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RESETTLEMENT POLICY FRAMEWORK

STRATEGIC CITIES DEVELOPMENT PROJECT (SCDP)
MINISTRY OF MEGAPOLIS AND WESTERN DEVELOPMENT
S R I L A N K A

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Abbreviations

APs	Affected Persons
APD	Assistant Project Director
BP	Bank Procedure
CBO	Community Based Organization
CCD	Coastal Conservation Department
CDO	Community Development Officer
CEA	Central Environmental Authority
DPD	Deputy Project Director
DDR	Due Diligence Report
DMS	Detail Measurement Survey
DPR	Detailed Project Report
DS	Divisional Secretariat
EA	Executive Agency
EIA	Environmental Impact Assessment
EM	Entitlement Matrix
FC	Family Card
GMC	Galle Municipal Council
GN	Grama Niladhari
GOSL	Government of Sri Lanka
GRC	Grievance Redress Committee
GRM	Grievance Redness Mechanism
IEE	Initial Environmental Examinations
IGP	Independent Grievance Panel
JMC	Jaffna Municipal Council
KMC	Kandy Municipal Council
LA	Land Acquisition
LAA	Land Acquisition Act
LAR	Land Acquisition Regulation
LARC	Land Acquisition and the Resettlement Committee
LDO	Land Development Ordinance
LPMU	Local Project Management Unit
LRC	Local Resettlement Committee
MOM&WD	Ministry of Megapolis & Western Development
MOU	Memorandum of Understanding
NBRO	National Building Research Organization
NCW	National Committee on Women
NEA	National Environment Act
NIRP	National Policy on Involuntary Resettlement
NPSC	National Project Steering Committee
OP	Operational Policy
PAA	Project Approving Agency
PAP	Project Affected Persons
PAF	Project Affected Families
PAH	Project Affected Households
PD	Project Director
PIC	Public Information Centre
PIB	Public Information Booklet
PMU	Project Management Unit

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PPAs	Project Partner Agencies
PPU	Project Preparation Unit
RR&R	Resettlement, Relocation and Rehabilitation
RAP	Resettlement Action Plan
RDA	Road Development Authority
RoW	Right of Way
RPF	Resettlement Policy Framework
RSA	Rapid Social Assessment
SA	Social Assessment
SCDP	Strategic Cities Development Project
SCSF	Strategic Cities Stakeholder Forum
SIA	Social Impact Assessment
SDO	Social Development Officer
SLLRDC	Sri Lanka Land Reclamation & Development Corporation
SM	Samatha Mandalaya
RPF	Resettlement Policy Framework
S/MOM&WD	Secretary Ministry of Megapolis & Western Development
UDA	Urban Development Authority
UNCEDAW	United Nation Convention on the Elimination of all forms of Discrimination Against Women
UNESCO	United Nations Education, Scientific and Cultural Organization
WB	World Bank

Glossary

Affected Person: Any person, group, community, people who, as a result of the implementation of SCDP, affected by loss of the right to own, use or otherwise benefit from land (Residential, agricultural, commercial), water, livelihood, annual or perennial crops and trees, a built structure, or any other fixed or movable assets, either in full or in part, permanently or temporarily.

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

Census: Complete enumeration based on household questionnaire survey that covers all affected persons, irrespective of ownership and entitlement, and their assets. It can be used to minimize fraudulent claims made by people who move into the project affected area in the hope of being compensated or resettled.

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

Cut-off date: The ‘date of the **start** of the census survey’. The cutoff date will be publicly announced and provided in all the RAPs. . The Cut-off date for eligibility for entitlement for the titleholders however, is the date of notification under the Land Acquisition Act (LAA). Persons who encroach on the area after the cut-off-date are not entitled to claim compensation or any other form of resettlement assistance.

Custodians of Community: Cultural Properties: A registered association or such other legally recognized organization or committee of people managing, looking after, or responsible for the upkeep of, and liabilities relating to the land and structures in the project area.

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

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

Family Card: A printed document in which details about the AP and Family, type and degree of impact and their entitlements are entered. This will be printed in duplicate. The original copy will be given to the AP and the duplicate in the custody of the PPAs. Whenever an entitlement is granted the AP will acknowledge receipt by signing on the card as having received the same, for transparency and record purposes.

Gender Equity: Recognition of both genders in the provision of entitlements, treatment and other measures under the Social Management Action Plan or Resettlement Action Plan.

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

Indigenous People: “Indigenous Peoples” is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees:(a) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;(b) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories (c) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (d) an indigenous language, often different from the official language of the country or region. Social Assessments confirmed that there are no IP communities live in selected urban regions for project interventions.

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

Implementation Schedule: Timeframe of activities of the project

Income Restoration: Re-establishing income sources and livelihood of people affected.

Land Lot: A land lot refers to a portion of land belong to a PAH/PAHH or government institution. The department of surveys, defines a lot as the basic unit of lands after demarcation of their boundaries

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

Livelihood: A means of living such as agriculture, animal husbandry, fishing, wage labour, services of various types etc.

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

OP 4.12: World Bank’s OP. 4.12 safeguard objective is to avoid or minimize involuntary resettlement, and where it is not feasible, assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

Project Affected Household (PAH): Any household or a family that faces an impact as a result of the implementation of the project, subproject activity, etc., loses the right to own, use or otherwise benefit from a built structure, land (residential, agricultural, commercial) annual or perennial crops and trees, or any other fixed or movable assets, either in full or in part, permanently or temporarily that could affect livelihood.

Project Affected Household Head (PAHH): Any person who is representing the head of family or household, as a result of the implementation of subproject, etc., loses the right to own, use or otherwise benefit from a built structure, land (residential, agricultural, commercial) annual or perennial crops and trees, or any other fixed or movable assets, either in full or in part, permanently or temporarily that could affect livelihood.

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

Reconciliation: The process of making it possible for different groups to exist together without being opposed to each other and develop the degree of cooperation necessary to share the society so that all will have better lives together than living in separation.

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

Rehabilitation: Re-establishing incomes, livelihoods, living and integration with social system.

Replacement Cost: The rate of compensation for lost assets should be calculated at full replacement cost. The replacement value is the cost that is adequate to purchase similar property of same quality in the open market and cover transaction cost. In applying this method of valuation depreciation is not taken into account. For losses that cannot be easily valued or compensated attempts are made to establish access to equivalent and culturally appropriate resources and earning opportunities.

Resettlement: A process to assist the displaced people and communities to replace their lost land, houses, assets and restore access to assets and services, and improve their socioeconomic and cultural conditions. It includes settlement of displaced people on buildable land or houses/apartments in the same locality with barrier-free access to basic amenities. New settlement schemes in the context of development projects following restoration of law and order including restoration of livelihoods, incomes and assets bases and assistance to rebuild life after being resettled are also included in resettlement.

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

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

Resident Land and Structure Owners: Owners with clear title deeds for the land and structures which they are currently occupying for their own use, residential, commercial, cultural or religious purposes.

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

Squatter: Someone who has occupied public or private land, developed structures on it and put such land into residential, agricultural or commercial use without obtaining development permission and formal title under law.

Sub Families: Second or third family living in the same house registered under the same or separate register of electors at least 3 years prior to the date of the order published under Section 2 Notice of Land Acquisition Process of the LAA.

Tenants and Lessees: Occupants that have legally taken any land or properties or both on rent or lease for a specific period with registered papers recording agreed terms and conditions as permitted under law.

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

Destitute Households: Socially and economically distressed households who may suffer disproportionately due to conflict or development induced displacement. They may include women headed households, extremely poor, disabled, refugees, internally displaced people, orphans, people who are living in welfare centers, recently resettled families during the post conflict period and others identified as case by case.

Executive Summary

Introduction: The Strategic Cities Development Project (SCDP) has originally three components. Component One deals with Greater Kandy Interventions with the key development concept to relieve traffic congestion and upgrade downtown services and livability to improve and sustain the world heritage city. Component Two is related with Greater Galle Interventions with the key development concept to integrate coastal development and management, stimulate tourism development and integration with urban centers through urban infrastructure/services improvement. Component Three aim to strengthen institutional capacity at metropolitan and local level and support project implementation. Currently, the project is planning to add a fourth component which includes another city region called Jaffna in the Northern Sri Lanka. This Resettlement Policy Framework (RPF), previously known as the Social Management Framework (SMF) is revision to the one already adopted for social safeguards compliance in respect of Kandy and Galle city region development interventions. This revised RPF responds to the need for addressing social situation in Jaffna City Region that is different to that of Kandy and Galle.

Project Description: Strategic Cities Development Project (SCDP) aims to improve selected urban services and public urban spaces in the participating City Regions of Sri Lanka. The project comprises of four components: Component 1 encompassing interventions in Kandy City Region, Component 2 covering interventions in Galle City Region, and Component 3 providing implementation support, and Component 4 covering interventions in Jaffna City Region. It targets two broad categories of strategic investments: (a) integrated urban services improvement to enhance functional aspects of the city, and (b) public urban spaces enhancement to enhance the attractiveness and livability of the city.

Kandy City Region Urban Intervention supports priority investments to relieve traffic congestion and upgrade Municipal services to enhance livability and to sustain the world heritage city and the agglomeration areas. *Galle City Region Interventions* supports priority improvements to reduce flooding, and upgrade public urban spaces to improve and sustain the City Region. *Jaffna City Region Interventions* support priority improvements to **relieve traffic congestion, improve drainage** including storm water retention ponds and **upgrade Municipal services** to enhance livability and to **sustain the cultural heritage** city and the agglomeration areas.

Potential Social Impacts: The majority of project interventions are expected to create significant social impacts by improving the urban environment and livability of the targeted city regions. However, long term adverse impacts are likely due to land acquisition and resettlement in a few sub-projects involving certain new constructions for urban upgrading and road expansion. No indigenous communities are present in the project affected areas, as clarified by Social Assessment (SA) carried out.

Based on SA, a RPF has been prepared to ensure sustainable resettlement of APs and recovery from adverse impacts on property and livelihoods arising from project interventions. It also provides a set of guidelines and measures to make sure that the all APs are able to improve or at least restore lost assets and livelihoods to the pre-project level. Accordingly, the necessary

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safeguard instruments such as Resettlement Action Plans (RAP) / Abbreviated Resettlement Action Plans (ARAP) and Social Screening Reports (SSR) will be prepared for the subprojects ready with engineering designs. Gender action plan, and a public consultation and participation plan will be developed to mainstream gender and public participation in project implementation. A separate communication strategy will be adopted to facilitate information dissemination, public consultation and participation.

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

Legal Framework and Past Experience: Sri Lanka's legal framework for safeguards consists of Acts (environmental and social), Cabinet decisions, precedents created by Case Law and administrative procedures. The Land Acquisition Act (LAA) 1950 permits acquisition of private lands for public purposes, paying compensation and grievance redress. However, it does not address resettlement issues, including impacts on non-titleholders. NIRP 2001 provides for addressing resettlement and rehabilitation issues including payment of compensation at replacement cost. The Land Acquisition Regulations 2008 and 2013 incorporate many of NIRP principles and sets out refined procedures including payment of compensation based on market value for land, structures and crops affected by the project. The government has previous experience in managing projects involving LA and applying Rehabilitation and Resettlement (R&R) policies acceptable to external donors such as World Bank, ADB and JICA.

Social Management and Mitigation Measures: RPF in addition to setting out the principles and guidelines, elaborates on the key steps to be taken in involuntary resettlement planning and execution. The Cut-off date for eligibility for entitlement for titleholders is the date of publication of Section 2 Notice under the LAA; for non-titleholders RPF defines it as the starting date of census survey. Persons who encroach on the project affected area after the cut-off-date are not entitled to claim compensation or any other form of resettlement assistance. The "Entitlement Matrix" explains the category and type of loss and the eligible category for entitlements. As the LAA does not address all types of losses, the involuntary resettlement policies (NIRP and World Bank safeguards) are applied to address such issues. All losses as a result of implementation of the SCDP will be compensated. The acquired properties will be compensated at replacement cost based on the prevailing market rates. Income Restoration Strategy suggests that those who will incur income/ livelihood losses will be provided with Income assistance for six months or a livelihood restoration assistance. Severely affected poor and vulnerable households will be offered vocational or skills training, income opportunities,

or livelihood assistance depending on their losses they are entitled to compensation listed in the LA regulations 2008 and 2013.

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

Implementation Arrangement: The Project will be implemented by a dedicated Project Management Unit (PMU) of the Ministry of Megapolis & Western Development (MOM&WD) and the sub-projects will be consulted and supervised by Project Partner Agencies (PPAs) including those under the Provincial Councils, namely, UDA, Road Development Authority (RDA), Coastal Conservation Department (CCD), Irrigation Department, National Water Supply & Drainage Board (NSWDB), Kandy Municipal Council (KMC), Galle Municipal Council (GMC), Jaffna Municipal Council (JMC) and other local government authorities which are within the regions of Greater Kandy, Greater Galle and Greater Jaffna. The institutional arrangements for implementing RPF/RAP will include establishment / strengthening of Social Management Cell at the PMU; establishing LA and R&R teams in each PPA to carry out/coordinate social screening and resettlement impact survey; preparation and implementation of RAPs for the activities (with the help of consultants if needed); a four stage GRM; (Independent Safeguard Monitoring and Review Mechanisms). The overall coordination of LA and Rehabilitation and Resettlement (R&R) activities will be vested with the PMU.

Grievance Redress Mechanism (GRM): A multi-stage GRM will be established with the Local Resettlement Committee (LRC) working as the first stage GRC. If an AP is not satisfied with GRC's decision, the grievance could be submitted to the PD within a week. The PD will take a decision in consultation with the PPA concerned within 3 weeks. If PD's decision too is not acceptable to the AP, he or she can appeal to the Independent Grievance Panel (IGP). The IGP will comprise representatives from Ministry of Land, Ministry of Local Government & Provincial Councils, Department of Valuation a lawyer, a retired senior government servant and a representative of recognized Civil Society Organization and/or person proposed by the APs.. If the decision given by Secretary Ministry of Megapolis & Western Development is not acceptable to the AP concerned, the AP can have recourse to Courts of Law. Thus, an AP has four internal grievance redress levels to resolve his or her grievances before seeking intervention by courts.

Social Accountability, Inclusion and Gender: RPF emphasizes on the need to pay special attention on these aspects. It therefore provides principles for strengthening social accountability and inclusion through public information; citizen involvement in planning and monitoring of services. In respect of social inclusion and gender mainstreaming, RPF sets out guidelines for ensuring participation of women in resettlement planning process and special assistance to the economically weak, women-headed and vulnerable households for restoring their livelihoods and incomes that may be affected due to resettlement.

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

1. Introduction

1.1. Background

1. Sri Lanka's urban structure has the potential to evolve into a system of competitive and well-linked cities, given the country's growth potential in tourism, port and education. Achieving this vision will also be facilitated by Sri Lanka's small territorial size and easy topography that will allow several cities to be within a few hours trip from Colombo Metropolitan Region. The economic sustainability of the vision rests on harnessing the growth potential of Sri Lanka's cities as a system or network.
2. However, a number of obstacles are preventing the Sri Lankan cities from realizing its full economic potential. Infrastructure provision and service delivery are institutionally and sectorally fragmented, especially at the local level. Municipalities are responsible for a fairly limited mandate while many other areas are coordinated and managed by various agencies at the national level. Basic urban services and infrastructure are inadequate to meet growing demand, while the limited financial and human resources available to local authorities, combined with their lack of coordination, hinder effective delivery and operation and maintenance of the existing local infrastructure and services
3. Considering the above constraints, there is an urgent need for a project which can contribute to the improvement of urban services & infrastructure and livability in strategically important cities of Sri Lanka. This would be achieved through shaping city transformations based on the cities' cultural and economic assets with strategic investments.

1.2. Aims and Objectives of the Project

4. The proposed project aims to bring about city transformation through strategic investments by leveraging on the city/city region's particular cultural and economic assets. It is proposed that the Government of Sri Lanka (GoSL) sets out a Sri Lanka Strategic Cities Development Program as a common platform where the WB embarks on the first phase of development for two pilot cities, Kandy and Galle, as demonstration, and expanded to Jaffna and other selected cities. The government and/or other development partners could undertake further investments in other strategic cities in parallel or subsequent phases.
5. This project targets two main categories of strategic investments: (i) integrated service delivery – with system-wide basic urban services improvement thereby enhancing the functional aspects of the city; and (ii) integrated urban planning – with catalytic urban upgrading efforts thereby enhancing the attractiveness and livability of the city.

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Improving the functionality and the livability of cities would boost the economic competitiveness of these strategic cities and bring about economic growth.

6. The two selected city regions undertaken by the project – Greater Kandy and Greater Galle – share similar characteristics. Based on the night-time lights analysis for Sri Lanka, the two areas appear to be the most urbanized regions outside of Colombo Metropolitan Region. Both Kandy and Galle are attracting population and economic activities faster than they are able to keep up with service delivery; and both have existing or planned market access points (e.g. southern expressway to Galle and planned expressway access to Kandy) that allow the benefits of agglomeration to be realized. In both cases, a metropolitan management approach will be adopted whereby the surrounding areas outside the functional city boundaries will be considered as one agglomeration.
7. Under additional financing Jaffna, which is the capital of Northern Province and the second largest city of Sri Lanka that has been affected by the prolonged civil conflict and where the majority of the population constitutes Sri Lanka Tamils, has been selected to expand urbanization development agenda to contribute to the revival and restoration of linkages and transactions that Jaffna has always maintained with the rest of the country. It also focuses on bridging regional disparities in development through sufficient transfer of resources.

1.3. Brief Description of the Project

8. The project comprises four components. Component 1 encompasses interventions for Kandy City Region. Component 2 focuses on the interventions for Galle City Region. Component 3 provides implementation support and technical assistance activities with the objective of increasing the technical capacity of municipalities to plan and implement their own infrastructure projects. Component 4 prioritizes interventions for Jaffna City Region.

1.3.1. Component 1: Kandy City Region Urban Interventions

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

1.3.2. Component 2: Galle City Region Urban Interventions

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

1.3.3. Component 3: Implementation Support and Capacity Building

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

1.3.4. Component 4: Jaffna City Region Urban Intervention

12. This component aims to expand urban services delivery, improve drainage systems and revival of archaeologically significant sites through key urban interventions. This includes (i) urban upgrading and restoration of important cultural heritage sites, including enhancement of public urban spaces, restoration and adaptive reuse of historic and landmark buildings, (ii) connectivity improvements such as rehabilitation of link roads, public transport and traffic management measures, and (iii) Drainage and storm water retention ponds improvement to reduce flooding and increase retention of storm water. In addition, (iv) Capacity building for project implementation and strategic TA for selected interventions for Jaffna city region development is envisaged.

1.4. Potential Social Impacts of the Project

13. Many of the project interventions involve reconstructions and rehabilitation activities required for urban upgrading and expansion of service delivery. With critical strategic interventions selected for development the livability of the cities will be improved and the enhanced service delivery will create important development opportunities and benefits to the city residents, commuters and connected cities and hinterland. However, land acquisition and resettlement is expected to trigger negative social impacts some of which are temporary and others permanent in a few interventions under the proposed urban interventions like Madawala - Digana road expansion, improvements to Moragoda Ela, City center improvements in Galle, and road/ drainage/ storm water retention pond rehabilitation in Jaffna intervention. To mitigate such impacts, the project will choose reconstructions and rehabilitation of existing facilities instead of new constructions that involve no or limited land acquisition and resettlements. Where land acquisition and relocation is unavoidable, the project will follow appropriate measures to ensure safeguards compliance in line with government legal framework and Bank policies.
14. The project follows programmatic approach in its design and implementation. Accordingly, the project will follow a two-pronged approach in its safeguard planning. Initially, Resettlement action plans will be prepared for all subprojects whose conceptual designs are complete. For the subsequent schemes, the resettlement action plans will be developed in line with this policy framework when the engineering designs are complete.
15. No indigenous people or groups reside in the city regions selected for the project. The only historically known indigenous people called Vedda (forest dwellers) 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. Social Assessment clarified and confirmed that no Veddas are resident or use land or other resources present in the selected project areas.
16. Gender, public consultation and participation are important dimensions of the project. The social assessment reveals that gender and social inclusion is particularly important in Jaffna SCDP intervention. Resettlement impacts and other adverse impacts are known to be hard on females. Already, the employment structure is characterized by male dominance. In the conflict affected areas including Jaffna has significant number of female headed households and population of working women. Resettled households with female head are likely to be more vulnerable. Public consultations are undertaken to provide project related information, incorporate their views and recommendations for project development as well as build partnership and continued engagement during the entire project process. Accordingly gender action plans and public consultation and participation plans are developed to mainstream gender and public participation in the

project implementation. A separate communication strategy is being prepared to facilitate information dissemination, public consultation and public participation.

