

**Social Management Framework**  
**Sri Lanka Water Supply & Sanitation Improvement Project**



**The Ministry of Urban Development, Water Supply & Drainage**  
**Sri Lanka**

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## Abbreviations

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APs	Affected Persons
BP	Bank Procedure
CBO	Community Based Organization
CDO	Community Development Officer
CEA	Central Environmental Authority
DSU	District Social Unit
DDR	Due Diligence Report
DNWS	Department of National Water Supply
DS	Divisional Secretariat
EA	Executive Agency
EIA	Environmental Impact Assessment
EM	Entitlement Matrix
EWHCS	Estate Workers Housing Cooperative Society
GN	Grama Niladhari
GOSL	Government of Sri Lanka
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
LA	Land Acquisition
LAA	Land Acquisition Act
LAR	Land Acquisition Regulations
MDG	Millennium Development Goals
NPD	National Planning Department
NWSDB	National Water Supply & Drainage Board
O&M	Operation & Maintenance
PAP	Project Affected Persons
PAH	Project Affected Households
PD	Project Director
PHDT	Plantation Housing Development Trust
PMU	Project Management Unit
R&R	Resettlement and Rehabilitation

RAP	Resettlement Action Plan
SMF	Resettlement Policy Framework
SA	Social Assessment
SACs	Social Audit Committees
SIA	Social Impact Assessment
SMF	Social Management Framework
WB	World Bank
WS&S	Water Supply & Sanitation
WHO	World Health Organization
WUAs	Water User Associations

**SOCIAL MANAGEMENT FRAMEWORK FOR WATER SUPPLY AND SANITATION IMPROVEMENT PROJECT**

## **1. Introduction**

Sri Lanka is focusing on long term strategic and structural development challenges as it's strive to transition to an upper middle income country. The Government of Sri Lanka (GoSL), since the end of civil war in 2009 has invested heavily in the rehabilitation and modernization of existing infrastructure and in the development of new infrastructure, especially in roads, ports, airports, energy and urban sectors. These investments have accounted for approximately 4.6 percent of the GDP over the period from 2009 to 2013. However, the country still faces a number of challenges such as: persistent inequalities and pockets of poverty in lagging regions, plight of vulnerable groups including displaced people and those working in the Plantation sector, persistent malnutrition across all segments of the population, and emergence of a new form of Chronic Kidney Disease of uncertain etiology (CKDu) with public health implications for the society as whole. Investment in the water and sanitation sector is one of the primary focus areas of the Government's national development agenda and it has considerable experience in the rural water supply and sanitation sector over the past few decades.

Lack of access to improved water supply and sanitation (WS&S) has multi-sectoral impacts. Causes of persistent malnutrition include poor hygiene habits and lack of access to clean water as well as affordability of food. Progress in reaching the MDG for malnutrition and child mortality is therefore linked to progress in improving water supply, sanitation and improved hygiene behavior in the country. At the same time, and to reinforce the importance of water and sanitation in development, it has been reported by the World Health Organization (WHO) that both malnutrition and inadequate water supply and sanitation are linked to poverty. Furthermore, there are certain areas where the water supply and sanitation facilities are highly inadequate. The Household Income and Expenditure Survey (HIES) 2011 highlights that the decreasing quality of service moving from the urban to the rural areas, and from the rural areas to the estates. Coverage in the estate sub sector, where over a million people reside, is 40 percent or more below that experienced by the urban population.

In order provide improved and better service, since 2000 the Government has set out a range of policies covering all aspects of the water and sanitation sector which, taken together, provide a sound framework within which the sector operates. The Government's vision for the water sector is to provide access to safe drinking water for all citizens over the medium term (by 2020) with a particular emphasis on increasing the quality of service (increasing the proportion of people served through piped water connections to 60 percent and with coverage by sewerage systems tripling to 7 percent). The government also envisages a sector with improved institutional performance where tariffs are set to ensure cost recovery, and regulatory reforms are introduced, so that there can be greater self-financing of capital works through innovative financing structures. In rural areas there will be a continued focus on community involvement in water supply and greater collaboration between the various actors in the sector including the National Water Supply & Drainage Board (NWSDB) and the local authorities.

The proposed project aims at increasing equitable delivery of water supply and sanitation services for the population in the country with special focus on poverty reduction and human capital development. In particular, the proposed project will support development in the lagging

regions and the estates sector where access to water supply and sanitation (WS&S) is lower and poverty level is higher compared to the national average. Thus the project will also support the World Bank Group Corporate Goals on poverty reduction and shared prosperity. Project will do this by reducing time spent on collecting water, freeing it up for more productive uses and by reducing susceptibility of these vulnerable groups to health risks posed by water-borne and sanitation related diseases. Such diseases have negative impacts on household incomes associated with increased healthcare costs, lost time and productivity in urban, rural and estate areas.

### **1.1 The Project Development Objective**

The development objective of the project is to increase access to safe drinking water through piped water services and improved sanitation, and to strengthen rural service delivery arrangements, in selected Districts.

### **Project Description**

The project comprises of three main components which are described below.

#### **Component 1 –Water Supply and Sanitation Infrastructure**

This component would finance infrastructure investments to support expansion of piped water services in urban, rural and estate areas in the selected districts. Cost effective technical solutions will ensure that each unit of investment delivers the maximum service improvement. Decentralized schemes will be the norm, whether in rural water supply or urban sanitation. Within the urban sub-sector the focus will be on towns given that the Government has a number of projects already planned for the larger urban centers.

In urban small towns, the investments will be made for intake, pumping main, conventional water treatment plant and the distribution network where the water will be treated to Sri Lanka Standards for drinking water. The per capita supply would range from 80 to 120lpcd depending on the availability and cost effectiveness of the delivery.

Rehabilitation of existing rural systems would be included based on agreed criteria and up to 15% of the rural sub-sector investment amount. Community contribution for rehabilitation of rural water supply (RWS) schemes will be higher, ranging from 20% to 40%, with priority given to community based organizations (CBOs) who will contribute higher % share of the cost. In cases where good performing CBOs request expansion, it can be included within this 15% allocation.

In Central Province investment will focus on piped water supplies and sanitation in estates and adjoining rural villages. From experience of earlier pilots in the estate sector some of the key issues to be considered include: (i) Capacity of the estate workers to manage the schemes, and alternatives in the event of low capacity/interest; (ii) Roles of the different parties in operation and maintenance (O&M) – the Board, the plantation owners, the community, the Plantation Housing and Development Trust (PHDT) and the Estate Workers Housing Cooperative Society (EWHCS).

According to GOSL practice the community contributions toward capital costs of the rural and estates schemes will be 15% (in cash and kind) of the total costs, including the cost of a meter and house connection. Payment modality will be decided at the community level. The rural and

estate scheme design will include metered connections to all households who register to receive water. In addition the rural and estate programs will be implemented through a “Demand Responsive and Participatory Approach” and in close coordination with the Local Authorities, Pradeshiya Sabhas.

In urban sanitation, the project will finance the construction of Septage Treatment Plants in each of the districts for the collection and treatment of septage. These will be strategically located to encourage maximum use of the facility. The proposed technology to be employed is primarily based on waste stabilization ponds and the discharge will be treated to prescribed standards. Each plant will be provided with at least one gully bowser for the collection of septage.

