

Due Diligence Report on Social Safeguards

November 2015

Sri Lanka: Integrated Road Investment Program - Tranche 1 and Tranche 2

Prepared by the Road Development Authority, Ministry of University Education and Highways,
Government of Sri Lanka for the Asian Development Bank

CURRENCY EQUIVALENTS

(as of November 2015)

Currency unit = Sri Lanka Rupee (Rs)
\$1.00 = Rs.141.11

ABBREVIATIONS

ADB	–	Asian Development Bank
DSD	–	Divisional Secretariat Division
ESDD	–	Environmental and Social Development Division
FAM	–	Facility Administration Manual
FGD	–	Focus Group Discussion
GAP	–	Gender Action Plan
GoSL	–	Government of Sri Lanka
GRC	–	Grievance Redress Committee
IPPF	–	Indigenous Peoples Planning Framework
IR	–	Involuntary Resettlement
IROAD	–	Integrated Road Investment Program
MFF	–	Multitranches Financing Facility
PIC	–	Project Implementing Consultant
PIU	–	Project Implementing Unit
ROW	–	Right-of-Way
RDA	–	Road Development Authority
RF	–	Resettlement Framework
SPS	–	Safeguards Policy Statement

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I. INTRODUCTION

1. Inadequate and poor pavement conditions of rural access roads in the country have contributed to poor agricultural productivity, limited employment opportunities and slow economic growth in most of the rural areas of Sri Lanka. Identifying this problem, the Government of Sri Lanka (GoSL) has formulated an Integrated Road Investment Program known as IROAD program. The program is funded by the Asian Development Bank (ADB) as a Multitranche Financing Facility (MFF). Road Development Authority (RDA) under the Ministry of University Education and Highways is the project executing agency. Under the MFF, two tranches have already been formulated, where Tranche 1 will improve and maintain selected roads in Southern Province, while Tranche 2 will improve and maintain selected roads in Sabaragamuwa, Central, North Central, North Western Provinces and Kalutara district in Western Province.

2. Approximate total lengths of roads to be improved in each province is summarised in Table 1 below. Many of the roads selected for improvement and maintenance belong to the categories of Pradeshiya Saba and Provincial Council (rural roads) and there are a few trunk roads (under the preview of RDA).

Table 1: Total lengths of roads to be improved and maintained in each province

Tranche No.	Province	District	No. of Roads	Approximate total length of roads (km)
1	Southern	Galle	66	197
		Matara	67	218
		Hambantota	51	166
		Sub-Total	184	581
2	Sabaragamuwa	Ratnapura	38	255
		Kegalle	63	217
		Sub-Total	101	472
	Central	Kandy	50	221
		Matale	51	194
		Nuwara Eliya	43	180
		Sub-Total	144	595
	North Central	Anuradhapura	60	330
		Polonnaruwa	55	170
		Sub-Total	115	500
	North Western	Kurunegala	76	485
		Puttalam	38	220
		Sub-Total	114	705
	Western	Kalutara	83	276
		Sub-Total	83	276
	Grand Total			741

Source: RDA (July 2015).

II. CONTEXT AND PURPOSE OF THIS REPORT

3. Under the MFF, a third tranche has now been proposed by ADB and GoSL. As per the requirements of ADB, it is mandatory that the subprojects under the previous batches (Tranche 1 and Tranche 2) comply with ADB environmental and social safeguards. This report is prepared to serve the purpose of due diligence with ADB's social safeguards under ADB, Safeguards Policy Statement (SPS), 2009 during designing and implementation of Tranche1 and Tranche 2.

4. The report discusses the status of each tranche with respect to documentation, procurement of consultants and contractors, compliance with loan requirements, findings and recommendations with respect to social safeguards.

III. SUMMARY OF SUB-PROJECT STATUS

A. Tranche 1: Southern Province

5. Sub-project roads in Galle, Matara and Hambantota districts have been packaged into nine contract packages (i.e. 3 contract packages per district). Procurement of contractors for each package has been done as International Competitive Bidding. Procurement of contractors and Project Implementing Consultant (PIC) has been completed. Contractors have commenced mobilisation at sites towards end of April 2015. While the PIC was mobilised in June 2015. Table 2 below presents a summary of each contract package with respect the name of contractor, date of mobilization and length of roads under the package.

Table 2: Summary of each contract package

District	Package No.	Contractor	Date of mobilisation	Length of roads to be improved (km)
Galle	G1	K. D. Ebert & Sons Holdings	19 May 2015	63.6
	G2	K.D.A. Weerasinghe & Co. (Pvt) Ltd	1 June 2015	62.3
	G3	K.D.A. Weerasinghe & Co. (Pvt) Ltd	1 June 2015	71.7
	Total			197.6
Matara	M1	CML MTD Construction	6 June 2015	96.9
	M2	K. D. Ebert & Sons Holdings	6 May 2015	65.7
	M3	K. D. Ebert & Sons Holdings	12 May 2015	54.9
	Total			217.5
Hambantota	H1	K.D.A. Weerasinghe Co. (Pvt) Ltd	1 June 2015	70.9
	H2	CML MTD Construction	25 April 2015	58.6
	H3	RR Construction (Pvt) Ltd	1 May 2015	41.4
	Total			170.9

6. Most of the contract packages are still in the initial stage of surveying the roads, while few contractors have already commenced civil works.