1.4.1. Key Findings of Social Assessment

17. The SCDP interventions in city regions vary due to the structure and uniqueness of each city. Kandy, especially its city center lacks space for further lateral expansion. The city as a hub of transport also faces a chronic traffic congestion. At the same time Kandy is a living World Heritage City with unsurpassed natural environment to its credit. Overall, there is general consensus among the stakeholders including the public about the following: 1) City should remain a heritage city; 2) Natural beauty should be preserved while transforming into a modern city; 3) The central issue, which is the traffic problem in the city, must be resolved. In this context the SCDP interventions are socially assessed in positive terms: a) all stakeholders agree that all project interventions will positively impact on the city and its population; b). the project interventions will ease the congestion of the city and make the city more people friendly; c) the project interventions will make the city more aesthetically pleasing and attractive; and d) the project interventions will contribute to improve retail business and tourism in the city.
18. Galle, which is located in the Southern Coastal region, is also considered one of the historical cities. SCDP interventions include drainage and canal improvements within the city region to mitigate flood damages, beach paths development, historic Fort rampart development, and development of inner circular road with connected access roads in Galle City. These interventions aim at improving accessibility to the beach and reduction of the pedestrian congestion of the city, increasing scenic beauty of the city, solving flood situation and improvement of agricultural land in the upper streams of the Moragoda canal together with improvement of the roads system along the canal. The stakeholders including Galle Municipal Council, Galle Heritage Foundation and the Civic Society Organizations welcomed the project which they believe will transform the city into a people friendly and tourist attraction in the long run.
19. Jaffna City Region covers an area of 20.2 sq. km. and consists of Jaffna DS Division and part of Nallur DS Division that combine to make up the area of authority of Jaffna Municipal Council. Jaffna is the capital of Northern Province and the second largest city in Sri Lanka. The city has a total population of 90,658 contributed to by Hindus (nearly 60%) and Christians (about 35%)¹. The district including the archipelago on the other hand has a total population of 583,882 made up of 46.3% males and 53.7% females. Nearly 99% of the district population is Sri Lanka Tamils. The employed persons numbering 154,562 in total, includes 26,474 government officers (11,467 females), the largest category followed by the private sector employees who number

¹ Jaffna Municipal Council (Consultation held on 18 November 2015 with the Commissioner)

14,242 persons of which 3,342 are females². Overall, the employment situation is thus dominated by the males except for such sectors as beauty culture, garland making, textile production, and food production. Nearly 200,000 people commute to the city center daily. Housing density in Jaffna is high. According to the UDA, housing shortage is 5.8%, semi-permanent and temporary houses make up 18% and 13% respectively. There are houses with poor conditions, particularly in the coastal areas where poor people are resident. Disposal of wastewater from households and business premises without treatment to the storm water drainage structures and retention ponds is a main problem.

20. The district has unique socio-demographic profile which consists of conflict affected resettled people, female headed households, persons in welfare centers, isolated & impoverished island communities and households receiving income transfers from abroad³. The resettled community includes 97,052 persons in total in Jaffna district and consists of three groups: the internally displaced person resettled (39,413), the returnees from abroad resettled (2,267) and the persons resettled in cleared areas (55,372), whereas there are 4240 persons yet remaining in welfare centers⁴.
21. Jaffna has earned reputation on account of being location for archaeologically, historically and culturally important places for Hindus and Buddhists as well as natural sites such as beaches. The Department of Archaeology has identified most of the archaeological sites. Some of the important religious places include Vallipuram Vishnu temple, Nallur Murugan temple, Naguleswaran Sivam temple, Nagapipa Buddhist Temple, Dutch Church, and St. James' Church. Among the historically important places are the Manthiri Manai (king's palace), Jaffna Fort, Hammenhein Fort, Delft Fort, Entrance Arch at Jaffna, and Jamuna pond. Stakeholders identify these places as potentially important for developing tourism and hospitality industry.
22. Through a network of roads and a railway line Jaffna is connected with the principal towns and market centers of the country. Jaffna DS Division has 35.15 km of roads contributed to by 17.23 and 10.44 of 'A' class and 'B' class roads, the balance being Class 'C' roads. There is need for improved connectivity and transport services. Bicycles and motor bicycles are popular modes of transport. Traffic congestion is part of common experience. There is social demand for interventions to ease traffic congestion and improve infrastructure.
23. Public spaces such as drainage reservations, including the storm water retention ponds, have been encroached upon⁵. At least in one instance, a storm water retention pond was

² District Secretariat, Jaffna (2015). Statistical Handbook – 2015

³ On this point, the stakeholders observed that the poor people are not significantly supported this way; it is the relatively well to do who receive such assistance, and moreover such assistance has resulted in the construction of many temples anew in private properties for family worship in Jaffna peninsula

⁴ District Secretariat, Jaffna (2015). Statistical Handbook – 2015

⁵ At the Kick-Off Meeting with the Stakeholders it was observed that at least 50% of the ponds have been encroached upon by people

reclaimed by the authorities to build public facilities. Flooding occurs in low-lying areas during rain periods. Stakeholders and communities articulate interest in rehabilitation of storm water retention ponds that serve important functions, environmentally and socially. These ponds are iconic and described as part of Jaffna heritage.

24. Jaffna has entered a rapid urbanization phase after three decades of internal conflict environment. Social expectations for improved city and urban centers is reflected in the UDA plans to boost urbanization that includes ‘Jaffna City’ (bounded area extending over 40 sq.km. inclusive of the present JMC area) development, as well as the creation of connected satellite cities such as Mankulam⁶. On the other hand due to the main road closure during the Nallur temple festival, traffic deviation through a narrow road causes severe traffic jam, and there is a social demand for expansion of this particular road. In addition, there are key areas such as wastewater management, drinking water supply, and drainage that the stakeholders have identified for total city development, which they acknowledge cannot be fully accommodated in the present project.

Summary of key findings from the Rapid Social Assessment is appended (Annex 1).

1.4.2. Key Social Risks

25. The SCDP project interventions in Kandy both the road rehabilitation and restoration of heritage have been identified by almost all stakeholders as essential to solve the fundamental problems of the city and to maintain it as a modern city and a World Heritage site. The phase one projects of SCDP do not lead to significant adverse social impacts. A large number of narrow strips of lands along the roads proposed for project support are affected but they will neither have any significant impact on the dwellings, nor the income sources of the APs. Only a few houses will have to be relocated due to certain roads subprojects. The restoration of heritage buildings will not have any impact on local businesses as the process of rehabilitation will not deter the public and tourists visiting these sites.
26. In Galle, Moragoda Canal has been misused by the inhabitants for decades and badly managed by the respective authorities. Consultations with the communities living beside the canal indicate that they have high expectations of the proposed development and are willing to cooperate with the implementing agencies because they believe that this intervention will result in improved quality of life that directly benefit them. Nevertheless, canal rehabilitation is likely to impact on the illegal structures that the encroachers have constructed on the canal reservation. Thus, there will be some physical displacements and resettlement requirements as a result of implementation of some project activities.

⁶Presentation by UDA at the Kick-Off Meeting with Key Stakeholders, held on 17 November 2015 at the District Secretariat

27. In Jaffna, urban upgrading and revival of important cultural heritage sites and storm water retention ponds rehabilitation are important strategic interventions that may address some key issues of city region development and post conflict re-integration needs. However, there are social issues and risks identified during consultations involving implications for project implementation. For example, issues of reclaiming the encroached lands that belong to the heritage sites and drainage and storm water retention ponds and reservations, difficulties in regulating improper waste management practices that carry implications for maintenance of ponds once rehabilitated, unravelling complex land ownership and tenure systems, and limitations on availability of land etc. will lead to delays in project implementation. It was also noted that in some cases there may be issues during the process of the land acquisition and resettlement arising from non-availability of legal documents of proof of ownership as some families may not have taken advantage of the procedures introduced by the government to issue legal documents in place of the lost or damaged documents during the conflict period which could delay project implementation. Roads and traffic improvement interventions may have temporary and permanent impacts during construction period on livelihood of certain urban communities such as vendors, informal traders and businesses who conduct business on the road sides, pavements and the public places identified for project interventions. They may face difficulties in continuing their business activities during project constructions. Encroachers residing around the storm water retention ponds in Jaffna City Region may offer resistance to proposed interventions while the continued practices such as using these places for disposal of waste water and solid wastes will obviate the intended development benefits. Community preferences including those related to the revival of religion and culture should be brought within the project design as long as they are technically feasible and financially viable or worthwhile overall. In Jaffna City Region, important users of the city services such as the students and commuters may face disturbances during urban upgrading activities. Lack of active community based organizations is also an obstacle for interventions. To mitigate impacts due to land acquisition reconstruction and restoration activities would be prioritized. To manage the political dimension suitable institutional arrangements will be evolved after discussion with stakeholders.

1.5. Purpose and Structure of the Resettlement Policy Framework

28. Projects and Programs financed with IDA resources need to comply with World Bank Operational Policies. Therefore, sub-projects and components eligible for funding under this project will be required to satisfy the World Bank's safeguard policies, in addition to conformity with legislation of the Government of Sri Lanka (GOSL) related to land acquisitions and involuntary resettlement. Since detailed designs for a majority of sub-projects or investments under SCDP have not been finalized at this stage, only a framework approach has been adopted to address broader social safeguards issues.

29. This Resettlement Policy Framework (RPF) sets out principles and guidelines to identify and assess the potential social impacts and risks and prepare mitigation plans as part of preparation of future sub-projects. Thus, RPF lays down principles and

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procedures for identifying impacts, providing entitlements, institutional arrangements for implementing social/resettlement action plans including grievance redress, consultation, participation, disclosure, monitoring and evaluation of progress and outcomes, and budget. RPF also stipulates supplementary guidelines for a more participatory approach through strengthening social inclusion and accountability. Based on the RPF, social screening and impact assessment will be carried out and resettlement action plans prepared for the sub projects as and when necessary.

2. Policy and Regulatory Framework on Involuntary Land Acquisition and Resettlement

2.1 General

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

2.2 National Policy and Regulatory Framework

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

2.2.1 Legal and regulatory framework in Sri Lanka on Land Acquisition

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

- A. *Land Acquisition Act No. 9 of 1950 as amended, and Land Acquisition Regulations of 2008 and 2013*
- B. *State Lands Act No. 13 of 1949*
- C. *State Lands (Recovery of Possession) Act No. 7 of 1979*
- D. *Land Development Ordinance No. 19 of 1935*
- E. *Prescription Ordinance No. 22 of 1971*
- F. *Law of Compensation for Improvements*
- G. *Land Commissioner General's Circular- 2014/02*
- H. *National Environment Act No. 47 of 1980*
- I. *Road Development Authority Act No. 73 of 1981*
- J. *Urban Development Authority Law No. 41 of 1978*
- K. *Municipal Councils Ordinance No. 29 of 1947*
- L. *Urban Development Projects (Special Provisions) Act No. 2 of 1980*
- M. *Sri Lanka Land Reclamation and Development Corporation Act No. 15 of 1968*

- N. *Temple and Devalagam Act.*
- O. *Rent Control Act 1972 and Rent Amended Act of 2006*
- P. *Thoroughfare Ordinance*
- Q. *Crown Land Encroachment Ordinance*
- R. *Mahaweli Authority Act of 1977*
- S. *Forest Ordinance as amended and all other relevant legislations*
- T. *Tesawalamai Law*

a) *Land Acquisition Act No. 9 of 1950*

33. Land acquisition for public purposes is guided by the provisions and procedures outlined in the Land Acquisition Act No. 9 of 1950. 13 of 1986. Further the LA Regulations, 2008 were passed in Parliament on March 17, 2009 and made effective by the Government Gazette no 1596/12 of April 7, 2009. The Act provides a framework for facilitating land acquisition within the country, 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 takes anywhere between a few months to about 2-3 years to complete the process. The main features like minimum time period for the tasks, elements and the procedures involved in the process of acquiring land for public purposes are shown in Annex-III. Further regulation passed by parliament under LAA in 2009 and made effective by the Government Gazette no 1956/12 of April 7, 2009. The Act discourages unnecessary acquisition and the land should be used for the purpose for which it is acquired.
34. A major cause for delay in land acquisition arises with respect to the compensation procedure with attendant legal proceedings. There is also provision under section 38A of the LAA to acquire lands under an urgency clause. The law discourages unnecessary acquisition, as lands acquired for one purpose cannot be used for a different purpose, and lands that remain unused be returned to the original owners. Several progressive provisions have been introduced in the LA Regulations of 2008 such as the provision of compensation for affected land at market rates, reconstruction cost of structure without depreciations, valuation for whole plot of land for determining proportional unit cost for the affected land parcel, business losses, relocation assistance etc. (Annex 2)
35. One of the inadequacies of the LAA is that the onus to prove ownership or interest in, demonstrate clear title to, gather all information and submit a compensation claim in respect of, land to be acquired, is on the AP. Often displaced persons are not aware of their rights or time frames to be observed under the LAA, or they are aware but are ill-equipped to deal with the procedures required and are also not experienced in dealing with various officials and documentation. To counter this, the SCDP will assist displaced persons in making their claims under the LAA as part of the consultation and participation process, which has been discussed in the chapter related to implementation arrangements. The Community Development Officers (CDOs) and the Civil Society Organizations (CSO) will play a facilitative role in assisting the APs in accessing their

entitlements. The process followed by SCDP with regard to land acquisition is given in Annex 3.

36. Displaced persons may face serious delays in the land acquisition process as such, in order to speed up the process; the PMU will have a special Land Officer to provide coordination support.
37. The provisions of LAA together with the compensation listed in the Government Gazette No.1596/12 of 07th April 2009 largely meet the requirements of the OP 4.12 with regard to paying compensation. However, the LAA does not address all aspects of losses due to involuntary resettlement, especially of the squatters as per the OP 4.12. Basically, the law is indifferent to the landowner's present socio-economic conditions or the long term adverse impacts on incomes and livelihood that the acquisition may cause on the affected people.
38. For the purpose of the determination of compensation, the market value of a land is generally the amount which the land might be expected to have realized if sold by a willing seller in the open market as a separate entity on the date of publication of the notice in the gazette. Strips of land on canal reservations were earlier assessed as narrow "separate entities" realizing a low market value. For marshy lands and encroached lands the encumbered value was computed realizing a low market assessment. This has changed with the LA Regulations of 2008, which provide that, the unit value of the land shall be calculated by taking into consideration the whole plot of land and not the narrow strip required for the project.
39. As per the LAA, the Ministry of Land is responsible for undertaking land acquisition, through the acquisition officers appointed by the Minister of Lands and gazetted for the information of the public All Divisional Secretaries are ex-officio Acquisition Officers, whereas the Valuation Department is responsible for valuation. The law stipulates compensation only for the affected persons who are in possession of valid titles and such titles registered in the respective Land Registries. It does not recognize the rights of the non-title holders such as squatters, who do not possess legal title to the lands they live in or make a living from. There is thus no provision to mitigate the adverse impacts they suffer under the LAA. However, the entitlement matrix (EM) provided in this RPF offers compensation and Resettlement and Rehabilitation (R&R) assistance to the affected non-title holders.
40. The LAA provides for compensation for lands and other fixed assets built and grown on them (structures, trees and orchards and crops). And for loss of income for those who could prove their income losses by documentary proof up to a maximum of average net profit for the three years immediately preceding the publication of Section 07notice 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.

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

b) National Involuntary Resettlement Policy 2001

42. NIRP 2001 was approved by the Cabinet to address the shortcomings of LAA and treat APs in a fair and equitable manner. It called for a protective framework for the people who are displaced due to development projects to ensure that their rights are respected and that they are not impoverished or do not suffer unduly as a result of public or private project implementation, Through the NIRP the displaced people are assured of a living standard comparable to that at the time of displacement. The main principles or features of NIRP may be stated as follows:

- Minimization and mitigation of negative impacts. Steps to be taken to avoid involuntary resettlement by reviewing alternatives to the project
- Guarantee adequate compensation to the affected persons in a timely manner. Compensation is based on full replacement value including transaction costs, and is calculated to include loss of land, structures and other assets and income. Compensation is not limited to the persons with documentary evidence of their interest in land. The policy provides for the authorities to re-establish livelihoods and income of the APs
- Inclusion of the APs in the relocation and resettlement process. The policy provides for resettlement action plans of varying levels of details depending on the number of people being displaced, to be published and to be made publicly available. RAP is prepared for any project requiring displacement of 20 or more persons. If APs are less than 20 RAP with less details is prepared. Further, it provides for the APs to be fully involved in the selection of sites of relocation. Through this process the APs are made stakeholders of the entire process.

43. The Policy thus ensures that (i) project affected persons are adequately compensated, relocated and rehabilitated; (ii) delays in project implementation and cost overruns are reduced; and (iii) better community relations are restored. It aims at ensuring that people affected by development projects are treated in a fair and equitable manner, and ensuring that they are not impoverished in the process. The Policy also enables establishing the framework for project planning and implementation that would meet international best practices in involuntary resettlement. The responsibility for reviewing and approving RAPs is vested with the Ministry of Land and Land Development.

44. NIRP is yet to be adopted into the legislation. Implementing agencies are not obliged to apply the principles enshrined in NIRP. Therefore, APs are unable to rely on NIRP principles, as a matter of right, in case their land is being acquired. Full compliance

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requires the government to amend the existing laws. However, NIRP is official and workable, and under conditions of political will, is capable of offering durable solutions and a way out of ethical and practical dilemmas in land acquisition and involuntary resettlement.

45. In order to address gaps in the original LAA (1950) and incorporate some of the provisions in NIRP, the GOSL has amended the law on several occasions. The following sections describe the regulations and amendments of the GOSL to the LAA since 2001.

c) National Policy for the Payment of Compensation

46. In November 2008 the Cabinet of Ministers approved a national policy to establish a uniform system of compensation payment. It superseded all other ad hoc and special compensation packages that existed on the date of the Cabinet approval of the policy. However, the project that had already introduced such relief schemes and published Section 2 under LAA before 01 September 2008 were allowed continue with the applicable package.
47. Under this policy, the parties dissatisfied with LARC decisions were permitted to appeal to a Review Board of Compensation that in practice as a rule, affirmed the LARC decisions.

d) Land Acquisition Regulations of 2008

48. LAR 2008, issued under Section 63 (2) (f) of LAA 1950 came into effect on 17 March 2009 provides for statutory payments of compensation (Annex 2). It provides compensation beyond 'market value' by incorporating compensation for injurious affection and severance (equivalent to the full cost of damage based on the market value of land acquired), and disturbances (in terms of Section 3.11, principle based on the 'value to owner' of the property affected as per the written claims submitted by the AP) (Gazette notification No.1596/12 of 7.4.2009), and permitting for reconstruction cost calculation without depreciation and valuation for the whole plot of land for determining proportional unit cost for the affected land parcel, business losses, relocation assistance etc. It also provides for the APs to be entitled for a hearing before land being acquired. However, the compensation due to affected parties will be exclusively determined by the valuation department. The Regulations stipulates minimum time periods for specific tasks, elements and the procedures for land acquisition.

e) Land Acquisition Regulations of 2013

49. The Regulations of 2013 exemplifies humane approach to land acquisition and provides for a comprehensive compensation package that goes beyond that prescribed in the 2009 Regulations. It provides for payment of 'Ex Gratia Compensation' and non-

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statutory payments of compensation through LARC and Super LARC systems to aggrieved parties who are dissatisfied with the statutory payments, and / or who are excluded from statutory payments under LAR 2008.

50. In view of the incidence of APs submitting claims to the mechanisms under the National Policy 2008 and the LAR 2008, the 2013 Regulations permitted development projects be designated as ‘specified projects’ by the Ministry of Lands with the ratification of the Parliament of Sri Lanka (Annex 4). Accordingly, 18 development projects have been declared as ‘specified projects’ in the government gazette No.1837/47 of 22.11.2013 for the purpose of payment of compensation. SCDP has been recognized as a “specified project” by Cabinet Paper Ref. No. 15/0773/614/022 dated 24th June 2015 (Annex 5).
51. The specified projects qualify to establish Land Acquisition and Resettlement Committees (LARC) in the divisional secretariat divisions where the persons affected by land acquisition can make their representations. Affected parties also have the opportunity of appearing before the LARC proceedings and those dissatisfied with LARC decisions on compensation may appeal to the Super LARC established at the national level.
52. The provisions of LAA together with the compensation listed in the Land Acquisitions Regulations 2008 and 2013 (Annexes 2 and 4) largely meet the requirements of the OP 4.12 with regard to paying compensation. . However, they do not address all aspects of losses due to involuntary resettlement, especially of the squatters as per the OP 4.12. Basically, the law is indifferent to the landowner’s present socio-economic conditions or the long term adverse impacts on income and livelihood that the acquisition may cause on the affected people. The EM outlined in this RPF has taken into consideration of all these aspects and ensures that all types of APs are entitled to receive compensations for losses regardless of their socio-economic status.
53. For the purpose of the determination of compensation, the market value of a land is generally the amount which the land might be expected to have realized if sold by a willing seller in the open market as a separate entity on the date of publication of the notice in the gazette. Strips of land on canal reservations were earlier assessed as narrow “separate entities” realizing a low market value. For marshy lands and encroached lands the encumbered value was computed realizing a low market assessment. This has changed with the LA Regulations of 2008, which provide that, the unit value of the land shall be calculated by taking into consideration the whole plot of land and not the narrow strip required for the project.
54. As per the LAA, the Ministry of Land is responsible for undertaking land acquisition, through the acquisition officers appointed by the Minister of Lands and published in the Government Gazette for information of the public. All Divisional Secretaries are ex-officio Acquisition Officers, whereas the Valuation Department is responsible for valuation. The law stipulates compensation only for the affected persons who are in possession of valid titles and such titles registered in the respective Land Registries. It does not recognize the rights of those, such as squatters, who do not possess legal title to the lands they live in or make a living from. There is thus no provision to mitigate

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the adverse impacts they suffer under the LAA. However, the Entitlement Matrix (EM) provided in this RPF offers compensation and Resettlement and Rehabilitation (R&R) assistance to the affected squatters as well.

55. The LAA provides for compensation for lands and other fixed assets built and grown on them (structures, trees and orchards and crops). And for loss of income for those who could prove their income losses by documentary evidence up to a maximum of average net profit for the three years immediately preceding the publication of Section 7 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.
56. The normal land acquisition process from the initial request to acquire land up to the taking over possession and registration of vesting certificates is a long and time consuming process. The PMU will closely follow up with the concerned authorities to see that the task is completed within a minimum period. To facilitate the APs to restore their livelihoods within the shortest possible time, the payment of compensation and allowances must be effected in a lump sum prior to site possession and hand over for civil work.

f) State Lands Act No. 13 of 1949

57. This Act provides for the grant and disposition of state lands in Sri Lanka; for the management and control of such lands and the foreshore; for the regulation of the use of the water of lakes and public streams; and for other matters incidental to or connected with the matters aforesaid. This Act comprises of 14 parts.
58. Section 51 stipulates that title to state reservations cannot be acquired by possession or usage. Section 53 exempts state from liability to pay compensation for improvements effected on reservations. It states that no person shall be entitled to any compensation from the state in respect of any improvements effected at any time after the commencement of this Ordinance on any State land reservation; nor shall any claim for any such compensation be at any time entertained by any court. Section 54 provides for summary ejection of offenders in unlawful possession of state reservations.
59. 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.

g) *State Lands (Recovery of Possession) Act No. 7 of 1979*

60. 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.

h) *Land Development Ordinance No. 19 of 1935*

61. This Ordinance deals with the systematic development and alienation of Crown Land of Ceylon and comprises 12 chapters.