Rural sanitation improvements will use appropriate models in line with government policy. Latrine technology and specifications (at least for the sub-structure) and cost will be prepared and applied across project areas. An incentive grant of 80% of latrine cost will be provided to the poor and hardcore poor identified and listed by the Government’s Samurdhi Program in each village. To ensure full sanitation coverage, other households are encouraged to build hygienic latrines with 50% incentive grant. Identification and selection of beneficiaries will be done by the close coordination of CBOs and in coordination with the NWSDB District Units.

Hygiene *Education and Awareness Programs* are at the heart of any successful sanitation program. The Project Management Unit (PMU) will support and organize intensive hygiene promotion programs to educate communities, in particular school children, on the socio-economic costs of lack of sanitation and the benefits of good hygiene and improved sanitation.

**Component 2 – Strengthened Rural Service Delivery:** Under this component, the project will support the operationalization of the DNCWS through the following activities.

- Assistance to build the capacity of DNCWS through: (a) institutional design of the department including organizational structure, staff numbers and skill sets, job descriptions and so on; (b) offices and equipment needed to set up the department in each district; and (c) training for staff of the departments.
- Design and implementation of sustainability financing and incentive framework to: clarify liability for repairs, rehabilitation and replacement costs; generate incentives for CBOs to manage schemes and sanitation facilities better; and encourage regular and reliable monitoring of scheme performance and sustainability.
- Design and implementation of a Monitoring and Evaluation (M&E) system to capture indicators of system functionality and CBO sustainability. This will include a baseline survey of all existing CBOs/(Water User Associations (WUAs)). The system will include mobile phone monitoring systems that are simple and cost-effective.
- Designing and implementation of a systematic approach to use this M&E data to assess and enhance the performance of all CBOs. This will help ensure that schemes are functional for their full economic life through a range of initiatives including: (a) administrative backstopping to CBOs; (b) technical backstopping; and (c) a system of training and networking to help the CBOs to solve problems on their own.
- Establishing a program for confirming the legal status of CBOs.

- Designing an approach to ensure long term sustainability in the estate water supply schemes through appropriate financing and institutional arrangements, including partnering with the PHDT, the plantation companies and the EWHCS.

**Component 3–Sector Capacity Building** is aimed at building capacities for two main activities.

- *Preparation of a comprehensive Water Supply and Sanitation Sector Program*, in collaboration and consultation with the NPD, to improve water supply and sanitation across the island. This will allow GOSL to address the gaps and strategically invest in the sector through a programmatic approach which can be financed by local or foreign funds.
- *National Program to develop a strategy to mitigate the aggravating effects of drinking water quality on CKD*. The root cause of CKDu remains unclear but water supplies which are hard or fluoride contaminated appears to exacerbate the disease. The Technical Assistance (TA) would include: (i) a Water Quality Mapping to map out the ground water quality assessments at the district levels, which help to identify possible risk areas in relation to the spread of CKDu and other diseases in the Island; and (ii) preparation of a National Strategy to enable NWSDB and other sector organizations to provide a comprehensive WS&S response to the CKDu threat; which include developing a risk rating system (based on the water quality mapping), assessing different technical and cost effective approaches (e.g., rain water harvesting, bowser supply, Reverse Osmosis (RO) Plants)

## 1.2 Project Locations

The project covers seven districts spread over four Provinces. A strong correlation between poverty - measured by the poverty head count - and the level of access to water services is observed. The selection of the seven high priority Districts was thus based on three criteria: (i) percentage of people with access to unimproved/unsafe water; (ii) percentage of households with access to non-piped water source; and (iii) Districts in the dry zones<sup>1</sup>. Introducing the Poverty Headcount Index directly into the process did not materially change the priority Districts. The seven priority Districts in four Provinces are:

- ✓ Mullaithivu and Kilinochchi Districts in Northern Province
- ✓ Nuwara Eliya District in Central Province
- ✓ Badulla and Monoregala Districts in Uva Province
- ✓ Kegalle and Ratnapura Districts in Sabaragamuwa Province

Two districts selected in the Northern Province were the worst affected areas of the decades old civil conflict. Most of the resettled families are still facing a number of challenges including lack of sanitation and water supply facilities. These two districts are situated in the heart of dry zone of the country, thus further restricting the community's access to natural sources of water. An assessment of the condition of returnees in the Northern Province in early 2010 reported very high levels of damage to much of the basic infrastructure. In the assessment area covering a total of 13,300 water sources, 52% were not working and 38% were damaged or contaminated. Additionally, almost 25,000 toilets were needed, compared with 587 which were functional and 2,880 needing repair (*IOM, 2010*).

Badulla and Monaragala are rural agricultural districts where a large number of families depend

<sup>1</sup> There are 3 climatic zones in Sri Lanka: (i) Wet Zone, (ii) Intermediate Zone, and (iii) Dry Zone.

on farming and subsistence agriculture. In the two districts, the poverty ratio is high and less connected in service delivery compared to rest of the districts in the country.

Central Province is home to some 54 percent of the estate population in the country. This is important given that the estate poverty headcount index at 11.4 is more than double that in urban areas (5.3) and 20 percent higher than in rural areas (9.4) according to the 2012 statistics. Following tables present some of the key demographic and socioeconomic characteristics of the population in the districts to be covered by the project.

Table 1: Population distribution by age categories

District	less than 15 years		15 - 59 years		60 years & above		Total
	Total	%	Total	%	Total	%	
Kilinochchi	37,316	33	65,732	58	9,827	9	112,875
Mullaitivu	28,618	31	55,877	61	7,648	8	92,143
Nuwaraeliya	205,691	29	417,936	59	82,923	12	706,550
Kegalle	208,876	25	505,073	60	123,746	15	837,695
Ratnapura	268,267	25	675,793	62	137,604	13	1,081,664
Badulla	224,843	28	494,868	61	92,197	11	811,908
Monaragala	122,860	27	284,943	64	40,740	9	448,543
<b>Average</b>	-	<b>28</b>	-	<b>61</b>	-	<b>11</b>	-

Source: Department of Census & Statistics 2014

Table 2: Population by Gender

District	Male		Female		Total
	Total	%	Total	%	
Kilinochchi	55,658	49	57,217	51	112,875
Mullaitivu	46,225	50	45,918	50	92,143
Nuwaraeliya	338,588	48	367,962	52	706,550
Kegalle	400,503	48	437,192	52	837,695
Ratnapura	534,710	49	546,954	51	1,081,664
Badulla	390,366	48	421,542	52	811,908
Monaragala	223,540	50	225,003	50	448,543
<b>Average</b>	-	<b>49</b>	-	<b>51</b>	-

Source: Department of Census & Statistics 2014

Except for Mullaitivu district where gender composition is equal, female population in rest of the six districts exceeds the male population. The social screening of year 1 projects reveal that there is a significant number of households headed by women (single parent) in the Northern province. It is estimated that about one fifth of families in Kilinochchi and Mullaitivu districts are women headed and lack permanent income sources. In the Estate sector, women constitute the majority in the labor force but are facing multiple burdens as both income earners and carers for household responsibilities such as fetching water, cooking, washing and child care. Thus the project aims at undertaking a comprehensive gender analysis, set concrete targets for women's participation and preparing a gender mainstreaming strategy and gender equality action plans to

provide specific assistance for female headed households and estate women. Poverty levels are relatively high in the districts selected for the interventions. Data in the following tables suggest that war affected Kilinochchi, and Monaragala districts has higher poverty head count ratio. Compared to urban and rural sectors, estate sector reported a higher incidence of poverty.

