

Resettlement Monitoring and Evaluation Report

For the period covered April to June 2016
Project Number: 47381-002
July 2016

SRI: Mahaweli Water Security Investment Program

Prepared by Ministry of Mahaweli Development and Environment with the assistance of Program Management, Design and Supervision Consultant (Joint Venture Lahmeyer International GmbH – GeoConsult ZT GmbH) for Democratic Socialist Republic of Sri Lanka and the Asian Development Bank.

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Mahaweli Water Security Investment Program

RESETTLEMENT MONITORING AND EVALUATION REPORT No. 2: April – June 2016

July 2016



Program Management, Design and Supervision Consultant

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ABBREVIATIONS

ADB	Asian Development Bank
AP	Affected Person
BoQ	Bill of Quantities
CAPC	Cabinet Appointed Procurement Committee
CEA	Central Environmental Authority
DPC	Department Procurement Committee
EA	Executing Agency
EIA	Environmental Impact Assessment
EOI	Expression of Interest
FAM	Facility Administration Manual
GBL	Geotechnical Baseline Report
GOSL	Government of Sri Lanka
GRM	Grievance redress Mechanism
IA	Implementing Agency
ICTAD	Institute for Construction Training and Development
ID	Irrigation Department
ISEWP	Improving system efficiencies and water productivity
km	Kilometre
KMTC	Kalu Ganga-Moragahakanda Transfer Canal
m ³ /s	Cubic metres per second
masl	Metres above mean sea level
MASL	Mahaweli Authority of Sri Lanka
MCB	Mahaweli Consultancy Bureau
MCM	Million m ³
MDP	Mahaweli Development Program
MIWRM	Ministry of Irrigation and Water Resources Management
MLBCR	Minipe Left Bank Canal Rehabilitation
MFF	Multitranchise financing facility
MFP	Ministry of Finance and Planning
MMDE	Ministry of Mahaweli Development and Environment
MPC	Ministry Procurement Committee
MPP	Master Procurement Plan
MRB	Mahaweli River Basin
NCPCP	North Central Province Canal Project
NPA	National Procurement Agency
NWPC	North Western Province Canal
PD-MWSIP	Program Director Mahaweli Water Security Investment Program
PD-UEC	Project Director –Upper Elahera Canal
PMDSC	Program Management, Design and Supervision Consultant
PPTA	Project Preparatory Technical Assistance
PSC	Program Steering Committee
RF	Resettlement Framework
RIP	Resettlement Implementation Plan
RPC	Regional Procurement Committee
SBD	Standard Bid Documents
SIWRM	Strengthening Integrated Water Resources Management
SPS	Safeguards Policy Statement (2009)
ToR	Terms of Reference
UEC	Upper Elahera Canal

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1 INTRODUCTION

1. The Government of Sri Lanka (GoSL) has received from the ADB an ADF Loan of USD 74 million and USD 76 million Loan from ordinary capital resources, and has itself contributed USD 40 million (Total USD 190 million), in order to support the Mahaweli Water Security Investment Program (MWSIP), which has been split into two phases by the Ministry of Mahaweli Development and Environment (MMDE). The financing covers Phase 1 of the North Central Province Canal Project (NCPCP), with tranche 1 also including feasibility studies of Phase 2 projects. Through Multi-Tranche Finance Facility (MFF) modality of 3 tranches in Phase 1, financing allocation is foreseen to be approximately USD 453 million contribution. **Figure 1** shows the Program components.

2. MWSIP is the final stage of the Mahaweli Development Plan (MDP), a multisector development of the water and land resources of Mahaweli River Basin and North Central Province. This is the end point of an investment program that has spanned more than six decades and is pivotal in meeting national development goals of food security, social development, energy production and environmental protection.

3. The Executing Agency (EA) is the MMDE on behalf of the GoSL and the Implementing Agency (IA), responsible for day-to-day management is the Project Management Unit (PMU), based in Colombo, and Project Implementation Units (PIUs) for each of the three construction implementation component Projects. The Loan agreement signed between the GoSL and the ADB, stipulates that any “Involuntary Land Acquisition and Resettlement” (LAR) safeguards issues that arise during project implementation will require a Resettlement Implementation Plan (RIP) or other appropriate document showing that all impacts are mitigated in accordance with the government’s relevant legislation and policies, and the existing Program Resettlement Framework, in particular with ADB’s Safeguard Policy Statement (SPS) 2009 and within the legal framework of Sri Lanka.¹ ADB will only finance projects and programs that fully comply with its SPS 2009.

4. As a key part of its Social and Resettlement Safeguards Contract Scope of Works, the Program Management, Design and Supervision Consultant (PMDSC) is required to submit a Resettlement Monitoring and Evaluation Report, initially on a quarterly basis and subsequently, after Resettlement Plans and Due Diligence requirements are implemented, a semi-annual (twice per year) basis. This is the second Resettlement Monitoring and Evaluation Report, prepared in consultation with the PMU Resettlement Specialist, and covers the progress of resettlement and social safeguards monitoring for the period of April to June 2016 (up to 24 June 2016), especially focusing on construction contracts to be implemented under Tranche 1. The ensuing report specifically focusses on the program-wide issues of setting up the resettlement management systems, such as the Sri Lankan resettlement process, setting up adequate data collection surveys and grievance redress (Section 2); and the progress on resettlement related issues for each of the three Projects. These are Minipe Anicut Heightening and Left Bank Canal Rehabilitation Project (MLBCRP), Upper Elahera Canal Project (UECP), and North Western Province Canal Project (NWPCP), respectively (Sections 3, 4 and 5). Included in this report is information about initial resettlement RIP-related data collection that has commenced for some of the packages of NWPCP and UECP; and one Due Diligence Report (DDR) submission on MLBCRP. Any grievances that have been submitted, regarding any of tranches 1,2 or 3, are covered either in the specific Project sections for Tranche 1, or in the register presented in **Annex E**.

¹ Resettlement Implementation Plan (RIP) is the legally accepted term in Sri Lanka for a Land Acquisition and Resettlement Plan (LARP) or Resettlement Plan (RP)

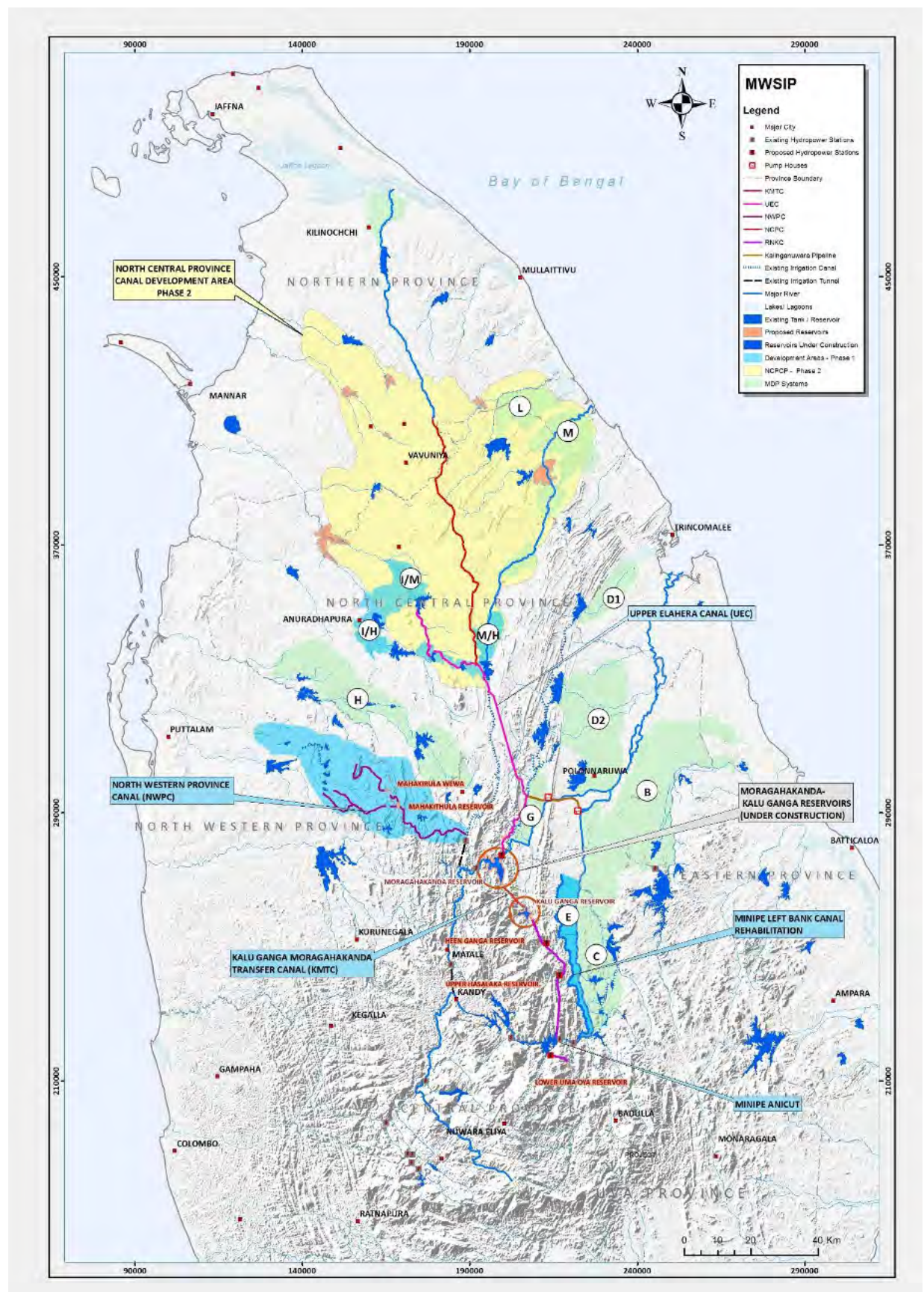


Figure 1: Layout Map of the Mahaweli Water Security Investment Program

2 PROGRAM-WIDE RESETTLEMENT ISSUES – SETTING UP THE SYSTEM

5. The MWSIP Phase 1 outputs include construction of new and improved water conveyance and storage infrastructure. There are five Project Components listed under the Program as shown below, three of which (i-iii) involve civil works (refer to **Figure 1**), split into several International (9) and National (9) Competitive Bidding Contracts, and three of which (iv, v and vi) are consultancies:

- (i) Minipe Anicut Heightening and Left Bank Canal Rehabilitation Project (MLBCRP)
- (ii) Upper Elahera Canal Project (UECP)
- (iii) North Western Province Canal Project (NWPCP)
- (iv) Program Management, Design and Supervision Consultant (authors of this report)
- (v) Improving system efficiencies and water productivity (ISEWP)
- (vi) Systems for improving water resources management and productivity developed (SIWRM)

6. In the project implementation stage, land acquisition and resettlement screening, planning and implementation (including monitoring), can only be done in areas where detailed design is substantially complete, because this enables information to be known on exact alignments, accesses required and necessary construction space. At the same time, construction in most circumstances cannot occur unless resettlement plan implementation is completed. It is, therefore, very important that an efficient initial resettlement screening, data collection and resettlement planning, implementation and monitoring process is in place. This section presents the current status of setting up the systems for the overall resettlement planning and implementation process being developed Program-wide.

2.1 Initial Screening Process

7. Given the nature of this program, Phase 1, set up in 3 tranches with 3 Projects involving civil works and split into several (18) package stages, which is requiring levels of detailed design, bidding processes, contract award and construction, it is important that during the detailed design stage resettlement impact is identified and any issues impacting design be determined. Therefore, an approach to initially screen a project's detailed design footprint and accesses has been prepared (**Annex A**). It is a simple approach, whereby land use patterns, land tenure and potentially impacted assets may be identified through observations, maps and discussions with local Ministry of Land and Land Development (MLLD) and other local authorities. Consultation with potentially affected communities, with the Engineers' assistance, may also be conducted as part of this process, sometimes leading to design changes.² From the results of this study, resettlement impacts and Resettlement Implementation Planning requirements to comply with Sri Lankan laws and ADB safeguards and in accordance with the MWSIP "Resettlement Framework" may be identified and action initiated with MLLD to commence the resettlement process (refer to the Sri Lankan Resettlement process - **Annex B**). Results of the "Initial Screening" process has been reported in specific Project sections below (Sections 3-5), where this process have been completed during this reporting period and no impacts are found, while data resulting from early stages of the triggered Land Acquisition process (refer to **Annex B**) are presented.³

² Community consultations are planned for NWPC ICB 2 Package, in which alignment changes are being examined for technical; reduced but not entire avoidance of resettlement; and reduced environmental impact.

³ The resulting "Land Acquisition Plan" from MLLD.

2.2 RIP Data Collection and Database

8. This section outlines the current progress in the setting up of resettlement data collection and management, including development of data collection surveys for RIP development to comply with ADB requirements and development of a database spreadsheet.