62. Chapter 7 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.

63. The procedure for ejection (eviction) of a person in occupation of a state land given on a grant is spelt out in Chapter 9 of the LDO. Section 168 of the LDO stipulates the offences in regard to state land. It says that if any person without the permission of the Government Agent clears or breaks up for cultivation any state land or erects any building or structure on any state land, fells any trees standing on such land or otherwise encroaches on such land is guilty of an offence and subject to fine and imprisonment. Thus, the rights of a mala fide possessor are not recognized for compensation for improvement under the laws of Sri Lanka. Notwithstanding the above provisions relating to reservations on state lands and recovery of state lands, no person affected by the Strategic Cities Development Project (SCDP) shall be ejected from his/her residence or business irrespective of his/her status without, if eligible, being provided with appropriate RR&R assistance as spelt out in the EM provided in this RPF.

i) *Prescription Ordinance No. 22 of 1971*

64. This is an Ordinance to confirm rights on people through a legal process who had unencumbered possession of private lands for over 10 years.
65. Can a person acquire prescriptive title to State Land in Sri Lanka? Section 15 of the Prescription Ordinance enacts that nothing herein contained shall affect the rights of the Crown (State). Thus prescription does not run against the State. Prescription Ordinance No 22 of 1971 made express provision with respect to the means by which a person may acquire the ownership of a block of land through the peaceable and uninterrupted possession of it for a period of ten years. Section 3 of the Ordinance provides as follows: “Proof of the undisturbed and uninterrupted possession by a defendant in any action, or by those under whom he claims, of lands or immovable property, by a title adverse to or independent of that of the claimant or plaintiff for ten years previous to the bringing of such action, shall entitle the defendant to a decree in his favor with costs.”

j) Law of Compensation for Improvements

66. A person who enjoys possession can be either bona fide or mala fide. A mala fide possessor is one who knows that the land is not his property and that his possession is unlawful. The rights and remedies of a mala fide possessor in respect of improvements differ from that of a bona fide possessor. The general rule is that a mala fide possessor is not entitled to compensation for useful improvements. Thus Sri Lanka’s laws such as the Land Development Ordinance do not recognize the right to compensation for improvements done by a mala fide possessor or occupier of a state reservation. Notwithstanding these legal provisions, the EM provides for extending appropriate R&R assistance to the eligible residential and commercial non-title holders, who may be legally classified as mala fide possessors of state land. This means, the affected mala fide possessors of state land, that are affected by the Project shall not be evicted under law without being provided with R&R benefits as per this RPF.

k) Land Commissioner General’s Circular 2014/02

67. The Land Commissioner issued instructions to the Divisional Secretaries/ Deputy Land Commissioners/ Assistant Land Commissioners by Circular No. 2013/01 dated 31 January 2013 to solve the problem of loss or damaged documents experienced by people due to the conflict. However, in the implementation process several complications arose. By Circular No. 2014/02 dated 23 January 2014 further instructions were issued and clarifications provided enabling these officers to settle all issues encountered and could potentially arise.

l) National Environmental Act No. 47 of 1980

68. The National Environmental Act (NEA) was introduced in 1980 as an umbrella legislation that provides a holistic framework for the protection and improvement of the environment. The 1988 Amendment vested the Central Environmental Authority

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(CEA) with the legal authority to protect, manage and enhance the environment, and specifically to control pollution. CEA has introduced an environmental licensing scheme aimed at all polluting projects and helped establish pollution mitigation regulations (1990) and a statutory requirement for Environmental Impact Assessment (EIA). The Act requires environmental clearances to be sought for specific types of new projects.

69. The EIA requires that development projects be screened for their potential impacts. Legal provision for EIA in Sri Lanka was first included in the Coast Conservation Act No. 57 of 1981. These provisions were restricted to the coastal zone. EIA was mandated island wide by the 1988 amendments to the NEA and the CEA was assigned regulatory functions. Accordingly, the EIA process in Sri Lanka applies only to “prescribed projects”, which have been published in the Gazette under Section 23 Z of the NEA. This order lists two groups of projects that require an Initial Environmental Examination (IEE)/EIA before they can be implemented. Part IV C of the Amendment Act of 1988 mandated that CEA requires “prescribed” development project proposals to be subjected to EIA, where adverse and beneficial impacts of the proposed projects on the environment would be identified together with measures to minimize such adverse impacts. Based on the screening full (EIA), partial (IEE), or no environmental assessment may be required.
70. National Environment Act No. 47 of 1980 as amended in 1988 also refers to involuntary resettlement. The Minister has by Gazette notifications 772/22 published on 24 June 1993 and No 859/14 of 23.02.1995 determined the types of projects for which an EIA is required under Part IV (c) of the Act. The prescribed project schedule requiring EIA includes item 12, which refers to “involuntary resettlement exceeding 20 families, other than resettlement resulting from emergency situations”. The Minister by order published in the Gazette has specified the projects and undertakings in respect of which approval should be obtained from the Project Approving Agency (PAAs). Typically, the PAA is also the project proponent and is required to prepare an IEE or EIA according to CEA guidelines.

m) Road Development Authority Act No. 73 of 1981

71. This Act provide for the establishment of the Road Development Authority, to specify the powers, duties and functions of such authority and to provide for matters connected therewith or incidental thereto. This Act came into operation on December 15, 1981 and comprises five (5) parts.

n) Urban Development Authority Law No. 41 of 1978

72. 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.

o) Municipal Councils Ordinance No. 29 of 1947

73. This Ordinance was meant to amend and consolidate the law relating to Municipal Councils. It came into operation on August 15, 1947 and comprises 16 parts.

p) Urban Development Projects (Special Provisions) Act No. 2 of 1980

74. This Act provides for the declaration of lands urgently required for carrying out urban development projects and for matters connected there with or incidental thereto. The Act came into operation on January 14, 2013 and comprises seven (7) parts.

q) Sri Lanka Land Reclamation and Development Corporation Act No. 15 of 1968

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

r) Temple and Devalagam Act

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

s) Crown Land Encroachment Ordinance

77. 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

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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.

t) *Thoroughfare Ordinance No. 40 of 2008*

78. Salient features of the above Act are, it empowers the Highway Authority to establish Road Network Development Advisory Council and District Road Development Coordinating Committees; Prevent unauthorized constructions within the road reservations; Construct new roads, divert roads; .Acquire lands vested in a local authority; Make special grants under the Crown land Ordinance; Power of authority to alienate lands; A temporary closure of a road, public road or national highway, erection of fences along roads; Declare building limits alongside a road; Minister to designate user fee, national highways and prescribed fees to be levied; Purchase lands for resettlement sites; Allow the surveyors to enter lands for purpose of surveying and mark the acquisition boundaries which helps to expedite the process of designs and preparation of RAPs. Prior to this Act, surveyors could enter a private land only after the issuance of Section 02 Notice under LAA. Hitherto for development purposes land required for respective State organizations were acquired through the Acquisition Officers appointed by the Ministry of Lands. The power to purchase land by the Highways Authority would accelerate the process of resettlement. Officers are authorized to pay compensation for the damages caused to properties. In totality, this Act promotes the construction of new roads and improvement to existing roads in a more accelerated phase due to built-in mechanisms for acquisition of land, payment of compensation and resettlements speedily. To implement all the provisions of the Act. Parliament should enact rules under the Act.

u) *Mahaweli Authority Act of 1977*

79. Under the Mahaweli Authority Act of 1977, within the area declared under the Mahaweli Authority Act, all matters pertaining to administration of land, including that of forest, wildlife and matters pertaining to irrigation, agrarian services, agriculture etc. are the responsibility of MASL.

v) *Forest Ordinance as Amended*

80. Land declared as forest land is administered by the Department of Forest Conservation. It has no authority to release land on long term lease; it can release land only on renewable annual permits. Still, land within conservation and strict reserves would not be released for other activities by the Department of Forest Conservation. Land required for public purposes should be released by the DFC when requested by the relevant

PMUs, after satisfying the conditions laid down in the NEA for prescribed projects. A construction of new road over 10km in length or conversion of more than one hectare of land for non-forest activity is considered as a prescribed project. If the development is taking place within 100m distance from a boundary of a reserved forest, EIA report should be prepared by the PMU and get the approval of .

w) ***Tesawalamai Law***

81. Tesawalamai Law No.05 1896 is the regulation that gives full force to the customs of Malabar (Tamil) inhabitants of the province of Jaffna, as collected by Order of Governor Simons in 1706. In general the Tesawalamai and amendments thereto relate only to matrimonial property and inheritance issues. It recognizes one domicile, 'Ceylon' or Sri Lanka.
82. Pre-emption, under Tesawalamai, is a right recognized over immovable property by which a co-owner, co-sharer or adjacent landowner, who has a mortgage of the land in question, has the right to demand the seller to sell it to him at a price which any *bonafide* purchaser is prepared to pay a higher price than the persons who are entitled to pre-empt. Under Tesawalamai, the woman on marriage, passes from the guardianship of the father to the guardianship of the husband who becomes the sole and irrevocable attorney of the wife.
83. Tesawalamai intended to serve an agricultural community and dealt with customary rules governing caste, slavery, marriage, marital rights, guardianship, adoption, the law of parent and child, of intestate succession, pre-emption, forms of mortgage peculiar to Tesawalamai such as otti and servitudes peculiar to Tesawalamai, the law of property and contractual obligations which were current among the agricultural communities such as those arising from loan of beasts, paddy etc. Slavery was abolished by Regulation No 20 of 1844. In modern times, many of the other provisions contained in Tesawalamai are obsolete. The Dutch first codified it in 1706 and the British gave it legal validity by the Tesawalamai Regulation No 18 of 1806.

2.2.2 Women Charter of Sri Lanka

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

from fourteen sectors and a Chairperson, who are appointed by the Executive President. The NCW is mandated to monitor and ensure the implementation of the provisions of the Charter.

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

2.2.3 Draft Bill for Indigenous People of Sri Lanka

86. Sri Lanka is popular to be a home for the indigenous “*vanniyaletto*” also known as the “*aadivasi*” or *Veddah* people, who have inhabited the country from the Neolithic age. Despite the challenges posed by modernization and development, the indigenous people of Sri Lanka have maintained their own identity, traditional knowledge, customs and way of life, as enshrined in the UN Declaration on Indigenous Peoples of 2007.
87. The indigenous people of Sri Lanka are recognized as citizens of the country under the Citizenship Act of 1948 and enjoy all rights and privileges enshrined in the Constitution of Sri Lanka. All Sri Lankan citizens including the indigenous community are guaranteed equal access to justice through the constitutional provisions.
88. The GOSL has launched a three-year project, implemented by the Ministries of Cultural Affairs and National Heritage, to table a draft bill to safeguard the existence and rights of the indigenous people. 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. 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.

2.2.4 Regulatory role of relevant agencies

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

Urban Development Authority

90. The principal activity of the UDA is to promote and regulate the integrated planning and physical development, having regard to the amenities and services provided to the community, prepare development plans for such development areas. Further, it formulates and implements urban land use policies and development of environmental standards and implementation of such schemes. Part 5 of the UDA Law, No 41 of 1978 lays down the provisions relating to acquisition of immovable property.
91. Section 15 stipulates that where the Minister certifies that any land vested in a local authority is required by the UDA, the Minister may by Order published in the Gazette vest such land in the UDA. Where land is declared as a development area that land is deemed to be required for a public purpose and may be acquired under the LAA by the Government. Lands declared for a development area is paid the market value for the purpose of determining the amount of compensation (Section 16 [2]).
92. Urban Development Projects (Special Provisions) Act No. 2 of 1980 provides for the declaration of lands urgently required for carrying out urban development projects. The President may by Order published in the Gazette declare a land required for implementing an urgent urban development (Section 2). Section 3 restricts the remedies available to an aggrieved party by such acquisition such as injunctions, enjoining order or a stay order to restrain the acquisition of such land. Under Section 7 of the Act, the Government can take possession of such land in respect of which an Order has been made under section 2 under the provisions of the State Lands (Recovery of Possession) Act No. 7 of 1979 without waiting for its acquisition under the LAA. This Act enables the UDA to take speedy possession of a private land required for urban development projects where the APs are denied the legal rights in a court of law to restrain acquisition procedure. Notwithstanding the above powers of the UDA under legal provisions cited above, no household or person affected by the SCDP shall be evicted, or disturbed in any manner without the provision of eligible R&R benefits as per the EM provided in this framework.

Ministry of Lands and Land Development

93. The Ministry for the subject of “Lands” was established in 1932, as per the recommendation of the Committee appointed in respect of the subject of Land and Agriculture of the State Council 1931.
94. The main objectives of establishing this Ministry were to implement activities such as formulate and implement state land policies, conserve state lands, land settlement, land acquisition for public purposes, with in the country.
95. It deals with Land Surveying, Land Acquisition, Land Alienation and Disposition Land Policy and Development, Land Used Policy Planning, Land Title Registration.

Sri Lanka Land Reclamation and Development Corporation (SLLRDC)

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

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

- To have the custody, management, improvement, maintenance and control of canals and prevention of pollution of canals;
- To prohibit filling or developing any area of land declared to be a Reclamation and Development Area under Section 2A and 2B of the Act, without the written approval of the Corporation;
- To declare any area of land other than an area declared to be a Reclamation and Development Area under Section 2, as a low lying marshy, waste or swampy area; and,
- To declare any area of land on a canal bank as a “Canal Reservation” and prohibiting the construction of buildings or structures in such area without the written approval of the Corporation.

98. The strengths of the Corporation include:

- The powers vested with the Corporation by the Act of Parliament to acquire, reclaim and develop lands in any part of Sri Lanka and to engage in diversified activities;
- The availability of expertise knowledge and machinery for land development, storm water drainage designing, civil engineering construction, inland dredging, fabrication work and environmental studies;
- The achievement of ICTAD – M1 registration enabling the Corporation to engage in construction projects with unlimited value; and

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- Ability to take legal action against unauthorized reclamation & development of areas and canal reservations declared under the Act.

99. The Agency's opportunities include:

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

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

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

Table 1. Specified Width of Canal Reservations (in Meters)

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

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

102. In case where lengths declared by the UDA, Irrigation Department, Central Environment Authority, Agrarian Services Department and Local Government Institutions regarding the reservations exceed the above specifications, the lengths declared by the said institutions shall be accepted.

Local Government Institutions

103. Section 97 of the Municipal Councils Ordinance No 29 of 1947 empowers a Municipality to construct through or under any enclosed or other land, alter or extend such public mains or other drains, sewers and water courses necessary for the effectual draining of the municipal area. Section 100 of the said Ordinance authorizes an Municipal Council to cause all public drains, culverts, gutters and watercourses to be so constructed and maintained and kept as not to be a nuisance or injurious to health and to be properly cleaned and emptied. Any person who fills up or obstructs with the free flow in, any public drain is liable for conviction (Section 102). No person is permitted to erect any building over any public drain, culvert, gutter or watercourses without the written consent of the Council (Section 104 [4]).
104. Sections 104 to 109 of the Urban Councils Ordinance No. 61 of 1939 incorporate provisions with respect to drainage within the area of its authority. Section 104 authorizes an Urban Council to layout, make, alter or extend any drain for effectual draining of any area within the town. Section 105 empowers it to maintain, repair, enlarge or alter any public drains, culverts, gutters and watercourses so that no nuisance is created by such act. No new building can be erected over any public drain, culvert or water course which further prohibits the obstruction and building over drains.
105. Notwithstanding the above provisions, any unlawful structure constructed on public land shall not be dismantled under legal provisions cited above; if the concerned household or person affected by the SCDP is required to be evicted for project related work, such household or person shall not be evicted, or disturbed without the provision of eligible R&R benefits as per the EM provided in this framework.

2.3 World Bank Social Safeguards Policies

106. The RPF seeks to sustain a due diligence process to avoid exacerbating social tensions and to guarantee unflinching treatment of social issues across all development interventions. All projects funded by WB must comply with the Bank's social safeguards. OP 4.12 Involuntary Resettlement is one of the most important safeguards guiding land acquisition and related resettlement /compensation issues during project implementation. It assists the PPAs in screening the sub-projects for social impacts in conformity with applicable laws and regulations and the Bank's safeguard policies. In order to eliminate or reduce the adverse effects of developmental projects, the WB has three Social safeguard policies as listed below.
- OP/BP 4.10: Indigenous Peoples
 - OP/BP 4.11 Physical Cultural Resources
 - OP/BP 4.12: Involuntary Resettlement

2.3.1 Involuntary Resettlement Policy (OP/BP 4.12)

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107. Involuntary resettlement covers situations where a project must compensate people for loss of land, other assets, livelihood, or standard of living. The SCDP may not require any major acquisition of private lands in most of the projects but in some interventions, it may require major land acquisition. However, it involves the recovery of possession of state lands which form canal or retention pond embankments and reservations. SCDP sub-projects may adversely affect the assets of people occupying these strips of land. In these situations, the involuntary resettlement safeguard policy could be triggered.
108. Bank policy states that a RPF should be prepared for projects of this nature where the sub-projects that have not been fully prepared could potentially have a negative effect on people's assets and livelihoods. This RPF (which provides the RPF for this project) sets out principles for safeguards management, procedures to screen and survey social impacts and prepare Resettlement Action Plan (RAP) to mitigate the same, lays down entitlements with eligibility criteria for providing compensation and resettlement benefits, implementation arrangements necessary to implement the action plans to mitigate impacts in the course of implementing sub-projects. This RPF provides templates for preparing such Action Plans (Annex 6).
109. The WB operational policies seek to avoid where feasible or minimize involuntary resettlement, exploring all viable alternative project designs. Resettlement planning has the objectives of providing displaced persons with a standard of living equal to, if not better than, their pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. The required measures to address the impacts resulting from involuntary taking of land a RPF is required to ensure that the displaced persons are informed about their options and rights pertaining to resettlement; consulted on and provided with technically and economically feasible resettlement alternatives and provided compensation at full replacement cost . Where the impacts include physical relocation the RPF includes measures to ensure that the displaced persons are provided moving allowances and provided with residential housing.
110. Where impacts on the entire displaced population are minor, or fewer than 200 people are displaced, an abbreviated resettlement plan may be agreed with the borrower. Impacts are considered "minor" if the affected people are not physically displaced and less than 10 per cent of their productive assets are lost.

2.3.2 Indigenous People (OP 4.10)

111. OP 4.10 recognizes that the identities and cultures of Indigenous Peoples are inextricably linked to the lands on which they live and the natural resources on which they depend. These distinct circumstances expose Indigenous Peoples to different types of risks and levels of impacts from development projects, including loss of identity, culture, and customary livelihoods, as well as exposure to disease. The policy requires the projects to identify whether indigenous peoples are positively or adversely affected

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by the project and present, if so, to undertake specific consultation activities and to avoid or mitigate impacts on this potentially vulnerable group.

2.3.3 Physical Cultural Resources (OP/BP 4.11)

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

2.4 Gap Analysis of National and World Bank Safeguard Requirements

113. To summarize, Sri Lanka has a highly developed legal system to manage land acquisition and regulate land use. It has an advanced system for valuation of properties, both in specialized and non-specialized categories involving different methods as mentioned earlier in this chapter. The existing legal provisions come close to meeting the WB's safeguard requirements in respect of land acquisition and involuntary resettlement. The GOSL's NIRP and the LA Regulations of 2008 and 2013 seek to address gaps thus bringing the process closer to the Bank's safeguards policies. The NIRP is a statement of policy intention without specific rules and prescriptions to guide safeguards implementation. In this context, this RPF provides an EM and specific guidelines to address involuntary resettlement and risks associated with physical cultural resources in compliance with the Bank OP 4.11 and 4.12. Whereas the LAA will remain the main legal procedure for acquiring any private land required for the Project, the APs and households will receive eligible compensation and resettlement benefits as per the EM given in this RPF irrespective of their title or occupancy status prior to losing shelter, business, assets, and incomes due to this Project.

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

2.5 Guiding Principles for the Project

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

2.5.1 Project resettlement /land acquisition principles

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

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

2.5.2 Impact Mitigation Principles

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

- SCDP will undertake social screening according to a guideline (Annex 7) followed by social impact assessment (SIA) as screening suggests, of all development activities to identify potential social safeguard issues and plan and implement impact mitigation measures consistent with the social safeguard policies of GOSL and the WB;
- Resettlement of the project APs will be planned and developed as an integral part development interventions;
- Absence of legal titles in cases of public land users will not be considered a bar to assistance, especially for the socio-economically vulnerable groups;
- Vulnerability, in terms of socio-economic characteristics of the APs / households will be identified and mitigated through targeted inclusion, capacity building and income assistance;

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- Women will be given equal access to resources and services and provided with opportunities that would empower them to participate in the development process. Gender equity principles will be enshrined in the policy. For instance, ensure that land titles and compensation entitlements are issued in the name of both spouses, and youth employment opportunities are equally targeted at men and women;
- Homestead losers, including the poor and vulnerable households, and non-title holders (squatters / encroachers on state lands / public spaces), will be assisted with physical relocation with the provision of houses, basic facilities like water supply and sanitation;
- Where development interventions affect community facilities such as social, religious and cultural facilities they will be restored in the relocation areas in consultation with the relocated persons and the host community;
- Alternative shops will be provided to the displaced shopkeepers irrespective of their ownership status if they are found eligible;
- Consultation and disclosure requirements will be adapted to meet the special needs of the project; and
- The scheduling of the land acquisition and resettlement planning and implementation will be appropriately linked with civil works ensuring that the affected people are provided with their entitlements and suitably relocated prior to site handover for civil works.

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

3. Social Management and Mitigation Measures

3.1 General

119. This chapter therefore 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 RPF is meant to enable the project implementing agencies to adequately incorporate social safeguard considerations in the planning, execution and operation/management of different activities. The RPF will apply to planning and implementation of all socio-economic infrastructure activities to be undertaken by the implementing agencies with funding support under this Project.

