</li> <li>- Consider alternatives to avoid, minimize resettlement in consultation with affected persons</li> <li>- Involve affected persons in assessing project impacts</li> <li>- Arrange APs inputs to entitlements, income restoration and resettlement options</li> <li>- Institutionalize a participatory framework for compensation, income restoration and resettlement</li> <li>- Social preparation for sensitive sub-projects</li> <li>- Obtain inputs from potential displaced persons, hosts, NGOs on selection and development of resettlement sites</li> <li>- Involve displaced persons and NGOs on developing income restoration strategies</li> <li>- Establish GRC procedures, representatives of affected persons</li> <li>- Involve potential displaced persons and NGOs in preparing the Resettlement Plan</li> <li>- Review Participatory Mechanisms given in the Resettlement Plan.</li> <li>- Disclosure of the draft RAPs before their finalization in consultation with the stakeholders and communities</li> </ul>
3. Implementation Stage	<ul style="list-style-type: none"> <li>- Organize participation of the potential displaced persons in implementation of the Resettlement Plan</li> <li>- Involve NGOs and other suitable institutions in resettlement efforts</li> <li>- Support from NGOs and Stakeholders / Private Sector in livelihood and income restoration efforts</li> <li>- Involve affected persons in decision-making committees</li> <li>- Ensure that GRC procedure is functional</li> <li>- Involve affected persons in monitoring and evaluation.</li> </ul>

## CHAPTER 07

### Guide to Post Resettlement and Rehabilitation Strategy

**7.1.** Relocation is the most difficult and sensitive task of the involuntary resettlement process as the regeneration of living conditions differ from family to family and community to community. Relocation planners accordingly should closely understand the settlement pattern of communities identified for relocation. The ethnic and other social differences, the facilities and services presently enjoyed should be understood so that similar or better living environments could be generated in the new relocation sites in the planning stage.

#### Relocation Options

**7.2.** Relocation options need to be disclosed to the affected persons in a detailed form. As participation and consultation is mandatory in the involuntary resettlement process, affected persons identified for relocation need to be consulted from the planning stage of the resettlement sites. If a sub-project can be implemented without relocation, it is the best option. Otherwise, on-site relocation, self-relocation, relocation to housing complexes developed by the State, are the other possible options which could be made available. The Government of Sri Lanka is implementing a pro-poor housing program, under which it has commissioned construction of new multi-storey buildings with flats of 400 sft. each in several locations in the Colombo area to re-house people living in USS. Of these, the GoSL has committed to earmark 1,500 flats and a proportional number of commercial units and social facilities to meet the potential resettlement requirements for the MCUDP. The flats will be made available in condominiums, currently under construction in two government sites closest to the MCUDP project areas. The Bank oversight in this regard shall be focused on the relocation of the project affected households in such condominiums.

**7.3.** The affected families will be resettled in these newly constructed housing complexes in Colombo with ownership rights. The households will be informed of their entitlements before they are requested to shift to resettlement sites by form of registration. Each affected household will obtain a booklet at the registration in which a brief account of the project, the type of impacts which could be expected, the compensation policy and entitlements, outline of the livelihood restoration etc., and the person to be contacted for further information, are explained. In addition, relocation options and support will also be notified to the affected person as indicated in the following Table.

**Table 7.1: Relocation Options (MCUDP)**

Type of Relocation	Payment of Compensation	Transfer Allowance	Subsistence or Resettlement Allowance	Site Planning and Development	Assistance to Host Population	Capacity Building, Monitoring and Evaluation
No Relocation	If land and assets are lost only.	In case shifting is required to rebuild partially affected structure	Yes if business or income is affected	Not Required.	Not Required.	Yes
On-site Relocation	If land and	Yes	Yes if	Not Required.	Not	Yes

	Assets are lost.		business or income is affected		Required	
Self-Relocation	Yes. Compensation will be paid.	Yes	Yes	Not Required.	Minor	Yes
Relocation to High-rise Housing Complexes developed by the State	Yes. Compensation will be paid.	Yes	Yes	Yes	Yes	Yes

### Guide to Post-Resettlement

**7.4.** Resettlement Planners need to understand that displaced householders have lost their living environment, employment and livelihood in addition to their fixed assets. They need to be assisted and guided to recover from psychological stress and transitional shock. In order to minimize disturbance and repeated relocation, transit housing is not recommended in the SMF. The Project will make all efforts to permanently relocate the people.

Some of the Resettlement Sites where flats will be available are given in table 7.2.