9. The Advanced Tracing stage of the resettlement process in Sri Lanka records data on the losses of each affected person or entity and land type to be taken due to a Project development. These data records produce a “Land Acquisition Plan”. For MWSIP, the “Land Acquisition Plan” provides a limited set of resettlement loss data for an affected person (AP), which may not reflect the full magnitude of impacts and losses that an AP may experience due to a project intervention, followed by calculation of due compensation and allowances (although this might be appropriately prepared by qualified valuers). Therefore, in order to ensure that resettlement impacts and results of RIP implementation are in accordance with ADB SPS and Resettlement Framework requirements an “Assets Inventory” and a “Socioeconomic Survey” to cover 100% of affected persons has been prepared, which will be conducted in each of the areas where land acquisition and/or resettlement impacts are identified (**Annex C**). Data collected through the two surveys will supplement the Land Acquisition Plan data. The survey data collection is expected to be initiated, using the two survey formats, in July-August 2016 for the NWPC NCB-1 Subproject and an RIP prepared and submitted. Full implementation is expected by end of September 2016.

10. A computerized system for recorded impacts, socioeconomic situation and the various entitlements to be provided to each affected person is an important record and monitoring tool for RIP preparation and implementation. Two simple Excel databases are under development - one for the Inventory and one for the socioeconomic data recorded for each package. The databases currently cover MLLD prepared “Land Acquisition Plan” data, which only includes the following:⁴

- (i) Lot number
- (ii) Name of Land area
- (iii) Name and address of landholder
- (iv) Land use
- (v) Land ownership status (name and ownership/lease, although type of title is not given)
- (vi) Measure of land to be acquired (in acres, roods, perches),
- (vii) Name of crop, and if trees, age and number of trees
- (viii) Nearby land owners/leaseholders
- (ix) Measurement of structures to be acquired and type of structure (permanent, semi-permanent etc.) – dimensions are not included.

11. Additional dataset items will be added when processing census/inventory of losses and socioeconomic survey data into the two databases. These two surveys identify, in detail, what assets are to be permanently and temporarily lost and provides salient socioeconomic information about an affected household and people affected by involuntary resettlement, due to the project development. The socioeconomic survey also provides data that will determine vulnerability status of the household and provide baseline socioeconomic information to comparatively identify that the affected household/entity is the same or better off after the resettlement than the pre-project status.

12. Although during preparation and approval of RIP, the database will be records of land and assets to be acquired due to Project, subsequent additions to the database will include actual assets acquired and actual entitlements provided in compensation and assistance for losses to each individual AP. This allows to compare foreseen, or planned, with actual during implementation of the plan, and will flag any inconsistencies to be examined during Monitoring and Evaluation of RIP implementation.

⁴ Note the focus of the MLLD “Land Acquisition Plan” is only on the area for acquisition, with no socioeconomic data or information of full land area (both to remain and to acquire) is collected.

13. In projects with larger numbers (>100 households) of APs, both datasets will be required for CEA under local environmental impact assessment requirements. This refers to each of the full NWC, UEC or MLBRC Projects as opposed to a stage or package.⁵

2.3 Grievance Redress Mechanism (GRM)

14. In order to receive and facilitate the resolution of possibly affected people's concerns, complaints, and grievances concerning the Program's performance, a Grievance Redress Mechanism (GRM) has already been established for the MWSIP, and is being enhanced at local and PIU level at the Project sites in accordance with ADB SPS requirements and legislative requirements of Sri Lanka. The GRM addresses potentially affected people's concerns and complaints proactively and promptly, using an understandable, communicated and transparent process that is gender-responsive, culturally appropriate and readily accessible to all community members at no costs and without retribution. The mechanism will not impede access to the country's judicial or administrative remedies.

2.3.1 Progress of GRM development

15. During the reporting period, the process of strengthening the GRM was completed, and the preparation of a brochure is almost complete and approved. An awareness campaign targeting the local Government and other stakeholders of the project is planned for July 2016. However, during all consultations with communities in Project areas, the GRM and raising of any grievances are automatically part of the agenda. **Annex D** presents a description of the GRM being implemented under the MWSIP, which covers resettlement and environmental safeguards complaints and grievances.

2.3.2 Grievances submitted during the April-June Quarter

16. Grievances submitted, followed-up and/or resolved during this quarter are presented in the specific Project Chapters (3, 4 or 5) below, given that the GRM commences with complaints submission at the GND level.

⁵ National or International Competitive Bidding (Construction Contract) – NCB or ICB – is also referred to in this document as a “package” or in some cases as “stage”.

3 MINIPE ANICUT HEIGHTENING AND LEFT BANK CANAL REHABILITATION (MLBCR)

17. This section documents the results of two resettlement Due Diligence Studies – MLBCR Stage 1 Km 00+000 to 30+140, for which the report has been submitted, and MLBCR Stages 2, 3 and 4, study of which is ongoing at the time of writing. The Minipe Left Bank Canal Rehabilitation Project (MLBCRP), located in the downstream reach of the Mahaweli Ganga, with the heightening of the Minipe diversion weir (anicut) (downstream of the Rantembe dam) by approximately 3.5 meters, to add upstream storage (needed to compensate for greater daily flow variations due to peaking operation of the upstream power stations); construction of new intake gates to the Minipe Left Bank system, construction of emergency side spillways on both the Left and Right Bank system and and rehabilitation of approximately 74km of the Left Bank system to improve conveyance and reliability of service to existing irrigated lands. All civil works contracts are covered by Tranche 1 (**Figure 2**).

18. The MLBCR component includes five civil works packages, including one through International Competitive Bidding and four through National Competitive Bidding and one mechanical and electrical component for rehabilitation and motorization of gated structures. This section reports on progress of Due Diligence Studies completed for NCB-1 and currently ongoing for NCB-2, -3 and -4. All four contracts relate to rehabilitation of the canal.

19. The scope of this MLBCR Stages 1,2 3 and 4 includes:

- (i) Clearing vegetation, water weeds in the canal bed, secondary growth in canal banks and de-silting along the canal where necessary
- (ii) Grading, levelling, filling pot holes and gravelling the Operation and Maintenance road
- (iii) Construction of new structures: turnout structures and cross regulators
- (iv) Construction of new and rehabilitation of existing clay curtain, gabion definition and other retaining walls
- (v) Modifications and improvements to existing turnout structures, canal spills, aqueducts and siphons and existing causeway ramps
- (vi) Improvements to existing bridges, including bathing steps and side drain inlets
- (vii) Construction of trash racks to existing siphons

20. A number of farmers along the Minipe Left Bank Canal under the MLBCR subprojects Stage 1, 2, 3 and 4 were found to be encroaching on canal reservation land.⁶ It was thought that these farmers may be impacted, if required to cease agricultural activities on this reservation land in order to make way for contractors space for construction and access to site, although no construction would occur on that land reserve.

⁶ "Encroachment" in the context of this report refers to encroachment on the canal wayleave and not necessarily on the contractors' wayleaves.



21. The Farmer Organization Leaders along the length of the canal have given an assurance that all encroaching farmers will voluntarily suspend their agricultural activities during the construction period, if they are required, in order to allow the Contractor's access to the canal and works sites. However, the Farmer Organization Leaders believed it was not their responsibility to request or enforce the encroached farmers to stop their activities in related reservation areas. The ADB requested a Due Diligence Study covering the MLBCR Stage 1 and a second study to cover Stages 2, 3 and 4 in order to confirm compliance with resettlement safeguards. Until the Due Diligence Study, there had been no direct consultation with the encroaching farmers on this matter.

22. The objectives of this Due Diligence Study are to report the results of the inventory of the encroaching farmers, identifying impacts and results of consultations; followed by making recommendations so as to fill any identified potential gaps with respect to SPS 2009 and the Resettlement Framework policies. The Study focused on three potential areas in which SPS 2009 IR policy may, or may not, be triggered:

- (i) The Project canal rehabilitation footprint.
- (ii) The construction contractor's activities, particularly accessibility through reserve land on which farmers have encroached.
- (iii) Potential for loss of access to water from the canal was also examined, given that access to public natural resources for livelihood is also another aspect of the SPS 2009 Involuntary Resettlement policy requirements that has to be considered.

23. The approach to both Due Diligence Studies 1 and 2, encompasses data and information collection as follows:

- (i) Inventory of encroachers into the canal reserve area. This includes crops, trees, structures, marked by turnouts/farmer groups and chainages (if possible).
- (ii) Maps of the same scale as for DDR 1 on which land use, structures and access roads and tracks are marked.
- (iii) Farmer agreements, with assistance of farmer groups – A letter has been prepared and will be sent through farmer groups to all encroachers. If they choose to sign that they consent to giving up the land area during the construction period if the contractor requires, this will be verified when actual areas are identified by the contractor.
- (iv) Inspection of structures – to determine the extent of encroached lands that may be impacted during construction of the structure.
- (v) Details of engineering design is important in order to understand the construction method to be adopted and potential impacts and mitigations that may be possible.
- (vi) Records of any grievances received.
- (vii) Consultations – in accordance with SPS 2009, this is a requirement. Records of formal and informal consultations (eg. minutes of meetings) will be prepared and photographs also made for recording in the report.

3.1 Due Diligence Study: MLBCR Stage 1 – Kilometre 00+000 to Kilometre 30+140⁷

24. This section provides a summary of the Due Diligence MLBCR Stage 1 (NCB 1) study results. The package includes improvements along the existing canal and rehabilitation of flow regulation structures between chainages kilometer 0+000 and Kilometer 30+140. In terms of resettlement safeguards, the approval of the Due Diligence Report for Stage 1 (already submitted) will allow the MLBCR-NCB-1 contract package to be awarded.

3.1.1 Due Diligence Study Findings

25. The Due Diligence Report covering the Minipe Left Bank Canal Rehabilitation Project 00+00 to km 30+140 has established the following:

- (i) There are 494 farmers encroaching on 498 plots of canal reserve land between Kilometer 00+000 and Kilometer 30+140 of the Minipe Left Bank Canal. They are cultivating mostly paddy in two seasons (Maha and Yala). There are also other plots of tree crops and structures. These farmers are encroaching from legally titled plots adjacent to reserve area (Table 1).

Table 1 - Summary of Final Inventory of MLCBP Encroaching Farmers (Km 00+000 to 31+000)

Description		Quantity
A. Affected People		
1	Number of Encroachments	498 plots 494 PAPs
2	Extent of Encroach Lands	Acre: 179 Rood: 2 Perch: 39.5 (Total = 71.9 Ha)
B. Crops and Perennials / Trees		
3	Number of Paddy Allotments	190
4	Number of Mango Allotments	20
5	Number of Permanent Crops Allotments	19
6	Number of Perennial Allotments	2
7	Number of Coconut Allotments	71
8	Number of Mix Crops Allotments	22
9	Number of Banana Allotments	39
10	Number of Jackfruit Allotments	11
11	Number of Breadfruit Allotments	3
12	Number of Areca Nut Allotments	18
13	Number of Drumstick Allotments	1
14	Number of Pepper Allotments	13
15	Number of Lime Allotments	1
16	Number of Kithul Allotments	2
17	Number of Teak Allotments	2
C. Structures		
18	Houses	144
19	Boutiques	20
20	Stores	2
21	Other	50

⁷ This section summarises salient aspects extracted from the Due Diligence Report 1.

- (ii) There is adequate access to many of the construction sites by road (or track) along the embankment of the canal, on which there are no encroachments, and there would be space enough for construction activities to occur. However, around some of the structures to be rehabilitated, construction space requirements may impact on agricultural areas. It was thought that some of the reserve land areas may be required to be used at times by the contractor during construction, but not as part of the footprint of project structures to be constructed. For some structures, there may be some locations where diversion tracks are needed by contractor. A small number of areas may be required in occupied reserve areas. Actual space requirements, hence magnitude of affected area for construction, cannot be fully finalized until the contractor is mobilized and the locations, albeit small, are identified. However:
- The PIU will restrict access to sites to the use of existing roads and tracks to the extent possible. The contractor shall as much as possible limit construction work-space to the canal contours and existing access roads and Government lands, as approved by the PMU.
 - Farmer Organization Leaders have given an assurance in February that all encroached farmers will voluntarily suspend their agricultural activities during the construction period, if they are required, in order to allow the contractor's access to the canal and works sites. There is documentary evidence (Summary in **Table 2**) that encroachers will refrain from agricultural activities in the cases that encroached lands are required by a contractor. Through Farmer Groups, 455 farmers out of 478 (95%) have signed letters consenting to ***"release the lands which are in our possession under encroachments whenever those lands are wanted for the development activities of the Minipe Left Bank Canal Rehabilitation Project"***. The Due Diligence Report for Stage 1 (previously submitted) presents copies of each of these signed agreements.