3.2 Probable Adverse Social Impacts of the Project

120. From social safeguard perspective three main issues areas that inform the need for attention on social safeguards: (1) Land acquisition procedures and measures for avoidance / mitigation of physical displacement of people, (2) Plans to address economic displacement and / or livelihood loss, and (3) Plans for benefit sharing to distribute project impacts to improve the livelihoods of the poor and the marginalized people in and around the project area. Out of these three issue areas, land acquisition is the most critical and serious challenge. Unlike obtaining State land through transfers, the acquisition of private land is complex and generally a highly sensitive matter. It could be even harder than damage to community cultural resources to which people have special attachments. Without adequate knowledge, careful planning and locally appropriate strategies none of these impacts can be mitigated in any meaningful way. Social Assessments and social screening of probable subprojects are therefore carried out to understand and ascertain beforehand the potential social, economic, physical and cultural impacts that the project affected persons will have to undergo as a result of implementation of the SCDP. According to initial screening, the Phase-I activities will involve generic, localized and temporary impacts such as: access and mobility, partial damages to structures such as fences, boundary walls safety issues, labor and wages etc. However, as indicated before expansion of existing roads and upgrading of certain urban infrastructures could create other impacts. Nonetheless, these activities will not involve large scale land acquisition, but may lead to relocation of a few households, shops and kiosks.

121. Key social impacts associated with the Stage-II investments are expected to emerge out of possible private land acquisition required for infrastructure works and as part of the flood and drainage management investments leading to livelihood loss through impacts on business stalls and households living in informal settlements on canal banks. A few works proposed by the participating Municipal Authorities may in some cases involve possible involuntary resettlement impacts on account of land acquisition or resumption of occupied public lands in the Galle, Kandy and Jaffna city regions. Specific activities that may generate involuntary resettlement impacts include:

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drainage management works (rehabilitation and improvement of storm water retention ponds in Jaffna, the drainage and canal systems with dredging and widening to reduce flood risks); development of the Kandy Lake surroundings and upstream rehabilitation by the Irrigation Department; civil works planned by the participating municipalities including rehabilitation or, and improvement of local and municipal roads; improvement of historical buildings, etc. These activities may require acquisition of private lands/structures, and may affect residences and businesses in the area, community facilities and physical and cultural properties. In some cases redemption of public lands for civil works under the occupation of unauthorized residents and shops could also generate resettlement impacts. Encroachment of boundaries of ponds and drainage system, cultural and heritage sites and road reservations are key social concerns to be addressed in Jaffna City Region Intervention. The project has to pay special attention in addressing unique social issues in case project areas happen to include post-conflict resettlement sites. It would be problematic to pay compensation when the owners lack legal documents to prove land ownership. In such event, the affected parties would be encouraged to approach LARC.

3.3 Principles and Guidelines to Execute Resettlement Policy Framework

122. The resettlement principles adopted in RPF for SCDP recognizes the relevant legal and policy framework, regulations and guidelines – especially, LAA and NIRP – on one hand the WB safeguards on the other. SCDP has been included as a “Specified Project” for which LARC is applicable that allows for payment of compensation at replacement cost. The principles which will guide management and mitigation measures proposed in the RPF are summarized in Table 2.

Table 2. Principles and Guidelines for Mitigation of Social Impacts

Principles	Guidelines
<p>Principle 1:</p> <p>Minimize human displacement and resettlement wherever possible.</p>	<p>Land acquisition and involuntary resettlement will be avoided where feasible or minimized to the extent possible through the incorporation of social considerations into project design options. For example, In the case of any activities where land acquisition may be required and land, house or assets may be affected, while selecting the sub-project, the PPA will explore design and site alternatives and opt for the design and site alternative involving minimum land and resettlement impacts. The objective should be to avoid impact on productive land and economic assets, shelter and cultural properties.</p>
<p>Principle 2:</p> <p>Identify all project impacts and record all losses properly</p>	<p>Based on the findings of the Social Screening, if the impacts are minimal (less than 200 persons are displaced), an abbreviated RAP will be prepared recording impacts in detail identified through a Census Survey;</p> <p>If the Social Screening shows substantial impacts requiring a full RAP, a Social Impact Assessment (Census Survey</p>

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	<p>supplemented by a Socio- Economic Survey) will be carried out to record all potential impacts in detail;</p> <p>A database of all project APs/Families (PAPs/PAFs) will be established which will include information on the following:</p> <ul style="list-style-type: none"> • landholding and land tenure; non-retrievable loss of land, buildings and structures to determine compensation at replacement value and mitigation measures • Census information, detailing household composition and demography, and, • Current income streams and livelihood of the families <p>The asset inventories will be used to determine entitlements of individual families/persons; severely project APs/families;</p> <p>The socio-economic census data will be used to monitor how the affected households are able to re-establish their shelter and livelihoods with the RR&R benefits provided by the Project; and.</p> <p>All information will be entered in a database to facilitate planning, implementation, monitoring and evaluation</p>
<p>Principle 3:</p> <p>Land acquisition and involuntary resettlement activities will be integral part of the project planning and implementation through the following steps:</p>	<p>Land acquisition and resettlement costs will be built into the overall project budget as an upfront cost</p> <p>Compensation at replacement cost irrespective of title</p> <p>The design and site layout will be prepared with social screening in order to avoid/minimize Land Acquisition (LA) and IR impacts; Detailed Project Report (DPR) for the sub-projects will incorporate Social Screening/SIA findings and the RAP</p> <p>An organizational framework will be established ensuring coordination of the roles and responsibilities of the social development and engineering units so that the schedules for LA and RR&R and the civil works are properly linked; These arrangements should ensure that payment of compensation, resettlement are completed before site clearance, and, LA process and key resettlement actions must be completed prior to award of civil works.</p>
<p>Principle 4:</p> <p>Inform and hold public consultations with affected people and other stakeholders such as registered Civil Societies during</p>	<p>Disclose and disseminate information on sub-project at feasibility stage</p> <p>Disclose and disseminate Social Screening and SIA results (LA and RR&R impacts) before preparing RAP</p> <p>Disclose and Disseminate Entitlements, compensation and RR&R assistance payment schedule; RAP Implementation Plan; and Grievance Procedure during RAP preparation and implementation</p>

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<p>planning and implementation</p>	<p>Pay special attention to the following:</p> <ul style="list-style-type: none"> • inform people about of sub-projects and implementation schedules; • consult people on measures to restore their shelter, and livelihoods, and ensure their participation in design and implementation; and • Inform affected families about relocation and land acquisition dates sufficiently in advance of actual implementation. • Put information board at sub project sites • Seek assistance of registered civil societies in implementation of RAP.
<p>Principle 5:</p> <p>Include gender considerations into social management and resettlement planning</p>	<p>Preparation of a gender strategy and action plan</p> <p>Gender responsive consultation strategy and gender disaggregated data during Census and socio-economic survey</p> <p>During resettlement planning, include the following gender considerations:</p> <ul style="list-style-type: none"> • Special attention to women headed households in the relocation and post resettlement process with targeted livelihood assistance; • Gender sensitive provision of civic infrastructure including sanitation, transport furniture, and facilities for women in recreational places created as a part of the project; and • Encouraging women participation in management of resettlement buildings.
<p>Principle 6:</p> <p>Assist the APs to restore, and ultimately to improve, their livelihoods to conditions equal or better than their earlier status</p>	<p>The Project implementing agencies will take the following steps to enable the affected families to restore and improve their livelihoods through the following provisions:</p> <ul style="list-style-type: none"> • provide compensation at replacement rates for all loss and damage caused to land and assets; • RR&R assistance for the loss of assets attributable to the project including to those without title to land where such asset is established • Support to re-establish lost or damaged shelter/shop any other structure through cash and/or, alternative site and/or, building at replacement cost (which will build alternative residential housing sites with shops and basic amenities and services to resettle the affected households and commercial units; • offer relocation assistance including transport allowance where physical relocation is required; and

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	<ul style="list-style-type: none"> • Support for livelihood restoration and community development.
<p>Principle 7:</p> <p>Special support to enhance Project benefits for the vulnerable households.</p>	<p>Pay special attention to adverse impacts on vulnerable households (elderly and physically disabled, female-headed households) who may be vulnerable to changes brought about by project activities or excluded from its benefits. Members of these groups are often not able to make their voice heard effectively, and therefore may need special support in accessing their entitlements and getting their grievances redressed, and,</p> <p>The Project will assess and compensate for loss of economic activities, shelter, and access to welfare benefits</p>
<p>Principle 8:</p> <p>Grievance and monitoring procedures will be in place.</p>	<p>Establish grievance mechanism at the local, PPA levels and institute an Independent Grievance Panel at higher level comprising representatives from the civil society</p> <p>Independent safeguards monitoring agency (consultants) will be instituted to carry out periodic review of the safeguard due diligence with regard to land acquisition, resettlement and livelihood restoration, and</p> <p>Monitoring will involve ongoing internal and quarterly external monitoring exercises and annual quality review exercises using quantitative and qualitative methods</p>
<p>Principle 9:</p> <p>Resettlement planning will take account of the local socio-economic development context</p>	<p>Resettlement planning will take account of:</p> <ul style="list-style-type: none"> • Any current/planned development scheme in the project area, including initiatives to address poverty targeted at vulnerable households; and any current/planned registered civil societies /funding agency initiatives in the area, and try to facilitate their continuation
<p>Principle 10:</p> <p>Resettlement planning and implementation will comply with the legal and policy provisions of the Sri Lanka and the WB safeguard policies (comply with the latter in case of conflict amongst them).</p>	<p>Resettlement planning and implementation will comply with project policies and the provisions of relevant national legislation and WB policies pertaining to:</p> <ul style="list-style-type: none"> • Social management; • Public participation and disclosure; • Land tenure, occupation, acquisition and compensation; and • Local government, development and service provision

<p>Principle 11:</p> <p>Establish mechanisms to ensure sustainable self-management of the resettlement sites</p>	<p>Adopt participatory planning for relocation process to ensure that the social networks of affected groups are not adversely affected; Consult registered civil societies and community based organizations to minimize adverse impacts</p> <p>Provide capacity building and hand holding support to the management committees of the resettled households;</p> <p>Provide the basic amenities and services including day care center for children, common room for women, office for the management committee; open space, storm drainage, sanitation facilities, etc. and</p> <p>Resettle the people displaced due to the project in the same locality / DS Division</p>
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3.4 Key Steps in Involuntary Resettlement Planning and Execution

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

3.4.1 Social Screening and Categorization of Involuntary Resettlement Impacts

124. Screening of subprojects for assessing their potential involuntary resettlement impacts will be carried out by the respective PPAs using the Social Screening Format given in Annex 7. 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 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%

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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 part of construction management in consultation with the AP by the Contractor as specified in the EM and the Chapter on Project Implementation Arrangements

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

126. Any subproject causing significant resettlement impacts (Category A) will require a full scale SIA/census survey and will require preparation and implementation of a comprehensive RAP, whereas, abbreviated RAPs will be prepared for Category B sub-projects affecting less than 200 persons. If a sub-project has no adverse impact, social screening report (SSR) or a due diligence report (DDR) will be submitted confirming the same and also stating reasons for the same. SSR, Social DDRs, abbreviated and full RAPs will be shared with the WB for review and clearance prior to the award of civil works contracts. A sample template for preparing abbreviated RAP and full RAP are provided in Annex 6 for reference. Both full and abbreviated RAPs shall ensure that compensation, rehabilitation, and relocation arrangements are planned and budgeted, meeting the agreed resettlement policy requirements. Once finalized, the RAP must be approved by the PMU. The table 3 summarizes safeguards documentation requirements.

Table 3. Type of Social Safeguard Documents Required for the Project.

Coverage of Negative Social Impacts	Type of Documents Required
For sub projects which will result in minor impacts affecting access to residences, improvement of existing properties	Social Screening Report 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, but not physically displaced and/or less	Abbreviated Resettlement Plan is Required. Outline of Abbreviated Resettlement Plan is provided in Annex 6.

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than 10% of their productive assets are lost. (WB – OP 4.12)	
Investment in sub projects of the SCDP that may result in more significant impacts, displacement of more than 200 people, and more than 10% of their productive assets are lost. (WB – OP 4.12)	Full RAP is required to be prepared. Outline of the RAP is shown at Annex 6 Socio-economic Survey and income restoration measures need to be covered by the Plan.
Screening of Physical Cultural Resources (OP 4.11)	Preparation of a list of affected cultural properties for mitigation under cultural property improvement plan. This will be carried out under Environmental safeguards and community consultations is a part of cultural property improvement plan
Adverse Impact on Indigenous People (OP 4.10)	Not Applicable As per the initial screening of census data, and social assessment, there are no indigenous people in the project areas.

3.4.2 Social impact assessment, inventory and valuation

127. If the Social Screening indicates that the project is Category A or B, the PMU will carry out SIA including 100% census survey of affected households. PPAs can do this with their own staff or through consultants depending on the expertise needed, nature, type, urgency and scale of the assignment. For large works such as ring roads, etc. they may like to hire external consultants. The SIA will provide information on loss and damage suffered by individuals / families, and communities, impact on indigenous and vulnerable communities.
128. Following finalization of the construction designs, the detail measurement survey (DMS) of the affected land and/or non-land assets and census survey of the affected households will be carried out to record the actual impacts and preparing the inventory. As part of the land acquisition, a replacement cost assessment (or asset valuation) will be carried out, which will form the basis for determining the compensation for the affected land and assets.
129. The information will also include a profile of the affected households including demographic and socio-economic details including landownership, usage and productivity and income, impacts on vulnerable communities. Additional information can be gathered through primary and secondary stakeholder consultations (Focus Group Discussions – formal / informal) with the affected people, and vulnerable community groups, community leaders, registered civil societies, Non-Government Organizations (NGOs) and Community Based Organizations (CBOs). These discussions should focus on the positive/negative impacts; measures to enhance positive impacts and

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reduce/mitigate negative impacts.

130. Sri Lanka's NIRP prescribes payment of compensation for loss of affected property at replacement cost. As per the LAA, LAR 2008 & 2013 of Sri Lanka, the Ministry of Land is responsible for undertaking land acquisition, and the Valuation Department is responsible for valuation. The valuation of properties involves use of approved methods including "accounts and profit method", "investment or income method", and "comparable method". The comparable method is mostly used for valuing urban properties. The investment/ income method is adopted for non-specialized properties (residential or commercial) where the property is producing or has the potential to produce future cash flows through the letting of the property. The comparable method is used for non-specialized properties where there is good evidence of previous sales. Account and profit methods are used for specialized profits such as agricultural land where the market may not be rational.

3.4.3 Eligibility and Entitlements

131. An EM has been developed based on analysis of the various types of losses resulting from sub-project impacts and the provisions for compensation and RR&R benefits for various categories of affected people. The matrix will apply to all sub-projects entailing IR impacts irrespective of the size of the sub-project and extent of impact. If at any stage of a sub-project, additional resettlement impacts are identified, the RAP will be updated by the concerned PPA making provisions for mitigating such impacts with compensation and RR&R benefits in line with the EM. This EM has been prepared considering various categories of losses and impacts based on initial social screening under the SA or RSA, which is summarized in Table 4.

Table 4. Categories of Losses and Impacts Identified During Social Assessment

Category	Type of Loss
Losses By Individuals / Households	
Land	<ul style="list-style-type: none"> • Agricultural or horticultural land • House plot (owned or occupied) • Business premises (owned or occupied) • Bare land
Structure	<ul style="list-style-type: none"> • Complete loss of houses/Commercial building • Partial loss of housing and commercial building • Auxiliary physical structure • Structures used in commercial/manufacturing activities • Displacement from rented or other occupied residential units • Displacement from rented or other occupied manufacturing units
Income and Livelihood	<ul style="list-style-type: none"> • Income from renting of houses

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	<ul style="list-style-type: none"> • Income from renting of other structures • Income from wage earning • Income from economic activities such as fishing, food processing, vending • Available income/ employment opportunities
Loss of Access	<ul style="list-style-type: none"> • Access to employment, schools, hospitals, markets • Access to informal credit in community/ mobile vendors • Access to water, electricity, etc.
Community used land	<ul style="list-style-type: none"> • Land and access to land
Community and cultural sites	<ul style="list-style-type: none"> • Schools, Community Centers, Markets, Health Centers • Shrines, other religious symbols or sites • Places of worship – church, temple, mosque • Dislocation from the neighborhoods • Dislocation from social / ethnic groups • Community living • Other places of worship

132. The EM is governed by applicable Sri Lankan laws, regulations and the NIRP, and is in compliance with the WB's safeguard policies. The EM offers compensation for land loss and structure loss at replacement cost, compensation, to non-title holders (squatters / encroachers) for structure loss, priority to avail shops on long-term lease for displaced shopkeepers, assistance for informal business owners, assistance for temporary loss of incomes, additional benefits for vulnerable displaced households, re-establishment of community facilities, and mitigation measures for temporary impacts. The RPF provides additional guidelines for integrating social inclusion, accountability and gender considerations in planning and implementing resettlement activities depending on the rights of APs. The preparation of EM is extensively based on the provisions in the LAA of 1950, LAR of 2008 and LAR of 2013 together with the principles of the NIRP and the relevant WB policies. Affected persons, if not covered by the above laws and regulations, will be entitled for compensation through the Entitlement Assessment Committee (EAC) and as defined by the EM.

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

all of them.

Eligibility Criteria:

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

The following categories are eligible for receiving entitlements as per this RPF.

- ✓ *Landowner:* Owners of land with or without trees, crops or structures affixed to the land with clear title in government records. In some exceptional cases, a person who owns land/s within the project-affected areas regardless of proof of such ownership will also be entitled, provided that such ownership is recognized under law.
- ✓ *Tenant:* Occupants that have legally taken any land or properties or both on rent or lease for a specific period with registered papers recording agreed terms and conditions as permitted under law. A tenant who don't have legal documents, commercial, or residential and are protected under the Rent Act of 1972 or its later amendments which prevents the land owners from evicting them or increase the rent at their own will.
- ✓ *Non-resident Owners of Land and Structures:* Legal land owners who are not in possession of their land either because they have rented or leased out their said land and property affixed to it, or such land has been taken possession of by any other person. Owner will be eligible to receive compensation and allowances for loss of income from his/her affected land and structure, but no Rehabilitation & Resettlement (R&R) assistances meant for the displaced families.
- ✓ *Business Owner:* A person who owns or conducts a business within the project-affected area, the operation of which will be disrupted by the construction of the project. S/he can be a legal owner, non-titled business owners, or tenant or owners of informal business, and will receive different compensation and Rehabilitation & Resettlement assistance as per the EM.
- ✓ *Sub Families:* Families who are living in the same house registered under the same or separate register of electors for at least 3 years prior to the date of the Order published under Section 2 are entitled as per LAR 2013.
- ✓ *Occupants of Government Properties:* Persons who are living in government built structures for their official purposes.
- ✓ *Community:* A community who owns project affected building structures or resources and utilizes, buildings or resources of the affected areas.
- ✓ *Government Agency:* A government agency that owns project affected building structures or resources and utilizes buildings and resources of the affected areas.

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- ✓ *Project Affected Household (PAH)*: All members of a PAH residing under one roof, using one kitchen and operating as a single economic unit, who are adversely affected by the project or any of its components.
- ✓ *Non-Title Holders*: Non-titled dwellers of houses, encroachers on State land and public spaces, and squatters who have illegally occupied land either for dwelling purposes or for livelihood activities. During the land acquisition process the non-titled holders will not be entitled for compensation for land except for development effected on such land, and Rehabilitation & Resettlement assistance.
- ✓ *Vulnerable Households*: Socially and economically distressed households who may suffer disproportionately due to resettlement. They may include women headed households with no adult male support, extremely poor, disabled, refugees, internally displaced people, orphans, people who are living in welfare centers, recently resettled families during the post conflict period and others identified as case by case.

3.4.4 Cut-off Date

135. The cut-off date for eligibility for entitlement of titleholders is the Date of Notification under the Section 2 of LAA, and for non-titleholders, date of the start of the census survey”. The cut-off date will be publicly announced and provided in all the RAPs. Persons who encroach on the area after the cut-off-date are not entitled to claim compensation or any other form of resettlement assistance. Fixed assets such as built structures or planted trees after this date will not be covered and compensated.

3.4.5 Development of Entitlement Framework

a) **Compensation at Replacement Cost**

136. All involuntary land acquisition will be compensated at replacement cost as per the LAA-1950, LA Regulations of 2008 & 2013 that includes cost of replacing assets calculated based on market value, transaction costs, interest accrued, transitional and restoration costs, and any other applicable payments. The APs will be assisted to re-establish their living standards (affected shelter and incomes) to a level to or better than their living condition prior to the project. Sri Lanka has an advanced system for valuation of properties, and there are state and registered private valuation officers. But the replacement cost for acquired assets will be determined by the Valuation Department. The LAA 1950 permits assessment of damages to land and structures at the market rate. The LA Regulation of 2008 provides detailed guidelines for determining compensation including current market value without depreciation, any other injuries affectation, severances, disturbance and transaction cost. LAR 2013 guide to determine the non-statutory and ex-gratia payment to ensure the compensation for all affected parties. Replacement cost includes the compensation of statutory & non-statutory (without depreciation) and ex-gratia payment determined as per LAA 1950, LAR 2008 and LAR 2013.

b) Disputes Relating to Compensation

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

c) Acquisition of Non-viable Remainder Plots

138. It is possible that after acquisition of the land parcel required for the project, the remainder plot is not viable as per existing development regulations, the balance portion, i.e. less than average land holding in the locality and will be compensated as per the LAA of 1950 and ex-gratia payment is applicable as per LAR 2013. PPA has no authority to acquire lands if the owner desired to hand over the balance portion which is not economical to use. The affected person should make a request to Divisional Secretariat (DS) to acquire the balance portion under the rules on severance / injury.

d) Improvements of Land with Limited User Rights

139. For the purpose of some development works, land may not be required to acquire. In such situations, an agreement will be reached after a process of consultation between the land owner and the Project to allow for development of the land while keeping possession of land ownership intact but limiting the user rights. For example, a sub-project in an area prone to landslide may require an additional extent of land for rehabilitation or protection with soil conservation to sustain the project. In such cases, the National Building Research Organization (NBRO) after consultation with the owner would reach an Agreement or MOU to use the land parcel only for soil nailing purposes that would provide additional protection to land plot though owner incurs obligation to use such land for certain purposes only and with guidance from NBRO.

e) Compensation for Structures

140. If only part of the structure is acquired, the floor area to be considered for payment will be calculated up to the structural support points. If after acquiring the affected portion, the remainder portion may become structurally unsustainable, compensation will be paid as per the LAA-1950 and LAR 2013. For a damage of the government property no cash compensation will be paid but project is responsible for rebuilding and restoring damaged structures. In case of Rent controlled shops and houses, compensation will be payable at replacement cost to the tenant and the owner as given in Table 3, unless otherwise provided for under the latest regulations relevant to the case:

Table 5. Payment of Compensation for Rented Property

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

f) RR&R Benefits for the Non-title Holders:

141. Non-title residential squatter or encroached households residing in the sub project areas of the SCDP in Kandy, Galle or Jaffna prior to the cut-off date and verified to be in the displaced category during social impact survey will be compensated as per the LAA-1950, LAR 2008 & 2013. Commercial non-title holders on State lands will receive compensation for their affected structures at replacement value and rehabilitation assistance to continue their livelihood. The non-title holders shall not receive any compensation for land.

g) Development of Resettlement, Rehabilitation and Livelihood Restoration Strategy

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

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

- Close proximity to the affected areas and located within the Divisional Secretary division
- Possesses good potential for infrastructure development
- Minimum loss to other assets, and
- Host community's acceptance.