**Table 7.2: Original Sites of Residence and Resettlement Sites**

Original Site of Residence	Name of the Resettlement Site
Beire Lake Settlement	Maligawatha C.G.R. land
Sarana MAwatha	Dematagoda resettlement site
Sri Vikramapura Canal Settlement	54 Watta site-Borella
Noris Canal Settlement	66 Watta site – Borella

Note: The affected households will have the option of selecting resettlement sites.

### Condominium Living

**7.7.** The proposed resettlement process expected to be implemented by the MCUDP will be to re-house the affected household population in transit housing and provide permanent resettlement in high-rise complexes after completion. The vertically developed houses which are condominium properties have an entirely different way of living than the ground floor living in underserved settlements. This will require sustained post resettlement support which will be provided with the help of NGOs to build the awareness and capacity of their resettled people to manage their own affairs in the condominiums.

### Income Restoration and Rehabilitation

**7.8.** Income restoration and improvements to their livelihoods are crucial to enable the resettled people to recover from stress and economic difficulties and re-establish their lives. Therefore, the entitlement matrix provides for income restoration measures which will be implemented as a part of the post resettlement support strategy. Resettlement plans will accordingly provide opportunities for increasing the income levels and living standards of the affected people. NGOs will be hired to provide skill training. The government may undertake special studies to prepare specific income restoration support plans for people in need to identify specific support measures for specific groups.

### Assistance to Youth, Women and Vulnerable Groups

**7.9.** Affected persons in resettlement sites must be assured of some minimum employment duration in order to acquire necessary skills and re-establish living standards. Payment of fair wages and employment training will be provided to two youths from very poor households as per the EM.

### **Resettlement and Rehabilitation Issues**

**7.10.** The MOD & UD has undertaken to relocate thousands of families from various underserved settlements in condominiums that are being constructed by the ministry. Approximately 200 families affected by the development sites will also be provided housing in these condominiums. A package of assistance to APs includes a house worth of RS 2.5 million, transportation allowance of Rs 5000 from the original place of residence to the relocation sites, compensation for all losses sustained as a result of involuntary resettlement including for loss of income of poor families, infrastructure facilities at relocated site, capacity building for the affected persons and hosts and other required facilities. There will be an influx of households in the condominiums from various underserved settlements, which may be alien to each other and have ethnic, religious, cultural political and social differences. All the households have to be brought in as one community by consolidating the required ties and harmony among them. The new settlers should find unity in diversity to live in peace with dignity.

**7.11.** On account of the above said differences, some issues may arise and disturb the harmony of the place. To avert such adverse consequence, an appropriate strategy will to be designed to address the issues and strengthen the relocation and rehabilitation process. Some issues affecting community living in the condominiums can include: group interests, vested interests. reverse migration of some relocated APs, “dependency syndrome” on the MOD & UD, PPAs, communication issues, personal choices, communal, religious, political and cultural preferences., difficulties in collective decision making., improper utilization of common assets. poor awareness on “DOs” and “DONTs” of society management, problems of poverty alleviation programmes to the relocated households; . Eg samurdhi, old age assistance, assistance for sickness etc, Income and livelihood restoration, proper schooling for children, link between the host community and the resettled families, strain on the resources used exclusively by the host communities.

**7.12.** The post resettlement support program will address the above issues.

### **Post Resettlement and Rehabilitation Strategy**

#### **7.13. Awareness programmes:**

As resettlers are from underserved settlements, they may not have the correct perspective about living in a condominium. To the extent they enjoy certain specific rights by being an owner of a flat, they also share some common utilities and services with the neighbours. When sharing the common facilities they too have certain responsibilities to each other for a good neighbourly living and to maintain the common assets. To promote peaceful co-existence, the PPAs should conduct awareness programmes amongst APs on the following:

- Collective living in condominium
- Respect for each others, communal, religious, cultural and social values.
- Usage of facilities ,management of condominium
- Living with host communities
- “DOs” and “DONTs”

#### **7.14. Formation of Management Corporation (MC) for each condominium, under the Apartment Ownership law:**

The objective of the MC is to maintain and manage the condominium property. All chief occupants of the households and tenants of the commercial property will be the members of the MC. The chief occupants, tenants and MOD & UD will contribute for an initial capital, which would be invested and the income from the investment will be utilized for the management and maintenance. The management committee of the MC will consist of officials nominated by the MOD & UD and the representatives of the households.

#### **7.15. Formation of a Thrift and Credit cooperative Society (TCCS) by the Department of Co-operative Development:**

To develop thrift and saving habits and to avail small credit, formation of thrift and credit society can be useful. Under the supervision and guidance of the Department of Co-operatives, the resettled people will be encouraged to form a co-operative society and register with the department for it to become a legal entity. Once the society is registered, it can obtain credit facilities from financial institutions. When the TCCS becomes a member of “Sanasa”, the apex body of the TCCSs in Sri Lanka, the resettlers as members of the TCCS will be able to obtain credit facilities from “Sanasa” for micro enterprises and self employment.