B. Tranche 2: Sabaragamuwa, Central, North Central, North Western provinces and Kalutara district of Western Province

7. Tranche 2 is still in the procurement stage of contractors and consultants. Tranche 2 will have both National Competitive Bidding and International Competitive Bidding contracts. Two PIC packages (PIC 2 and PIC 3) will be allocated to Tranche 2 but will be funded under Tranche 1. PIC 2 will be for North Central and North Western provinces while PIC 3 will be for Sabaragamuwa, Central Provinces and Kalutara district of Western province. Table 3 provides a summary on the progress of procurement of contractors in each province.

Table 3: Summary on procurement progress of Tranche 2

Province	Type of civil works package	No. of packages	Status
Sabaragamuwa	ICB	06	Final stage of procurement. Negotiations completed. Will be forward for ADB approval before end of July 2015.
Central	ICB	09	Final stage of procurement. Negotiations completed. Will be forward for ADB approval before end of July 2015.
North Central	ICB	02	Technical evaluation in the final stage. Will be forwarded to ADB before end July 2015.
	NCB	04	Pre-bid evaluation in final stage. Will be forwarded to ADB before end July 2015.
North Western	ICB	03	Technical evaluation in the final stage. Will be forwarded to ADB before end July 2015.
	NCB	04	Pre-bid evaluation in final stage. Will be forwarded to ADB before end July 2015.
Western (Kalutara district)	NCB	03	Pre-bid evaluation in final stage. Will be forwarded to ADB before end July 2015.

ICB = International Competitive Bidding, NCB = National Competitive Bidding.

IV. SOCIAL SAFEGUARDS REQUIREMENTS OF IROAD PROGRAM

8. A Resettlement Framework (RF) which includes guidance in community participation has been developed during the initial stages of the project. The RF provides guidance in selection, screening, categorization, impact assessment, project implementation and monitoring of social safeguards according to requirements of GoSL as well as the ADB SPS, 2009 for succeeding tranches of the investment program. As per the guidelines given in RF, Tranches 1 and 2 or any succeeding tranches of IROAD program should adopt the following key social safeguards requirements listed below. This report confirms that these requirements have been applied to assess the impacts for subprojects to be financed under Tranche 3.

- (i) Selections of roads that fulfill the minimum Right-of-Way (ROW) requirement, thereby avoid land acquisition and involuntary resettlement.
- (ii) Avoid acquisition of land and involuntary resettlement through alignment shifts, and modifications in cross-sections to the extent required from safety considerations.
- (iii) Carry out meaningful consultations with the public from preliminary design stage so as to make public aware of the project and to obtain inputs from the public/community to be incorporated in to road designs.
- (iv) Ensure that due consultations are carried out with individuals or community and obtain their written agreements in case there is a requirement of additional land for road improvements (as identified during detail design and construction stages).
- (v) Ensure that such land is obtained ONLY through a well-documented "Land Donation Process" as stipulated in the RF for the project.
- (vi) Ensure that a Grievance Redress Mechanism is in place to address any grievance.
- (vii) Ensure gender participation in the project from preliminary design stage through construction and maintenance period.

V. METHODOLOGY AND APPROACH USED FOR DUE DILIGENCE

9. As indicated above, contractors and consultant of Tranche 1 has mobilized recently and civil works of most contracts are yet to commence. Most of the contractors are carrying out survey works and detailed designs. Tranche 2 is still in the process of procuring civil works contractors and project implementing consultant. As indicated above, there will be two consultant packages under Tranche 2.

10. Therefore this report is prepared through a file review of Due Diligence & Socio-economic Reports prepared for rural roads and Output and Performance Based Road Construction roads for each province, transect walk records prepared for candidate roads during preliminary design stage of Tranches 1 and 2, technical specifications of bidding documents, the Bill of Quantity submitted by the contractors of Tranche 1. It is confirmed that the final design of

the contractors will not substantially deviate from that of preliminary design and will have no significant involuntary resettlement impacts. In case there are any changes with the final design resulting in any type of involuntary resettlement impact, the impacts will be addressed in accordance with the RF.

11. Interviews with the public, staff of Project Implementing Unit (PIU), PIC and contractors of Tranche 1 were also carried out as part of the approach for due diligence. This due diligence was carried out during the months of June and July 2015.