Table 3: Poverty headcount ratio by project districts

District	2012/2013
Kilinochchi	28.8
Mullaitivu	12.7
Nuwaraeliya	6.6
Kegalle	6.7
Ratnapura	10.4
Badulla	12.3
Monaragala	20.8

Source: Department of Census & Statistics 2014

Table 4: Poverty headcount by sector

Sector	1991	2002	2009/2010	2012/2013
Urban	16.3	7.9	5.3	2.1
Rural	29.4	24.7	9.4	7.6
Estate	20.5	30	11.4	10.9
Sri Lanka	26.1	22.7	8.9	6.7

Source: Department of Census & Statistics 2014

Thus, the poverty dimension of the project is further reinforced in the project's sanitation investments. It is usually the poorest groups which lack access to toilets not because they don't understand the value of a toilet but simply because they cannot afford their construction costs. Under the project those households identified by the Government system as in need of assistance under their Samurdhi program<sup>2</sup> will benefit from a higher level of grant support for toilet construction (70 percent grant) compared to the non-Samurdhi households where the grant will be capped at 50 percent grant. Estates households will also benefit from a higher level of grant of 70 percent.

### 1.3 Potential Social Impacts of the Project

Preliminary social screenings of seven subprojects identified for Year 1 investment point to the

<sup>2</sup> The Samurdhi program is the main social assistance program in Sri Lanka implemented since 2005, managed by the Government. The Samurdhi program is structured under two components: (i) Relief Program; and (ii) Empowerment Program. The benefits of the program depend on the size of the household. The eligibility criterion of Samurdhi depends on the income, although recently, the program is testing community-based methodologies on targeting.

need for additional lands for water asset development due to lack of suitable Government lands in some project locations. Though the extents of land required for water infrastructure such as building pumping stations and treatment plants are relatively small in scale, there are instances of non-availability of government or community land in the locality, particularly in urban areas. Also, there may be situations where Government land in urban areas is already encroached by illegal settlers or squatters and therefore require systematic social assessments and alternative plans to be considered for their resettlement. Thus, as a precautionary measure, OP 4.12 is triggered and this document SMF outlines necessary due diligence to be followed in acquiring private lands, to address any possible economic and physical displacement of persons including squatters/encroachers on government or private land, if any.

As per the social screenings results, the total requirement of private lands for water infrastructure construction is less than 5% of the total land requirement. More than 80% of the land required for water assets development and related infrastructure building can be obtained from exiting State land. Also there are indications from religious/ community organizations and private land owners of their willingness to donate small plots of lands (around 5 to 10 perches) for water assets development. Such donated lands can be transferred to the O&M agency or the WUAs. In the estate sector, water source related construction will take place within the estate plantations and the companies owned such estates will release required land to PHDT for the use of the project. The stakeholder consultations conducted with the Plantation companies and PHDT show that there will be no issue related to release of land for water asset development under the project. Necessary due diligence such as agreements and legal transfer of land assets needs to be followed on to ensure that all such land donations are transparent. Procedures to be followed in land donations and the transfer of lands from Government agencies to project implementing agencies have been agreed and described in the following sections.

Initial social assessments of seven districts also point to some issues of affordability of poorer and vulnerable households to obtain safe drinking water through improved facilities such as pipe borne water connections provided through agencies. Particularly, this may be an issue for the households affected by conflict and resettled recently in the Northern Province as well as among labour households in the estate plantations. Table 5 shows the existing water facilities for the households in the project area. Access to safe drinking water in the estate sector is limited only to two thirds of the population while the rest obtain water from open water sources such as rivers, tanks and streams which are unprotected. More than half of households are dependent on public tap/street tap for their water needs which are usually located far away from their estate line rooms requiring more time and effort to walk along difficult terrains to fetch water.

**Table 5: EXISTING WATER SUPPLY FACILITIES**

District	Number of House Holds									River/ Tank/ Stream/ Spring and other	
		Protected well within premises		Protected well outside premises		Tube well		Unprotected well		Total	%
		Total	%	Total	%	Total	%	Total	%		
Kilinochchi	28,304	9,205	33	9,591	34	1,637	6	7,104	25	183	0.5
Mullaitivu	24,531	8,115	33	7,998	33	1,012	4	6,403	26	256	1
Nuwareliya	177,503	9,023	5	10,202	6	1,052	1	6,905	4	60,797	34
Kegalle	218,293	62,822	29	42,376	19	638	0	17,154	8	25,799	12
Ratnapura	283,797	49,870	18	37,333	13	4,392	2	14,610	5	36,469	13
Badulla	212,527	28,946	14	27,052	13	2,350	1	12,695	6	46,235	22
Monaragala	119,417	26,012	22	19,911	17	5,357	4	7,428	6	7,864	7
<b>Average</b>	-	-	<b>22</b>	-	<b>20</b>	-	<b>03</b>	-	<b>11</b>	-	<b>13</b>

Source: Department of Census & Statistics 2014

Overall, the social assessments and screenings of Year 1 subprojects clearly indicate that subprojects do not lead to any adverse social impacts. Some private lands will have to be acquired but such acquisitions will not have any adverse impacts on those land owners. Neither the dwellings nor the livelihoods of the land owners will be affected. Plots of private land identified for acquisition remain vacant and no major crops or cultivations are grown on such lands. Furthermore, the project will consider alternative design options to minimize/avoid any adverse social impacts.

## 2. POLICY AND REGULATORY FRAMEWORK

This section outlines the legal and policy frameworks related to social safeguards of both the GOSL and the World Bank.

### 2.1.1 Government Policies and Legislation

The national level framework covers the legal and regulatory framework, policies related social safeguards, especially related to land acquisitions, use and regulatory roles of the relevant agencies and the laws and policies related to water use and rights.

### 2.1.2 Legal and regulatory framework in Sri Lanka on Land Acquisition

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

- a) Land Acquisition Act (LAA) No 9 of 1950 as amended and Land Acquisition and Payment of Compensation (LA) Regulations of 2008
- b) State Lands Act No 13 of 1949
- c) State Lands (Recovery of Possession) Act No 7 of 1979
- d) Land Development Ordinance No 19 of 1935
- e) Urban Development Authority Law No 41 of 1978
- f) Temple and Devalagam Ordinance
- g) Crown Land Encroachment Ordinance

The following section briefly describes the major legislative tools and regulations:

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

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

A major cause of delay in the land acquisition arises from compensation procedures with its attendant legal proceedings. There is also provision under section 38A of the LAA to acquire lands for ‘urgency’ purposes. Several progressive provisions have been introduced in the LA Regulations of 2008 relating to provision of compensation for affected land at market rates, reconstruction cost of structure without depreciations, valuation for whole plot of land for determining proportional unit cost for the affected land parcel, business losses, relocation assistance etc.

One of the inadequacies of the LAA is the entire burden on the land owners/interested parties to prove ownership or interest in, demonstrate clear title to, gather all information and submit a compensation claim in respect of, land to be acquired. Often displaced persons are not aware of their rights or time frames to be observed under the LAA, or they are aware but are ill-equipped to deal with the procedures required and are not experienced in dealing with various officials and documentation.

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

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

**b) State Lands Act No 13 of 1949**

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

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

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

**c) State Lands (recovery of possession) Act No 7 of 1979**

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

**d) Land Development Ordinance No 19 of 1935**

This ordinance deals with the systematic development and alienation of crown land of Ceylon (Sri Lanka). Chapter VII of the Land Development Ordinance (LDO) sets out the procedure for cancellation of a state land given on a permit or grant for non-compliance of the conditions of permit. Section 106 gives notice to permit holder where there has been a breach of the condition of permit. If a person failed to appear before the inquiring officer, provision has been made under section 109 of the said ordinance to cancel the permit. Section 110 lays down the procedure where permit holder appears and shows cause for the failure to develop the land as per provision of the permit given to him. Section 112 prescribes the order of Government Agent

to be served on the permit holder and to be posted on land. Section 113 provides for an appeal to the Land Commissioner against the order of the Government Agent.