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

145. In case of fewer numbers of APs not exceeding 10 households, they will be encouraged to self-relocate. Self-relocation will be assisted and guided by the project to ensure systematic and gradual resettlement of affected households to new locations.

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If APs having commercial activities attached to houses, they will be provided with additional livelihood restoration facilities to continue their livelihood once relocated in the new houses.

146. Acquisition of land which is a source of livelihood should be discouraged. Best efforts should be made in selecting the relocation sites which should be finalized in consultation with the PAPs. Necessary utility facilities and buildings should be provided in the proposed townships. The existing social and cultural institutions of re-settlers and any host communities should be preserved and re-settlers' preferences with respect to relocating in pre-existing communities and groups should be honored. Host community must be considered as affected and should be consulted before the implementation.
147. If project affected parties are already internally displaced, refugees, orphans, people who are living in welfare centers and recently resettled families, due emphasis will be given to assist in the R&R process.
148. Following are the proposed actions which should be taken for an effective resettlement site development strategy:
- Strict compliance with resettlement site selection criteria during site selection
 - Designing of consultation plans to involve APs in site selection, if required
 - Planning host community consultation for integration of APs in new sites
 - Compliance with existing government interventions of resettlement and relocation process, if available

3.4.6 Entitlement Matrix

149. The Entitlement Framework has been worked out considering analysis of impacts and the nature of the losses that the APs may have to incur due to project activities. First, the APs are entitled to receive compensations for losses covered under the LAA No 09 of 1950, Land Acquisition Regulations 2008 & 2013. LAR 2013 announced 18 projects as “specified projects” and established LARC & Super LARC to address compensation issues considering all dimensions of impacts upon APs. Since the Cabinet decided to designate SCDP also as a “specified project” at its meeting on 24 June 2015 (Cabinet Paper Ref, No.15/0773/614/022 dated 24th June 2015), the APs will have additional compensations for all types of losses. Secondly, because the LAA, LAR 2008 & 2013 do not address all types of losses, SCDP resolved that the involuntary resettlement safeguards and policies (NIRP and World Bank safeguards) to apply to address such issues through Entitlement Assessment Committee (EAC). This EM explains the category and type of loss and the eligible category for entitlements.

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Table 6. Proposed Entitlement Matrix

Sr. No.	Type of Loss/Disturbance	Definition of AP	Entitlement	Details
1. Private Land Without Structure				
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 ⁷	<p>1.1.1 Compensation for affected land lot based on market value as per LAA 1950, injurious value, severance, disturbances and transaction cost (without depreciation) as per LAR 2008, non-statutory and ex-gratia payment as per LAR 2013</p> <p>1.1.2 Three months' advance notification for harvesting standing crops, or compensation for crop damage.</p> <p>1.1.3 Compensation for trees affected at current market price and allows AP to retain felt trees. Applicable interest on compensation amount for delay in payment of compensation calculated from the date of taking over possession of land as per LAA of 1950, LAR 2008 & LAR 2013.</p> <p>1.1.4 In case of agricultural lands if the remainder is physically not possible for cultivation, the LARC may decide whether to acquire or make a payment for the balance extent. Reasonable time shall be given to harvest perennial crops where payment will not be made on the market value; as per LAR 2013</p> <p>1.1.5 If the APs hand over the possession of a cultivated land before the date specified by the acquiring officer they shall be entitled for an ex-gratia</p>

⁷ Replacement cost means the prevailing cost involved in replacing an assets at the time of acquisition and includes fair market value, transaction cost, interest accrued, transitional and restoration cost and any other applicable payments. If any but the depreciation of the assets and structure shall not be taken in to account. Where there are no active market condition, replacement cost is equivalent to delivered cost of all building materials, labor cost for construction and any transaction or relocation cost.

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				payment determined by LARC as per LAR 2013
1.2	Loss of tenancy/ Profitable occupancy	Registered tenants and leaseholders , share-croppers and non-title holders	Compensation for standing crops, or income losses	1.2.1 No compensation for the land. 1.2. 2 Three months' advance notice to salvage standing crops or cash payment for loss of standing crops at market value, if cultivated by the tenant or lessee lease as per the LAA of 1950, LAR 2008 & LAR 2013. 1.2.3 Loss of rental income shall be compensated according to the categorization of business as per LAR 2013.
2. Residential Land and Structures				
2.1	Permanent and full loss of private land and residential structure	Owner – occupants with title or other ownership documents recognized under the law	Compensation as per LAA	2.1.1 Compensation for the whole plot and structures valued based on market value, injurious value, severance, disturbances and transaction cost in addition after acquisition as per LAA of 1950, LAR 2008 & LAR 2013 and if a remaining portion of a land after acquisition (other than agricultural land) is incapable of being utilized as a separate entity. LARC may give an allowance to the owner if he wishes to retain the extra portion as per LAR 2013 2.1.2 Non-title Occupant with other ownership documents recognized under the Law will be compensated based on market value, injuries value, severance, disturbances and transaction cost as per LAA of 1950, LAR 2008 & LAR 2013 2.1.3 Every re-settler affected by the acquisition with the title to the land acquired is entitle for a block of land not exceeding an extend of 20 perches form a fully served resettlement site equivalent to the unimproved value determined by LARC or to cash payment applicable for

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				<p>self-relocation as specified in 2.1.7 as per LAR 2013.</p> <p>2.1.4 If the APs hand over the possession of a residential building before the date specified by the acquiring officer they shall be entitled for an ex-gratia payment determined by LARC as per LAR 2013</p> <p>2.1.5 Full compensation for the structures / properties before taking them over for physical possession based on replacement cost (without depreciations) as per LAA of 1950, LAR 2008 & LAR 2013</p> <p>2.1.6 If the physical possession of the property is required to be taken before the date specified by the acquiring officer, a shifting allowance shall be paid to the AP based on the floor area of the house in which they resident prior to the date of the order published under Section 2 notice of the act as per LAR 2013</p> <p>2.1.7 If the physical possession of the property is required to be taken before the date specified by the acquiring officer, a rent allowance shall be paid to the AP based on floor area of the house, local authority area where the house located in which they were resident prior to the date of the order published under section 2 notice of the act as per LAR 2013</p> <p>2.1.8 Right to salvage material from the demolished structure.</p> <p>2.1.9 The persons affected by the prospective acquisition who wish to self-relocate shall be entitled for a payment considering in lieu of a block of land depending on the area in</p>
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				which the property to be acquired is situated as per LAR 2013
		Sub Families		<p>2.1.10 Sub-families living in the same house registered under the same register of electors or separate registers of electors, at least 3 years prior to the date of the order published under Section 2 of the Act or cut-off-date, are entitled for a block of land up to an extent of 10 perches from a re-settlement site or to 50 per cent of the cash payment, applicable for self-re location as specified in LAR 2013;</p> <p>a) Provided however, the entitlement for lands referred to in this paragraph shall be subject to the availability of lands in a particular area ;</p> <p>b) Provided further, a cash payment applicable for self re-location may be made to a re-settler, in addition to a block of land entitled by such re-settler, if the LARC deems it to be appropriate</p> <p>2.1.11 The affected sub families are encouraged to live with main family but they are entitled for compensation as 2.1.10</p>
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	<p>2.2.1. Compensation for the whole plot valued based on market value, injuries value, severance, disturbances and transaction cost in addition after acquisition if the remaining portion is not developable the relief to be provided as per LAA of 1950, LAR 2008 & LAR 2013</p> <p>2.2.2. Non-title Occupant with other ownership documents recognized under the Law will be compensated based on market value, injuries value, severance, disturbances and</p>

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				<p>transaction cost as per LAA of 1950, LAR 2008 & LAR 2013</p> <p>2.2.3 If the APs hand over the possession of a residential building before the date specified by the acquiring officer they shall be entitled for an ex-gratia payment determined by LARC as per LAR 2013</p> <p>2.2.4 Full compensation for the structures / properties before taking them over for physical possession based on replacement cost (without depreciations) as per LAA of 1950, LAR 2008 & LAR 2013</p> <p>2.2.5 Loss of rental income shall be made according to the categorization of business as per LAR 2013</p> <p>2.2.6 Right to salvage material from the demolished structure</p>
2.3	Loss of rental accommodation	Legal Tenants/ Leaseholders		<p>2.3.1. Three months' advance notice for Relocation.</p> <p>2.3.2. Compensation as per LAA of 1950, LAR 2008 & LAR 2013 and rent act no .07 at 1972 for registered lessees for the unexpired period</p> <p>2.3.3.Rental allowance (2.1.7) and shifting allowance(2.1.6) as per LAA of 1950, LAR 2008 & LAR 2013</p>
2.4	Loss of Accommodation	Occupants in community, religious places without title/ ownership documents		<p>2.4.1Structural compensation, shifting allowance, temporary accommodation allowances and right to use salvage materials as in 2.1.5, 2.1.6, 2.1.7, 2.1.8 and 2.1.9</p> <p>2.4.2 Alternative block of land up to an extent of 10 perches from a re-settlement site (in buildable area) or cash payment applicable as decided by EAC according to LAR 2013 - Section 4(n) (ii) if available</p>

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				land is not sufficient for reconstruction.
2.5	Loss of Residential Structure	Non Titled Holders (Squatters / Encroacher)	Rehabilitation & Resettlement Assistance	<p>2.5.1. Alternative block of land up to an extent of 10 perches from a re-settlement site (in buildable area) or cash payment applicable as decided by EAC according to LAR 2013 - Section 4(n) (ii).</p> <p>2.5.2 Compensation for affected structure determined by EAC if not covered under LAA-1950, LAR 2008 & LAR 2013.</p> <p>2.5.3 If the physical possession of the property is required to be taken before the date specified by the acquiring officer, a shifting allowance shall be paid to the AP based on the floor area of the house in which they resident prior to cut-off-date if not covered under LAA of 1950, LAR 2008 & LAR 2013.</p> <p>2.5.4 Where the person is willing to allow the construction to begin after signing of MOU, Rent allowance determined by EAC is applicable for AP based on floor area of the house, local authority area where the house located in which they were resident prior to the cut-off-date if not covered by LAA, LAR 2008 & LAR</p> <p>2.5.5 Right to salvage building materials</p> <p>2.5.6 Additional support (House plans, LA approval, , technical support, consultation, etc...) for relocation in a new site and post resettlement assistance as decided by the EAC</p>
2.6	Partial loss of residential land and structure	Owner-Occupants of residence with title or	Compensation & Rehabilitation Assistance	2.6.1 The replacement cost for the building and structures (without depreciations) shall be an amount determined as per LAA,

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		sale deed in their favor		<p>LAR 2008 & LAR 2013 considering,</p> <p>a) for part of a structure; the floor area to be considered for payment up to the structural points</p> <p>b) Remaining portion of the structure; if the remaining portion is not suitable for usage LARC shall pay compensation for that part as well according to LAA, LAR 2008 & LAR 2013</p> <p>2.6.2. Shifting allowance (2.1.7) and rental allowance for alternative accommodation (2.1.8) is applicable for APs due to disturbance during construction period as per LAA of 1950, LAR 2008 & LAR 2013</p>
2.7		Non-Resident Owners of Land and Structure with title	Compensation & Resettlement Assistance	<p>2.7.1 Compensation as per 2.6.1</p> <p>2.7.2 Shifting allowance (2.1.6) and rental allowance for alternative accommodation (2.1.7) is applicable for APs due to disturbance during construction period as per LAA of 1950, LAR 2008 & LAR 2013</p>
2.8	Loss of rental accommodation due to partial impact on structure	Tenants / lessees / Protected tenants	Rehabilitation assistance	<p>2.8.1 Tenants / Lessees will have the option to continue to stay in the building in agreement with the owner; OR</p> <p>2.8.2 Shifting allowance (2.1.6) and rental allowance for alternative accommodation (2.1.7) is applicable for APs due to disturbance during construction period as per LAR 2013</p> <p>2.8.3 Protected tenants will be entitled as per Rent Act in addition to 2.8.2.</p>
2.9	Partial loss of residential structure	Non Titled Holders (Squatters / Encroachers living in Structures)	RR&R	<p>2.9.1 Compensation determined by EAC 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 insufficient for rebuilding if not covered</p>

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				<p>under 1950, LAR 2008 & LAR 2013.</p> <p>2.9.2 Shifting allowance shall be made by EAC considering the floor area of the house, if need to vacate during construction period and if not covered under LAA of 1950, LAR 2008 & LAR 2013.</p> <p>2.9.3 Rent allowance determined by EAC is applicable for AP based on floor area of the house, local authority area where the house located in which they were resident prior to the cut-off-date if need to vacate house during construction period and if not covered by LAA, LAR 2008 & LAR 2013</p>
3. Commercial Land and Structures				
3.1	Permanent and full loss of commercial property	Owner-Operator of registered business with title or sale deed in his/her favor	Compensation as per the LAA RR&R Assistance	<p>3.1.1 Compensation for the affected land as per LAA of 1950, LAR 2008 & LAR 2013 for whole plot if the residual plot is not developable under law.</p> <p>3.1.2 Full compensation for the structures / properties before taking them over for physical possession based on replacement cost (without depreciations) as per LAA of 1950, LAR 2008 & LAR 2013</p> <p>3.1.3 If the APs hand over the possession of a residential building before the date specified by the acquiring officer they shall be entitled for an ex-gratia payment determined by LARC as per LAR 2013</p> <p>3.1.4 Priority will be given to avail of a shop on long-term lease at any commercial site (if available or planned) or any other public shopping scheme on payment of lease premium</p> <p>3.1.5 Loss of business;</p>

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		Employees loosing employment		<p>a) Informal (non-income tax payer) Rs. 15,000 or up to 3 months net income whichever is higher, if the income is ascertained through supporting documents and</p> <p>b) Formal (income tax payer) If the business is completely lost up to 3 years net average adjusted profit of the years immediately preceding the date of the publication of the notice under Section 2 of the Act on production of the tax declaration documents as per LAA, LAR 2008 & LAR 2013</p> <p>3.1.6 Right to use salvage material from the demolished structure</p> <p>3.1.7 Loss of wages of employment; employees who lost wage employment due to the acquisition of their places of employment shall be entitled for a payment as may be determined by the LARC as per LAR 2013</p> <p>3.1.8 Should be assisted with income restoration assistance as per LAR 2013.</p>
3.2	Do	Non-resident property owners with title	Compensation as per LAA	SAME as described in clauses 2.2.1, 2.2.2, 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 3.1.7
3.3	Loss of rental business	Legal Tenants/ Leaseholders running business	Compensation and Rehabilitation Assistance	<p>3.3.1 Protected tenants will be entitled as per Rent Act</p> <p>3.3.2 Priority will be given to avail of a shop on long-term lease at any commercial site (if available or planned) or any other public shopping scheme on payment of lease premium</p> <p>3.3.3 Loss of business;</p> <p>a) Informal (non-income tax payer) Rs. 15,000 or up to 3 months net income whichever is higher, if the income is</p>

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				<p>ascertained through supporting documents and</p> <p>b) Formal (income tax payer) If the business is completely lost up to 3 years net average adjusted profit of the years immediately preceding the date of the publication of the notice under Section 2 of the Act on production of the tax declaration documents as per LAA, LAR 2008 & LAR 2013</p> <p>3.3.4 Loss of wages compensated as 3.1.7</p>
3.4	Loss of commercial Structure	Non-title Holders (Squatters/ Encroachers / informal business operators)	Compensation & Rehabilitation Assistance	<p>3.4.1 Compensation for affected structure at replacement cost determined by EAC if not covered by LAA, LAR 2008 & LAR 2013</p> <p>3.4.2 Opportunity to avail of a shop on long term lease at any commercial resettlement site (where available or planned) on payment of lease premium.</p> <p>3.4.3 Loss of business;</p> <p>a) Informal (non-income tax payer) Rs. 15,000 or up to 3 months net income whichever is higher, if the income is ascertained through supporting documents and</p> <p>b) Formal (income tax payer) If the business is completely lost up to 3 years net average adjusted profit of the years immediately preceding cut-off-date on production of the tax declaration documents determined by EAC if not covered by LAA, LAR 2008 & LAR 2013</p> <p>3.4.4 Transportation allowance considering the distance and nature of business as determined by EAC</p> <p>3.4.5 Rental allowance for alternative place to continue the business in case of emergency shift as</p>

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				<p>determined by EAC considering floor area of shop and current rates of market in particular area.</p> <p>3.4.6 Right to use salvage material from the demolished structure</p> <p>3.4.7 Assistance as per 3.1.7</p>
3.5	Partial Loss of Commercial Property affecting the normal functioning of the business	Owner occupant with title		<p>3.5.1 Same as benefits offered under 2.6.1</p> <p>3.5.2 In case of loss of business during construction period, financial assistance as determined by LARC considering the type of business and the period of business disturbed as per LAA, LAR 2008 & LAR 2013</p>
3.6	-do-	Non-resident owner of the property	Compensation	Same as benefits offered under 2.6.1
3.7	Loss of rental Commercial Activities	Registered Tenants/Lessees	Rehabilitation Assistance	Same as benefits offered under 3.3.1 and 3.5.2
3.8	Partial loss of commercial structure	Non-title Holders (Squatters / encroacher / business operators)	Rehabilitation & Resettlement Assistance	<p>3.8.1 Same as benefits offered under 3.4.1 as determined by EAC if not covered by LAA of 1950, LAR 2008 & LAR 2013.</p> <p>3.8.2 In case of loss of business during construction period, financial assistance as determined by EAC considering the type of business and the period of business disturbed.</p>
3.9	Loss of Commercial Kiosks	Vendors operating kiosks with or without permission	Rehabilitation Assistance	<p>3.9.1 Fixed kiosks / sheds will get structure compensation and one time income assistance as decided by EAC, and allow to continue if suitable space is available if not covered by LAA of 1950, LAR 2008 & LAR 2013.</p> <p>3.9.2 Mobile/Movable vendors will get one month's prior notice to relocate for continuing their business</p>
4. Loss of Livelihood				

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<p>4.1</p>	<p>Loss of Livelihood due to relocation</p>	<p>Any families, women headed households, extremely poor, disabled, refugees, internally displaced people, orphans, people losing income due to relocation</p> <p>Poor self-employed persons</p>	<p>Rehabilitation Assistance</p>	<p>4.1.1 An extra payment shall be paid for families in a vulnerable situation as determined by the LARC as per LAR 2013.</p> <p>4.1.2 Assistance in access to credit, and skills training support for maximum two youths (one male and one female) from the interested resettled families for livelihood strengthening for a maximum period of six months with the help of CBOs/CSOs</p> <p>4.1.3 Vulnerable families eligible for government welfare benefits will be assisted to access the same</p> <p>4.1.4 Housekeeping assignments at the Commercial resettlement sites and employment in civil works for this Project if available.</p> <p>4.1.5 Priority will be given to avail of a shop on long-term lease at any commercial site (if available or planned) or any other public shopping scheme on payment of lease premium</p> <p>4.1.6 Facilitating for any welfare assistance given by State to the vulnerable families after relocation.</p>
<p>4.2</p>		<p>Occupants of road side public spaces for parking or trading related livelihood activities</p>	<p>Rehabilitation Assistance</p>	<p>4.2.1 Priority will be given to avail of a shop on long-term lease at any commercial site (if available or planned) or any other public shopping scheme on payment of lease premium for vendors</p> <p>4.2.2 Alternative spaces / temporary arrangements for continuing livelihood by Local Authority.</p> <p>4.2.3 Shifting allowances as decided by EAC based on the nature of livelihood activity</p> <p>4.2.4 Livelihood assistance as decided by EAC based on income report issued by GN & Divisional Secretary</p>

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5. Temporary Impacts				
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	<p>5.1.1 Public notice at the site informing the people about: work schedule, likely temporary impacts, signage, safety advice and mitigation measures, contact details of officer in charge and GRM.</p> <p>5.1.2 Necessary traffic management measures for facilitating mobility</p> <p>5.1.3 Special measures to provide access for continuing trade/business</p> <p>5.1.4 In case of complete loss of motorable access leading to loss of business over a week, financial assistance @ SLR 1000/ per day from 1st day until ease of access has been restored by the contractor. In the case of loss of pedestrian access alternative temporary access should be provided by the contractor</p> <p>5.1.5 The contractor shall bear the compensation cost of any impact on structure or land due to negligent movement of machinery during construction or establishment of construction plant, as per standard contract provision</p> <p>5.1.6 All temporary use of lands outside proposed ROW to be through written approval of the landowner and contractor. Location of construction worker camps will be set up by contractors in consultation with the implementing agencies.</p> <p>5.1.7 Necessary Health and Safety measures to be undertaken as a part of Social Mitigation Plans and Environment Management Plans including measures for mitigating noise, dust</p>

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				<p>pollution, minimize hazard risks through signage and safety barricades, first aid facilities at work sites/camps, etc.</p> <p>5.1.8 Steps to minimize and mitigate adverse impacts on human and vehicular mobility including through traffic diversions and management; phased construction strategy; minimizing work during peak hours.</p> <p>5.1.9 Legal provision ensuring fair wages for men and women working at project construction sites and preventing child labor</p> <p>5.1.10 Measures as necessary to deal with any other emergent impacts</p>
6. Loss of Community Infrastructure/Common Property Resources				
6.1	Loss of cultural properties	Affected communities and groups	Reconstruction of community structure and common property resources	<p>6.1.1 Reconstruction of community structures and replacement of common property resources in consultation with the managing trustees and appropriate</p> <p>6.1.2 Assistance of SLR 3500/ up to maximum of LKR 50,000 to cover cost of exhumation including any religious ceremonies required, accordingly to prevailing customs, as decided by the EAC if not covered by LAA of 1950, LAR 2008 & LAR 2013</p>
6.2	Loss of social and civic facilities	Affected communities User groups	Rehabilitation of the affected facility	<p>6.2.1 Reconstruction of the civic, social service facility in consultation with the managing trustees as appropriate.</p> <p>6.2.2 Provision of temporary services during civil work to avoid inconvenience to the user group</p>
6.3	Poor Integration	Host community	Develop integration	6.3.1 Assist PPA in forming community organizations

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	with host community and re-settlers	& Re-settlers	and social relationships	involving both host community and re-settlers for social capital enhancement 6.3.2 Facilitate to conduct social gathering events. 6.3.3 Assist PPA in implementing common welfare activities that benefit both host community and re-settlers.
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N.B: All the categories of PAPs identified by social assessments are included in the above matrix outlining the details of compensation. If there is any PAPs or situation not described/ identified in above matrix will be compensated/ addressed by EAC on case by case considering the guidelines of LAA 1950, LAR 2008 & 2013

3.4.7 Guide to cost estimation and funding

- 150. In order to implement the social management measures suggested above, budgetary provisions will be made available in terms of each sub project. Budgetary estimates for sub projects where resettlement implementation is necessary including resettlement management such costs will be incorporated in the cost estimates for social management.
- 151. Accordingly, land acquisition and resettlement, expenses for consultation and participation, grievances redress, cost for relocation, restoration, transitional allowance, livelihood program, skills development, monitoring and evaluation, administration, contingencies etc. will be included in estimating costs for social management.