Table 2 - Farmers' Agreements Summary

SN	Turn out no	Total number of farmers	Number of signatures	Number of farmers not signed	Comments
01	D/01,03,44	53	51	02	23 farmers have not signed the consent letters due to non-availability in the Minipe scheme, as they are residing outside the project according to PIU.
02	D/05,06,07,08,09,10,11	47	45	02	
03	D/12	07	07	-	
04	D/13,14,15	33	25	08	
05	D/16,15	17	17	-	
06	D/19	25	23	02	
07	D/21	13	12	01	
08	D/24	20	20	-	
09	D/25	13	13	-	
10	D/26,27,28	14	14	-	
11	D/31,29,30	31	26	05	
12	D/32,33	39	39	-	
13	D/34	18	18	-	
14	D/35,36,37,38	33	25	08	
15	D/39,40	15	15	-	
16	D/41,42	23	23	-	
17	D/43,44	22	21	01	
18	D/45,46	51	49	02	
19	D/47	03	03	-	
Total		478	455	23	Percentage of signatures 95%

- c) The PIU informed PMDSC that 23 farmers have not signed the consent letters as they are absentee land owners who are not residents of the Minipe Project. In view of this situation these farmers could not be contacted by the PIU, so that PIU informed them by a letter. The PIU has obtained the consent from almost all the farmers who have encroached reservation lands in the project, irrespective of whether they may be affected or not.
 - d) No permanent acquisition of land or permanent changes of land use is expected.
 - e) There will be no temporary or permanent impacts on structures or tree crops or forest areas, otherwise an RIP process will be in accordance with the ADB/GoSL requirements in (**Annex B**) and RP implementation will be completed prior to construction commencing.
 - f) The contractor will be required to prepare a construction plan at mobilization, which will include:
 - Locations, purpose and time periods in which the contractor will require to utilize the encroached land location;
 - Plans for rehabilitation of the locations back to their pre-project condition, which will be done to the satisfaction of the Engineer and the land user;
 - The Contractor will be permitted to utilize a location for the time period when the work is carried out in nearby location, and will be for a maximum of one growing season only, in such times that encroached lands are required during the irrigation season.
 - g) The contractor shall allow the farmers time to harvest (where required), prior to using for construction purposes.
 - h) The PIU, with the PMDSC support, and the contractor shall:
 - Consult again with those land users, whose lands the contractor wishes to utilize for construction works, to verify and confirm the signed agreement.
 - i) In the event of objection or grievance, alternatives must be sought to the satisfaction of the land users, alternative locations found and/or RIP processes will be triggered in accordance with the ADB/GoSL requirements (**Annex B**).
- (iii) Water resources for irrigation should not be impacted, because internal canal rehabilitation activities will be scheduled outside the two irrigation seasons when canal water resources are required. Canal authorities will annually, for a period during the two off-season times, close off the canal water supply. The surrounding communities use alternative water sources (eg. wells) for their daily needs when the canal water supply is closed by authorities. The following requirements are recommended, in order to minimize any disruption to the community:
- a) During the off-season when canal remains flowing, albeit minimal flow, the contractor will be required to install diversions and coffer dam systems, in order to allow water supply to be continued, for off-season requirements.
 - b) In the event that the contractor requires a dry canal for their work within the canal area, they may, after engineer approval, apply to and coordinate with the canal authorities regarding timing of annual canal closure periods and construction timing. This may be an extension for up to one additional month, provided all communities' alternative water supply is maintained. The contractor may be required to supply potable water to

communities if well resources are not adequate – this will be discussed with canal and local authorities.

- (iv) Most proposed definition walls are located on the right hand side of the canal, which are at minimum 400-500 meters from a road access through gardens and crops. To minimize creating new accesses on the right hand side of the canal, disrupting livelihoods, the contractor shall:
 - a) Move machinery and materials across the canal from embankment roads during off-seasons, when canal is generally dry.
 - b) There is adequate space for materials stockpile, and also structure locations are, on public, unoccupied land areas. Therefore, there should be no impact on communities or occupied reserve lands.

26. The findings of the Due Diligence Study shall be provided to the contractor at the time of contract negotiation, since bidding has already been completed. In accordance with the Due Diligence Study findings, the Environmental Management Plan and the bidding documents for NCB 1 require the contractor to:

- (i) Conduct construction and rehabilitation activities within the canal outside of the two cropping seasons.
- (ii) Ensure cofferdams and diversions are constructed during the construction, in order to allow continued water flow for those using water outside of the cropping seasons.
- (iii) Limit construction and movement of materials/machinery within the canal to the regular annual period when the canal water flow is stopped by authorities.
- (iv) Ensure that environmental protection mechanisms, such as silt catchment and mitigations for hazard materials uses, are in place so that water quality is not affected by project construction activities.

27. Given that the exact amounts and locations of encroached reserve land required for construction purposes will not be fully known until the contractor submits a Construction Plan, a Monitoring Plan (for the period during construction) will be prepared by the MLBCRP PIU, with support of the PMDSC Specialists, once this is known.

3.1.2 Consultation and Disclosure

28. Potentially affected farmers have been consulted through two formal consultation meetings and several smaller informal discussions along the NCB 1 Canal area as well as signing letters of agreement (Section 3.1.1 above). All meetings (formal and informal) discussed the project and its benefits, such as the rehabilitation of canal and structures, impacts on farmer reservation lands and opportunity for grievances to be heard. **Table 3** provides a summary of formal and informal consultations held in MLBCR Stage 1 NCB-1 canal length.

3.2 Progress on Due Diligence Study and Report 2: MLBCR Stages 2 to 4 – Kilometre 30+140 to Kilometre 73+960

29. This section is a summary of the current progress on the Due Diligence Study of Kilometre 30+140 to 73+960 length of MLBCR, on which farmers are encroaching. As for the Due Diligence Study 1 (refer to Section 3.1), the objectives of the Due Diligence Study 2 are, with a focus on the MLBCR Kilometer 30+140 to 73+960, to report the results of the inventory of the encroaching farmers, identifying impacts and results of consultations; followed by making recommendations so as to fill any identified potential gaps with SPS 2009 and the Resettlement Framework policies. The same approach is used for the second Due Diligence Study as for the first.

Table 3 - Summary of Informal meetings along the MLBRC Km 0+00 to km 30+140

Km Chainage (and Turnout number)	Numbers of participants		Points of discussion	Questions and Concerns of people & responses from Consultant/PIU/PMU	Outcomes of discussions
	Male	Female			
A. FORMAL CONSULTATIONS – held on February 2016 and on April 2016 respectively					
Formal Farmer Group meeting km 00+00 to 30+140 – 25 February 2016	68 persons (including 3 from PIU/PMU/PMDSC)		<ul style="list-style-type: none">• Description of the project and its benefits.• Request to cooperate with the project and the officers.• Establishment of GRC and its role.	None	Farmer groups were asked to support the Project activities, when reserve land may be required during construction
Formal Farmer Group and farmers meeting km 00+00 to 30+140 – 6 April 2016	199 persons (including 4 from PIU/PMU/PMDSC)		<ul style="list-style-type: none">• The Project was explained, including information on engineering design.• The issue of impacts on farmer reservation lands, including that an average of 10 perch per farmer only would be likely affected, if at all. There would be two key impacts during construction:<ul style="list-style-type: none">– Farmers would not be able to cultivate in some of the reservation land and may lose income– Contractor may need to store and stockpile materials and	None	Farmer leaders encouraged fellow farmers to volunteer releasing reservation lands for construction periods, due to importance of rehabilitation of the canal and turnout structures.

Km Chainage (and Turnout number)	Numbers of participants		Points of discussion	Questions and Concerns of people & responses from Consultant/PIU/PMU	Outcomes of discussions
	Male	Female			
			<p>excavated spoil from the canal on some reserve areas.</p> <ul style="list-style-type: none"> If farmers consent to voluntarily stop use of the reservation land during construction, a letter had been prepared for them to review and sign their consent. The opportunity for grievances to be heard 		
B. INFORMAL CONSULTATIONS - held on 7 April 2016					
Kilometre 2.322 to 7.043 (Turnouts D1A to D9)	3	3	<p>Rehabilitation of turnouts and other structure</p> <p>Period of Construction</p> <p>Release of encroached reservation lands for rehabilitation works</p>	During the Construction period, what is the method of water supply to the paddy lands	<p>PIU Officers explained that water supply will be maintained for cropping seasons</p> <p>All farmers agreed to release encroached reservation land for rehabilitation of turnouts</p>
Kilometre 7.734 to 15.133 (Turnouts D11 to D25)	20	12	It was explained that when the rehabilitation of turnouts, cultivated reservation land will be affected	Few farmers stated that their cultivated reservation lands are will not affect by proposed rehabilitation.	All attended for the urgent necessity for the rehabilitation

Km Chainage (and Turnout number)	Numbers of participants		Points of discussion	Questions and Concerns of people & responses from Consultant/PIU/PMU	Outcomes of discussions
	Male	Female			
				Others stated that their lands will be affected.	
Kilometre 15.638 to 21.161km (Turnouts D26 to D33c)		7	Proposed rehabilitation works. Affect to the cultivated reservation lands	During the Construction period, what is the method of water supply for cultivation	It was explained that water supply will be maintained for cropping seasons. All farmer agreed to support works, irrespective of impact, as this was for rehabilitation of turnouts.
Kilometre 22.489 to 31.826km (D35 to D1)		6	It was explained in detail on proposed construction program and its effect to the farmers and lands	Farmers requested to not to close the access roads during construction period. Inquired about the water supply issues for cultivation	PIU officers gave the assurances that the access roads would not be closed during construct period. Also PIU gave assurances that water supply will be maintained for cultivation.

3.2.1 On-going Progress of Due Diligence Report 2

30. The Inventory of encroaching farmers is ongoing at the time of writing, while consultation commenced on 20th June 2016 (**Table 4**). Although not wishing to take responsibility for enforcement, Farmer Organization Leaders gave an assurance in February that all encroached farmers will voluntarily suspend their agricultural activities during the construction period, if required, in order to allow the contractors access to the canal and works sites. Following the inventory of encroaching farmers, Farmer Organization Leaders will assist the PIU, PMU and PMDSC to document, through signing a letter (which will be the same as that used for MLBRC NCB 1), those farmers who are in agreement to voluntarily release, and stop agricultural activity on, the reserve land during construction if the contractor needs to utilize the reserve land for access. Verification processes will follow once the contractor has identified reserve areas that he requires to utilize for construction space (refer to 3.1.3 above).

31. The Due Diligence Report (DDR) 2, covering Stages 2, 3 and 4 of the MLBRC Project, is due for submission on 30 October 2016. An update of data collection and consultations for DDR 2 will be presented in the "Resettlement Monitoring and Evaluation Report No. 3" (July-August 2016). All data presented is expected to be disaggregated by stages (contract sections NCB-2, -3 and -4), for ease of subsequent monitoring, during the Project construction periods.

Table 4 - Summary of informal meetings held on 14,17 & 29 June 2016 along the MLBRC Km 30+140 to km 73+960

Km Chainage	No of participants		Points of discussion	Questions and concerns of people & responses from consultants /PMU/PIU	Outcome of discussion
	Male	Female			
30+140 to 49+820 Stage 02	43	16	<p>The proposed construction program and its effect to the farmers and their lands was explained in detail.</p> <p>Request for written consent on release of reservation lands for construction was made.</p>	<p>Participants asked about effect to their lands and, if effected, what course of action can they take.</p> <p>Some farmers asked about the boundary disputes of their lands</p>	<p>Officers explained that there are no permanent losses to their lands and boundary disputes should deal with the officers of the land commissioner's department.</p> <p>PIU/PMU stated - Any project related complaints may go through the Grievance redress mechanism. The GRM was summarised for participants and contacts provided.</p> <p>All agreed to implementation of the project. People agreed to give their written consent of release their cultivated reservation lands.</p>
30+140 to 49+820 Stage 02	43	07	<p>PMU and PIU officers and consultants stated that the purpose of the meeting.</p> <p>Construction schedule explained to the people.</p>	<p>During the construction period there may be lots of vehicles are moving on the existing roads network that lead to the unnecessary disturbance to the people.</p>	<p>Officers of PIU assured that there may not be that type of disturbance to the people by the vehicles.</p> <p>People emphasized their fullest corporation for the project implementation. Farmers agreed to give their written consent of release their cultivated reservation lands.</p>

Km Chainage	No of participants		Points of discussion	Questions and concerns of people & responses from consultants /PMU/PIU	Outcome of discussion
	Male	Female			
			Request for written consent on release of reservation lands for construction was made.		PIU/PMU stated - Any project related complaints may go through the Grievance redress mechanism. The GRM was summarised for participants and contacts provided.
49+820 to 63+650 Stage 03	50	13	Construction program discussed in detail and effect to their lands and water issues in the cultivation seasons during the construction	It was stated that no reservation lands were allocated at their paddy fields. It was asked what action they will take if the private lands were required.	It was given assurance that no effect to their private lands by the construction. All agreed to give their consent for the implementation of the project. PIU/PMU stated - Any project related complaints may go through the Grievance redress mechanism. The GRM was summarised for participants and contacts provided.
49+820 to 63+650 Stage 03	25	14	The proposed construction program and its effect to the farmers and their lands was explained in detail. Request for written consent on release of reservation lands for construction was made.	People asked about the commencement of the construction and water issues to their paddy field during construction.	Officers of PIU/PMU said that still tender was not awarded and they will inform them in advance before start the construction. Water for irrigation uses would not be stopped during construction. All farmers attending the meeting gave their consent to release the cultivated reservation lands for construction.