VI. FINDINGS OF THE DUE DILIGENCE

A. Compliance with requirements in the resettlement framework

12. Initial selection of rural and truck roads for Tranche 1 and Tranche 2 has been carried out based on the information gathered through Divisional Secretaries, District Secretariats and civil societies. These roads have been then inspected to verify the availability of land (i.e. Right of Way). Involuntary Resettlement (IR) Due Diligence and Socio-economic Assessment Report prepared for each province under Tranches 1 and 2 includes an annex providing field observations made on each road and IR categorization checklist for each province. Other requirements stipulated in the RF have been or are being complied with as detailed in the table below.

Table 4: Compliance with RF with respect to Tranche 1 and 2

Item/ Section/ Schedule	Description	Status of Compliance
A. Background	<p>4. Rural Roads. For the rural roads there will be three contract packages per district. The contractor will be responsible for construction of the road over 2 years and performance based maintenance for another 3 years. For the rural roads the improvements will be undertaken completely within the existing right-of-way (ROW) which is between 2.5m to 5.5m. Rehabilitation works will include improving pavements/road surface, construction of side drains and embankments, and improvement of culverts, cause ways and bridges.</p> <p>5. National Roads. For the national roads there will be two contract packages within the three districts.</p> <p>The national roads will follow road management contract where the contractor will be responsible for ensuring that the road is in good riding condition for a period of 7 years including reconstruction and maintenance. For the rehabilitation of national road, the carriageway width will be from 5.5m to 6.5m and rehabilitation will be completely within the existing ROW. Rehabilitation works will include improving pavements/road surface, construction of side drains and embankments, and improvement of culverts, cause ways and bridges.</p>	<p>Complied with in selection of roads under Tranches 1 and 2. No road having an average ROW less than 2.5 m was selected. Further locations where improvements to road structures and safety needs have been highlighted in transect walk records.</p> <p>Complied with in selection of roads under Tranches 1 and 2. No road having an average ROW less than 5.5 m was selected. Further locations have been identified where improvements to road structures and safety needs are required during the Focus Group Discussions (FGDs).</p>
E. Screening Criteria of	44. The PIU will be responsible for clearly documenting the answers to these questions in a	Complied with in Tranches 1 and 2. Impact categorization checklists have

Item/ Section/ Schedule	Description	Status of Compliance
Subsequent Projects	<p>table format. In addition, the PIU will submit to ADB the Involuntary Resettlement (IR) Impact Categorization Checklist in Appendix 1 for each subsequent tranche. Based on the screening, the tranche will be assigned to one of the following categories depending on the significance of probable involuntary resettlement impacts:</p> <p>(i) Category A – A proposed tranche is classified as Category A if it is likely to have significant involuntary resettlement impacts. A resettlement plan, including an assessment of social impacts, is required.</p> <p>(ii) Category B – A proposed tranche is classified as category B if it includes involuntary resettlement impacts that are not deemed significant. A resettlement plan, including assessment of social impacts, is required.</p> <p>(iii) Category C – A proposed tranche is classified as Category C if it has no involuntary resettlement impacts. No further action is required.</p>	<p>been prepared for each road under Tranches 1 and 2; Impact categorization of the tranche have been done based on these check lists. The checklists have been annexed to the Involuntary Resettlement Due Diligence and Socio-economic Assessment Reports prepared on a province basis.</p>
2. Land Acquisition Due Diligence Reports	<p>48. If no acquisition and resettlement impacts were identified during screening, the government will be required to prepare a due diligence report providing support and evidence that there is no impact on land and structures. The due diligence report should confirm whether there are outstanding grievances or issues from previous acquisition of land. The information in the report should be supplemented with findings and analysis from the socioeconomic survey comprising of 20% of households in the project affected area.</p>	<p>Complied with in Tranches 1 and 2. Involuntary Resettlement Due Diligence and Socio-economic Assessment Reports have been prepared on a provincial basis. The reports include two sections; section 1 on Involuntary Resettlement and section 2 on the socio-economic profile.</p> <p>The IR categorization checklist is attached as an annex to the report with a note on each road with regard to available ROW. Sampling for the socio-economic assessment has been done on Divisional Secretariat Basis (DSD) and the sample sizes of most reports have exceeded the 20% household limit.</p> <p>No pending grievances.</p>
3. Due Diligence Report for ongoing Tranche	<p>49. During preparation of subsequent tranche, a due diligence for existing on-going projects will be carried out by the PIC. The PIC report on all roads with land acquisition and donation and 10% sample of remaining roads.</p>	<p>Being complied with in Tranches 1 and 2. This due diligence report is prepared to comply with this requirement.</p>

B. Review of project documents

1. Bidding documents

13. Standard bidding documents has been used in Tranches 1 and 2. Although there is no specific reference to the social safeguards, it is observed that some of the clauses in the bid documents have direct references to mitigation measures on social impacts (excluding land acquisition). These clauses pertain to the following key social and safety requirements:

- (a) Compliance with Pollution Control Regulations;
- (b) Health and Safety aspects during construction;
- (c) Compliance with Labour Regulations including child labour; and
- (d) Standard drawings that could be utilised to different ROW situations (to avoid land acquisition).