The procedure for ejection (eviction) of a person in occupation of a state land given on a grant is spelt out in Chapter IX of the LDO. Section 168 of the LDO stipulates the offences in regard to state land. It says that if any person without the permission of the Government Agent clears or breaks up for cultivation any state land or erects any building or structure on any state land, fells any trees standing on such land or otherwise encroaches on such land is guilty of an offence and subject to fine and imprisonment. Thus, the rights of a mala fide possessor are not recognized for compensation for improvement under the laws of Sri Lanka.

#### **e) Urban Development Authority Law No 41 of 1978**

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

#### **f) Temple and Dewalagam Ordinance:**

This Ordinance deals with lands donated to the temples and Devalas (Places of religious significance) by rulers under a deed of dedication, sometimes by Sannasas" (Order) for the maintenance of such institutions. "Rights of the custodian of temples and devalas for the receipt of compensation in the event of land acquisition for public purposes are spelled out in this Ordinance in addition to the other provisions. Under the project, there may arise a need to use part of lands which belong to temples or other religious institutions for water resource development. In such situations, this Act may apply.

#### **g) Crown Land Encroachment Ordinance**

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

### **2.1.3 National Involuntary Resettlement Policy (NIRP)**

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

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

The NIRP has three main objectives in implementing to mitigate social impacts of involuntary resettlement under any programs/projects funded by the government or donor agencies: (i) exploring alternative project options which avoid or minimize impacts on people; (ii) compensate those who do not have title to land; (iii) consulting affected people and hosts on resettlement options (v) providing for successful social and economic integration of the affected people and their hosts; and (v) full social and economic rehabilitation of the affected people. NIRP lists following policy principles which are applicable to all development projects.

- Involuntary resettlement should be avoided or reduced as much as possible by reviewing alternatives to the Project as well as alternatives within the Project.
- Where involuntary resettlement is unavoidable, affected people should be assisted to re-establish themselves and improve their quality of life
- Gender equality and equity should be ensured and adhered to throughout the policy application
- Displaced persons should be fully involved in the selection of relocation sites, livelihood compensation and development options as early as possible
- Replacement land should be an option for compensation in the case of loss of land; in the absence of replacement land cash compensation should be an option for all displaced persons.
- Compensation for loss of land, structures, other assets and income should be based on full replacement cost and should be paid promptly. This should include transaction costs.
- Resettlement should be planned and implemented with full participation of the provincial and local authorities
- To assist those affected to be economically and socially integrated into the host communities, participatory measures should designed and implemented.
- Common property resources and community and public services should be provided to project-affected people.
- Resettlement should be planned as a development activity for the benefit of the project affected people.
- Displaced persons who do not have documented title to land should receive fair and just compensation and assistance

- Vulnerable groups should be identified and be given appropriate assistance to substantially improve their income and living standards
- Project Executing Agencies should bear the full costs of compensation and resettlement.

Adhering to the above objectives the scope of the NIRP includes all development induced land acquisition or recovery of possession by the State. NIRP requires that comprehensive resettlement frameworks be prepared where 20 families or more are affected irrespective of the source of funding. The WSSIP will adhere to the above principles of the NIRP in case any involuntary resettlement is unavoidable for the project related activities. In such situations, the NIRP principles together with the following Bank policies on social safeguard will be followed.

#### **2.1.4 Draft Bill for Indigenous People of Sri Lanka**

The only historically known indigenous people called Veddha of Sri Lanka are recognized as citizens of the country under the Citizenship Act of 1948 and enjoy all rights and privileges enshrined in the Constitution of Sri Lanka and they are guaranteed equal access to justice through the constitutional provisions.

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

The WSSIP project does not include any of the locations that are inhabited by scattered IP communities in the country nor does it intend to implement any activity that adversely affects the habitats and the social and cultural practices of the indigenous populations. However, through a Social Impact Assessment, the project will explore how to ensure greater social equity in outreach through community participation and involvement of indigenous groups if any, in planning and service delivery. Also the PMU will implement community consultations in each of the subprojects to identify any problem areas, social profiles of beneficiary/affected population and will incorporate adequate measures to address any vulnerability issues in project design.

## ***2.2 The World Bank Operational Policies and Social Safeguard Requirements***

The World Bank policies and guidelines, pertaining to social safeguards that may require consideration under this project are as follows:

- **OP/BP 4.12 Involuntary Resettlement**
- **OP/BP 4.10 Indigenous People**

### **OP 4.12 Involuntary Resettlement:**

Involuntary resettlement covers situations where a project must compensate people for loss of land, other assets, livelihoods, or standard of living. Under WSSIP, no major adverse social impacts related to land acquisition or involuntary resettlement are expected. All efforts will be taken to use government land for water related infrastructure constructions. However, minor involuntary resettlement impacts may be unavoidable in specific interventions, which will only be known during project implementation, when site-specific plans are available. In the event of minor acquisition of privately owned land is unavoidable or project implementation may cause small scale loss of private assets or the displacement of people, necessary social safeguards instruments such as due diligence reports and Resettlement Action Plans will be prepared. All the subprojects that involve construction of water assets in new lands will be screened for applicability of the resettlement policy, including documenting that community/government land required for new constructions is free of squatters/informal settlements and other encumbrances.

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

### **OP 4.10 Indigenous Peoples:**

OP 4.10 recognizes that indigenous peoples may be exposed to different types of risks and impacts from development projects. The policy requires the projects to identify whether indigenous peoples are positively or adversely affected by the project and presented, if so, to undertake specific consultation activities and to avoid or mitigate impacts on this potentially vulnerable group. As per initial social assessment findings and available secondary information, WSSIP will not cover the areas where Sri Lanka's few, scattered and largely assimilated communities of Indigenous People live. Thus, OP 4.10 is not triggered for this project.

## SOCIAL MANAGEMENT AND MITIGATION MEASURES

This section provides strategies and principles for identifying project affected individuals, families, communities, and to assess potential social impacts of sub-projects, and suggests measures to avoid/minimize and manage any adverse impacts. The SMF is meant to enable the project implementing agencies to adequately incorporate social safeguard considerations in the planning, execution and operation/management of different activities. It also aims at outlining the safeguards instruments to be prepared, mitigation principles, organizational arrangements and design criteria to be applied for the project. This is consistent with the relevant World Bank Safeguard Policies as well as the Sri Lanka Government's policies.

Though the social screenings of Year 1 projects carried out so far does not point to any requirement of large scale land acquisitions and associated involuntary resettlements. However, in case of 'chance find', a detailed process to be followed in safeguards management is presented in this framework. As per the social screening results, the total requirement of private lands for water infrastructure construction is less than 5%. More than 90% of the lands that are required for water assets development and related infrastructure building could be obtained from existing government/state lands. Also there are indications from religious/ community organizations and private land owners of their willingness to donate small plots of land (around 5 to 10 perches) for water assets development and these donated lands could be transferred to the O&M agency or the WUAs. In the estate sector, water source related construction will take place within the estate plantations and the companies owned such estates will release required land to PHDT for the project purposes. The stakeholder consultations conducted with the Plantation companies and PHDT show that there will be no issue in releasing land for water asset development under the project.