Km Chainage	No of participants		Points of discussion	Questions and concerns of people & responses from consultants /PMU/PIU	Outcome of discussion
	Male	Female			
					<p>They also agreed to give their consent in writing.</p> <p>PIU/PMU stated - Any project related complaints may go through the Grievance redress mechanism. The GRM was summarised for participants and contacts provided.</p>
63+650 to 73+960 Stage 04	21	13	<p>The construction program was discussed and explained in detail.</p> <p>Request for written consent on release of reservation lands for construction was made.</p>	<p>People said that they have no issues, as officers of PMU and PIU have given details on the construction program and they said that they are very happy on the rehabilitation works.</p>	<p>Officer of PMU/PIU thanked the meeting for the cooperation of the farmers.</p> <p>All farmers agreed to give their consent on release of cultivated reservation lands for the construction.</p> <p>PIU/PMU stated - Any project related complaints may go through the Grievance redress mechanism. The GRM was summarised for participants and contacts provided.</p>

Km Chainage	No of participants		Points of discussion	Questions and concerns of people & responses from consultants /PMU/PIU	Outcome of discussion
	Male	Female			
63+650 to 73+960 Stage 04	32	11	<p>The construction program was discussed and explained in detail.</p> <p>Request for written consent on release of reservation lands for construction was made.</p>	<p>Farmers expressed the opinion that they are very happy about the project, because at present they faced shortages of water for the paddy fields.</p>	<p>PMU/PIU stated that farmers support is an encouraging situation for them.</p> <p>All farmers agreed to give their consent in writing for release of cultivated reservation lands for the construction.</p> <p>PIU/PMU stated - Any project related complaints may go through the Grievance redress mechanism. The GRM was summarised for participants and contacts provided.</p>

4 UPPER ELAHERA CANAL (UEC)

32. The UEC Project encompasses the construction of approximately 82 kilometers of canal (including 28km of tunnels) connecting the Moragahakanda Reservoir to the existing tanks of Huruluwewa, Manankattiya, Eruwewa and Mahakanadarawa. The Kalu Ganga-Moragahakanda Transfer Canal (KMTC) under this component will include the construction of approximately 9 km of transfer canal (including 8km of tunnels) for the transfer of water between Kalu Ganga and Moragahakanda reservoirs. The civil works will be carried out through 7 international contracts – only one ICB contract is included under Tranche 1; three are proposed in Tranche 2 and four in Tranche 3 (**Figure 3**). Assessments of involuntary resettlement impacts have commenced in two stages of the UEC Project, as described in following sections. This section only covers Tranche 1 - ICB 1 Km 00+000 to Km 6+226 of the UEC Project. There have been no grievances received to date in relation to the UEC Project.

4.1 UEC ICB 1 (Stage 1) Package – Minneiyya-Girithala Wildlife Reserve (km 00+000 to 6+226)

33. The UEC ICB 1 package (or stage 1) is under the MWSIP Tranche 1. The canal construction is 6.226 kilometers in length, including sections of open rectangular canal, rectangular double canal, cut-cover twin rectangular canal, circular conduit cut and cover canal designs. It will traverse the Minneiyya-Girithala (or Elahera-Giritale) Wildlife Reserve, commencing at Kilometer 00+000 Moragahakanda reservoir outlet in Thalagoda Grama Niladhari Division of the Naula Divisional Secretary Division up to Kilometer 6+226 Elahera Grama Niladhari Division of Elahera Divisional Secretary Division (**Figures 3 and 4**).

34. The RIP for the full UEC Project was prepared during the PPTA, and has not been disclosed. However, a summary of the draft RIP was published in the previous “Resettlement Monitoring and Evaluation Report No. 1”, prepared in March 2016. The summary indicated that there was going to be no resettlement impacts for the kilometer 0-10 canal section, which includes ICB-1 of the UEC Project financed by Tranche 1. The PIU and PMDSC has carried out further investigations, including consulting with local authorities and site inspections. The investigation, along with the Section 2 Notice issued (**Annex B**), confirmed that this 6.226 kilometer area is a part of the Minneiyya-Girithala Wildlife Reserve forest area. Therefore, UEC ICB 1 will not have any Involuntary Resettlement impacts (**Table 4** and **Figure 4**). However, 11.875 hectares of the wildlife reserve land area will be transferred to canal authorities for canal and canal reserve area, in an inter-government agency transfer. Although a part of the Environmental Assessment for the area, it is not categorized as involuntary resettlement impact for RIP preparation.

Table 5 - Initial Resettlement Impacts Screening -UEC-ICB-1

Location Chainage (Km)	Left side of proposed Canal centre line	Right side of proposed Canal centre line	Remark
000 - 1.000	Minneiyya-Girithala Wildlife Reserve	Minneiyya-Girithala Wildlife Reserve	Naula divisional secretary's division
1.000 - 2.000	Minneiyya-Girithala Wildlife Reserve	Minneiyya-Girithala Wildlife Reserve	Elahera divisional secretary's division
2.000 - 3.000	Minneiyya-Girithala Wildlife Reserve	Minneiyya-Girithala Wildlife Reserve	Elahera divisional secretary's division
3.000 -4.000	Minneiyya-Girithala Wildlife Reserve	Minneiyya-Girithala Wildlife Reserve	Elahera divisional secretary's division
4.000 -5.000	Minneiyya-Girithala Wildlife Reserve	Minneiyya-Girithala Wildlife Reserve	Elahera divisional secretary's division
5.000 - 6.226	Minneiyya-Girithala Wildlife Reserve	Minneiyya-Girithala Wildlife Reserve	Elahera divisional secretary's division





5 NORTH WESTERN PROVINCIAL CANAL (NWPC)

35. NWPC includes the construction of 96 km of new and upgraded canals (including 940 m of tunnel) for transfer of water from the Dambulu Oya River and the existing Nalanda and Wemedilla Reservoirs to the cascade irrigation systems and Mahakithula and Mahakirula Reservoirs with a combined storage volume of approximately 26 MCM linked to the NWPC. It will be constructed through 8 civil works contracts – one national and two international in Tranche 1; and five national contracts for civil works proposed for Tranche 3 inclusion (**Figure 5**).

36. The following packages are included under Tranche 1:

- (i) NWPC ICB 1 – Mahakithula Inlet Tunnel, Mahakithula and Mahakirula Reservoirs and Feeder Canal 3.66 kilometres (refer to **Figure 5 and 6**)
- (ii) NWPC ICB-2 – Main canal Nabadagahawatta to Mahakithula Reservoir (km 5+250 to 22+500)
- (iii) NWPC NCB 1 – Wemedilla Sluice and LBMC from reservoir to Nabadagahawatta (km 00+000 to 5+250).

5.1 NWPC ICB 1: Mahakithula Inlet Tunnel, Mahakithula and Mahakirula Reservoirs and Feeder Canal 3.66 kilometres

37. The NWPC ICB 1 package is to be constructed under the MWSIP Tranche 1, including Mahakithula Inlet Tunnel, Mahakithula and Mahakirula Reservoirs and a Feeder Canal of 3.66 kilometres (refer to **Figure 5 and 6**). The Draft RIP for the full NWPC Project was prepared during the PPTA, and has been disclosed. The executive summary of this RIP was published in the previous “Resettlement Monitoring and Evaluation Report No. 1”, prepared in March 2016. The PIU and PMDSC has carried out further investigations, including consulting with local authorities and site inspections. The investigation, along with the Section 2 Notice issued (**Annex B**), confirmed that the area covered under this ICB contract is a part of a Wildlife Reserve forest area. Therefore, it will not have any Involuntary Resettlement impacts (**Table 6 and Figure 6**).

38. However, investigations have also indicated the need for improvement of access roads (approximately 30km widened to 7-meter width), which is proposed to be a separate NCB contract, with the purpose of providing access for large-scale construction machinery access to ICB-1 sites. On discussion with the ADB Mission in June 2016, it was decided that a combined “Environmental and Resettlement Due Diligence Report” will be prepared to ensure the roads development will comply with ADB safeguards and Sri Lanka’s legal requirements. The DDR is expected to be submitted by 30 September 2016.

Table 6 – Initial Resettlement Impacts Screening -NWPC-ICB-1

Location Chainage (Km)	Left side of proposed Canal centre line	Right side of proposed Canal centre line	Remark
000 - 1.000	Wildlife Reserve	Wildlife Reserve	Palagala divisional secretary's division
1.000 - 2.000	Wildlife Reserve	Wildlife Reserve	Palagala divisional secretary's division
2.000 - 3.000	Wildlife Reserve	Wildlife Reserve	Palagala divisional secretary's division
3.000 -4.000	Wildlife Reserve	Wildlife Reserve	Palagala divisional secretary's division
4.000 -5.250	Wildlife Reserve	Wildlife Reserve	Palagala divisional secretary's division
Access road DDR required with potential of RIP for road accesses		Access to Mahakithula Inlet tunnel; Access along the feeder canal	

5.2 NWPC ICB 2: Main Canal Nebadagahawatta to Mahakithula Reservoir (km 5+250 to 22+500)

39. The NWPC ICB-2 contract package includes the main canal Nebadagahawatta to Mahakithula Reservoir (km 5+250 to 22+500). This section of canal has the highest magnitude of resettlement and land acquisition impacts of all three Tranche 1 packages. Within this ICB-2, the current canal alignment between km 13+380 and km 14+980 was designed as a combination of a cut & cover conduit, an aqueduct, an open rectangular canal and a trapezoidal open canal, which runs around a mountain ridge and then crosses the Nilagama Wewa, passing through a number paddy lands, crop lands and orchards.

40. In order to reduce the resettlement impacts and move away from three archaeological sites, to reduce resettlement and for improved movement of water, the PMDSC design team is evaluating alternative designs. During the reporting period, two designs alternatives were prepared, with others being considered, including an underground tunnel and cut-cover and open canal design (**Figure 5, 7 and 8**). Assessment of the two alternatives, so far prepared, resettlement and land acquisition (temporary and permanent) would affect approximate 300-500 meters along the two new proposed alternatives compared to over 1 kilometer meters on the older proposed design.

41. No further action is currently being taken on RIP preparation until a decision is made after discussion between PMDSC, PMU and ADB, on the final alignments and designs, although social and resettlement Safeguards and Environmental Specialists are providing advice on safeguards impacts and implications on the varying design options, as they develop.