3.4.8 Approval Process of Resettlement Plans in Sri Lanka

- 152. The approval process of resettlement plans is briefly discussed with reference to the approvals at project level as well as approvals required at national level.
- 153. At project level, RAPs/ARAPs will be prepared by PPAs by their own staff or through hired Consultants. Once finalized, the RAP must be approved by the PMU. The RAPs/ARPs will be submitted to World Bank for review and final approval. Once the Bank clearance obtained, the RAPs and A- RAPs will be disclosed with the translation of EM and executive summary in local languages (Tamil and Sinhala).
- 154. At national level, Sri Lanka also has a system for review and approval of RAPs. The National Environment Act (NEA) specifies that all prescribed projects must receive approval from a PAA, prior to the implementation, which in most of the cases is the project proponent like the UDA, irrigation departments etc. Accordingly, prescribed projects involving resettlement too, must obtain approval in terms of Part 4 'C' of the

NEA.

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

4. GENDER AND DEVELOPMENT

4.1 General

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

4.2 Gender Analysis

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

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

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

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

160. Five major categories of information comprises gender analysis:

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

4.3 Project Specific Gender Considerations

161. The gender considerations have been made an integral part of the project planning from its early stage. As a first step, it has helped to describe the context of the identified problem. By understanding the level at which a problem originates project planners are better able to define the problem and suggest possible solutions
162. Proposals include a statement to explain the gender-neutrality of the project because few projects may have no differential impact on women and men.
163. Gender analysis has been done for the project planners to clearly identify target group(s) and to carefully consider assumptions about intended beneficiaries.
164. The project objectives, activities, inputs and expected outputs need to be consistent with the gender context for both men's and women's vulnerabilities, otherwise the project is unlikely to address the underlying factors that contribute to risk and/or impact. These factors can only be consciously incorporated into the project design if there is a clear understanding of the external context. For example, desired outcomes for women may be different from that of men and different approaches may be needed to ensure that women and men learn about and participate in the project as planned.

4.4 Gender Strategy and Action Plan

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

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

5. Consultation and Participation

5.1 General

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

167. Consultations enable the project team to hold joint discussions with the affected people, share ideas about planning and implementation and benefit from local knowledge and take more informed decisions. Consultation can be in different forms, such as organizing public meetings, holding focus group discussions or carrying out household surveys or even having direct one to one consultations. Further requirements of subproject, inventory survey and assets' verification can be performed as part of consultation process.

5.2 Consultations towards Preparation of RPF

168. Consultation is mandatory for the preparation of RPF as well as drawing up plans for mitigation of impacts including resettlement of APs. This RPF has been prepared following a series of consultations held with the stakeholders including the project partner agencies involved in the implementation of Galle and Kandy components of the SCDP. In addition, consultations were held with identified stakeholders such as political authorities and citizens of Jaffna. These consultations were prompted by the recognition of the unique social, cultural and institutional context of Jaffna peninsula that necessitated adjustments in the existing Social Management Framework to increase its relevancy for the proposed Jaffna Additional Financing component.

169. Revision and updating of the SMF to make it generally applicable to the SCDP was already a desired outcome that the PMU had been entertaining. This is because certain experiences from Galle and Kandy SCDP interventions had already convinced the PMU on the need to revise the SMF. For example, although road improvement projects emphasized no changes to the existing alignments, thus requiring no land acquisition and involuntary resettlement, in some instances relocation of households became necessary in certain sections of identified roads. Further, social screenings found occupiers of temple lands who needed to be accommodated. There were also non-title holders such as encroachers and squatters in government lands. In addition, the presence of temple lands, communal assets, and properties belonging to charitable and religious organizations. In the meanwhile SCDP was accommodated as a 'Specified

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Project' by the Cabinet of Ministers that permitted payment of compensation more advantageous to the APs. Considering the above, a revised Resettlement Policy Framework generally applicable for the SCDP to move forward became necessary.

170. Stakeholder consultations revealed several important points that would serve to update the RPF including Entitlement Matrix and enhance its relevance to the Jaffna interventions in particular and the SCDP in general. Key outcomes of the stakeholder consultations are highlighted below.

- a) *Families to be relocated needed advance notice of the date of moving out to be able to find alternative accommodation. They also wanted project support to deal with government institutions, firsthand knowledge of the resettlement location, and raised questions on building houses at any other location of AP choice, space for AP ideas and suggestions for preparing building plans*
- b) *Families affected without physical relocation included informal business owners with no land ownership rights. They needed to know about possibility of changing the design to avoid impacts, implications due to possession of no legal ownership rights to land encroached on which structures built, and details of compensation for structure / business loss*
- c) *Families whose land will be partially acquired questioned about the uneconomical balance sections of land that are outside of the road alignment*
- d) *Resettlement sites to be identified in locations culturally and socially conducive for building back life peacefully, and in a safe and secure environment. Host communities to be included in planning resettlement action plans*
- e) *Self-relocation to be given priority. Resettlement related requirements to be properly addressed. AP preferences to be considered in the identification of relocation sites*
- f) *Losses and damages to government properties will be restored through the project initiatives*
- g) *In cases where land to be acquired for a sub project is found to be in a landslide prone area additional measures to be taken to ensure safety and protection in concurrence with the relevant agencies. Such instances may require additional extent of land for rehabilitation or protection with soil conservation methods to sustain the project. In such cases, the National Building Research Organization (NBRO) after consultation with the owner would reach an agreement or MOU to use the land parcel only for soil nailing purposes that would provide additional protection to land plot though owner incurs obligation to use such land for certain purposes only and with guidance from NBRO*
- h) *Jaffna is a unique social situation due to local cultural peculiarities, post-conflict situation, migration, returnees, resettled communities, political ideologies, governance system, Tesawalamai Law etc. Land donation for public purposes is a cultural value.*

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Interventions should be identified through community consultation and engagement and institutional cooperation

- i) *Continuous citizen engagement and stakeholder consultation in planning, designing and implementation of project interventions. Participatory processes to be carried out in parallel with technical designs. SCDP should be an integrated urban development plan including other on-going and planned development interventions reflecting people's needs*

5.3 Stakeholder Analysis

171. Stakeholders are those who affect or are affected by the project outcomes or have interest in the project. A stakeholder may affect the project and at the same time be affected by the project. Further, it is recognized that every situation is unique. In stakeholder analysis for SCDP, the primary interest would be on identifying those who will be affected and seeking their engagement to ensure that the SCDP interventions are sensitive and responsive to local context and needs, thus ensuring their support to implement the project without a hindrance. At the initial level of stakeholder analysis, steps would be taken to identify the broad categories and types of stakeholders in a generic sense. Subsequently, stakeholder mapping would be undertaken taking their relative social power dimension into account when more knowledge and information is gained. Some stakeholder may oppose the project interventions while still others would support the project. Some others will be interested in the project while others may be less enthusiastic. Approach to stakeholder identification and analysis is summarized below.

Table 7. Identification of Stakeholders

Broad Category	Sub Category	Types of Individuals and Groups
Those Who Affect the Project	Those Involved in Project Delivery	Developer / Designer
		Client
		Owner
		Investor
		Professional Consultants
		National Political Authorities
		Government Ministries, Departments at Central, District and Divisional Levels
		National Statutory Bodies
	Those Who Determine the Context	Provincial Political Authorities
		Provincial Council Departments and Administrative Authorities
		Provincial Level Statutory Bodies
		Local Government Authorities

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Those Who Affected by the Project	Directly Affected	Users of Infrastructure / Facilities/ Spaces
	May be Directly or Indirectly Affected Depending on the Context	Communities in the project area and surroundings
		Community Groups and Associations including Service Groups
		General Public
	Specific Socio-Demographic Groups (Ethnic, Gender, Age)	
Those Who may be Interested		Environmental and Social Campaigning Organizations
		International Non-Government Organizations
		National Non-Government Organizations
		Business Community Organizations / Federations
		Academics and Researchers
		Media
		Potential Clients and Users for Future Projects

172. A carefully planned consultation and participation process need to be formed with the stakeholders thereafter, agreeing on an information dissemination strategy.

5.4 Stakeholder Consultation and Participation

173. SCDP is a public sector project seeking to address the issue of multiple stakeholders who may have diverse and sometimes conflicting interests. It recognizes the reality of power dimension as well as ethical dimensions. It therefore adopts the principles of transparency, participation, equity, consultation, social learning, local knowledge incorporation, integration and collaboration. In this way SCDP ensures stakeholder consultation and engagement throughout the project cycle. APs should be fully informed of their rights and responsibilities from the very beginning of the process to achieve transparency and understanding between the APs and the project implementers. In order to achieve this, the information should be made accessible and understandable and where necessary, information must be translated into the mother languages of the affected population. A sound Information, Education and Communication campaign should be applied to disseminate information to the public through such communication tools as public media, public notice boards, newspapers, leaflets, flyers and door to door visits.

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

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175. The PIB will include the following information:

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

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

5.5 Stakeholder Consultation and Participation Model

176. Consultation and participation aim at obtaining stakeholder cooperation and community engagement throughout the project cycle where both primary and secondary stakeholders have opportunities to meaningfully contribute to the development process. These processes can be undertaken in stages such involving Project Identification Stage, Project Planning Stage and Project Implementation Stage. A model prepared to aid in stakeholder consultation and participation for SCDP suitably adjusted for Jaffna City Region intervention is attached.

5.5.1 Prioritization Stage

177. Inputs from stakeholder consultations are used in sub-project prioritization considering also the post-conflict development context. The PPAs disseminate project information to the affected communities at sub project level and stakeholders at the divisional and district levels during the project initiative or preliminary stage. The community as a whole is consulted and necessary feedback obtained.

178. The government prioritized recovery, reconstruction and re-integration immediately after the cessation of hostilities in May 2009, signaling the entry of Jaffna or Northern Province to a rapid development phase beginning with rapid resettlement of the internally displaced people in a secured environment and supporting livelihood recovery. Several donors including the World Bank supported the government initiatives identifying livelihood recovery and infrastructure development as critical needs of the returnees and host communities. At the same time, the need for a broader perspective encompassing rebuilding society with emphasis on reconciliation is being stressed. Forward looking development intervention is being promoted by the World Bank in formulating and designing Jaffna City Region Development. .

179. Towards making the region conducive for economic and social development, the government with donor support has successfully carried out demining, rehabilitation and resettlement, electricity supply, telecommunication, infrastructure reconstruction and development, livelihood recovery, water, sanitation and health,

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transport, education, cultural affairs and institutional strengthening and human resources development.

5.5.2 Project Planning Stage

180. Sub-project information would be disclosed to the affected communities towards increasing their awareness and to ascertain their roles and responsibilities. As this planning stage the participants will be involved in more interactive process where the communities, project designers and planners engage in identifying the best fit alternatives and options in finalization of the detailed designs. Consultation with the project APs and their profiling are mandatory requirements for preparing the RAP. Conduct of socio-economic surveys and census among APs to make an inventory of potential impacts is an integral part of detailed designing.

5.5.3 Implementation Stage

181. The Project Implementing Agency directly interacts with the affected communities more closely during this stage. Mostly, the interactions and dialogue will be on relocation and cultural properties and towards minimizing impacts on livelihoods and resource structures that may be affected due to the project implementation. Therefore, PPAs need to be assisted more closely in explaining and guiding them in resolving the issues in a more productive manner that would support project implementation as planned and at the same time addressing the issues and concerns of the APs to their satisfaction, thus adhering to the involuntary resettlement principles and guidelines above mentioned. Table 8 indicates the key activities which need to be carried out during the preliminary, planning, designing and implementation stages.

Table 8. Consultation Activities for Various Stages in Project Cycle

Project Stage	Consultation Activities
Project Identification and Preliminary Stage	<ul style="list-style-type: none"> ■ Identify project stakeholders (primary and secondary); ■ Involve stakeholders in the consultation process; ■ Organize information material and plans for dissemination; ■ Organize and document public meetings; and ■ Identify needs for a social preparation program if Involuntary Resettlement impacts are going to be generated.
Project Planning and Designing Stage	<ul style="list-style-type: none"> ■ Convene and record meetings with potential displaced persons and or potential host population; ■ Consultations with APs on relocation alternatives and income restoration options ; ■ Involve APs in assessing project impacts;

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	<ul style="list-style-type: none"> ▪ Institutionalize a participatory framework for compensation, income restoration and resettlement; ▪ Obtain inputs from potential displaced persons, hosts, CBOs on selection and development of resettlement sites; ▪ Establish Grievance Redress Committee (GRC) procedures, representatives of APs; ▪ Involve potential displaced persons to Review Participatory Mechanisms given in the Resettlement Plan; and
Implementation Stage	<ul style="list-style-type: none"> ▪ Organize participation of the potential displaced persons in implementation of the Resettlement Plan; ▪ Involve CBOs and other suitable institutions in resettlement efforts; ▪ Support from CBOs and Stakeholders / Private Sector in livelihood and income restoration efforts; ▪ Involve APs in decision-making committees; ▪ Ensure that GRC procedure is functional; and ▪ Involve APs in monitoring and evaluation.

6. Implementation Arrangements

6.1 General

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

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

6.2 Roles and Responsibilities

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

- MOM&WD as the project Implementing Agency a dedicated Project Management Unit (PMU) will be created under the MOM&WD for the purpose of managing and fast-tracking project preparation and for overall implementation responsibility;
- Relevant Social Sector Agencies, Government Departments and provincial councils to provide services and support the safeguard program will include central and provincial service providers. The local authorities will have a dual role as service providers as well; and
- Community based Organizations (CBOs), Consultants and other private sector players as required.

185. Institutional arrangements for implementing RPF, RAP, DDR and SSR will include:

- Establishment of Social Management Cell at the PMU and, as necessary, and establishment of Land Acquisition and RR&R cells in each PPA to carry out/coordinate social screening and impact survey;
- Prepare and implement RAPs for the Stage-II activities (with the help of consultants if needed);
- Unified mechanism at PMU to address and monitor post-resettlement livelihood establishment issues where unavoidable displacement results from project;
- A multi-stage Grievance Redress Mechanism;

- Independent Safeguard Monitoring and Review Mechanisms.

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

187. The implementation network will function at five levels:

- The total stakeholder network, both primary and secondary, constituted as a Strategic Cities Stakeholders' Forum
- The project management steering, constituted by the project authorities and senior public managers at the national and provincial level forming National Project Steering Committee
- City Region Level Key Partners/ Stakeholders Unit consisting of the Chief Secretary (Provincial), Government Agent, Municipal Commissioner, Director (UDA), Deputy Project Director (LPMU/SCDP)
- PMU at MOM&WD;
- PPAs, and
- The Sub-project cells and Local PMUs.

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

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

6.2.1 Strategic Cities Stakeholder Forum (SCSF)

190. A Strategic Cities Stakeholder Forum (SCSF) will be established, which will be an advisory body including representatives from the government, provincial councils,

professional experts and civil society for discussing overall progress, issues of importance, and providing advice to the PMU. A Steering Committee of relevant government departments will be established to review progress and ensure implementation coordination at the highest level. These bodies will meet periodically, in which the designated officers or their representatives will participate.

6.2.2 National Project Steering Committee (NPSC)

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

- Secretary of MOM&WD
- Chief Secretaries – relevant Provincial Councils
- Additional Secretary (Urban Development), MOM&WD
- Additional Secretary (LG & PC), Ministry of Local Government & Provincial Council
- Director General, Department of External Resources
- Chairman, UDAs/Director General, UDAs
- Municipal Commissioners, relevant Municipal Councils
- Director General (DG), Coast Conservation Department
- General Manager, National Water Supply & Drainage Board
- Director General, Central Environment Authority
- Project Director (PD), and others as and when necessary will be co-opted as the members of the committee.

192. Among other responsibilities, the NPSC will meet bi-annually to a) review and approve the project proposals to ensure that they comply with the subproject selection criteria; b) monitor the overall Project implementation based on progress reports; c) resolve implementation problems and d) Coordinate with other National Government Agencies which are connected to project implementation. Organizational structure of the Social Safeguard Unit is illustrated below while Annex 8 describes the PMU's scope of work.

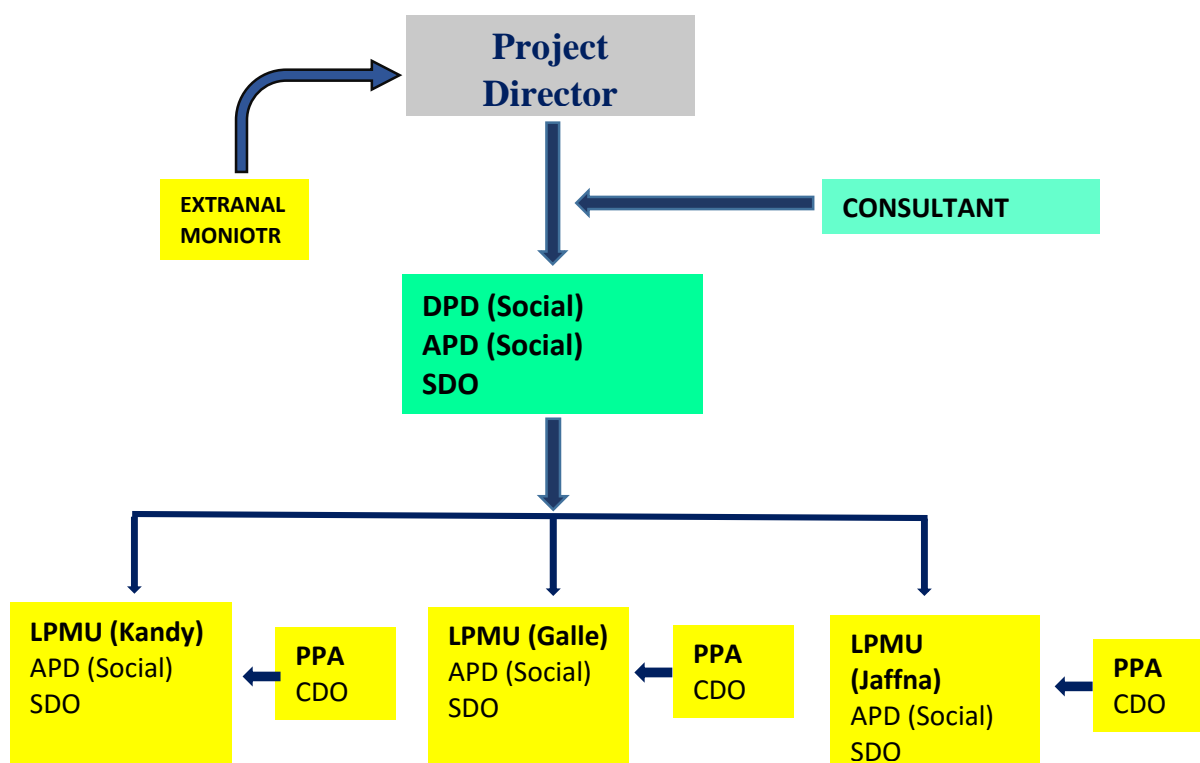


Figure 1. Organizational Structure of Social Safeguard Unit, SCDP

6.2.3 Project Management Unit (PMU)

193. PMU will be established in the MOM&WD to manage and coordinate the Project implemented through the Partner Agencies. A Project Director (PD) will be appointed to head the PMU who would report directly to Additional Secretary MOM&WD. The details of qualifications and experience for key staff is provided in Annex 9. The PMU will function as the secretariat for the Project Steering Committee. The Local PMU will be responsible for the day to day implementation of the Project with the assistance of the PPAs. According to the proposed implementation structure by the MOM&WD, the PD will be supported by Deputy Project Director in Kandy, Galle and Jaffna, a Deputy Project Director (finance), a Deputy Project Director (Procurement), Deputy Project Director (Environmental), a Deputy Project Director (Social) and Technical Staff. Adequate technical and administrative staff will be recruited to support project implementation.