#### **7.16. NGOs:**

The NGOs will be hired or continued to provide implementation support to enable APs to attain self sustenance. ToRs for hiring NGOs is given in Appendix X-A. The NGO will focus on: .

- Strengthen people’s awareness regarding the project; their rights and entitlements,
  - Strengthen participation of PAPs in livelihood and income restoration activities;
  - Strengthen transparency in LA and RR through social accountability measures such as community display boards, information dissemination, and regular consultation.
  - Strengthen women’s participation in R&R process with special focus on livelihoods.
  - Assist in identifying and enabling vulnerable families to cope with resettlement;
  - Assist in providing post resettlement support to the relocated families
- Such other assignments relevant to strengthening social inclusion and equity including facilitating income generating activities/micro enterprises and micro credit facilities, providing linkage to employment opportunities; and promoting self-employment.

#### **7.17. Poverty alleviation measures (PAM):**

The APs who were enjoying state support, such as Samurdhi, Old aged pension, Sickness assistance etc., should be ensured that they continue to receive them. Change of residence, different GN division and DS area can cause disruptions to the delivery mechanism. This should be avoided by appointing a special officer to resolve issues arising due to relocation.

#### **7.18. Income from common assets:**

Income from common assets such as leasing of commercial units and community halls etc. should be accounted well and used for welfare of the occupants of the condominium.

**7.19. Opening a branch of the Multi Purpose Cooperative Society (MPCS) of the area:** There will be around 3000 relocated persons in a condominium and for them to buy goods mainly consumer items of good quality at reasonable prices, a co-operative outlet is a necessity. A branch of the area

MPCS will be opened to cater to the needs of the new settlers. Each head of the household will become a member of the MPCS and participate in the management of the MPCS and the branch.

#### 7.20. Need based Task committees:

An Environment committee, Women's welfare committee and a Community welfare committee will be established in each condominium/site depending on the assessed need.

- **E**

- **Environment Committee(EC):** The EC will be responsible for the cleaner and green environment surrounding of the condominium. The EC will educate new settlers through awareness programs to manage the environment properly to prevent any health hazards such as malaria, dengue and contagious diseases. It will also train the new settlers to respond to natural disasters such as flood, cyclone etc. The EC will coordinate with the Local Bodies to keep the water supply, waste disposal system drainage and sewerage system etc, functions without disruption.
- **Women's Welfare Committee (WWC):** The WWC will be formed to empower women through education and communication. It will organize assistance for the women in need in liaison with Department of Women Affairs and NGOs. It will arrange for legal assistance to the women who need protection from the harassment by anti-social elements. It will organize Health care clinics for pregnant and lactating mothers, children, and sick and elderly women. It will assist the women to start micro enterprises and self employment projects.
- **Community Welfare Committee (CWC):**It will organize community welfare measures such as providing basic necessities to the physically and mentally affected persons in liaison with Government Departments and NGOs which support such measures. It will maintain playgrounds, children's parks and community centers; conduct awareness programmes for the prevention of drug abuse, consumption of liquor, smoking; conduct medical clinics to wean away the victims of drugs from consumption. Keep the members informed of their rights, eligibilities obligations and all matters related to the development of the condominium. The CWC will also promote unity by organizing collective events create interaction opportunities through participation. Such events will also encourage leadership qualities among the resettled youth. CWC will also take measures to ensure the safety and security of the persons and property.

#### Support to Host Community

**7.21.** Host community is a key factor in the sustainability of the relocation process, as a lot will depend on the attitude and approach towards the new settlers. To minimize ill feelings amongst the host communities, they should be given the similar non compensatory benefits and facilities enjoyed by the resettled people, such as infrastructure facilities, capacity building support, women empowerment activities, youth skill training, etc. . By providing these to them the harmonious atmosphere will emerge and contribute to the success of relocation.

#### Issus of title deed for the houses

**7.22.** The title deed for the houses will be issued to APs within a year of relocation to avoid any misunderstanding and suspicion which may lead to unnecessary agitation and upset the community.

Conclusion

**7.23.** The above strategies proposed when implemented are expected to strengthen the relocation and rehabilitation process in the condominiums. Given the limited exposure of the resettled people from the underserved settlements to the formal function of the institutions, it may be necessary to provide inputs for a prolonged time for the translation of these suggestions into action. However over “dependency syndrome” factor of the community should be avoided and the community should be transformed into self reliant society. The intervention of external agencies will be indispensable until the community becomes self reliant.