14. Volume 2 – Conditions of Contract include clauses as follows:

4.8	Safety procedures	6.7	Health and safety
4.14	Avoidance of interference	6.13	Supply of food stuff
4.18	Protection of the environment	6.14	Supply of water
4.24	Fossils	6.21	Child labour
6.6	Facilities for staff and labour	6.24	Non-discrimination and equal opportunity

15. Above contract conditions are reiterated in Volume 3 – Specifications of contract documents. Under Volume 3, the following provisions are specifically allowed for environmental (including social obligations) and safety requirements.

a. 103 Arrangements for traffic with safety precautions during rehabilitation or crossing of existing roads

103 ARRANGEMENTS FOR TRAFFIC WITH SAFETY PRECAUTIONS DURING REHABILITATION OR CROSSING OF EXISTING ROADS

103.1 General

Append the following to paragraph 1 of this clause:

The Contractor shall, after consultation with the Engineer, all the concerned Local Authorities and Police prepare a scheme of traffic management for carrying out the Works. Such proposals shall be submitted to the Engineer for his approval, together with written approval / no objection certificates from the concerned authorities, not less than 30 days before the planned implementation of each proposal.

The Contractor shall not commence any works affecting any public highway until all approved traffic safety measures conforming to the Engineer's prior approval have been fully implemented to the satisfaction of the Engineer.

The Contractor shall take necessary measures for the safety of traffic and third parties by providing, erecting and maintaining all signs, lamps, barriers, traffic control signals, road markings, etc. in a clean and legible condition, and shall position, re-position, cover or remove them as required by the progress of the Works. The barriers shall be strong. Red lanterns or warning lights shall be mounted on the barriers at nights and shall be kept lit until sunrise. If the Contractor fails to comply with these requirements, the Engineer shall order a third party to rectify the shortcomings and shall recover the cost of such works from the Contractor.

16. Proceeding clauses of this section include:

- 103.2 Using part of the road, which has two sub sections as;
 - 103.2.1 Initial maintenance of existing road;
 - 103.2.2 Routine maintenance of existing roads included in the contract
- 103.3 Temporary diversions

b. 108 Obligations of the contractor and general requirements

108.1 Mobilization, Maintenance and De-mobilization of Contractor's Facilities and Plant/Equipment

The Contractor shall make provision for erection, operation and removal after the completion of works, of his temporary installation and facilities, including offices, accommodation, workshops, quarries, borrow pits, batching and blending plants and restoring of temporary land for borrow pits and quarries, etc. He shall provide and maintain at his own cost sanitary facilities on site, first aid fire fighting equipment, drinking water facilities, electricity and telephone for the duration of the Contract.

The contractor shall be responsible for the management and security of the Site and safety of public and adjoining property and shall be liable for any claims arising from loss or damage suffered. He shall employ suitable security personnel and establish a security system for this purpose.

All temporary accommodation shall be kept well maintained during the contract period and shall be available for inspection by the Engineer and/or Government Medical Officer of Health. The Contractor must comply immediately with any instruction given by the Engineer and/or Medical Officer for cleaning, disinfecting and maintenance of any building to return it to a hygienic and sanitary condition.

The Contractor shall confine his apparatus, the storage of materials and the operations of his workmen to the limits indicated by law, ordinance, permits, or direction of the Engineer. The Contractor shall erect temporary fences as required by the Engineer. The Site boundary lines shall be to the approval of the Engineer.

The Contractor shall implement his Environmental Management Action Plan accepted by the Engineer in compliance with the Environmental Management Plan given in Appendix A.1 of Section 6.6 of Volume II of Part II and submit a monthly Monitoring Report. The contractor shall implement measuring of selected environmental parameters as given in the Environmental Monitoring Plan (EMOP) attached as Appendix A.2 of Section 6.6 of Volume II of Part II.

17. Sub-clause 108.3 under clause 108 refers to HIV-AIDS prevention. This sub-clause specifies that the contractor shall conduct HIV-AIDS awareness programmes and conduct information, education and consultation communications campaigns to all site staff, labour and immediate local communities via an approved service provider.

C. Safety requirements

18. As indicated above "Safety compliance" is one of the major items in the project specifications. Contractors of Tranche 1 have submitted Safety Management Plans for the review and approval by PIC 1. Safety requirements have been included in contract documents for Tranche 2.

D. Compliance with loan conditions (social safeguards)

19. The requirements stipulated in the loan conditions of Tranches 1 and 2 have been or are being complied with as detailed in the next table.