194. The PMU and the PPAs will be adequately staffed for technical, administrative and financial operation. Adequate number of SDOs will be appointed to the PPAs to

liaise with the APs, communicate with them and discuss all aspects of the project and obtain their views and, suggestions to implement the project effectively, efficiently and smoothly. Consultants will be hired on a case to case basis to bridge capacity gaps. TOR for hiring consultants is given in Annex 10.

195. Deputy Project Director (DPD-Social): The PMU will hire a qualified Social Specialist, and the key PPAs such as RDA, KMC, GMC, JMC and UDA will hire CDOs to implement the sub-projects guided by the RPF. They should be post graduates in social sciences or related field with familiarity in urban development issues including slums and resettlement. DPD will be responsible for:
- Carrying out social screening, social assessments, stakeholder consultations and SIA with the help of external / internal consultants if necessary;
 - Preparing RAPs with the help of consultants;
 - Reviewing, making comments and observations social safeguard documents and reports
 - Undertake field visits, facilitate and guide staff members
 - Endorsing the social screening and categorization of the impacts
 - Assist project in relocation of displaced APs and their economic rehabilitation and social capital restoration and improvement
 - Monitoring SSMP / RPF implementation , Process documentation, and Managing consultants
 - Planning and facilitating external monitoring and annual safeguard quality review
 - Assist in project coordination and management of stakeholder relations.

Responsibilities and Organizational Procedures for Delivery of Entitlements:

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

6.2.4 Project Partner Agencies (PPAs)

197. Responsibilities of the PPAs shall include inter alia:
- Any sub-project with the site/land/Right of Way (RoW) identified requires Social Screening undertaken to broadly estimate the involuntary resettlement impacts;
 - Based on the findings of the Social Screening, if the impacts are minimal (less than 200 persons are displaced), an abbreviated RAP need to be prepared recording impacts in detail through a Census Survey;
 - If the Social Screening shows substantial impacts requiring a full RAP, a Social Impact Assessment (Census Survey supplemented by a Socio- Economic Survey) needs to be carried out to record all the impacts in detail;

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- For sub projects that do not require temporary or permanent land acquisition, and where there are no significant social impacts, a due diligence report needs to be prepared
- Assisting the PMU in ensuring compliance with the projects environment and social safeguards.
- Due diligence report should be submitted in respect of sub-projects involving improvements to the existing facilities not impacting on residences or structures or not requiring land acquisition
- All LA processes and key resettlement actions must be completed prior to award of civil works
- Preparation of sub projects, development of implementation plans and carrying out detailed designs of the sub projects. The project will make available design and supervision consultants to work with the PPAs to carry out these tasks, if PPAs do not have sufficient capacity.
- Supervising and implementation of sub projects and reporting to the PMU on progress and quality.
- Committing to future operation and maintenance of delivered infrastructures.
- Supporting the PMU in collecting information / data required to carry out M&E activities

6.2.5 Local Project Management Unit (LPMU)

198. Local PMU has a special role to play given that SCDP requires high level of social management and institutional stakeholder consultation in addition to engineering expertise. Since the project intervention result in social impacts, the APs need to be managed in a friendly and humane way while the rebuilding efforts by the APs need to be assisted technically qualified persons. On the other hand, convergence needs to be addressed right from the beginning. Within this framework, PMU will be established in Regional level initially for Kandy, Galle and Jaffna. It has to facilitate sub project implementation and act as Project Implementation Unit for respective city regions. Local PMU will be headed by a Deputy Project Director with engineering background and relevant professional experience, who will be assisted by core technical and social safeguards staffs. Local PMU is the focal point of project implementation responsible for effective coordination of PPAs, maintaining linkages with various levels of stakeholders – especially, in the case of Jaffna, with the Provincial Council in Northern Province – including the PMU / MMWD. Local PMU monitors the implementation of RPF/RAP/DDR/SSR, acts as secretary for GRC at PPA level, and participates in LARC and EAC to ensure compensation for APs.

199. In Jaffna, the local PMU is developed to match the project requirements as well as the existing institutional capacities and the particular political context. Jaffna Municipal Council is administered by Commissioner with his staff, and it is yet to conduct the elections. Being a national project involving a multitude of institutional stakeholders attached to the central, provincial and local governance structures and therefore local PMUs will be established including all relevant stakeholders. Jaffna has

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educated and experienced persons with exposure to senior management positions with the government, the institutions of higher learning as well as the international non-government agencies. Thus, in addition to those stakeholders already identified for Kandy and Galle interventions, the LPMU Jaffna will have representatives from the Provincial Council and the University of Jaffna. After discussion with the stakeholders, a representative from the Jaffna Chamber of Commerce may be invited to serve in the LPMU. Middle level officers currently in service may be co-opted to the LPMU. Furthermore, the officers who have had community development experiences in addition to substantive positions as engineers and planners may also be formally engaged in project implementation.

200. SDOs. A number of SDOs will be appointed by the Local PMU as per requirement of the sub project. It is suggested that one SDO is appointed to service approximately 30-50 affected families. However the SA would decide on the number of families to be managed by SDOs depending on the volume and intensity of work. As the services of SDOs will be required a few months, may be less than a year, it is advisable to recruit officers who are in government service on release on a temporary basis. The Development officers of the Ministry of Planning and Social Service officers of the Ministry of Social Services are suitable candidates for SDO posts. Their experience in development and social work will be very valuable to the effectiveness of project implementation. There is provision in the Management Circular No. 33 (1) of 5.4.2007 issued by the General Treasury for the release of officers from public service and payment of additional allowances to the officers released on full time basis. It will be difficult to recruit officers outside the public service for few months on a temporary basis with suitable qualifications and experience to effectively implement the sub project.

6.2.6 Preparation of proposals for approval for implementation of activities

201. The PPAs will prepare proposal for activities in a format acceptable to PMU and WB. The activity proposals will be submitted to the PMU by PPAs and PD with his observations will submit the proposals to World Bank. The PMU will be responsible for the establishment of a Management Information System to track subprojects through their preparation, submission, approval, implementation and evaluations stages.
202. A Local PMU in Kandy, Galle and Jaffna will be established for the project interface with the APs, households and the communities in delivering the social safeguard program. The SDO will be the liaison officer.
203. Public Information Centers (PIC) will be established to disseminate all information to all stakeholders. A SDO will be in charge of the PIC. The PIC will be responsible for ensuring dissemination of information during and implementation stages. Dissemination of information about the safeguards program and its implementation would include:
- Safeguard specific information needs to be made available to all APs;
 - Project Information brochures to be made available from the PPAs; and
 - Reports and publications, as deemed fit, for public dissemination.

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

6.2.7 Formation of LRCs

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

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

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

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

6.2.8 Entitlement Assessment Committee (EAC)

207. An EAC will be constituted comprising the Divisional Secretary representative from the Ministry of Land, Valuation Department, Department of Surveys, Deputy Project Director (Social), Deputy Project Director (Finance), Chief Engineer - Building Department, concerned PPA as the need arises, shall be headed by the Divisional secretary. The recommendation of the EAC has to be approved by the Project Director. EAC will have a range of functions including the following:

- Deciding ex-gratia benefits and other RR&R assistance not covered by existing laws and regulations

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- Fixing maintenance and management fees payable by recipients of alternative house/shop
- Deciding premium payable by recipients of alternative shops
- Approving assessment of damage or injurious affection caused by civil works for the purpose of compensating such impacts

6.2.9 Establishment of Land Acquisition and Resettlement Committee (LARC) and Super LARC

208. For SCDP, Land Acquisition & Resettlement Committees (LARCs) and Land Acquisition Resettlement Special Committee (Super LARC) have been established to facilitate payment of compensation (both statutory, non – statutory, and ex-gratia) by Cabinet decision (Cabinet paper No 15/0773/614/022 dated 24th June 2015).

209. LARC will be established at the Divisional Secretary Division level (the number of committees will depend on the number of Divisional Secretary Divisions). Divisional Secretary will obtain the statutory valuation and replacement cost of each land lot and offer it to the affected as per the provisions of the Land Acquisition Act (LAA). If the affected is dissatisfied with the substantial amount of compensation offered to him, he could come before the LARC to redress his grievance. If AP does not satisfied the decision on the LARC he has another option of Super LARC. The Super LARC may after careful consideration of all the relevant factors will arrive at a satisfactory solution to the grievance by adding further compensation if found warranting.

6.2.10 Payment of entitlements

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

- Establishment of a time table for the payment of entitlements;
- Each eligible AP is issued a brochure, “Public Information Booklet”. The brochure will describe the entitlements available to an AP for losses sustained due to the project;
- Based on the Detailed Measurement Survey (DMS) and Socio Economic Survey, a Register is prepared enumerating the personal details and the entitlements of each AP;
- The PMU will make arrangements to publish a certified list of the eligible APs at public places for public scrutiny of the eligibility of APs. If anyone raises objections or makes observations in writing to PMU about APs’ eligibility, it should be inquired into and appropriate decisions taken before commencing payments to the contested AP;
- Each of the AP is sent a “FAMILY CARD” (Annex 11) giving all their entitlements and eligible compensation for his or her concurrence. FC will be printed in duplicate, original issued to the AP and duplicate retained at the office of the PMU for record and audit purposes.
- On receipt of the concurrence, accepting the correctness of their entitlements, a payment voucher for the amounts will be prepared. If an AP contests the entitlement/compensation immediate action to redress the grievances will be taken

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through the grievance redress instruments. Payments for such APs will be made only after the resolution of grievances. APs who concur with entitlements offered will be paid as scheduled without any delay;

- The AP will be informed by the PMU to collect the entitlement within ten days of the receipt of his acceptance of the entitlements;
- The entitlements will be deposited into AP's bank account.
- Payments made directly to a joint account of the AP and spouse (If living) or any other member of the family, if the owner (spouse) has consented to open a joint account.
- When the AP acknowledges receipt of the payments of entitlement, the AP will sign on the payment voucher and FC, and prove his identity. The GN or a priest or any other Government officer has to identify the recipient. A letter will be issued to the AP to have access to cash in AP's bank account after forty eight hours of signing the voucher; and
- All RR&R benefits to non-title holders will be provided in the joint names of husband and wife and in the name of the wife and the children, if the husband is dead.

Based on a time table prepared in consultation with the APs, they will be moved to new relocation sites for resumption of livelihood / business activities.

6.3 Linkages between Involuntary Resettlement and Civil Works Implementation

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

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

- Delays in payment of entitlements;
- Delays in resolution of complaints and grievances. Sometimes if APs resort to courts for resolution of grievances, the AP cannot be moved out until the court decides on the matter. As a result of this, relocation may get delayed for number of months. Consequently the civil works construction will get affected;
- Delays in construction of houses at the new site. APs may refuse accommodation in temporary relocation centers;
- If relocation takes place in phases, it can affect the civil work construction;

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- If the APs do not get their preferred new locations they may delay the relocation; and,
- Relocation will be delayed if the APs feel the education of their children will get disrupted.

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

6.4 Contractors' Compliance on Social Safeguard Measures:

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

- Hire as many local laborers as possible (priority has to be given to poor and marginalized), Avoid use of child labor (below 16 years age);
- Encourage contractor to pay equal wages to men and women;
- As far as possible contractors shall attempt to ensure equity of distribution in project related employment
- Ensure relevant life insurance coverage for the laborers;
- Ensure access to Public Facilities such as schools, hospitals, markets
- Avoid damage / disturbance to historical / cultural / archeological sites /natural habitats. Relocate public infrastructure such as; electricity transmission lines, telephone facilities, water transmission and distribution networks, irrigation facilities etc. The social safeguard mitigation plan with contract document (specification and guidance for contractor) will guide the contractor to minimize and mitigate the temporary impacts for APs. Implementation cost of social safeguard mitigation plan includes the bills of quantities (BOQ).

6.5 Accountability Framework

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

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

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

6.6 Capacity Building and Training

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

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

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

220. The knowledge, skills and attitudes of the core operational social safeguard network, the project officials, PPA coordinators, sector officials, registered civil societies agents and community leaders, will be critical to the effective delivery of safeguard actions in a coherent manner. Therefore, capacity enhancement in the following areas will be supported.

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

221. All levels of the project management system will be introduced to the social safeguard aspect of the project as a general orientation to establish a consistent and

coherent baseline of understanding of the project objectives, social issues and safeguard approaches. The orientation will also cover the following aspects of the project.

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

7. Grievance Redress Mechanism

7.1 General

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

7.2 GRM Levels

223. Four project specific internal grievance redress systems include the following;

- CDO appointed by the PPAs or SDO appointed by SCDP
- LRC formed at the resettlement location by PPAs
- GRC formed at PPA level
- Project Director at the national level
- Independent Grievance Panel (IGP)

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

225. The APs can opt to have recourse to any of these instruments. A grievance redress process is shown in Figure 2. All the grievance redress instruments should ensure that the complete proceedings of each case is registered and recorded.

226. To resolve grievances and complaints, each PPAs will establish a GRC common to all sub projects coming under its purview. The composition of the GRC could be changed to suit AP's location from where the grievance emanates (See, Annex 12 for proposed composition of GRC). It is essential to ensure that gender balance in the composition of the membership. Membership of the priests and GN will change when the APs are relocated.

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227. Members of the committee should be knowledgeable about the project and they are able to ensure proper presentation of grievances and complaints and as well as impartial hearings and transparent decisions. The PPAs should conduct workshops for the members of the GRCs to enrich them with knowledge on the project; organization of GRC, its objectives, conducting the deliberations and arriving at balanced resolutions.

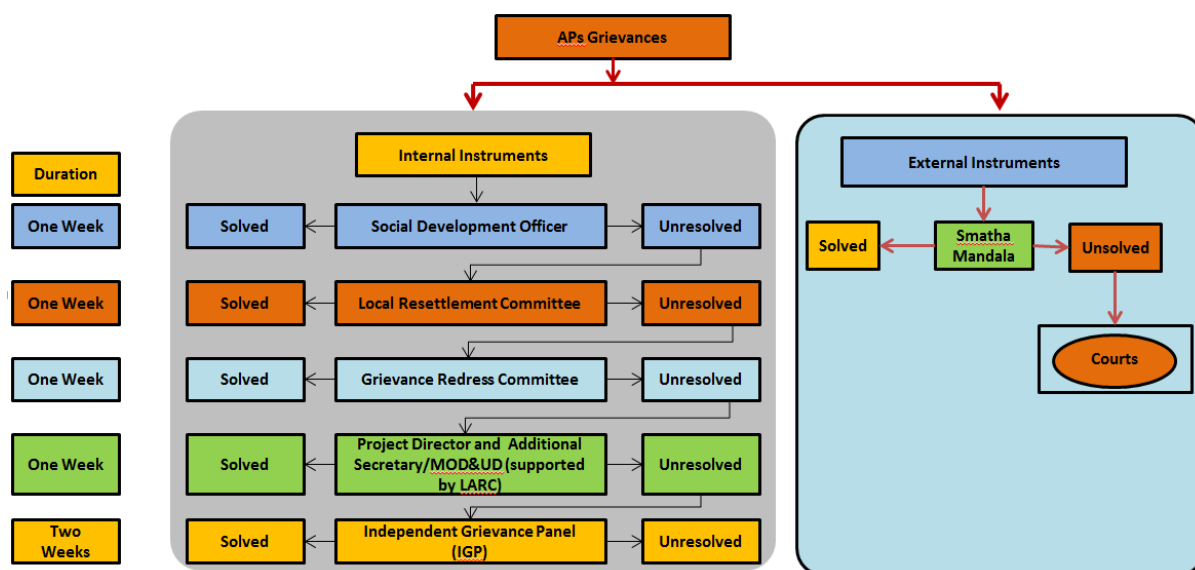


Figure 2. Grievance Redress Process

228. The GRC will have a well-defined structure coupled with grievance redress resolution procedure. Wide publicity will be given about the composition of members, the procedure adopted to receive complaints and grievances, holding inquiries and arriving at transparent decisions. The SDOs, registered civil societies and CBOs will be used for this purpose. In this project, grievances may arise due to dissatisfaction over rates of compensation, eligibility criteria, locations of resettlement sites, quality of services at resettlement sites etc., and in application of the guidelines adopted in the RPF for assessment and mitigation of adverse social impacts.

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

- A prescribed form for APs to report grievances (See, Annex 13 for sample application form for grievance redress)
- Recording of the proceeding of the hearings, registering and sorting grievances; GRC will record the reasons that led to the acceptance or rejection of the particular cases and the decision agreed with the complainants
- Guidelines for determining resolution process for consistent decision making;
- Implementing decisions, and

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

7.3 Proposed GRM

231. In the first instance, the AP should bring the grievance to the notice of the CDO/SDO. If an amicable settlement is not reached, CDO will submit the grievance to the LRC. All endeavors should be made by the LRC to settle the grievance with the help of the GN or officer-in-charge in welfare centers in Jaffna area. If a grievance cannot be resolved at the LRC level, it should be submitted to the GRC for adjudication with all related documents. Meantime the AP also should be advised to submit the grievance in the prescribed form to the GRC.
232. The APs should make their grievances preferably in writing. If they are illiterate to do so, an officer at the GRC should record the grievance in the prescribed form and obtain the AP's signature before the proceedings of the resolution process starts.
233. The deliberations of the GRC will be transparent and the hearings will be public. Resolution of the grievance should be made The GRCs will record the details of grievance that led to acceptance or rejection of the particular case and the decision agreed with complainants.
234. If the AP is not satisfied with GRC's decision, the grievance could be submitted to the PD within a week. The PD will take a decision in consultation with the PPAs/Local PMUs concerned. If PD's decision too is not acceptable to the AP, he or she can appeal to the Independent Grievance Panel. The IGP will comprise representatives from Ministry of Land and Land Development, Ministry of Women Affairs, Department of Valuation, a lawyer, a retired senior government officer, and a representative of recognized Civil Society Organization and/or person proposed by the APs. If the decision given by Secretary MOM&WD is not acceptable to the AP, the AP can have recourse to Courts. Thus the AP has five internal grievance redress instruments to resolve his or her grievances.
235. In addition to the SDO, LRC, Local PMU, GRC, and PD, the APs could make use of the Mediation Board (*Samatha Mandala* [SM]), the conflict resolution committee appointed by the Ministry of Justice to resolve grievances, or as a last resort the Courts. The APs will not be charged any fees related to redress resolution by the Project except court expenses.

8 Monitoring and Reporting

8.1 General

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

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

8.2 Monitoring System

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

8.2.1 Internal monitoring

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

- Efficiency and effectiveness of the day to day planning and implementation of the RAP
- Efficient and transparency in disbursement of compensation and RR&R benefits
- Data collection, feedback information, identification of bottlenecks and troubleshooting

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- Documentation for informed decision making, and efficient response to implementation issues
- Maintenance of each APs entitlement updated file
- Management of baseline information on socio economic conditions of the APs, to access whether the socio economic conditions improve and income and living standard improve restored
- Preparation of progress reports, and
- Coordination within the implementing organization as well as with outside agencies.

8.2.2 External Monitoring

240. The PMU will engage an external monitoring and review agency/consultant for independent review of the safeguard implementation program to determine whether intended goals are being achieved, and if not, what corrective actions are needed. External monitoring will have two objectives.

- To verify if the safeguard program is being implemented in accordance with the approved framework; and,
- To verify whether APs, households and communities are able to address negative impacts and either improved or at least restore their livelihoods and living standards.

241. External Monitoring is intended to:

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

242. The external monitoring agency/consultant will carry out a baseline survey prior to implementation and carry out periodic updates as agreed. The findings of external monitoring will be submitted to the PMU and considered at the Project Steering Committee. A ToR for hiring external monitoring and review consultants is provided in Annex 14.

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

8.2.3 Monitoring Roles and Responsibilities

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

a) Strategic Cities Stakeholder Forum (SCSF)

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

b) Project Management Unit

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

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

c) Monitoring & Evaluation Cell

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

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

d) Local PMU

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

8.3 Reporting

249. The key output of Monitoring will consist of various types of written and oral reporting including:

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

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

8.3.1 Reporting responsibilities

251. Reporting to the APs will constitute an important element of the accountability arrangements. The reporting mechanisms at this level would be simple and be accessible to all.

- Reporting will consist of briefing material, notices in regard to safeguard measures, and leaflets that can be distributed to persons and households. The monthly progress review meetings of the NPSC will also constitute the reporting mechanism.
- Reporting to the PMU and Steering Committee and The Stakeholder Forum

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

8.4 Monitoring Framework

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

- Program for partnership engagement;
- Program for capacity building and training;
- Program for grievance redresses;
- Program for participation and consultations;
- Program for disclosure and reporting;
- Program for involuntary resettlement;
- Program for entitlements and payment of compensation;
- Program for restoration of cultural and community property resources;
- Program for vulnerable households, groups and persons;
- Program for re-establishment of incomes;
- Status of re-establishment of incomes; and
- Status of vulnerable households, groups and persons.