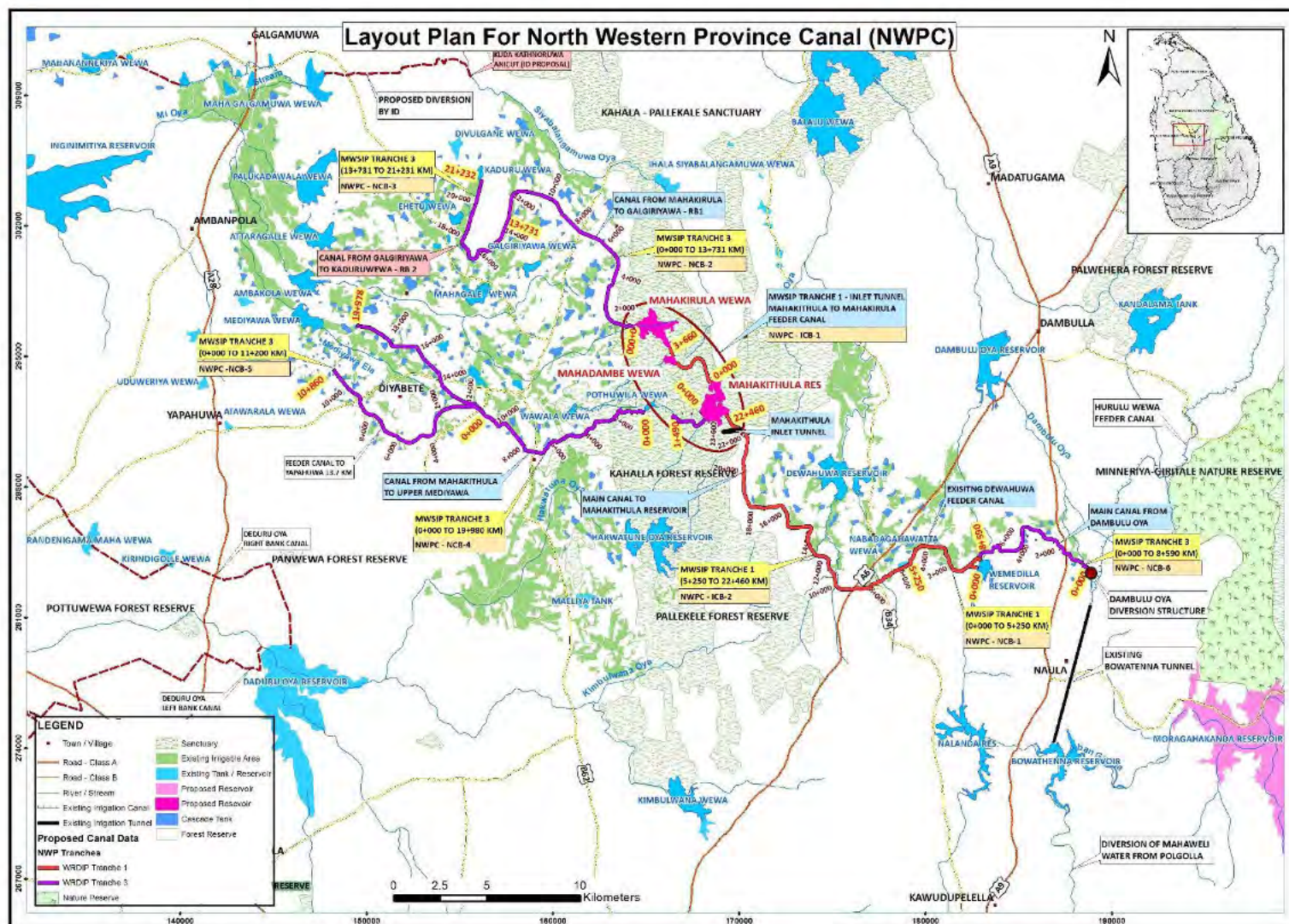


Figure 5 – North West Canal Project

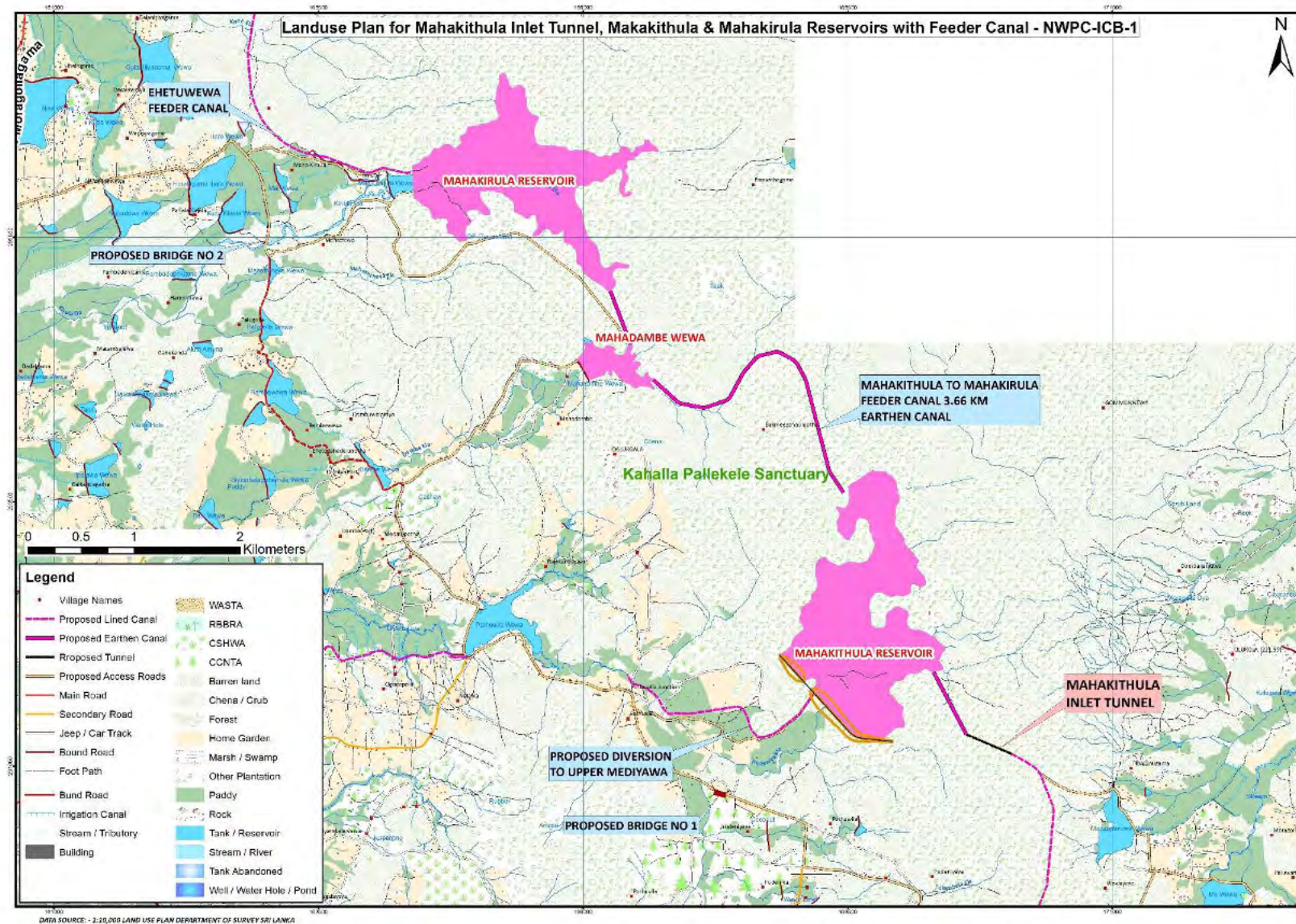


Figure 6 – NWPC ICB 1 Map

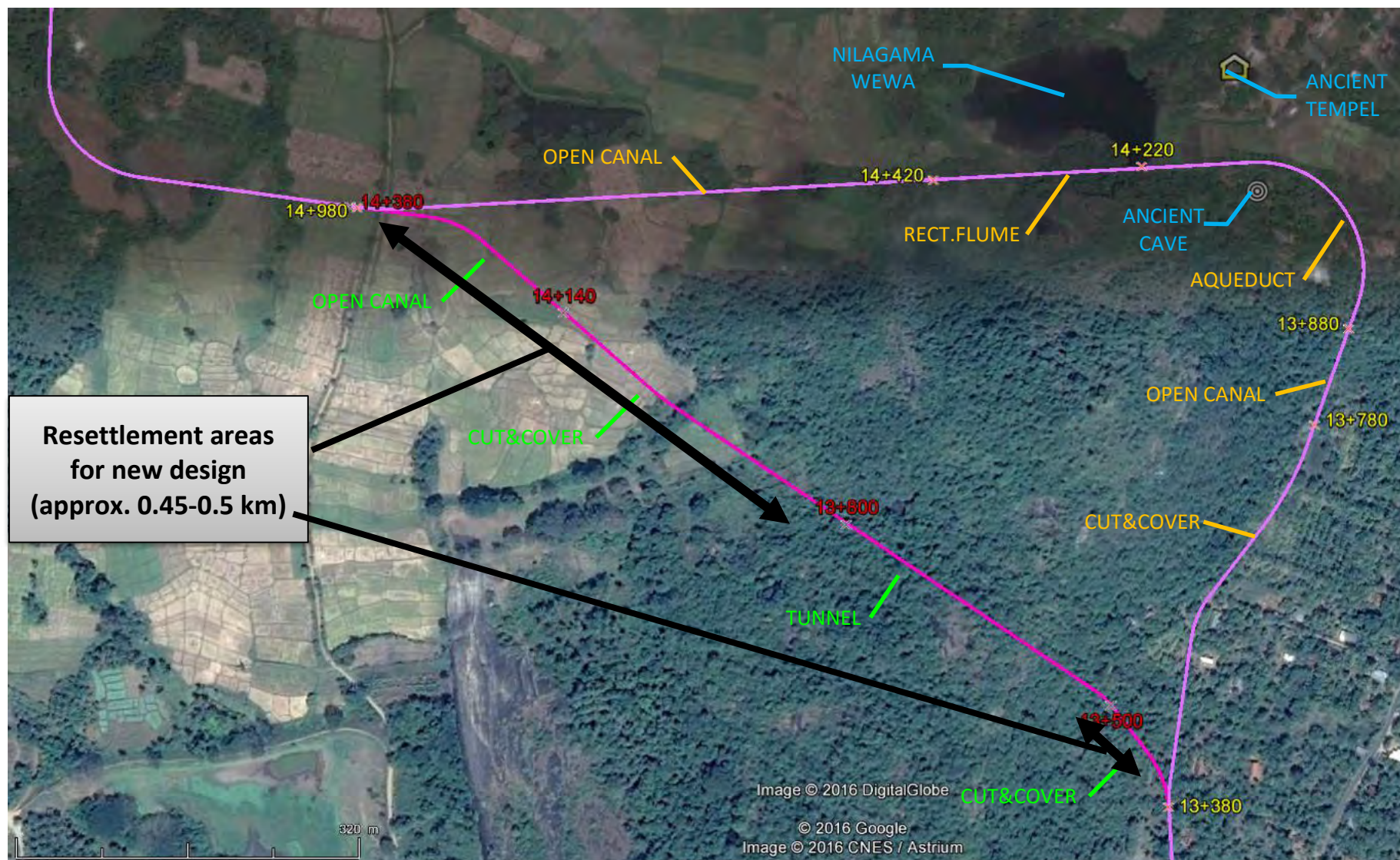


Figure 7 - Plan of proposed NWPC ICB 2 Package design change alternative 1 - km 13+380 to 14+980

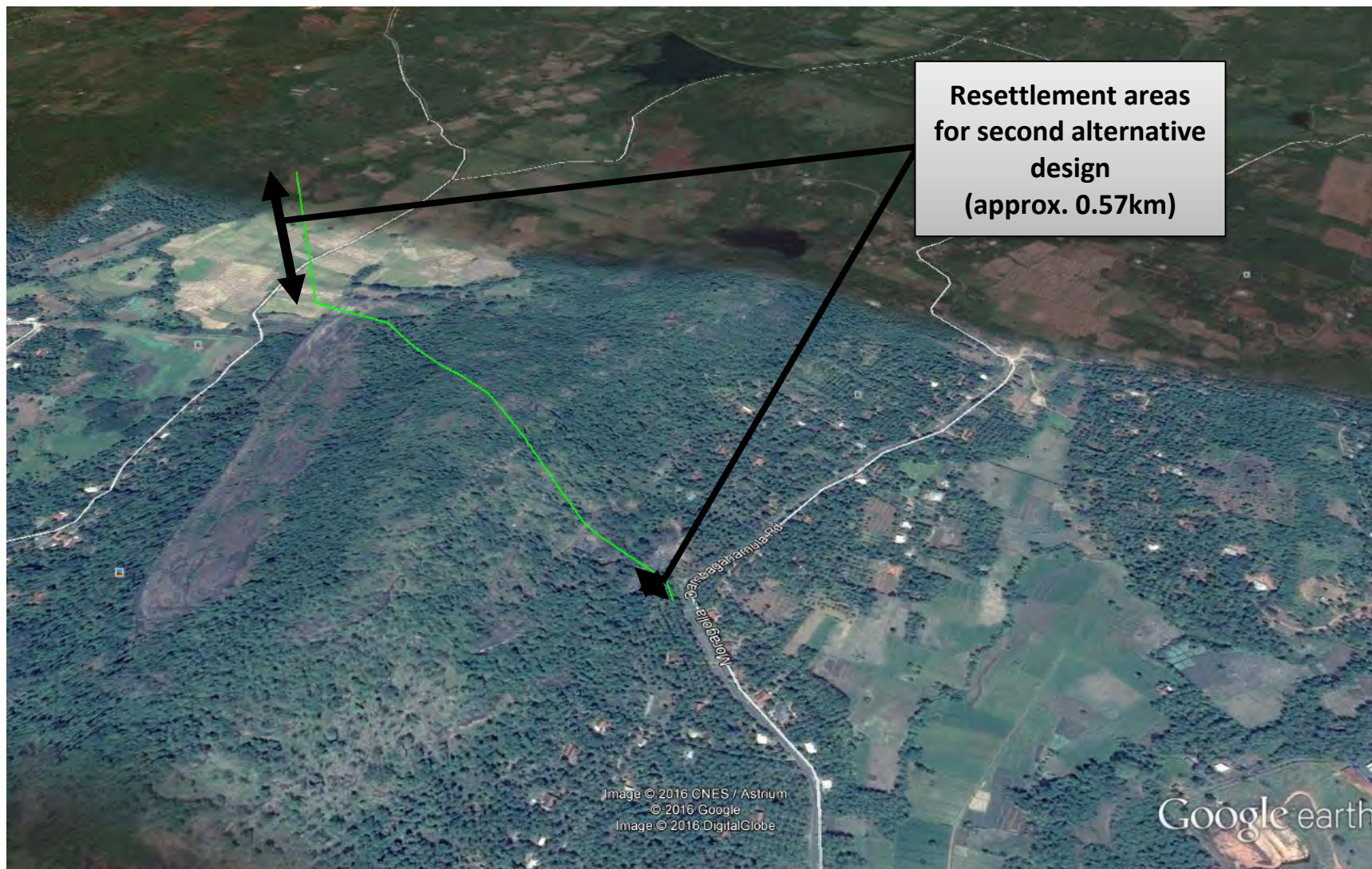


Figure 8 – Plan of proposed NWPC ICB 2 Package design change alternative 2

5.3 NWPC NCB 1: Wemedilla Sluice and LBMC from Reservoir to Nabadgahwatta (km 00+000 to 5+250)

42. The NWPC NCB 1 package is under the MWSIP Tranche 1, including Wemedilla Sluice and LBMC from Wemedilla reservoir to Nabadgahwatta with a length of 5.25 kilometers (refer to **Figure 5 and 9**). The Draft RIP for the full NWPC Project was prepared during the PPTA, which also included this project area. The Draft RIP has been disclosed and the executive summary of this was published in the previous “Resettlement Monitoring and Evaluation Report No. 1”, prepared in March 2016.

43. A Land Acquisition Plan has already been prepared for NWPC NCB1, following Sri Lankan MLLD requirements at the Stage of Section 2 and Advanced Tracing processes, while a section 4 notice (relating to objections) is currently being implemented. Preliminary assessment of impacts based on the land acquisition plan are presented in **Tables 7 and 8**. This assessment shows that there is 0.64 hectares of land to be acquired through the RIP process and another area of 0.08 hectares comprises public roads and streams and is not IR-affected. All impacted land is owned by one AP, the Rangiridambulu Temple, and all except two forest area plots is rented out for private use, with some tenants renting more than one plot. Therefore, there are three tenants and 1 land owner or 4 APs to be included in this RIP. Land use includes forest, paddy land and home gardens. The Plan identified rice paddy crop and 34 trees that will be affected under this construction, including coconut, mango, cashew, teak and akeshiya. No structures will be affected.