Table 5: Compliance with loan conditions (Social Safeguards) of Tranches 1 and 2

Item/Section/Schedule	Description	Status of Compliance
Schedule 4 - Consulting Services	<p>7. The Borrower shall recruit the individual consultants for activities outlined in the Procurement Plan in accordance with procedures acceptable to ADB for recruiting individual consultants.</p>	<p>Complied with in Tranche 1. The PIC for Tranche 1 has recruited a Social Development Specialist. PICs for Tranche 2 is yet to be appointed.</p>
Schedule 5 – Safeguards	<p>3. The Borrower shall ensure, or cause RDA to ensure, that the Project does not have any Indigenous Peoples Safeguards and Involuntary Resettlement Safeguards impacts, both within the meaning of SPS. In the event that the Project does have any such impact, the Borrower shall take all steps required to ensure that the Project complies with the RF and IPPF, applicable laws and regulations of the Borrower and with SPS.</p> <p>4. The Borrower shall ensure, or cause RDA to ensure, that any voluntary donation of land by beneficiaries for any provincial or rural road is implemented in accordance with the procedures laid out in Appendix 3 of the RF after free, prior and informed meaningful consultation and consent of the affected persons, provided that there shall be no voluntary land donation for national roads.</p>	<p>Complied with in Tranches 1 and 2. All roads selected under Tranche 1 and 2 have minimum corridor of not less than 2.5 m in rural roads while the ROW for trunk roads has been set at 5.5 m. There has been no impact on IR or IP safeguards.</p> <p>Being complied with in Tranche 1. Requirements of any additional land has not arisen in the few road sections where civil works have been initiated. There has been no impact on IR or IP safeguards.</p> <p>Condition is yet to comply in Tranche 2 as the consultant and civil works contractors are yet to be procured.</p>
Schedule 5 – Labour standards	<p>9. The Borrower shall ensure that (a) all contractors under the Project comply with all applicable labour laws and regulations, do not allow employment of child labour for project activities, encourage the employment of the poor, particularly women, and provide appropriate facilities for women and children in work sites; (b) people directly affected by the Project are given priority to be employed by the Project; (c) contractors do not differentiate wages between men and women for work of equal value; and (d) specific clauses ensuring these shall be included in the contracts.</p> <p>10. The Borrower shall ensure that (a) the GAP is implemented in accordance with its terms; (b) the bidding documents and contracts include relevant provisions for contractors to comply with the measures set forth in the GAP; (c) adequate resources are allocated for implementation of the GAP; and (d) progress on implementation of the GAP, including progress toward achieving key gender outcome and output targets, are regularly monitored and reported to ADB.</p>	<p>Being complied with in Tranches 1 and 2. Clauses are included in standard bid documents.</p> <p>To be complied with in Tranche 1. The contractors have been advised to recruit more females in to the work force. A detailed account on this aspect is given below.</p> <p>Will be complied in all sub-projects under Tranche 2.</p>

E. Compliance to the environmental requirements under the Facility Administration Manual (FAM)

20. The requirements stipulated in the Facility Administration Manual of IROAD program have been or are being complied with under Tranches 1 and 2. Details of each item and status of compliance is summarised in below table.

Table 6: Compliance with FAM (Social Safeguards) in Tranches 1 and 2

Item/Section/ Schedule	Description	Status of Compliance
<p>VII Safeguards – B. Involuntary Resettlement</p>	<p>45. Project 1. Project 1 for the improvement of rural access roads and national roads in Southern Province is classified as category “B” in accordance with SPS. The improvement of project roads will be carried out all within the existing alignment with no widening. A land acquisition due diligence was undertaken for all Project 1 roads and did not identify any impact on land, structures, private trees, or community resource properties. Social impact assessment comprising of at least 20% households and focused group discussions were also conducted. However, for the 7-year road management contract of selected national roads, resettlement impact might be encountered at a late stage.</p> <p>46. Pre-construction. The RDA supported by its ESDD and consultants will be responsible for conducting a transect walk for each rural road, during which the community will consulted and involved in providing including (i) minimize construction impact, (ii) identify and minimize social and environment impact, and (iii) integrate road safety design into road. The community will also be briefed about the Grievance Redressal Mechanism. The results from the transect walk (report and map) will be submitted to the civil works contractor who will integrate feasible features into the Level 1 final design. The PIC will review final design.</p> <p>47. Construction and maintenance. During construction phase, the PIC will be responsible for conducting semi-annual onsite social safeguard monitoring. During maintenance phase, the PIC will be responsible for conducting annual onsite social safeguard monitoring. PIC should pay close attention to ensure that all grievances are addressed in a timely manner. Reporting templates can be found in the Resettlement Framework.</p>	<p>Complied with in Tranche 1. No road widening is envisaged in the detailed designs carried out by the contractor and the design engineers of PIC will verify the same. An awareness programme was also conducted on this regards. Utility structures which may be affected during construction has been identified during transect walks for Tranches 1 and 2. These locations will be verified during detailed designs and suitable mitigation measures will be provided in the designs. No IR or IP impact has been encountered.</p> <p>Sample household survey covering more than 20% household in most of the roads was completed in Tranches 1 and 2.</p> <p>Complied with in Tranches 1 and 2. Transect walks have been conducted for all candidate roads in Tranches 1 and 2 during pre-construction stage. Community participation has been a key feature of these transect walks. Final designs are being reviewed by PIC to ensure incorporation of features.</p> <p>Outcomes of the transect walks of Tranche 1 has been provided to respective contractors to consider feasible features in to the designs. The same procedure will be followed in Tranche 2 once the civil works contractors and PICs are procured. Monitoring is ongoing.</p>