Based on preliminary observations, the project may have the following four options for taking the possession of land for water resource development:

Land Taking Option	Estimated amount and locations
Use of Government/State land through legal transfer/agreements	Government land is available for project related constructions in rural and estate sectors. Around 90% of the land requirement will be covered through this option. Such land vested with the Divisional Secretary or any other State agency can be transferred to the PIA through a memorandum of understanding.
Acquire private land through Government LAA	If government land is not available particularly in urban areas, private land can be acquired for a public purpose through the government's land acquisition procedure prescribed in the LAA.
Private land through Direct purchasing	PIA can also engage in direct purchases through willing buyer- willing seller procedure and reach a negotiated settlement.

Voluntary land donations	Past project experience shows that this is viable strategy to obtain small plots of land in rural areas. Total amount of land that could be obtained through volunteer donations is less than 5% as per the initial social assessment/screening of sub projects.
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This framework will ensure that all the infrastructure developments considered under the project are systematically assessed through social screenings and the national and Bank safeguards policy requirements are followed to mitigate the adverse social impacts. This document has been prepared to fulfill the WB policy requirement for a Resettlement Policy Framework (SMF) setting out principles and guidelines to identify and assess the potential social impacts and risks and prepare mitigation plans as a part of preparation of the future sub-projects. The SMF lays down principles and procedures for identifying impacts, providing entitlements, institutional arrangements for implementing social/resettlement action plans including grievance redress, consultation, participation, disclosure, monitoring and evaluation of progress and outcomes. The SMF also stipulates supplementary guidelines for voluntary land donations and transfer of state lands to project implementing agencies.

### 3.1 Social Screening and categorization of Involuntary Resettlement Impacts

1. Screening of subprojects for assessing their potential Involuntary Resettlement (IR) impacts will be carried out by the respective implementing agency during the preparation using the Social Screening Format given in Annex-1 Based on the screening data on the extent of likely IR impacts, sub-project safeguard requirements will be categorized as follows:
  - A. Significant (Category A) – If as a result of the subproject, about 200 or more people may experience major impacts, that is, being physically displaced from housing, or losing 10% or more of their productive (income-generating) assets;
  - B. Not significant (Category B) – If as a result of the subproject, fewer than 200 people will be physically displaced from housing or lose less than 10% of their productive (income- generating) assets. Resettlement plans are prepared commensurate to their impacts;
  - C. No resettlement effect (Category C) – If the subproject does not require temporary or permanent land acquisition, and there are no impacts involving the loss of land, structures, crops and trees, businesses or income. No resettlement plan is required. This category also includes temporary but not significant impacts which will have to be mitigated as a part of construction management in consultation with the AP by the Contractor.

The screening and categorization of impact on involuntary resettlement will be initiated by implementing agencies either with its own social specialists and other relevant staff or, if there are no such skills, with the help of external consultants. The social screening report will be prepared by the Social Scientist, reviewed by the chief sociologist of the PMU and submitted to the Bank for clearance.

Any subproject causing significant resettlement impacts will require a full scale Social Impact Assessment (SIA)/census survey and will require preparation and implementation of a

comprehensive Resettlement Action Plan (RAP), whereas, abbreviated RAPs will be prepared for sub-projects affecting less than 200 persons. If a sub-project has no adverse impact, a social screening report and/or due diligence report (DDR) will be submitted confirming the same and with reasons for the same. Social DDRs, abbreviated and full RAPs will be shared with the WB for review and clearance prior to the award of civil works contracts. Both full and abbreviated RAPs shall ensure that compensation, rehabilitation, and relocation arrangements are planned and budgeted, meeting the agreed resettlement policy requirements. Once finalized, the RAP must be approved by the PMU and cleared by the Bank. The table 6 summarizes safeguards documentation requirements.

**Table 6 : Type of Social safeguards documents required in Project preparation**

<b>Coverage of Social Impacts</b>	<b>Type of Documents Required</b>
For sub projects which will result in minor impacts affecting access to residences, improvement of existing properties	Social Screening and /or Due Diligence Report explaining the procedures adopted to minimize negative impacts and measures taken to mitigate construction induced impacts
For investments of sub projects which will result in affecting less than 200 people, land acquisition but not physically displaced and/or losing less than 10% of their productive assets.	Abbreviated Resettlement Plan is required.  Outline of Abbreviated Resettlement Plan is provided in Annex-2.
Investment in sub projects that may result in more significant impacts, land acquisitions, displacement of more than 200 people, loss of more than 10% of their productive assets.	Full RAP is required.  Socio-economic Impact Survey, payment of compensation, and income restoration and rehabilitation measures need to be covered by the Plan.
Adverse Impacts on Indigenous People	<u>Not Applicable</u>  As per the initial screening of census data, and social assessments, there are no indigenous people who live in the project areas.

### **3.2 Development of Entitlement Framework**

Although there will be no major resettlement impacts or large scale land acquisitions anticipated under the project, an entitlement matrix (EM) has been developed to address potential resettlements impacts that may cause due to any private land acquisitions or physical and economic displacement of people. Any involuntary land acquisition will be compensated at replacement cost as per the LAA regulation of 2008 and the APs will be assisted to re-establish their living standards (affected shelter and incomes) to a level to or better than their living condition prior to the project. The LA Regulations of 2008 provide detailed guidelines for determining compensation at current market rate for land and replacement (reconstruction) cost for structures without deducting any depreciation. The LA Regulations, 2008 also provide for

offering compensation for damage caused by any severance or injurious affection and disturbances caused due to land acquisition based on evidence furnished by the affected party including all expenses. However, since the LAA does not address all types of losses, the involuntary resettlement safeguards and policies (NIRP and World Bank safeguards) have been applied to address such issues. This EM explains the category and type of loss and the eligible category for entitlements. Table 7 below describes the entitlements of different categories of APs.

**Table 7: Entitlement matrix**

Sr. No.	Type of Loss/Disturbance	Definition of AP	Entitlement	Details
<b>1. Private Land Without Structure</b>				
1.1	Loss of land due to project related activities	Legal title holders/ affected parties with land use rights recognized under the law	Compensation at replacement cost	<p>1.1.1 Compensation for affected land cost as per LAA</p> <p>1.1.1 Three months advance notification for harvesting standing crops, or compensation for crop damage.</p> <p>1.1.2 Compensation for trees affected at current market price and allows AP to retain felt trees.</p> <p>1.1.3 Applicable interest on compensation amount for delay in payment of compensation calculated from the date of taking over possession of land as per LAA.</p> <p>1.1.4 Compensation for the remaining portion of the land which is economically non-viable at replacement cost if the affected person is willing to surrender if not covered under the land acquisition regulations of 2008.</p>
<b>2. Residential Land and Structures</b>				
2.1	Permanent and full loss of private land and residential structure <sup>3</sup>	Owner – occupants with title or other ownership documents recognized under the law	Compensation as per LAA	<p>2.1.1 Compensation for the whole plot valued as per replacement cost (new regulation) after acquisition if the remaining portion* is not developable. The relief to be provided if not covered under land acquisition regulations of 2008</p> <p>2.1.2 For disputed titles, compensation will be deposited in courts. The project can take over the land without the affected receiving the</p>