44. Additional inventory/census and socioeconomic survey will be collected from 100% of affected households/entities, and data analysis conducted, before an RIP is prepared, and submitted, in accordance with SPS 2009, for ADB approval and Sri Lankan Government endorsement and implementation in September 2016. Given the small number of affected households/entities in this package, consultations with all impacted households is also planned along with consultations with other project stakeholders, commencing from the time of conducting the additional census/socio-economic surveys. Data and consultation information will be updated, when available, in the RIP and evaluated in the July-September “Resettlement Monitoring and Evaluation Report No. 3” to be submitted to PMU and ADB for approval as well as reports on subsequent RIP implementation.

45. During the ADB Mission meetings in Colombo in June 2016, the impacts of package NWPC-NCB-1 were discussed with ADB Senior Safeguard Specialist. Given that the area impacted is only along a 520m reach of the 5.25 km project canal length (less than 10%), and as long as there is no objection from the APs, it was decided that bidding processes, contract award and construction may go ahead, but construction in the RIP-affected 520 metres area is not permitted until the RIP is fully implemented and the evaluation report has been submitted to and approved by ADB.

5.4 Grievance Redress

46. One grievance has been received for the whole Tranche 1 program to date was from the area of NWPC ICB 2 10+600 km (**Annex E**). This grievance, received by the PMU, involved a farmer who did not wish to have his well and water supply impacted by the canal trace. This was documented in the “Resettlement Monitoring and Evaluation Report No.1” submitted in March 2016. As a result, the engineering design has deviated the alignment to avoid the impact. Therefore, this grievance has been resolved with an engineering design solution.

47. Three other grievances have been received through the NWPC PIU and PMU to the PMDSC (**Annex E**). These three grievances are related to NWPC packages planned for Tranche 3. Therefore, PMDSC design engineers are working on possible resolutions through engineering options, and are in discussion with PMC. They will be further discussed with APs and communities.

Table 7- Affected land and landuse (NWPC NCB 1)

Description of Affected Lands	Lots	Land area in Hectares
Home Garden	6	0.06
Paddy	1	0.79
Forest Area	2	0.08
TOTAL	9	0.64

Table 8 - Affected tree crops (NWPC NCB 1)

Type of Tree	Number
Teak	1
Coconut	19
Mango	4
Cashew	8
Akeshiya	2
TOTAL	34

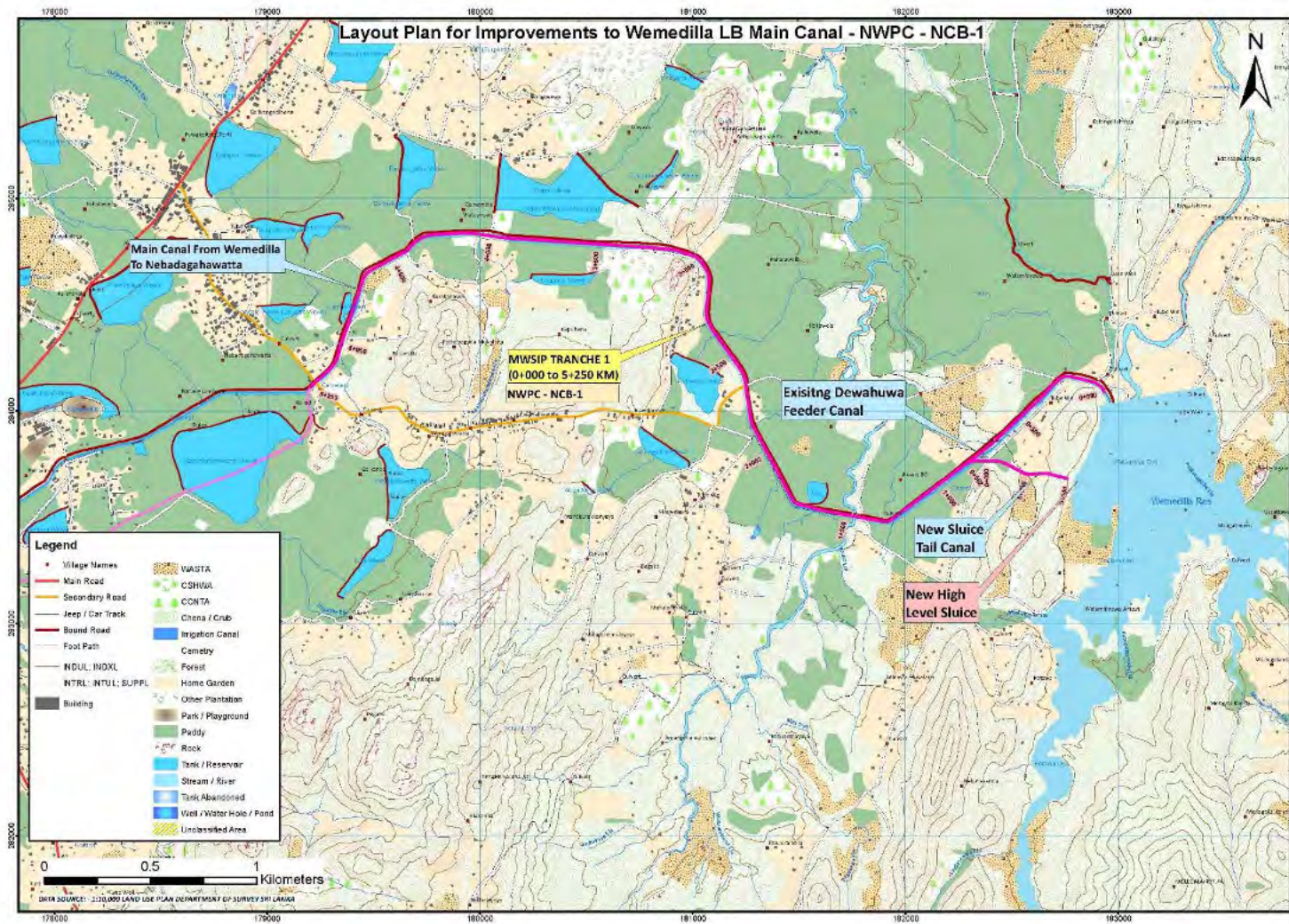


Figure 9 – NWPC NCB 1 Map

6 CONCLUSION – MOVING FORWARD

48. This second Resettlement Monitoring and Evaluation Report (Quarterly) reports on the progress of the resettlement works from April to June 2016 on the Mahaweli Water Security Investment Program Phase 1, Tranche 1. The key areas of progress are as follows:

- (i) Data collection surveys and database systems are currently being set up. They are being prepared in such a way that they will form an applicable base to use, with specific adjustments as needed, for any of the 18 contracts that will be implemented under the MWSIP Phase 1.
- (ii) The database being developed includes two simple Excel-format files for each package. One will store Inventory of Losses Data, while the second will store socioeconomic data. It is expected that these will be expanded to link with compensation and allowances calculations, as well as actual acquisitions and payments for monitoring purposes.
- (iii) The Program Grievance Redress Mechanism (GRM) has been set up and enhanced. Although GRM awareness is being promoted during consultations and meetings, such as during consultation in Minipe Left Bank Canal Rehabilitation Project (Stages 1, 2, 3 and 4), awareness materials were being finalised during the reporting period, with awareness to Program and local government staff as well as mass awareness Program-wide, set to commence in mid-July, once the PIUs and PMU are fully staffed.
- (iv) The Due Diligence Report 1 (DDR 1) for Minipe Left Bank Stage 1 Canal Rehabilitation has been completed and submitted by the PMU to the ADB for approval. The study concluded that no resettlement is required, since 95% of encroaching farmers have signed agreements to allow contractor to use the land for construction purposes and it will not become a part of the footprint of a canal or irrigation structure. Water resources requirements must be satisfied, or alternatives provided, throughout the year during the Project period. The Due Diligence Study recommended several social and resettlement safeguards requirements, to ensure that year-round water availability at normal levels is maintained as much as possible, use of farmland (encroached reserve area) by the contractor for construction and access space is minimised, and impacts on livelihoods are minimised.
- (v) There are now two Projects that are able to go ahead without involuntary resettlement restrictions on contract award announcement:
 - a) UEC-ICB-1 – 00+000 to 6+226 Km – This has no involuntary resettlement issues, although, due to proximity within a wildlife reserve, the package does have some environmental safeguards requirements.
 - b) NWCP-NCB-1 – Wemedilla Sluice and LBMC from Wemedilla reservoir to Nabadgahwatta with a length of 5.25 km – This reach has four Affected People within a 520m (less than 10%) section of the site. The ADB has agreed to allow immediate contract award, when ready, as long there are no grievances from affected persons and that construction does not occur in the identified 520-meter section until the required RIP is fully prepared and implemented. RIP is due in September 2016 and its implementation is also due for completion by 30 September 2016.
- (vi) When ADB provides its written approval for the Due Diligence Report 1 for Minipe Left Bank Stage 1 Canal Rehabilitation and disclosure, as documented in the DDR 1, has been carried out, then from a social safeguards perspective MLBRC Stage 1 (NCB-1) contract award announcement may continue.

49. The following outlines the recommended way for moving the program resettlement requirements forward over the coming quarter:

- (i) **Due Diligence Report 2 (DDR 2) for MLBCRP** Stages 2, 3 and 4 – The DDR 1 for kilometre 00+000 to kilometre 30+140 was submitted on 17 June 2016. On the basis of this experience, the PMU

and PIU with PMDSC support will collect evidence from site. It is expected that there will be no resettlement impacts and claims made during the implementation of the project stages 2, 3 and 4 (kilometre 30+140 to kilometre 75). For DDR 2 it is expected that most data collection will occur during the coming quarter and the document will be completed and submitted in October 2016.

- (ii) **Resettlement Implementation Plans (RIPs) for NWPC** – There are two RIPs expected for NWPC.
 - a) The detailed design processes for package NWPC-ICB-2 are ongoing, making an RIP for this section commencing in the October to December 2016 quarter at earliest.
 - b) For the package NWPC-NCB-1, the socioeconomic and Inventory of losses surveys, along with further consultations, will occur during this quarter. Furthermore, the RIP will be updated, approved by ADB and implemented by 30 September 2016.
- (iii) Due Diligence Report(s) for Roads - While the Detailed Design for NWPC-ICB-1 will not have direct resettlement impacts, there is an issue of access roads for large construction machinery that requires safeguards consideration. As discussed with PMU and ADB, the PMU and PIU, with PMDSC support, is preparing a Due Diligence Report (DDR) to ensure that there will be no involuntary resettlement impacts and that social and environmental impacts are fully mitigated through the current Environmental Management Plans (EMPs), without need for further approvals from environmental authorities. This DDR for NWPC-ICB-1 Access Roads is due for submission on 30 September, although it is planned to be submitted prior to this deadline.⁸
- (iv) Grievance Redress Mechanism (GRM) – Training of GRC and associated stakeholders and PIU/PMU staff is scheduled to occur in July, followed by further awareness campaigns in the community. Grievance redress options are already being discussed with affected persons during consultations for the two Minipe Left Bank Canal Rehabilitation Due Diligence Studies.

50. The next “Resettlement Monitoring and Evaluation Report No. 3” is due for submission at the end of September 2016. It is expected that the next report will document (i) an evaluation of the NWPC NCB 1 RIP, which is expected to be prepared and implemented by September 2016; (ii) draft findings of the MLBRC Due Diligence Study for Stages 2, 3 and 4 that will be almost completed; and (iii) the results of the Due Diligence Studies for Access Roads for NWPC ICB 1 area (under Tranche 1).

⁸ Note that the DDRs for Access Roads includes NWPC ICB 1 area, under Tranche 1; and UEC ICB 3 area (under Tranche 2. This Monitoring and Evaluation Report, only focusses on Tranche 1..

ANNEX A : INITIAL SCREENING FORM

SN	Location Chainage (Km)	Left side of proposed Canal centre line (or access road, or stockpile area or other foot-print)	Right side of proposed Canal centre line (or access road, or stockpile area or other foot-print)	Remark
1				
2			.	
3			.	
4			.	
5			.	
6			.	
7			.	
8			.	

ANNEX B: RESETTLEMENT AND LAND ACQUISITION PROCESS IN SRI LANKA⁹

51. The following outlines the process of land acquisition in Sri Lanka from which the Resettlement Implementation Plan for a package is developed. The Land Acquisition Act of 1950 (LAA) and its amendments specify the process of acquisition of lands in which the privately owned lands belong to individuals as well as organizations. The steps of the land acquisition procedure are given below (a-k) and indicate an extended timeframe for completion. The long period of time for completion of acquisition of a land plot can lead to delay of the construction programs, due to the need for consultation of various stakeholders, such as survey department, valuation department, divisional secretary, Grama Niladaris etc. The Figure A2 provides a flow chart illustrating the various steps of acquisition process under the LAA.

a) Section 2 Notices

52. The institution (MWSIP PMU) prepares an application indicating the features of the land that should be acquired for the specific purpose in the given format by the Ministry of Land and Land Development (MLLD) and submit it to the MMDE.