Item/Section/ Schedule	Description	Status of Compliance
	<p>48. Preparation of Subsequent Tranches or Unanticipated Impact. A Resettlement Framework has been prepared to guide the preparation of subsequent Projects or unanticipated impact. For preparation of subsequent Projects, the PIC will be responsible for carrying out a due diligence on the ongoing Project(s). RDA will be responsible for initial road selection based on growth potential of Grama Niladari (GN) Divisions as rural hub. The ESDD will then conduct land acquisition due diligence and social impact assessment. 100% of affected households will need to be covered and 20% census of households in the project impact area will be surveyed. If land is required for the rural roads component, the voluntary land donation system will be used. For land donation, specific procedural requirements involving comprehensive and meaningful consultations with the communities have been prepared in Appendix 3 of the resettlement framework (RF) and the Government will ensure that land donation is undertaken without coercion and documented in a transparent manner. Eminent domain will not occur if negotiation regarding land donation fails. Households will not donate more than 5% of land holding and no physical displacement will take place. The PIC will visit roads with land donation on a monthly basis until land donation process is finalized. An independent monitor will be engaged to verify and certify the process has been done as per RF. For national roads requiring land, acquisition will take place in accordance to requirements of the Government and the ADB SPS and land and assets will be compensated at replacement cost for both titleholders and non-titleholders. A Resettlement Plan will need to be prepared for projects with impact. For all roads, civil works cannot commence until the right of way is free of encumbrance, meaning that the affected house hold must be fully compensated and/or assisted prior to dismantling or relocation. The PIU will be supported by the RDA's Environment and Social Development Division (ESDD) and a social safeguard team under the PIC.</p>	<p>Complied with in Tranche 1. PIC of Tranche 1 has recruited social development/safeguards specialist. The PIU has obtained applications from suitable candidates to fill the positions on social safeguards. However the recruitment could be done only after the ongoing elections of the country is over.</p> <p>Has been complied with in Tranches 1 and 2.</p>

Item/Section/ Schedule	Description	Status of Compliance
VII Safeguards – C. Indigenous Peoples	<p>49. For the investment program, an Indigenous Peoples Planning Framework (IPPF) has been prepared to guide the screening and preparation of safeguard planning for future Projects.</p> <p>50. For Project 1, no indigenous people were identified during due diligence. In case of any adverse impacts is identified during implementation, the RDA will ensure that the Indigenous peoples plan (IPP) is prepared in accordance with the IPPF and the IPP is reviewed and approved by ADB before commencement of the relevant section of the civil works contract.</p>	<p>Complied with in Tranches 1 and 2. Screening was undertaken in accordance to IPPF and there were no roads in Tranche 1 and 2 that were passing close to or through settlements of indigenous people.</p>

F. Compliance with Gender Action Plan (GAP)

21. The GAP prepared for IROAD program is presented in Annex 1 of this report. As per the GAP, it is important that women participation is considered from the preliminary design stage of each tranche (at least 40% female representation in consultations related to the final design.) This has been complied with in Tranches 1 and 2 by providing opportunities to women to participate in Focus Group Discussions (FGDs). Below is a summary of women participation in FGDs on a district basis.

Table 7: Gender participation in FGDs

Tranche No.	Province	District	No. of FGDS held	Total Participation	Women	Percentage of women
1	Southern	Galle	65	3431	1452	42.32
		Matara	46	2445	1102	45.07
		Hambantota	43	2324	998	42.94
Grand total			154	8200	3552	43.32
2	Sabaragamuwa	Rathnapura	35	1112	277	24.91
		Kegalle	69	2312	846	36.59
	Central	Kandy	54	3570	1439	40.31
		Matale	53	2052	622	30.31
	N'Eliya	N'Eliya	47	2841	919	32.35
		North Central	Anradhapura	51	2172	967
	Polonnaruwa	Polonnaruwa	65	2201	990	44.98
		North Western	Kurunegala	44	1599	680
	Puttalam	Puttalam	38	1037	455	43.88
		Western	Kalutara	79	3415	1507
Grand Total			535	22311	8702	39.00

22. The findings of these discussions and transect walk details are in the process of being incorporated into final designs.