**CHAPTER 08****Grievances Redress Mechanism**

**8.1.** 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 affected persons (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.

**8.2.** Five project specific (internal) grievance redress instruments;

- a) Community Development Officers (CDOs) appointed by the PPAs;
- b) Local Resettlement committees (LRCs) formed at the resettlement locations by PPAs;
- c) Grievance Redress Committees (GRCs) appointed by PPAs;
- d) Project Director and Additional Secretary/MOD & UD (supported by LARC)
- (e) Independent Grievance Panel (IGP),

Under MCUDP and two external instruments namely Samatha Mandala (conflict resolution committees) appointed by the Ministry of Justice and Courts are available for the APs to obtain redress.

**8.3.** The APs can opt to have recourse to any of these instruments. A grievance redress process is given in **Appendix XVI**. All the grievance redress instruments should ensure that the complete proceedings of each case is registered and recorded.

**8.4.** To resolve grievances and complaints, each PPA will establish a Grievance Redress Committee (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 **Appendix XVII** for membership of GRCs). 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.

**8.5.** 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.

**8.6.** 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, NGOs 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.

**8.7.** 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 **Appendix XVIII** 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

**8.8.** In this project, issues related to disputed assessments, entitlements, disputes between APs could be easily solved with the assistance of the GN, who is very knowledgeable about the people and the area. Two GNs will be involved in relocation, one at the original settlement and other at the relocated site. Resolution of grievances will be handled through negotiations aiming to achieve consensus between the PPA and the AP

**8.9.** In the first instance, the AP should bring the grievance to the notice of the CDO/SDO. If an amicable settlement is not reached within a week, 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 Grama Niladhari (GN). If a grievance cannot be resolved at the LRC level within a week, it should be submitted to the GRC for adjudication with all related documents within a week. Meantime the AP also should be advised to submit the grievance in the prescribed form to the GRC within a week.

**8.10.** 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' signature before the proceedings of the resolution process.

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

**8.12.** 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 a week. 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, Ministry of Women Affairs, Department of Valuation, eminent NGO, a lawyer, a retired civil servant of the rank of a secretary. If the decision given by S/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

**8.13.** In addition to the CDO LRC, PPA-GRC, PD and Addl. Secretary- MOD & UD, the APs could make use of the Samatha 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 09

**Guide to Cost Estimation and Funding**

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

**9.2.** Accordingly, land acquisition and resettlement expenses for consultation and participation, grievances redress, cost for relocation, Income restoration and livelihood programme, monitoring and evaluation etc. should be included as cost estimates for social management.

**9.3.** The client estimates that about 1500 squatter households will have to be resettled in permanent buildings, provided with 400 square feet of dwelling units at the rate of LKR 3 million each, including services and infrastructures and excluding land costs. Added to this the value of land and the cost of hiring staff, consultants for preparation, implementation, monitoring, and post resettlement activities, it is estimated that the overall budget for implementing the SMF will be around USD 54 million. Out of these the Government contribution will be to the tune of USD 53.5 million, and the rest USD 0.5 million will be provided from the Institutional Development component of the Project.

## CHAPTER 10

### Monitoring and Reporting

#### Monitoring and Reporting

**10.1.** The project management system will establish a monitoring and reporting system which will be organized as a functional cell in the PMU. The monitoring and reporting system will be 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. **10.2.** 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 PMU. 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.

#### The Monitoring System

**10.3.** Monitoring will be both internal and external. Internal monitoring will be done by the PMU at the project level and by the PPA at the sub-project level. The Social Development Specialist 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 Resettlement plan (**RP**).
- efficient and transparency in disbursement of compensation and R&R benefits;
- Data collection, feedback information, identification of bottlenecks and trouble shooting,
- 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 assess whether the socio economic conditions improve and income and living standard improve restored
- Preparation of progress reports
- Coordination within the implementing organization as well as with outside agencies.

**10.4 External Monitoring:** The PMU will engage an external monitoring and review agency 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.

- i. Verify if the safeguard program is being implemented in accordance with the approved framework.
- ii. Verify whether affected persons, households and communities are able to address negative impacts and restore their livelihoods and living standards.

External Monitoring is intended to:

- a) Verify that the RP has been implemented according to approved plans and procedures.
- b) Assess that the objectives of the RP has been achieved.
- c) Determine that APs livelihood and living standards have been restored or improved and if not suggesting ways and means of improving performance.
- d) Obtain views of the APs on their relocation, entitlements and Grievance Redress committee's performance.
- e) Evaluate the performance of the all implementing Agencies including PMU, PPAs, NGOs, CBOs and other Government Agencies associated with the implementation of the project.
- f) Review of all reports by the internal monitoring agencies.