53. Then the MMDE will make a request on land acquisition to the MLLD. When the necessary request is received, the Minister of Land Development directs the Acquiring Officer of the respective divisional secretary's division in which the land to be acquired, to issue under Section 2 of LAA to the respective land owner. This notice gives legal authority to the officers to enter the said land and do the survey of the land and other necessary official duties. The section 02 notice publicizes at the land as well as other prominent places in the area. The notice:

- (i) is in 03 languages, Sinhala, English and Tamil.
- (ii) specifies how claimants can make objections to the acquisition of said land.

54. In the meantime, the Acquiring Officer issues a Section 2 survey requisition to the Superintendent of Survey (SP) of the survey department of respective district. Then the SP assigns a surveyor to do the surveying the land. The appointed surveyor visits the particular land and commences the surveying with the assistance of Grama Niladari (GN). Prior to the visit of surveyor, the GN informs to the land owner about the date of survey. The surveyor follows the boundaries of each land lot to be acquired with the assistance of GN. The following details are recorded by the surveyor:

- (i) Name of Land owner
- (ii) Name of occupant
- (iii) Ownership status
- (iv) Nature of the land (high land or Paddy land)

55. After surveying the land, a plan of the land is prepared, called advance tracing. This gives all details such as extent of the land, ownership status, boundaries etc. This plan is sent to the divisional secretary as well as the MLLD by the survey department. Currently, for MWSIP advance tracing has occurred for: UEC ICB-3 (Tranche 2) - kilometer 6+226 to 17+900; and NWPC NCB 1 – Wem-edilla Sluice and LBMC from reservoir to Nabadgahwatta (km 00+000 to 5+250).

⁹ This was presented in the "Resettlement Monitoring and Evaluation Report No. 1" issued in March 2016. Description remains relevant, given that the RIP process has completed advance tracing stage.

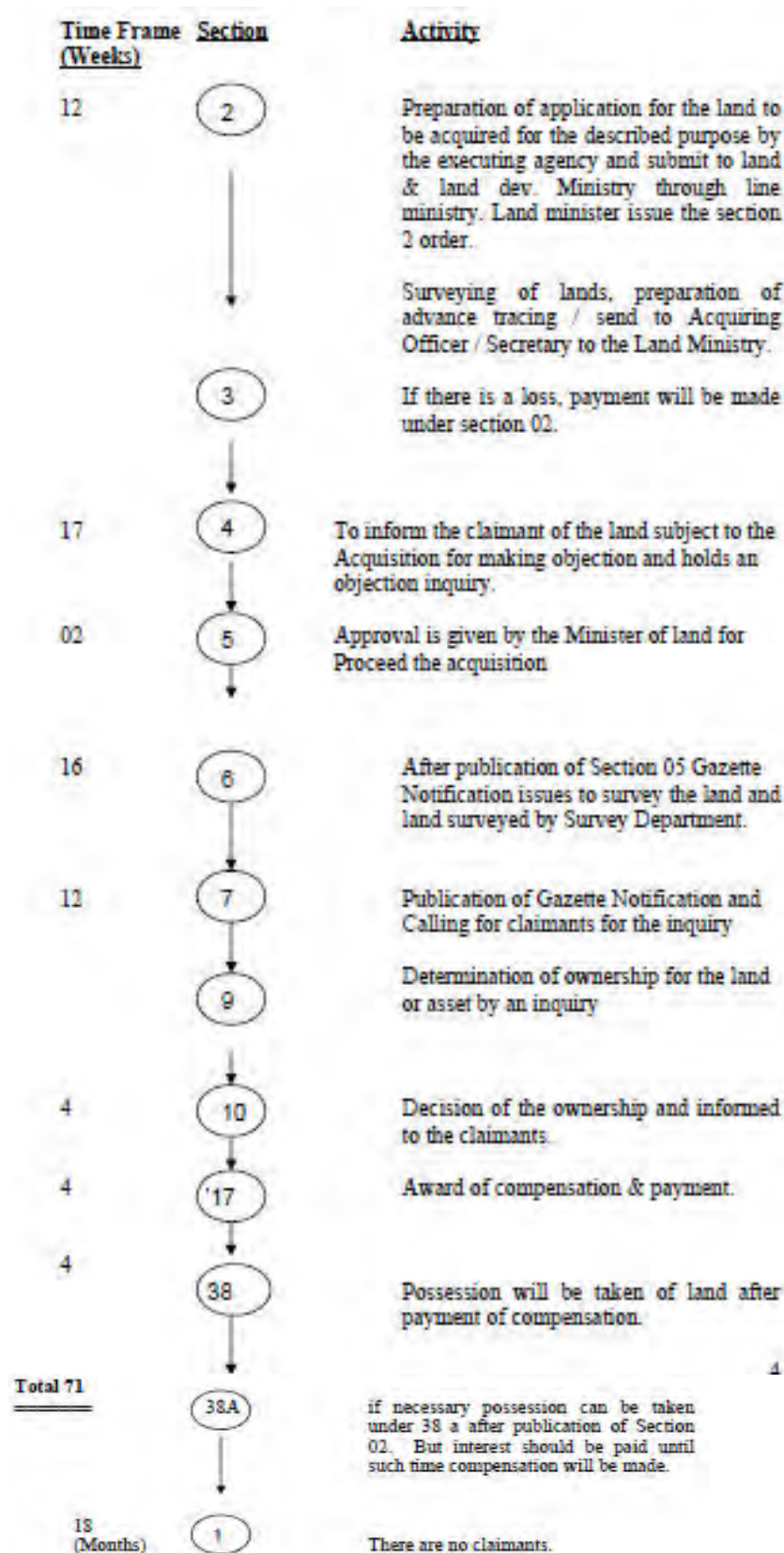


Figure A2 - Flow Chart for land acquisition procedure

b) Section 3 Provision

56. This is a provision for the making claims by the owners of the land due to any damage caused during the survey or publishing the notices at the land.

c) Section 4 Provision

57. This is a provision to make the objection against the acquisition of land. Any person who has a right to the land can make an objection to the secretary of MMDE or MLLD. Under this provision notice issued by the MLLD call for any objections against the land acquisition, which is published in the government gazette as well as in newspapers in 3 languages. Note the Program also has its own Grievance Redress Mechanism, which is different to this Section 4 provision (refer to Chapter 2.3 below).

d) Section 5 Provision

58. Once the objection(s) are received, against the acquisition, the Secretary holds an inquiry to ascertain the facts behind this request and makes his recommendation to the MLLD whether the particular land plot(s) should be acquired or not. Based on the recommendation of the secretary of the MMDE, the Minister of Land and Land Development takes a decision on the matter. The minister can reject or accept the recommendation of the secretary. However, Minister has the authority to stop the acquisition on reasonable grounds.

e) Section 6 Provision

59. Under this provision, the acquiring officer issues a survey requisition to the survey superintendent for the preparation of the final plan of the land. When superintendent of survey receives a survey requisition, he issues an order to his survey team to prepare a final plan of the land. If necessary the survey team visits the particular land again. The plan is then finalized, based on advance tracing and the additional surveys (if conducted).

f) Section 7 Provision

60. The acquiring officer issues a notice under section 7 which indicates that the property is under consideration for acquisition. The notice includes the following details:

- (i) Description of the land to be acquired
- (ii) Reasons for acquisition
- (iii) Claims for compensation to be made to Acquiring Officer
- (iv) Direct every person interested in the land to be acquired to appear personally or by an agent duly authorized in writing before the acquiring Officer. The nature of interest for the land, particulars of his claim for compensation, the amount of compensation and the details of compensation of such amounts should provide by the claimant/s.

61. The claimant can make verbal or written claims to the Acquiring Officer

g) Section 8 Provision

62. An order is made by the acquiring officer to the person/s who have some kind of ownership for the land and whom should produce the income statements of earnings of the land.

h) Section 9 Provision

63. The acquiring officer conducts an inquiry under the provision of section 9 for the determination of ownership of the land, paying special attention to the land ownership deeds and other relevant documents. At this stage, ownership is determined by the Acquiring Officer and a decision is made. Based on the outcome of the inquiry, a notice is issued that determines the owner/s of the land. This notice is issued under the provision of section 10.

64. The ownership determination letter is prepared in triplicate, sent to the owner/s, valuation department and placed on file. When the letter received, the Valuation Officer visits the property and prepares a condition report in which all details of the said property is recorded. Based on condition report, he prepares a valuation report (determination of valuation) which he submits to the Acquiring Officer. Valuation is determined, based on the instruction of 2009 regulation includes compensation entitlements as given below:

- (i) Replacement value for the structure
- (ii) Market value for the land, trees and crops
- (iii) Cost for attending section 09 inquiring
- (iv) Cost for selection of alternative sites
- (v) Cost for transportation to new sites
- (vi) Cost incurred for publicity of commercial establishments
- (vii) Cost for fixing of furniture
- (viii) Cost for traveling where relevant
- (ix) Cost for lost business
- (x) Cost for working capital for reestablishment of business
- (xi) Cost for assessment tax and rent
- (xii) Cost incurred by claimant for acquisition of land

i) Section 17 Provision

65. When the valuation report is received, the acquiring officer prepares a compensation award letter to be sent to the owner/s of the property with a copy to the compensation appeal board. After receiving the compensation award letter owner/s can accept or reject the entitlements. If rejected, within 14 days an appeal may be made for higher compensation to the appeal board within. Otherwise the entitlement may be accepted.

j) Section 22 Provision – appeals and grievances

66. If the claimants are dissatisfied over the compensation, an appeal to the Board of Review under section 22 may be made. However, this is a time consuming process. Therefore, all possible steps should be taken to resolve the issue under grievance redress mechanism (GRM) of the Project. There may be ownership disputes occur among the number of claimants for one property. The MWSIP GRM may also resolve this type of dispute.

k) Section 38 order – takeover of possession

67. When the compensation has been paid, the acquiring officer informs to the MLLD for the issuance of section 38 orders, in which the acquiring officer is empowered to take over the possession of the land on behalf of the MWSIP PMU. When the acquiring officer receives a Section 38 order, the relevant person/s giving are informed and are given 14 days of possession of the land. At this stage the acquiring officer takes possession of the land and transfers to the nominated officer of the MWSIP.

ANNEX C : INVENTORY AND SOCIO-ECONOMIC SURVEYS FOR RIP DATA COLLECTION

INVENTORY OF RESETTLEMENT IMPACTS

Mahaweli Water Security Investment Program (MWSIP)

The following is an inventory for the resettlement impacted contract sections in the Projects of the MWSIP. This inventory should be conducted covering 100% of affected households/entities. The survey is designed to collect data from which impacts may be identified in detail and compensation calculations, prepared by Sri Lankan Government valuers, may be identified.

A separate Census and Socioeconomic Survey is also to be conducted to cover 100% of effected households/entities will provide data about the socioeconomic situation and losses for the household members.

1. Primary Information:

Survey Form No.		Kilometre Chainage	
Name of the Village		Name of District	
Divisional Secretary Division		Gramaniladari Division (GND)	
Name of Household Head (or business head)		ID Card No.	
Age		Gender	
Marital Status of Household head (Single, Married, Divorced, Widowed, other (specify...))			
Name of Spouse (if married)		Age of Spouse	
Address			

1.1 Summary of Impacts ("X" yes/no)

SN	Detail	Yes	No
A	Ownership of Properties		
A1	Owner		
A2	Leaseholder		
A3	Tenant		
A4	Encroacher		
B	Effect of Assets		
B1	House		
B2	Other Structures		
B3	Land		
B4	- Paddy Land		
B5	- High land		
B6	Trees and Crops		
B7	- Producing Fruit trees		
B8	- Non-producing (old) fruit trees		
B9	- Wood trees		
C	Business and Income		
C1	Business		
C2	Employees jobs and/or income		
D	Vulnerability		
D1	Poverty		
D2	Women headed household		
D2	Other (specify)		

1.2 What type of effect will be caused by the canal/project works

SN	Detail	Yes	No
E1	Fully effected house		
E2	Partly effected house		
E3	Effect to other structures		
E4	Effect to lands		
E5	Business temporarily affected		
E6	Business permanently affected		
E7	Impact on employees		

2. Land Losses:**2.1 Total Land Holding**

Description of Lands	Extent A.R.P.	Private Deed A.R.P.	Swarnaboomi Grants A.R.P.	Jayaboomi Grants A.R.P.	L.D.O Permits A.R.P.	Annual Permits A.R.P.	Lease	Encroached Lands A.R.P.	Grand Total A.R.P.
High Lands									
Paddy Lands									
Chena Lands									
Forest area									
Total extent									
Total value Rs.									

2.2 Area to be acquired

Description of Lands	Extent A.R.P.	Private Deed A.R.P.	Swarnaboomi Grants A.R.P.	Jayaboomi Grants A.R.P.	L.D.O Permits A.R.P.	Annual Permits A.R.P.	Lease	Encroached Lands A.R.P.	Grand Total A.R.P.
High Lands									
Paddy Lands									
Chena Lands									
Forest area									
Total extent									
Total value Rs.									