23. However, the 30% margin of gender participation in civil work contracts of Tranche 1 is yet to be achieved. But it should be noted that no major construction works have commenced in many contract packages in Tranche 1. An awareness program has been conducted by the PIC of Tranche 1 on 14 July 2015 with the participation of respective civil contractors of Tranche 1 and they have been requested to include more women labour into their labour force. The available women labour and staff as at 14 July 2015 will be considered as the base line figure and the contractors will provide the PIC details of the labour force on a monthly basis.

24. Civil works of Tranche 2 is yet to commence and the same procedure will be followed in Tranche 2.

VII. AWARENESS PROGRAMMES AND GRIEVANCES

25. Public awareness programmes have been conducted during project preparatory stage in all provinces coming under Tranches 1 and 2. These awareness programmes have been carried out at different administrative levels starting from provincial level to Divisional Secretariat Division (DSD) level. Further awareness has been done during transect walks for each selected road under each DSD.

26. The PIU has organized few DSD level awareness programmes through respective project engineers under Tranche 1. This is due to the fact that civil works of Tranche 1 is under progress and there has been a lapse of nearly one year between initial awareness meetings and commencement of civil works.

27. PIU has also initiated in establishing the Grievance Redress Committees (GRCs) in Tranche 1 as per the guidelines in RF and EARF. GRCs has been setup in October 2015. The delay in setting up of the GRC is mainly attributed to the delay in mobilization of PIC. Further on this aspect, the first set of DSD level meetings has been completed in August 2015. All contractors of Tranche 1 have been instructed to maintain a public complaint register to record any public complaint and the actions taken to correct the issue/s. As per the records available with contractors, no complaint has been raised so far by the public. To date, no grievances have been received.

VIII. PUBLIC CONSULTATION

28. Meaningful public consultation has been a key feature of IROAD program. Public views have been considered into the designs mainly to develop a road that is acceptable in environmental, social and safety aspects. As a means of further strengthening this aspect, all contractors of Tranche 1 have been instructed to maintain suggestion boxes and public complaint registers as indicated above. PIU has appointed project engineers for each package in Tranche 1, and these project engineers will also be responsible to maintain this aspect during construction and maintenance period of each road.

IX. INSTITUTIONAL SETUP

29. As per the RF and FAM, the PIU will recruit suitable candidates to carry out tasks related to social safeguards. However, there has been a short delay in the recruitment due to the on-going elections of the country. The PIU will be assisted by Environmental and Social Development Division (ESDD) of RDA with regards to any social safeguards issue. As per the RF, ESDD will be preparing annual monitoring reports on social safeguards compliance and any other report required.

30. PIC for Tranche 1 (PIC 1) is yet to recruit a suitable Social Safeguards Specialist. Eight out of nine contractors in Tranche 1 have recruited Environmental, Health and Safety officers who will also look in to social matters. Public complaint and suggestion boxes have been placed at each contractor's site office and the contractors are to maintain a public complaint register.

X. CONCLUSIONS

31. The implementation of IROAD Tranches 1 and 2 complied with the social safeguards requirements of the loan agreements, national laws, FAM and RF.
32. As per the preliminary information available, the roads selected in Tranches 1 and 2 comply with the minimum requirement of ROW (i.e. 2.5 m for rural roads and 5.5 m for Output and Performance Based Road Construction roads). This has been confirmed through Involuntary Resettlement Due Diligence and Socio-economic Assessment reports prepared on province basis (including road specific details).
33. However, the PIU will follow the guidelines given in the RF in case there is a requirement of additional land which may arise due to critical design necessities or due to community requests. In any case, meaningful consultations will be carried out with all affected persons and Eminent Domain will not occur. Procedure for land donation is clearly set out in the RF and RDA should follow the procedure.
34. Public awareness programmes, meaningful consultations have been carried out throughout level two design of Tranches 1 and 2 and the PIU has organised additional awareness meetings. The GRCs will also be setup as required in the RF.
35. The PIU is yet to recruit the staff related to social safeguards due to the ongoing elections of the country. However, ESDD is assisting the PIU in carrying out social and resettlement related tasks in Tranches 1 and 2.

XI. RECOMMENDATIONS

36. It is recommended that recruitment of the Social Specialist in PIU is carried out without any delay after the country election.
37. It is recommended that the same screening procedure to be considered in subsequent tranches, thereby avoid any roads which does not have ROWs less than 2.5 m for rural roads and 5.5 m for trunk (RDA) roads.
38. PIC and PIU should continue to implement the requirements stipulated in the RF while ESDD should monitor the progress. If additional land has been taken for road projects (following the due process) it is important to verify the procedure through an independent monitor as stated in the RF.