Sr. No.	Type of Loss/Disturbance	Definition of AP	Entitlement	Details
				compensation money 2.1.3.Full compensation for the structures/properties before take them into physical possession
2.2		Non-resident Owner of land and structure with title or other ownership documents recognized under the law	Compensation at replacement cost Income Restoration Assistance if leased within one year prior to the cut-off date	2.2.1. Compensation for affected land as per the LAA
2.3	Loss of Residential Structure	Squatters	Rehabilitation Assistance	2.3.1. Compensation for affected structure as per LAA.
2.4		Non-Resident Owners of Land and Structure with title	Compensation & Resettlement Assistance	2.4.1 Compensation for affected land and structure at replacement cost as per existing laws and regulations without depreciation according to the actual loss to repair or rebuild the structure to original or better condition when remaining land is sufficient to rebuild upon as per LAA
2.5	Partial loss of residential structure	Squatters living in structures without title	R&R	2.5.1 Compensation only for the affected structure at replacement value according to the actual loss to repair or rebuild the structure to original condition when remaining part is sufficient for rebuilding. Minimum compensation SLR 300,000/-.
<b>3. Commercial land and Structures</b>				
3.1	Permanent full loss of commercial property	Owner-Operator of registered business with title or sale deed in his/her favor	Compensation as per the LAA R&R Assistance	
3.2	Do	Non-resident property owners with title	Compensation as per LAA	

Sr. No.	Type of Loss/Disturbance	Definition of AP	Entitlement	Details
<b>4. Loss of Livelihood</b>				
4.1	Loss of Livelihood due to relocation	Any families, including vulnerable and women headed families losing income due to relocation  Poor self-employed persons	Rehabilitation Assistance <sup>4</sup>	4.1.1 Assistance for obtaining training, credit access and skills training, support for maximum two youths (one male and one female) from the resettled families for livelihood strengthening for a maximum period of six months with the help of CBOs/CSOs  4.1.2 Vulnerable families eligible for government welfare assistance will be assisted to get any government benefits available.
<b>5. Temporary Impacts</b>				
5.1	Temporary Adverse Impacts of Civil Works (such as loss of access, damage to property or land, safety hazards, impact on mobility)	Households/  Businesses	Mitigation measures	5.1.1 Public notice at the site informing the people about: work schedule, likely temporary impacts, signage, safety advice and mitigation measures, contact details of officer in charge and grievance redress mechanism (GRM).  5.1.3 Special measures to provide access for continuing trade/business  5.1.7 Necessary Health and Safety measures to be undertaken as a part of Environment Management Plans including measures for sound and dust pollution, minimize hazard risks through signage and safety

Sr. No.	Type of Loss/Disturbance	Definition of AP	Entitlement	Details
				barricades, first aid facilities at work sites/camps, etc.
<b>6. Loss of Community Infrastructure/Common Property Resources</b>				
6.1	Loss of cultural properties	Affected communities and groups	Reconstruction of community structure and common property resources	6.1.1 Reconstruction of community structures and replacement of common property resources in consultation with the managing trustees of such properties as appropriate
6.2	Loss of social and civic facilities	Affected communities User groups	Rehabilitation of the affected facility	6.2.1 Reconstruction of the civic and social service facility in consultation with the managing trustees as appropriate.  6.2.2 Provision of temporary services during civil works to avoid inconvenience to the user group

### **3.3 Procedure for use of community/ individual lands for new constructions through land donation**

The experience from previous community rural water supply projects suggest that small plots of lands were largely made available through voluntary donations or from government owned lands where the public agency is prepared to transfer such small lands to the community organizations (e.g. donation of private and public lands for Community Water Supply and sanitation (CWSSs) projects under the Bank funded Puttalam Housing Project and North-East Water Supply and Sanitation (NEP-WASH) project).

The initial assessments and screening of sub projects also indicate that small land parcels for water asset development and infrastructure from communities/ religious institutions /individuals through voluntary donations is possible. In case of voluntary land donation, the Project will ensure the following:

- The land to be obtained through voluntary donation is free of any structures or assets;
- The land size is to be a small area (less than 10% of total land owned by individual owner) that its donation does not negatively impact on the livelihood of the owner;

- The voluntary nature of donation is fully and independently verified;
- The land is unencumbered of squatters, tenants, sharecroppers or any other dependents and conflicting claims;
- The community based mitigation measures are acceptable and a consent letter from the land owner granting permission for the use of the land by water assets managing agency or WUAs; and any interested parties give up all claims to the donated land and that the land is officially transferred in the name of the managing agency or WUAs .

A legal contract will be instituted which would include details of the land being donated; formal consent of the land owner/interested parties, and the witnesses. A suggested format for the contract is presented in Annex 4.

#### 4. Institutional arrangements for safeguards management

The Ministry of Urban Development, Water Supply and Drainage (MUDWSD) will be the executing agency for the project. A Project Steering Committee (PSC) will be set up at the national level to provide guidance for overall project implementation including implementation of resettlement planning framework. During project preparation missions, roles and responsibilities for ensuring implementation of the environment and social safeguards have been already identified at district, agency and national level. The Project Management Unit (PMU) will be established under the MUDWSD with key staff from National Water Supply & Drainage Board (NWSDB), Department of National Community Water Supply (DNCWS) and Plantation Housing Development Trust. PMU will be headed by a Project Director (PD) from the NWSDB at the level of Additional General Manager to provide overall project management for all three sub-sectors. Provision of sufficient funds and other resources and support services for safeguards management will be the responsibility of the PMU

At national level, PMU functions under the Ministry of Urban Development, Water Supply and Drainage and will be responsible for ensuring the implementation of the SMF in all selected districts. At PMU level, the Chief Sociologist of the NWSDB will ensure that social safeguards activities are in conformity with the SMF and that necessary guidance and budget is provided to implement these plans. The PMU will be supported by several sub level implementation mechanisms. Following table shows the type of activities and staff responsible for implementation of social safeguards management at different levels.

Table 8 Implementation responsibilities of safeguards work

<b>Implementation Unit/Officer</b>	<b>Responsibilities</b>
<b><u>Project Management Unit (PMU)</u></b> Chief Sociologist Senior Community Development Officer	Guide and implement social safeguards activities. Finalize social safeguards documents and submit to the Bank for review and clearance. Conduct stakeholder consultations and implement gender action plans. Developing and Compliance monitoring system and implement at all levels
<b><u>District Support Units (DSU)</u></b> Sociologists Community Development Officers	Prepare relevant social safeguards documents, community mobilization and preparation of sub project level social profiles and grievance redress.
<b><u>Urban Small Town Units</u></b>	Conduct social screenings and prepare due

<b><u>(USTU)</u></b> Community Assistants	Development	diligence reports for safeguards management. Engage in community mobilization activities, form and strengthen WUAs and provide implementation support for sanitation program and grievance redress
<b><u>Pradeshiya Saba Rural Units PSRU</u></b> Community Assistants	Development	Conduct social screenings and prepare due diligence reports for safeguards management. Engage in community mobilization activities, form and strengthen WUAs and provide implementation support for sanitation program and grievance redress
<b><u>Plantation Support Units (PSU)</u></b> Community Assistants	Development	Conduct social screenings and prepare due diligence reports for safeguards management. Engage in community mobilization activities, form and strengthen WUAs and implementation support for sanitation program and grievance redress

## 5. Gender Mainstreaming Strategy

Water and sanitation is key to household wellbeing and community livelihood improvement. The social assessments of past WASH projects show that lack of sustained access to safe drinking water and sanitation affects gender inequality. Women and adult girls spend considerable amount of time walking long distances to fetch water for both consumption and other domestic purposes. Social norms and values are biased against women particularly in rural and estate communities where women are primarily made responsible to look after the water needs at domestic level. When water resources are not available within their easy reach, women travel long distances, wait in long queues and carry their heavy water vessels back to their homes. In some situations, such travels cause much insecurities and threats to the lives of women and girls. Therefore, initiatives to provide stable supplies of water to individual households would immensely benefit women and particularly those from poor households. Women can save much of their valuable time and use both their energies and time to engage in other productive activities. Furthermore, improved sanitation and hygiene practices will also have major positive social impacts on women and girl children. Access to improved sanitation facilities at household level will significantly contribute to the enhancement of health conditions of women and girls, their privacy and security. Overall, the project will have significant positive social impacts on women in terms of access to improved water and sanitation facilities, decrease of their burden of having to draw water from faraway places while waiting in queues and saving of their time which could be utilized to engage in productive activities. Hence, the project will implement gender specific planning tools in selection and prioritization of sanitation facility provision for the districts.