2.3 Farmland or Residential

Type	Length	width	area (A.R.P)
Residential			
Temple			
Farmland			
Commercial			

3. Crops and Trees:

3.1 Type of Crop

Type of ownership	Unit (ARP)	Type of Crop and area of Cultivation					
		Paddy
Private Deed	total						
	amount to be acquired						
Swarnaboomi Grants	total						
	amount to be acquired						
Jayaboomi Grants	total						
	amount to be acquired						
LDO Permits	total						
	amount to be acquired						
Annual permits	total						
	amount to be acquired						
Leased	total						
	amount to be acquired						
Encroached	total						
	amount to be acquired						

3.2 Average yield of crop

Crop (Acres)	Paddy
Yield					
Price per Acre (Rs)					
Price per Kg (Rs)					

3.3 Trees

Total on plot - No. Trees (Long term)

Name of Trees	Age Below 05 Years	Age 05-10 Years	Age 11-15 years	Age 16-20 Years	Age Above 21 Years
Teak					
Satin wood					
Jack					
Halmilla					
Mango					
Coconut					
Other A.					
B.					
C.					
D.					
Total					

No. Trees (Long term) to be removed

Name of Trees	Age Below 05 Years	Age 05-10 Years	Age 11-15 years	Age 16-20 Years	Age Above 21 Years	Total Number of Trees	Annual Yield (kg) per tree	Total Value of Trees Rs.
Teak								
Satin wood								
Jack								
Halmilla								
Mango								
Coconut								
Other A.								
B.								
C.								
D.								
Total								

Total on plot - No. Trees (Mid Term)

Name of Trees	Below 03 Years	04-05 Years	Above 05 Years
Lime			
Orange			
Banana			
Delum			
Pomegranate			
Other A.			
B.			
C.			
D			
Grand Total			

No. of Trees (Mid Term) to be removed

Name of Trees	Below 03 Years	04-05 Years	Above 05 Years	Total Numbers of Trees	Annual Yield (kg) per tree	Total Value of Trees
Lime						
Orange						
Banana						
Delum						
Pomegranate						
Other A.						
B.						
C.						
D						
Grand Total						

MWSIP – RIP - Inventory of Impacts Survey

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4. Structures:**4.1 Description of Structure**

Structure s	Permanent			Semi-Permanent			Temporary			
Name of structure	Yes/N o	Squar e Feet	Valu e Rs.	Yes/N o	Squar e Feet	Valu e Rs.	Yes/N o	Squar e Feet	Valu e Rs.	Gran d Total Rs.
House										
Boutique										
Rice mill										
Stores										
cattle Shed										
Well										
Other- Please named										
A.										
B.										
C.										
Total Value										

4.2 Description of Structure

Type of structure	Permanence (Permanent / Semi- Permanent / Temporary	Area m2 or m3		Full acquisition Y/N	Severe Yes/No	Description of structure (materials)	Value Rs
		Total	to be acquired				

5. Business and Income Losses:

SN	Affected Business	Number	Area m ²	Monthly net income	Tax document data
1					
2					
3					
4					
5					

Is the business registered?		<input type="checkbox"/> a. Registered <input type="checkbox"/> a. Not officially registered						
How long has the business been in the location under the current owner?		<input type="checkbox"/> a. Less than 1 year <input type="checkbox"/> b. 1-5 years <input type="checkbox"/> c. More than 5 years						
Are there employees that work at the business?	<input type="checkbox"/> a. Yes <input type="checkbox"/> b. No							
	If yes, please list:							
	Name:	Male or Female		Age Range				
		M	F					
				15-20	21-30	31-40	41-50	50+

Monthly Salary of employees?			Name:		Monthly Salary
					Rs

6. Choice:

- a) Do you seek a housing plot from the project? Yes/no
- b) Can you find a plot of land to rebuild the house? Yes/no
- c) Can you rebuild the house at remaining portion of the acquired land? Yes/no
If yes what are the assistance expect from the project
- d) Do you seek the funds to buy a plot of land? Yes/no
If yes please indicate the expected extent of land and amount. Perches----- Rs, -----

7. General Consultation & Observations:

- a. Have you heard about this MWSIP Project before Today?

Please state what information you know about the Project, including resettlement?

Any further comments, complaints or views on the project?

Name of the surveyor:

Signature:

Date:

SOCIOECONOMIC SURVEY OF RESETTLEMENT AFFECTED PERSONS

Mahaweli Water Security Investment Program (MWSIP)

The following is a Socio-economic Survey of Resettlement Impacted Households/Entities in contract sections in the Projects of the MWSIP. This Survey should be conducted covering 100% of affected households/entities. The survey is designed to collect data from which the socio-economic situation and vulnerability of affected households may be identified. This data has the purpose as baseline for monitoring and provides for additional information in relation to compensation calculations prepared by Sri Lankan Government valuers, may be identified.

A separate Inventory of losses Survey is also to be conducted to cover 100% of effected households/entities will provide a majority of the data on land and assets acquisition losses for the household members.

1. Primary Information

Survey Form No.		Kilometre Chainage	
Name of the Village		Name of District	
Divisional Secretary Division		Gramaniladari Division (GND)	
Name of Household Head (or business head)		ID Card No.	
Age		Gender	
Marital Status of Household head (Single, Married, Divorced, Widowed, other (specify...))			
Name of Spouse (if married)		Age of Spouse	
Address			

2. Nature of Effect

Impact	Canal construction	Loss of access	Other (please specify)
Completely			
Partly			
Isolate			

3. Gender/Ethnicity/Religion/Civil Status

Description	Gender-1	Ethnicity-2	Religion-3	Civil status-4
Household Head				
Spouse				

01/ Gender

1. Male
2. Female

2/ Ethnicity

1. Sinhala
2. Sri Lankan
Tamil
3. Indian Tamil
4. Moor
5. Malay
6. Burger
7. Other
(specify)

3/Religion

1. Buddhist
2. Christian
3. Hindu
4. Islam
5. Other
(Specify)

4/ Marital status

1. Married
2. Unmarried
3. Divorced
4. Widow

MWSIP – RIP – Socioeconomic Survey

4. General information of the family members

01	02	03	04	05	06	07	08	09	10	11	12
Relationship to household	Gender	Age	Education	Marital status	Employment	Status of employment	Annual income	Impact on occupation	Impact on property	Religion	Ethnicity
Household Head											
Spouse											

01/ Relationship to household	02/ Gender	03/ Age	04/Education	05/ Marital status
1. Son	3. Male	1. Below 05 years	1. Year 1-5	5. Married
2. Daughter	4. Female	2. 06-18 years	2. Year 6-11	6. Unmarried
3. Mother/Father		3. 19-60 years	3. GCE- O/L	7. Divorced
4. Brother/Sister		4. Above 60 years	4. GCE- A/L	8. Widow
5. In-laws			5. Diploma	
			6. Under graduate	
			7. Graduate	
			8. Post graduate	
			9. Other certificate	
			10. Non schooled/ able to write and read	
			11. Non schooled/ unable to write and read	

06/ Employment	07/ Status of Employment	11/Religion	12/ Ethnicity
1. Government employment	1. Executive	6. Buddhist	8. Sinhala
2. Private sector employment	2. Clerical & allied grades	7. Christian	9. Sri Lankan Tamil
3. Farming	3. Teacher	8. Hindu	10. Indian Tamil
4. Trading	4. Pion	9. Islam	11. Moor
5. Animal husbandry	5. Laborer	10. Other (Specify)	12. Malay
6. Foreign employment	6. Trader		13. Burger
7. Unemployed	7. Farmer		14. Other (specify)
8. Part-time employed	8. Mechanic		
9. Household	9. Driver		
10. Other	10. Carpentry		
	11. Masonry		
	12. Security officer		
	13. Salesman		
	14. Other		

5. Information on income and expenditure**a. Annual income of chief household: Rs.**

SN	Item	Rs
A	Employment	
B	Farming	
C	Trading	
D	Other	
Total		

b. Annual Expenditure

SN	Item	Rs
A	Food	
B	Utilities	
C	Taxes and Charges	
D	Other	
Total		

c. Income/Expenditure

		Rs
A	Annual income Total	
B	Annual Expenditure Total	
C	Net income (A minus B)	

6. Available facilities

SN	Service	Available yes/no
a.	Access road	
b.	Electricity	
c.	Water	
d.	Telephone (landline)	
e.	Telephone (mobile)	

f. medical service: Type - _____ Distance from house - _____

g. High School: Distance from house - _____

h. Access to other services (specify type and distance) _____

7. Information on vehicles

Name of the vehicle	Available yes/no
Motor car	
Motor bus	
Van	
Lorry	
Four-wheel tractor	
Two-wheel tractor	
Motor cycle	
Push cycle	

MWSIP – RIP – Socioeconomic Survey

7

Cart	
------	--

8. Do you obtain Samurdhi assistance? Yes/no

Monthly Assistance, Rs _____

9. Do you, or the family members belong to any groups

Family member	Group name	Number of years' member

10. Loss of infrastructure facilities, religious, cultural and archeological places

Name of the infrastructure	Nature of the losses	Fully or partly lose
Access road		
Electricity		
Water		
Religious places		
Cultural places		
Archeological places		
Other		

11. Information on vulnerable persons

Which apply to the household:

- a) Average Monthly income? SLR _____
- No. of HH members supported by monthly income _____
- b) Is the Household Head disabled? _____ Type of disability? _____
- c) Are there any household members that are disabled? _____ How many _____?
- d) Types of disability? _____
- e) Is the household head a single parent (female) with dependents?
- f) Is the household head a single parent (male) with dependents?
- g) Does he need help from other person?
- h) Do you need assistance to rebuild the structures Yes/No
If yes - what is the assistance expect from the project?

Name of the surveyor:**Signature:****Date:**

MWSIP – RIP – Socioeconomic Survey

9

ANNEX D : GRIEVANCE REDRESS MECHANISM¹⁰**A. Types of Grievances****68. Legal issues:**

- i) Application of the Land Acquisition Act (LAA) and its limitations to arrive at replacement cost of acquired property.
- ii) Difficulties in obtaining abstracts of deeds from Land Registry.
- iii) Rules and regulations determining the ownership of land and amount of compensation:

69. Practical issues:

- i) Lack of knowledge on the acquisition process and how to present claims
- ii) Delays in payment of compensation
- iii) Delays in payments of resettlement assistance and provision of benefits
- iv) Most contacts on leased land are verbal. Difficulty in transforming into written contracts
- v) Inability to find new land for building new houses
- vi) Inability to construct new houses in a short period of time
- vii) During the construction period temporary disruptions
- viii) Cracks in structures
- ix) Noise pollution
- x) Environmental Pollution
- xi) Dust problems
- xii) Other environmental issues

B. Grievance Redress Mechanism set-up

70. This section outlines the four levels of grievance redress on the Program plus the additional systems through the LAA and the courts. Many grievances arise because of inadequate understanding of program policies and procedures, but can be promptly resolved by proper explanation of the situation to the complainant. The four levels of the Program GRM are as follows:

- i) **Grievance Redress Committee – Grama Niladari Level:** The complainant may submit a grievance either in writing or orally to the PIU's Project Resettlement Officer or the PIU's Project Environmental Officer or the Gramma Niladari (GN).¹¹ The Gramma Niladari is the closest community administrative representative to the affected household, and is under the Division administration. It is expected that most complaints will be resolved at this level. A resolution will be determined within one week. However, if the complaint cannot be resolved through the Grama Niladari GRC, then the grievance is passed to the GRC – PIU level.
- ii) **Grievance Redress Committee: Project Implementation Unit (PIU) Level:** A resolution will be determined within one week. If a resolution cannot be determined, then the complaint will be passed to the GRC - District Secretary level by the Project Director.

¹⁰ This Annex was presented in the Resettlement Monitoring and Evaluation Report No. 1 in March 2016. GRM is continuously operating Program-wide, open to all stakeholders.

¹¹ A grievance or complaint may be project, environmental or social related.

- iii) **Grievance Redress Committee: District Secretary Level:** At this level the grievance is considered by representatives of program-related government agencies, such as Land Registration office, Inland Revenue Office, Forest Department, Wildlife Department, Samurdhi Officer, surveyor and PIU staff. A resolution is expected to be determined within one week. In case the District Secretary cannot resolve the complaint, the Project Director will then bring the complaint to the Executive Agency GRC.
- iv) **Grievance Redress Committee – Executive Agency (PMU) at Ministry Level:** If the complaint cannot be resolved, resolution could take up to 4-weeks (inclusive of GRC levels i-iii). This is the final level of the GRM system. However, there are still the law courts, although this is time-consuming, costly and infrequently used.

71. ADB's SPS 2009 requires that the Program-level system should not impede access to the country's judicial or administrative systems and thus the complainant has the right to access the legal court system at any time of the resolution process. Therefore, the four levels described above are authorized under the program to consider grievances in relation to land acquisition cases, compensation payments, resettlement issues, ownership disputes, delays of payment of compensation, rehabilitation assistance programs and environmental concerns related to the Program.

72. The GRM does not cover matters pending in the courts or any disputes concerning compensation rates. However, compensation rate disputes do fall under the LAA. Under the LAA, a Board of Appeal has to be constituted to deal with appeals against compensation offers. This process will minimize the grievances. However, a person who does not agree with the decision of the Board of Appeal may still take the case before the Supreme Court claiming a higher amount of compensation. This option is costly and time-consuming and is rarely used.

ANNEX E : PMU GRIEVANCE REGISTER

GRIEVANCE REGISTRY

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