**10.5.** The external monitoring agency 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 **Appendix-X-B**.

**10.6.** 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. A sample

#### **Monitoring Roles and Responsibilities at various levels:**

**10.7.** 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.

#### *Metro Development Stakeholder Forum*

**10.8.** In order to establish a partnership in social management a “Metro Development Stakeholder Forum” 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 consider the report, identify gaps and propose remedial measures and consider partnership linkages.

#### *Project Management Unit*

**10.9.** 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:

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

#### Monitoring & Evaluation Cell

**10.10.** The Social management Cell will function as the Monitoring and Evaluation Cell. The responsibility of the Cell would include the following.

- a. Provide program communications and technical support to the PMU.
- b. Establish and maintain data base and reporting system on the social safeguard program.
- c. Co-ordinate with the Project Divisions, PPAs, Sector Service Providers, Non-government and Private Sector partners in following up on implementation gaps and issues.
- d. Prepare and submit reports as per monitoring design.
- e. Arrange for external monitoring especially for reporting to the stakeholder forum.

#### Sub-Project Cell

**10.11.** 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 affected persons and households in addressing negative impacts. A sub-project safeguard group will be constituted drawing representatives from the settlement and the non-government and private sector organizations providing services for the safeguard program. The subproject group will monitor progress on a monthly basis.

### **Reporting**

**10.12.** The key output of Monitoring will consists of various types of written and oral reporting. They include

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

**10.13.** 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.

### **10.15. Reporting Responsibilities**

- a. Reporting to Settlements  
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.
- b. Reporting to the PMU and Steering Committee and The Stakeholder Forum

The Monitoring and Evaluation Cell will report to the PD who will in turn report monthly to the NPSC and MDSF bi-annually.

**Monitoring Framework**

**10.16.** The range of activities to be monitored would include the following.

- a. Program for partnership engagement
- b. Program for capacity building and training.
- c. Program for grievance redressal.
- d. Program for participation and consultations.
- e. Program for disclosure and reporting.
- f. Program for involuntary resettlement.
- g. Program for entitlements and payment of compensation.
- h. Program for restoration of cultural and community property resources.
- i. Program for vulnerable households, groups and persons.
- j. Program for re-establishment of incomes.
- k. Status of re-establishment of incomes.
- l. Status of vulnerable households, groups and persons

**10.17.** 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.

**Table 10.1: Framework of Process, Output and Outcome Indicators**

Type of Indicator	INDICATORS	Suggested Variables
<b>Process</b>	a. Partnership engagement	Stakeholder Organizations, services provided, staff deployed by gender  Participation at stakeholders meetings and consultations  Field visits by stakeholder organizations
	b. Capacity building and training	Training programmes conducted for the stakeholders and number of participants. Training programmes conducted for staff and other officers and number of participants. Systems and procedures designed and introduced.
	c. Grievance redressal	Number of grievances received and resolved by all internal instruments of GRC by type; redressal provided, timeliness of response. Number of grievances went to SM and Courts and number resolved.
	d. Participation and consultations	Number of participations and consultations by purpose, venue, attendance  Number and type of handbooks and informative bulletins distributed.
	e. Disclosure and reporting	Number of disclosures and reporting to Resettlement Committees, PMU, and MDSF Forum
	f. Involuntary	Number of households affected.

Type of Indicator	INDICATORS	Suggested Variables
	resettlement	Number of houses built and allocated to households. Number of households occupied. Number of households received titles for the houses. Housing and related infrastructure completed. Relocation of people completed.
	g. Entitlements and payment of compensation	Number of compensations made by type of loss, MOD & UDe/amount and timeliness.
	h. Restoration of cultural and community property resources	Number of cultural and community resources restoration required and made
	i. Vulnerable households, groups and persons	Numbers of vulnerable (poor, women, children and disabled) requiring assistance, type of assistance provided, numbers utilizing assistance provided
	j. Restoration of incomes	Number requiring income opportunities, type of income opportunities provided, agency supporting
<b>Impact</b>	k. Re-establishment of incomes	Number of persons/households economically active following relocation or re-adjustment
	l. Vulnerable households, groups and persons	Changes in status of vulnerable by type of service provided eg., training, micro-finance, schooling, jobs etc. Number of households lost access to informal credit and number regained. Number of households lost access to informal credit and how many regained access

**10.18.** A Sampling Format for Monitoring **Delivery of Entitlements** is provided in **Appendix XIX**