The project envisages the participation of both men and women in realizing its goals and objectives as well as ensuring its sustainability. With its main thrust on the reduction of poverty and vulnerability, the project will carry out gender assessments and consultations. Consultations with men and women will focus on eliciting their perceptions, issues, priorities and suggestions. Outcomes of the consultations will be incorporated into project designs and planning. Furthermore, active participation of women in Water User Associations and Social Audit Committees (explained later) to be formed under the project will be assured by assigning

a quota for women's representatives, for example, one third of the total membership. Women's participation in those community level associations and committees will facilitate them to perform a dynamic role in designing, planning and the management of micro level water supply systems and sanitation facilities.

The Project level M&E system will also include among others a set of gender sensitive indicators that measure the project's impact on women. In this regard, the staff of the client agency will be trained to adopt gender sensitive M&E indicators in project progress review and monitoring processes. Furthermore, subsidy schemes will be instituted to support poor and vulnerable women headed households to obtain water connections to their houses and payment of tariffs. Educated young women selected from subproject locations will be assigned to facilitate community mobilization processes which are an essential part of the project preparatory stage.

The project will also pay special attention to the female heads of households – particularly the poor and vulnerable who are facing burdens of family and economic responsibilities. The community mobilization program to be supported under the project will create awareness and encourage women to participate in WUAs and community level decision making for water supply project planning and sanitation provision. Final social impact assessment of the NEP WASH project clearly shows that it provided opportunities for women to assume positions of responsibility and influence in decision making processes through the WUAs. The WSSIP will build on these success stories and good practices of gender mainstreaming of NEP-WASH project.

Some of the key activities under gender mainstreaming strategy will include:

- Sensitization programmes on gender issues for both men and women, Community Based Organizations and local authorities to ensure that women take an active part in decision making and that gender concerns are dealt with properly.
- Special capacity building activities targeting women members of WUAs and other CBOs at the community level.
- Special awareness raising activities to raise awareness on gender equality issues in provision of water supply and sanitation benefits at the community level.
- Hiring women as community mobilization staff in the Project
- Nomination of women representatives in community based monitoring systems such as social audit committees
- Gender segregated indicators and data collection methods included in Project level M&E system to measure impact of the project on women

#### **6. Grievance Redress and Citizen Engagement Mechanism**

The project will establish a Grievance Redress Mechanism (GRM) which will be transparent, objective and unbiased to address any issues or grievances related to both environmental and social safeguards. The GRM will operate at three different levels. The lowest level of the GRM is at the site ( sub project) level where the project implementation and/or supervision team at site will keep a feedback register and receive project related complaints, comments or suggestions from the local level stakeholders. The project team will review the feedback and take appropriate actions. The middle level of the GRM will seek to resolve an issue quickly, amicably, and transparently out of courts in order to facilitate activities to move forward. This middle level GRM will be established at Divisional Secretariat/Local Authority level to respond

to grievances brought to their notice by the general public and the Social Audit Committees (SACs), WUAs and other stakeholders. The representatives of the local community will also be included as an impartial third party in the grievance redress process.

All grievances received will be entered in a dedicated database and updated regularly. Database will include information on the date of receipt of grievance, type of grievance and resolution and the date of resolution. The GRM will be monitored regularly, as it provides important feedback on the functioning of the project.

At the national level, all stakeholders including community groups will have the opportunity to make complaints, if any, related to the projects through a Grievance Redress Service of the Bank. This system allows communities and individuals who believe that they are adversely affected by a World Bank supported project may submit complaints to existing project-level grievance redress mechanisms or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaints to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's Corporate Grievance Redress Service (GRS), visit (<http://www.worldbank.org/GRS>). For information on how to submit complaints to the World Bank Inspection Panel, visit [www.inspectionpanel.org](http://www.inspectionpanel.org)."

Engagement of citizens is anticipated at two different levels: At the subproject level, Social Audit Committees (SAC) will be established. The SACs will be constituted by CBO leaders and the representatives of women and youth from the respective Grama Niladhari divisions where subprojects are implemented. A Social Audit system will not only provide a mechanism to receive citizen's feedback but also to ensure accountability on the part of service deliverers. Furthermore, it allows the beneficiary participation in the process of project management. Sub project level SACs will have responsibility of overseeing the quality of the work carried out by contractors, implementation of activities related to social and environment safeguards, and providing feedback on the status of project implementation to the district level authorities. Social Audits will be conducted at two different levels, first at the stage of moving from project planning to project implementation; and secondly, at the time of project completion and commissioning.

At project level, sub-project steering committees will be established with representatives from the Water Board, Community Water Department, and Planation Human Development Trust (PHDT) and civil society organizations. These Sub-Steering Committees will be entrusted with the tasks of decision making relating to project implementation, reviewing the progress of sub project level implementation including safeguards, social inclusion and equity aspects, complaints and reports submitted by SACs on the quality and issues of sub project level contracts and taking appropriate action to address any issues arising from project implementation.

The project will also make arrangements to conduct public consultations, social mobilization and establishment of water user groups, and continuous social impact assessments that are necessary to ensure the compliance of social safeguard policies of the Bank and the government laws.

Nevertheless, an initial social assessment will be carried out for the districts (WSSs) to identify potential social impacts, both positive and adverse and to suggest possible mitigation measures to minimize negative impacts if any. Among other things, the social assessment will examine, the equity and coverage of project benefits, project impact on poverty reduction and shared prosperity aspects, affordability to pay water connection fee and monthly charges by beneficiary families, inclusion of vulnerable and disadvantage groups who need special consideration, and the need for specific culturally compatible mechanisms for participation of e.g. women, disabled, elderly etc.

## **7. Stakeholder consultation and disclosure requirement**

Public consultation is an integral part of the sub project identification and implementation. The community as well as other local level stakeholders should be involved effectively in taking all decisions during the planning process, especially in selecting and finalizing options for water supply and sanitation facilities. The community is free to make observations, request for clarifications or forward their requests at these consultations, which will be paid due attention and consideration. The WUA, comprised by the community members representing community interests, will be taking a lead role in project implementation and operation. As such, community interests are well presented in the proposed sub-project cycle.

For the preparation of this framework, series of community level consultations have been conducted in seven potential sub project areas during the period December 2015 to March 2015. On average, 30 to 40 participants from each sub project, including women and representatives of CBOs attended these community consultation sessions. These consultations were aimed at obtaining community views on present status of water and sanitation, problems and issues they are facing and suggestions for improved water supply and sanitation. The sub project technical designs proposed by the engineers were discussed with the community representatives and their suggestions and views have been incorporated in the designs.