GENDER ACTION PLAN

	Activity	Indicator	Responsibility	Timeframe
Output 1: Improved Rural Roads and national roads network				
1.1	For 560 km of rural roads to be improved, conduct community consultations and integrate findings into final design, addressing issues of: (i) road safety and EWCD features; (ii) construction impact and mitigation measures; and (iii) social and environmental impact and mitigation measures.	<ul style="list-style-type: none"> At least 40% female representation in consultations related to the final design. Consultation findings are integrated into the final design. Road safety and EWCD features include: pedestrian crossings and location of signage. 	<ul style="list-style-type: none"> Conducted by ESDD/ RDA 	Year 1
1.2	For 130 km of national roads to be improved, integrate safety and elderly-women-children-disabled (EWCD) friendly features into final design.	<ul style="list-style-type: none"> EWCD and safety design features integrated into final design. Designs include: paved shoulders, pedestrian crossings and location of signage. 	<ul style="list-style-type: none"> Conducted by civil works contractor Monitored by PIC and ESDD/RDA 	Year 1-Year 2
1.3	Employ local women for road maintenance and ensure equal wages for equal work done by both male and female skilled and unskilled labor in project works	<ul style="list-style-type: none"> At least 30% of local maintenance workers are women. For rural roads, a 3-year maintenance period with an estimated 40,000 person-days of work for women. For national roads, a 7-year maintenance period with an estimated 18,000 person-days of work for women. 	<ul style="list-style-type: none"> Conducted by ESDD/ RDA 	Year 3-Year 7
1.4	Train local women for routine road maintenance.	<ul style="list-style-type: none"> 100% women employed for maintenance are trained 	<ul style="list-style-type: none"> Conducted by contractor Monitored by PIC 	Year 3-Year 6
1.5	Ensure women's participation in road safety awareness campaigns targeting local communities	<ul style="list-style-type: none"> At least 30% female participation in at least 3 awareness sessions per district, with a total of 9. 	<ul style="list-style-type: none"> Conducted by PIC Monitored by ESDD/ RDA 	Year 2-Year 5

	Activity	Indicator	Responsibility	Timeframe
1.6	Provide awareness training on sexually transmitted diseases, STI, including HIV, and human trafficking for civil works employees and local communities	<ul style="list-style-type: none"> • 3 gender segregated awareness sessions per district, with a total of 9. • Awareness training conducted on an annual basis for civil works employees by all 11 contractors 	<ul style="list-style-type: none"> • Conducted by PIC (for community) • Conducted by civil works contractor (for civil works staff) 	Year 2-Year 7
Output 2: Enhanced capacity of RDA and provincial roads executing agencies				
2.1	Institutionalize sex-disaggregated database and conduct gender analysis during preparatory surveys for all rural roads projects in Sri Lanka.	<ul style="list-style-type: none"> • Poverty and social assessment study include gender assessment with sex-disaggregated data for relevant indicators. 	<ul style="list-style-type: none"> • Conducted by ESDD • Supported by Gender Focal Point, ADB SLRM 	Year 1-Year 7
2.2	Appoint a social and gender focal at the PIU level and trained by Specialist in PIC	<ul style="list-style-type: none"> • Effective social and gender officer engaged 	<ul style="list-style-type: none"> • Engaged PIU • Trained by PIC • Monitored by ESDD/RDA 	Year 1
2.3	Build the capacity of RDA and provincial road agencies on gender-inclusive design and mainstreaming gender in project preparation, consultation; road construction; and maintenance	<ul style="list-style-type: none"> • 20 RDA staff from the national level trained • 20 staff from the provincial road agency trained 	<ul style="list-style-type: none"> • Conducted by PIC • Supported by Gender Focal Point, ADB SLRM • Monitored by ESDD/RDA 	Year 2-Year 4
2.4	Conduct impact assessment for sample roads with sex-disaggregated indicators	<ul style="list-style-type: none"> • Socioeconomic impact assessment conducted for sample roads with a focus on time-use study of women road users. 	<ul style="list-style-type: none"> • Conducted by ADB (ERD) 	Year 1- Year 8
Output 3: Project preparation of the following tranches				
3.1	Collect sex-disaggregated data and conduct a gender analysis during preparatory surveys, feasibility studies, assessments and reports.	<ul style="list-style-type: none"> • Poverty and social assessment study include gender assessment with sex-disaggregated data for relevant indicators. 	<ul style="list-style-type: none"> • Conducted by ESDD/ RDA 	Year 1-Year 2
3.2	Integrate gender-inclusive features into final design and formulate gender-mainstreaming activities.	<ul style="list-style-type: none"> • At least 50% of outputs for subsequent tranches include gender-related targets. 	<ul style="list-style-type: none"> • Conducted by ESDD 	Year 1-Year 2

ERD = Economic Research Department of ADB, ESDD = Environment and Social Development Division of Road Development Authority, PIC = project implementation consultant, RDA = Road Development Authority.