- Consultations outcome pointed to the following:
- Affordability for the households to pay for water connections and monthly tariff
  
- Willingness of the Community based institutions such as temples and churches to donate part for their lands water assets development
- Willingness of the Government institutions to transfer of lands for the project implementing agencies
- Willingness of private land owners to dispose their lands at market rates for project infrastructure work
- Request from the community to incorporates needs and priorities of women and children in project design
- Need for establishing community based system such as WUAs to manage water resources management
- Need for providing subsidies for women headed households, households with disable and old persons, households have no stable income

In addition, two workshops were held in Colombo for key stakeholders to get their inputs to develop the framework and to assess the possible social risks and mitigation measures, and the roles and responsibilities of implementing partner agencies. Consultations will be continued during social screening, project planning and implementation and during review and monitoring

exercises. During these consultations, information on project designs, alternate design options, and persons to be affected by subprojects and their entitlements, socio-economic benefits of subprojects, grievance redress procedures will be shared both verbally and in printed form. Summaries of all safeguards documents (e.g. screening reports, DDRs, RAPs etc.) will be made available to the communities as well as other relevant stakeholders in local languages.

## **8. Monitoring and Reporting Procedure**

The monitoring and reporting system is integral to social safeguards and the Project will establish a monitoring and reporting system to ensure efficient and effective implementation of the project and its compliance with social safeguards. Furthermore, the monitoring and reporting system will also ensure that proposed mitigation measures are implemented effectively to realize their intended results. The monitoring system will include guidelines and terms of reference, monitoring indicators, mechanisms and methodologies, frequency, documentation and reporting arrangements.

Monitoring will be conducted at both internal and external levels. Internal monitoring will be carried out by the PMU at the project level and the implementing partner agencies at the sub-project level. The Chief sociologist will play a key role at the PMU level in managing the overall monitoring system whereas the social development specialists and community development assistants will play an active role at the sub-project levels. Internal monitoring will focus on timely execution of safeguard activities in compliance with the SMF including the conduct of screening, impact surveys, mitigation planning, implementation of resettlement plans, if any, scheduling of civil works, role of contractors, managing safeguards consultants and their outputs, documentation of progress on the preparation of Inventory of Losses (IOL) and entitlement packages, disclosure and consultation, grievance registration and resolution, disbursement of entitlements, gender mainstreaming activities, and citizen participation and consultation. The PMU will also establish an external monitoring process with an independent consultant appointed to review and monitor the project's compliance with safeguard measures and to identify the strategies required for strengthening the social safeguards. Annual Social Impact Assessments (SIA) will be conducted to assess the subproject impacts.

The results and outcomes of monitoring will be documented and made available for public scrutiny in the form of monthly, quarterly, and annual reports and other theme based reports compiled at the request of the project management.

Annex 1

**Social Screening Checklist**

<b>Probable Involuntary Resettlement Impacts</b>	<b>Yes</b>	<b>No</b>	<b>Not Known</b>	<b>Details</b>
1. Will the intervention include new physical construction work?				
2. Does the intervention include upgrading or rehabilitation of existing physical facilities?				
3. Is the intervention likely to cause any permanent damage to or loss of housing, other assets, resource use?				
4. Is the site chosen for this work free from encumbrances and is in possession of the government/community land?				
5. Is this sub project intervention requiring private land acquisitions?				
6. If the site is privately owned, can this land be purchased through negotiated settlement?				
7. If the land parcel has to be acquired, is the actual plot size and ownership status known?				
8. Are these land owners willing to voluntarily donate the required land for this sub-project?				
9. Whether the affected land owners likely to lose more than 10% of their land/structure area because of donation?				
10. Is land for material mobilization or transport for the civil work available within the existing plot/ Right of Way?				
11. Are there any non-titled people who are living/doing business on the proposed site/project locations that use for civil work?				
12. Is any temporary impact likely?				
13. Is there any possibility to move out, close of business/commercial/livelihood activities of persons during constructions?				
14. Is there any physical displacement of persons due to constructions?				
15. Does this project involve resettlement of any persons? If yes, give details.				
16. Will there be loss of /damage to agricultural lands, standing crops, trees?				
17. Will there be loss of incomes and livelihoods?				
18. Will people permanently or temporarily lose access to facilities, services, or natural resources?				
19. Are there any previous land acquisitions happened and the identified land has been already acquired?				

20. Are any indigenous people living in proposed locations or affected/benefitted by the project intervention?				
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Annex 2

**Social Screening Report Format**

**A. Description of the Activity/Intervention :**

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

**B. Justification of Intervention and Alternative Analysis:**

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

**C. Corridor of Impact:**

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

**D. Social Impact Assessment ( based on screening checklist findings) Screening Describe both positive and negative impacts**

**E. Estimation of Specific Impacts**

Components of the Sub Project	Private land required In Sq. m.	Land owners losing more than 10% of Land area	Governmental land required in Sq. m.	Forestland required in Sq. m.	No of houses affected	No of shops affected	No of other structures affected	No of squatters affected	Public utilities affected
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**F. Information on Affected persons**

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

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

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

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

**H. Decision on categorization**

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

- Categorized as an A project, a full resettlement plan is required
- Categorized as a B project, an abbreviated resettlement plan is required
- Categorized as an C project, no RP is required, Only Due Diligence Report is required

**Approval and Submission**

.....

.....

**Prepared by:**

Safeguards Consultant/Officer

Date:

**Approved by:**

Project Coordinator/ Director

Date:

## Annex 3

### Outline of Abbreviated Resettlement Action Plan

**(a) Project Description;**

Identify Project location and its features and implementing agencies.

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

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

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

Describe key national and donor policies related to land acquisition, payment of compensation and entitlements. Explain how NIRP and WB safeguard policies will be complied with.

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

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

**(e) Consultations;**

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

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

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

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

Specify the arrangements for M&E

**(h) Timetable and Budget.**

Prepare an Implementation Schedule including all resettlement activities from preparation to implementation.

**Annex 4 : Suggested Legal Contract for Voluntary Land Donations**

The following agreement has been made on.....day of .....between Mr./Ms .....aged ..... Resident of ..... GN.....District.....the grandson/daughter of ..... and son/daughter of .....

1. That the land with certificate no.....is a part of .....is surrounded from eastern side by .....western side by ..... on northern side, by ..... and southern side by .....
2. That the owner holds the transferable right of ..... (unit of land) of land/structure/asset .....
3. That the owner testifies that the land/structure is free of squatters of encroachers and not subject to any other claims.
4. That the owner hereby voluntarily grants to the.....this asset for the construction and development of .....in.....GN/Location, ..... supported by the Water Supply and Sanitation Improvement Project for the benefit of the community.
5. That the owner will not claim any compensation against the grant of this asset nor obstruct the construction process on the land in case of which he/she would be subject to sanctions according to law and regulations.
6. That the GN/DS/ Local Authority agrees to accept this grant of asset for the purposes mentioned and the voluntary nature of the transfer of the asset.  
That the Local Authority/.....shall construct and develop water infrastructure under the project and take all possible precautions to avoid damage to adjacent land/structure/other assets.
7. That the provisions of this agreement will come into force from the date of signing of this deed.

\_\_\_\_\_  
**Signature of the Owner**

\_\_\_\_\_  
**Signature of Grama Niladhari**

\_\_\_\_\_  
**Signature of the Divisional Secretary/ Chairperson, Local Authority**

*Witness:1*  
*2*