253. Internal and external monitoring will be carried out in respect of above safeguard program activities. Monitoring will follow a framework of process, output and outcome indicators as described in Table 9 below: The modes of measure progress includes monthly and quarterly reviews as well as bi-annual progress reports

Table 9. Monitoring Indicators for SCDP Interventions

Type of Indicators	Indicator	Suggested Variable
Process	a. Partnership engagement	<ul style="list-style-type: none"> ▪ Stakeholder Organizations, services provided, staff deployed by gender; ▪ Participation at stakeholders meetings and consultations; and ▪ Field visits by stakeholder organizations.
	b. Capacity building and training	<ul style="list-style-type: none"> ▪ Training programs conducted for the stakeholders and number of participants; ▪ Training programs conducted for staff and other officers and number of participants; and ▪ Systems and procedures designed and introduced.
	c. Grievance Redress	<ul style="list-style-type: none"> ▪ Number of grievances received and resolved by all internal instruments of GRC by type; redresses provided, timeliness of response;
	d. Participation and consultations	<ul style="list-style-type: none"> ▪ Number of participations and consultations by purpose, venue,

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		<ul style="list-style-type: none"> ■ attendance; and ■ Number and type of handbooks and informative bulletins distributed.
	e. Disclosure and reporting	<ul style="list-style-type: none"> ■ Number of disclosures and reporting to Resettlement Committees, PMU, and SCSF Forum.
	f. Involuntary resettlement	<ul style="list-style-type: none"> ■ Number of households affected. Number of houses built and allocated to households; ■ Number of households occupied newly allocated houses; ■ Number of households received titles for the houses; ■ Housing and related infrastructure completed; and ■ Relocation of people completed.
	g. Entitlements and payment of compensation	Number of APs received compensations by type of loss, Number of APs received RR&R assistance
	h. Restoration of cultural and community property resources	Number of cultural and community resources that requires relocation / restoration Number of such community resources relocated/restored.
	i. Vulnerable households, groups and persons	Number of vulnerable (poor, women, children and disabled) requiring assistance Number of Vulnerable Group APs received assistance, Number of such APs productively utilizing assistance provided.
	j. Restoration of income	Number requiring income opportunities, type of income opportunities provided, Number of APs received IR training Number of APs using IR training for income generation
Impact	k. Re-establishment of income	Number of persons/ households economically active following relocation or re-adjustment.
	l. Vulnerable households, groups and persons	<ul style="list-style-type: none"> ■ Changes in status of vulnerable by type of service provided e.g., training, micro-finance, schooling, jobs etc. ■ Number of households lost access to informal credit and number regained; and ■ Number of households lost access to interest free informal credit and how many regained access, and operate in institutional credit systems.



Rapid Social Assessment of Jaffna 2016: Key Findings

Strategic Cities Development Project
Ministry of Megapolis and Western Development



Rapid Social Assessment of Jaffna 2016: Key Findings

1. General

Government of Sri Lanka has identified Jaffna as a Growth Centre whilst recognizing Northern Province as a region lagging behind in development, an obstacle to lasting peace in Sri Lanka. Whereas the presence of lagging regions and the isolated pockets of poverty amidst prosperity in certain regions and in the hands of a few groups of people have been characteristic of Sri Lanka's trajectory of development, widespread poverty found in northern Sri Lanka has been attributed to the protracted internal conflict.

The ending of conflict in 2009 created environment fundamentally conducive for development in the formerly conflict affected. Regions. It opened up new vistas, renewed resolve to march forward with much needed development and presented greater opportunities than in the past. Social expectations also grew to include interventions for reclaiming Jaffna heritage symbols through which the people connect to the past and project own image to the country and the outside world. Within a short time after the conflict a framework for development and plans were drawn with stakeholder inputs, and major infrastructure development projects were implemented, while several others are yet being implemented or in the pipeline.

This Rapid Social Assessment was undertaken to contribute to SCDP Jaffna in terms of social safeguards requirements. It is the policy of the Bank and the Government to avoid adverse social impacts in the implementation of development projects, and where such avoidance is not possible, to incorporate social impact mitigation measures in the project design. In addition to the understanding that socially sound and culturally appropriate development projects have greater chances of success in implementation and achieving outcomes than those based on technical considerations alone, this social assessment takes into account the special circumstances associated with rebuilding of Jaffna in a post-conflict situation. The key findings are presented below.

2. History, Culture and Heritage

Jaffna has been connected in important ways with the rest of the country socially, culturally, politically and economically. During the 13th to 16th centuries Jaffna was ruled by a Tamil king whose seat was at Nallur. In the past, Buddhism was part of Tamil civilization, and in fact it is a very important part of the Tamil heritage of the north and east of Sri Lanka in its Hindu/Buddhist heritage. Jaffna has earned reputation on account of being location for archaeologically, historically and culturally important places as well as natural sites such as beaches. The Department of Archaeology has identified most of the archaeological sites. Some of the important religious places include Vallipuram Vishnu temple, Nallur Murugan temple, Naguleswaran Sivam temple, Nagapipa Buddhist Temple, Dutch Church, and St. James' Church. Among the historically important places are the Manthiri Manai (king's palace), Jaffna Fort, Hammenhein Fort, Delft Fort, Entrance Arch at Jaffna, and Jamuna pond. Stakeholders identify these places as potentially important for developing tourism and hospitality industry.

Western colonial rule over Jaffna lasted 329 years beginning with the Portuguese rule in 1619 followed by the Dutch in 1658 who were ousted by the British in 1796. The Portuguese built Jaffna Fort as the capital having destroyed the palace at Nallur. The Dutch improved on the Fort of Jaffna.

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Modernization of Jaffna proceeded under the colonial rule slowly for the first nearly 100 years, and gathered momentum subsequently to become the second largest city of Sri Lanka. During the first half of the 20th century Jaffna was developed as a nerve centre where important service centres – railway station, rest house, general hospital, bus stand, post office, churches, educational institutions, public library, markets (Grantt Bazaar and Small Bazaar), administrative offices, courts, police station etc. were founded. In 1907, the remaining gateway of the old palace was acquired by the British.

3. Economy

Agricultural sector, including home-gardening, Fisheries and Animal husbandry, is the mainstay of the economy of the province. Approximately 60 % of the population in NP is engaged in crop farming and over 45 % of the labour force directly depends on agriculture for their livelihood. According to the District Secretariat, about 54,417 families or 1/3 of the total families of the district is solely dependent on agriculture for livelihood. The principal crops grown include paddy, coconut, vegetables and tobacco. Before the outbreak of conflict Jaffna agriculture sector contributed nearly 12 % of the country's total agricultural production of which Rice, Dry Chilli, Red onion and Grain legumes contributed 15%, 30%, 75% and 30% respectively. However, in general, trends in labour displacement in agriculture in favour of casual labour in construction industry is observable. Agriculture itself has modernized consequently limiting labour absorption capacity. Animal husbandry – poultry, dairy, goat rearing are also popular in the NP as income generation activities.

At any rate, Jaffna city has only a limited space for agriculture. About 100 farming families (1% of the total population) carry out rain fed paddy farming in *maha* in an extent of 50.9 ha. In Jaffna district, paddy is cultivated in an extent of 7958 ha while OFC crops are grown in 28,701 ha. The district is the main grape wine growing area of the country. It is a main crop in Urupirai GN Division in Kopai DS Division.

February to September is hot and dry although the surplus water from the previous rain season is available in February and March. The wet season is from October to January. Northeast monsoon brings much of the rain. Southwest monsoon from April to May is the minor rain season. The mean annual rainfall is 50-75 inches in the eastern part and below 50 inches in the western part. Variability in rainfall has been the norm.

The storm water drainage network consisting of four major and eight minor canals and connected ponds that control the peak flow of storm water and serve as a retention basin. At present 39 ponds are identifiable within the JMC area some of which also serve irrigation function through overflow to the paddy fields lying nearby. Farmers access the ground water for agriculture through constructed wells. Smallholdings and traditional land tenure systems characterize the farming system.

Beneath the thin layer of soil Jaffna peninsula has a layer of limestone containing underground storage of water that people extract for domestic, drinking and agricultural purposes. Jaffna City has 100,000 wells of 3 m and more in diameter majority of which are domestic wells while others are agricultural wells. About 1000 wells have been cut into the ground water table. There are over 600 natural depressions, hollows and tanks in the peninsula created by solution of limestone due to chemical weathering by rainwater charged with carbon dioxide. They conduct surplus rainwater underground.

An important part of the household economy forms by the remittances from the relatives abroad. About 1/6 the of the city population live in the developed countries like Canada, Germany, Norway,

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the Netherlands, the US, Australia and New Zealand. Their extended family network remains functional and supports family sustenance and to a limited extent household economy and development. Regular dispatch of money etc. has been a regular feature in Jaffna peninsula since early 20th century.

Fishermen from the down south of Sri Lanka come to the north construct temporary shelters and engage in fishing together with the Tamil fishermen. There are many fishermen who lack fishing vessels and gear and who work for businessmen / middlemen.

Jaffna farming community are now connected with Dambulla market where their produce is sold. At the same time, influx of consumables of all kinds in Jaffna has been accompanied by credit sales, leasing, pawning etc. Vegetables from Damubulla market coming to Jaffna has created competition. On the other hand, “haversacks Indians” who arrive as tourists offer competition to the established businessmen via sale of cheap Indian products.

4. Socio-Demographic Situation

Table 10. Basic Socio-Demographic Information, Jaffna District

Characteristic	Description	N=583882
Gender	Male	46.3%
	Female	53.7%
Age	Below 14 years	24.8%
	14 - 59 years	44.9%
	60 years or above	39.2%
Ethnicity	Sinhalese	0.4%
	Sri Lanka Tamil	98.9%
	Indian Tamil	0.3%
	Sri Lanka Muslims	0.4%
Heads of Households		N=138,000
	Male	76.2%
	Female	23.8%
Female Heads of Households		N=33,000
	less than 39 years	15.9%
	40 years and above	84.1%
Poverty	Head Count Index	8.3%
	Households below OPL	6.6%

Socio-Demographic Situation: Northern Province has a population of 1,061,315 persons, equivalent to 5.4% of Sri Lanka population at 2012 Census enumeration⁸. Majority of Jaffna population (98.9%) comprises of Sri Lanka Tamils. The total population of Jaffna district numbering 583,882 persons is made up of 47% males and 53% females, and contributes to 2.9% to the total population of the country. During the period from 1981 to 2012, Jaffna district and Mannar district population recorded negative growth rates of -0.7% and -0.2% respectively in contrast to Vavuniya district where the

⁸ Department of Census and Statistics (2015), Census of Population and Housing 2012.

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population grew by 2% annually, the highest rate of all districts in the country. The population density in Jaffna district is 629 persons per sq. km. up from 401 persons in 1981. Urban population in both Jaffna and Vavuniya is over 20% of the district's total population. The districts of Kilinochchi and Mulativu have no urban population. There has been migration from Vavuniya to Jaffna as well.

Percentage of children (below 15 years in age) is about 24.8 while that of working age (15-59 years) accounts for 60.2, and the elderly population (60 year and above) makes up the balance 15.1%. Out of 138,000 heads of households 105,000 (76.2%) are males and the balance 33,000 (23.8%) are females. About 15.9% of this group is 39 years or less in age, and the balance 84.1% is 40 years or above.

Jaffna City has a resident population that totals 90,658 persons, contributed to by Hindus (nearly 60%) and Christians (about 35%), and about 200,000 persons commute to the city daily⁹.

NP has a unique socio-demographic profile which consists of conflict affected resettled population of Sri Lankan Tamils and a voluntarily resettled population of Tamils of Indian origin from Nuwara Eliya district. The conflict affected resettled population of Jaffna district totals 97,052 persons consisting of 31,188 families. This community consists of three groups: the internally displaced persons resettled (39,413), the returnees from abroad resettled (2,267) and the persons resettled in cleared areas (55,372), whereas there are 4,240 persons yet remaining in welfare centres¹⁰. Out of these, about 15,000 persons belonging to about 4,000 families live in Jaffna DS Division. During the Censuses of 1981 and 2015, Vavuniya district population increased by 2 per cent annually whereas Jaffna district recorded negative population growth rate of 0.7 per cent¹¹. It has been shown that the wars and their aftermath have not caused an extensive decline in the population of the north, despite the deaths and internal and external migrations, and that most of the LTTE-related deaths were of cadres from the east and the so-called Indian Tamils secreted into the Vanni by the LTTE¹². There has been also a migration from the Vanni districts into the Jaffna district.

5. Education

Advances in education has been almost a tradition in Jaffna. The people of Jaffna have responded in a mass scale for educational opportunities since the colonial time when American Missionaries opened up and expanded schools, including and medical schools and facilities from 1816 onward. According to the latest information available at JMC, At present, there are 2160 city children attending 54 registered pre-schools under guidance of 108 teachers. The 51 secondary schools in the city has a student population of 29,216. At present Jaffna district has 3 national schools, 17 provincial schools and 3 private schools. Out of this total, 5 are boys' schools, 5 are girls' schools and 13 are mixed schools. Jaffna University offers undergraduate and postgraduate degrees and diploma courses whereas Vavuniya Campus has undergraduate degree programmes and diploma courses on offer.

⁹ Information provided by Jaffna Municipal Council

¹⁰ District Secretariat, Jaffna (2015). Statistical Handbook – 2015 Jaffna District

¹¹ Department of Census and Statistics (2015), Census of Population 2012 – Key Findings

¹² Dr. Narendran Rajasingham (2012). "Post-war Northern Province: Facts and Fallacies", Posted on 27 March 2012, <http://dbsjeyaraj.com/dbsj/archives/5101>

Jaffna district has 505 schools (out of which 445 are functional) with a student population of 130,380 and a student – teacher ratio of 17¹³. Jaffna district has had exposure to Western type of education from the Dutch period when English was taught for evangelical purposes. During the British period Education in English expanded in a remarkable way. American Missionaries opened up free education centres in 1816 onward in the north. They also established a Western Medical School in Jaffna. Concomitantly conversion to Christianity became widespread that provoked reaction from the Hindus that led way to the founding of Hindu colleges for English education. They relaxed and cut across the social restrictions and fostered liberal ideas. People have been pursuing formal education as a vocation.

6. Housing as Shelter

Housing, as shelter, is a basic need that also reflects social status and cultural values. Most houses are single structures owned by a members of family. Housing density in Jaffna is high. According to the UDA, housing shortage in Jaffna district is 5.8%, semi-permanent and temporary houses make up 18% and 13% respectively¹⁴. In the area coming within the DS Division of Jaffna, the total housing stock is 14,265 units of which 11,049 (77%) are permanent structures whereas 1,523 (11%) are semi-permanent followed by 505 (45) huts and 1,191 (8%) temporary structures. There are houses with poor conditions, particularly in the coastal areas where poor people are resident and live off fishing mainly. Housing for the low income groups is therefore a concern.

7. Roads and Transport

Through a network of roads and a rail line Jaffna is connected with the principal towns and market centres of the country. Jaffna DS Division has 35.15 km of roads contributed to by 17.23 and 10.44 of 'A' class and 'B' class roads, the balance being Class 'C' roads¹⁵.

8. Poverty

Although Jaffna city is symbolic of prosperity, modernity and dynamism relative to the rural hinterland, higher concentration of population and economic backwardness is observed in Jaffna in the coastal areas stretching from Navanthurai to Colombothurai where houses are overcrowded and the population underserved. Gurunagar, Thirunagar, Pommaiveli and Sooriyaveli areas are slum areas underserved and poverty stricken. These people are dependent on fishing, and due to the connection with the sea for livelihood they are reluctant to move away.

The above group, according to the Municipal Commissioner, responded positively to JMC initiative in the 70s to establish a planned settlement scheme on a reclaimed land south of the Beach Road from Alupanthy to Old Park Road junction, to resettle slum households. The scheme consisted of 400 houses

¹³ District Secretariat (2015), Statistical Handbook 2015 Jaffna District

¹⁴ Presentation by UDA at the Kick-Off Meeting with Key Stakeholders in Jaffna District, held on 17 November 2015 at the District Secretariat, Jaffna

¹⁵ District Secretariat, Jaffna (2015). Statistical Handbook – 2015 Jaffna District

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that are served with all facilities such as piped water, drainage, roadways etc. The settlers paid a monthly rental of Rs. 5/- before ownership transfer in 1982/83 on government directive.

A main factor that exacerbates poverty in recent times, according to the fishermen and as articulated by the authorities and the business community during the consultations, relates to poaching by the Indian fishermen who use trawlers and deplete the livelihood resources of Sri Lanka fishermen.

Years of armed conflict resulted in accentuating existing poverty and increased the numbers of people getting into poverty through abandonment of farm lands and displacement of communities. The people whose livelihoods depended on farming and fishing were particularly affected as their main livelihood / production capital (land in the case of farmers and boats and fishing gear in the case of fishers) came to be destroyed or abandoned. In short, both income poverty and food security worsened. Although the government and non-government agencies offered assistance, the help extended by the relatives abroad cushioned the effects of conflict. In the process, close relationship over and above the kinship relations has been developed with the Diaspora, a new development in the social and political reality of Jaffna. For many years before 2009, at least two private banks in the town have been receiving a daily average of Rs. 2 to 3 million (each) as remittances making it at least Rs. 5 million per day, which is about Rs. 2 billion a year in foreign remittances from these two branches alone¹⁶. Since then many financial institutions have opened up branches in Jaffna. However, during the initial consultations, the Chamber of Commerce warned not to misperceive the overt physical development as a result of economic or industrial development in the region for the investment came from the Diaspora. The district officers also pointed out that it is the relatively well to do and connected, not the poor and marginalized, who are assisted and that a substantial amounts thus received are spent on construction of temples and shrine rooms on individual private properties. However, Jaffna Plan 2013 prepared under GTZ assistance observes that the people who migrated belonged to all strata of society and that the people of Jaffna remain linked to the international communities as a result¹⁷. In the NP 3.3% of the total population is temporarily living abroad, compared to 11% in the Eastern Province and 34.4% in the Western Province¹⁸.

Evidently, since 2009 the incidence of poverty has declined. According to the Household Income and Expenditure Survey 2012/2013, the population below the poverty line (Head Count Index, Rs. 3,624 per person per month) is 8.3% of the district's population, while 6.6% of the households belong to the poor category¹⁹. This is a significant improvement compared to what was reported in 2009 Damage and Needs Assessment conducted for 'Northern Spring' that identified 37% of the population in poverty in NP. Kilinochchi and Mannar districts that had 18% and 44% above poverty in 2011 rose to 77% and 74% respectively in 2012. Poverty Gap Index (PGI) that measures poverty depth shows 1.7% for Jaffna district, and Squared Poverty Gap Index (SPGI) that takes into account inequality among the poor 0.6%, compared with 1.2% and 0.3%, respectively, for the country as a whole. It is observed that these gains are due to heightened construction activities that offer employment opportunities and

¹⁶ Samath, Feizal, (2009), "Jaffna Ready for Huge Investments – Business Community Pleads for Equal Opportunity with Government", <http://www.sundaytimes.lk/090823/FinancialTimes/ft01.html>

¹⁷ Ministry of Rehabilitation, Resettlement and Refugees (2003). Jaffna Plan 2003

¹⁸ Department of Census and Statistics (2015), Census of Population and Housing 2012

¹⁹ Department of Census and Statistics (2015), Household Income and Expenditure Survey 2012/2013 – Final Report

the expansion of the service sector. The latter category advanced rapidly as major telecommunication companies, supermarkets, financial institutions, leasing companies opened up business in Jaffna.

9. Gender

Overall, gender equality is at a satisfactory level²⁰, and can be expected to be generally applicable to the situation in Jaffna. Sri Lanka Constitution of 1978 provides for equal rights without discrimination on the basis of sex. Thus, women have statutory rights to equality before the law, education, personal status and citizenship. Domestic violence is a criminal offence in Sri Lanka. Gender-responsive legislation including the Prevention of Domestic Violence Act of 2005, and amendments to the Penal Code in 1995 and 1998, have helped to criminalize violence against women, though enforcement and prosecution are not widespread. The UN Human Development Report 2014 ranked Sri Lanka 73rd out of 187 countries, placing the country in the High Human Development Group, and observed that “Sri Lanka, which shares a colonial history similar to that of India and the rest of the subcontinent, achieved nearly universal education and health care despite years of militancy and war.” Human development advanced at a faster rate than income, as compared with Sri Lanka’s Gross National Income per capita ranking at 103rd position. The adjusted GDI for gender ranks Sri Lanka 66 with an HDI of 0.720 for women and 0.749 for men.

In Jaffna district however, the incidence of female headed households is relatively high at 24.8% of households in the district. Although judging by the longer life expectancy of females than that of the males, a substantial number in this group may be elderly. Nevertheless, the conflict may also have contributed to the increased number of female headed households. The generally experienced social problem of negative effects and impacts on children and families due to the emigration by spouses of working age can be expected to occur in NP as well. At least some of these households are vulnerable while others have support. Further, women in the recently resettled families are likely to bear a greater burden than men given the social roles that they play in domestic life in addition to supporting household economies.

As for gender dimension in employment structure in Jaffna, the largest category of employed persons, is made up of 26,474 (17% of 154,562 the total employed) government officers among whom are 11,467 females. The second largest category is the private sector employees who number 14,242 (9% of the total employed) persons of which 3,342 are females²¹. Overall, the employment situation is thus dominated by the males except for such sectors as beauty culture, garland making, textile production, and food production where female participation is overwhelming. The difference is less pronounced in the public service.

10. Development in Post-Conflict Era

After 26 years of conflict the Northern Province entered a phase of rapid development accompanied by serious challenges. The government prioritized recovery, reconstruction and re-integration immediately after the cessation of hostilities in May 2009. It appointed a 19-member Presidential Task Force to rapidly resettle the internally displaced people in a secured environment. Several donors

²⁰ United Nations (2015), Human Development Report 2014

²¹ District Secretariat, Jaffna (2015). Statistical Handbook – 2015 Jaffna District

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including the World Bank supported the government initiatives identifying livelihood recovery and infrastructure development as critical needs of the returnees and host communities both. Although Jaffna has been under the government control since 1996 there was overall recognition of the Northern Province as a lagging region during the conflict period and that suffered total destruction of infrastructure due to military operations towards the end of conflict.

Whereas livelihood recovery was manageable in terms of targeted community development, infrastructure reconstruction and resettlement of the internally displaced people called for heavy investment and coordinated action. At the same time, the need for a broader perspective encompassing all aspects of social, economic and political life – social construction or rebuilding society – was also emphasized. Some interested parties took a step further in presenting to the public the development projects as attempts at reconciliation and ethno-social cohesion. Forward looking development intervention is being promoted by the World Bank in formulating and designing Jaffna City Region Development.

The government implemented two major programmes of integrated development for recovery, reconstruction and re-integration under the rubric of ‘Northern Spring’ in the Northern Province and ‘Reawakening of East’ programme in the Eastern Province, while attempting to create self-sustained household economy under ‘Divi Neguma’ programme. Towards making the region conducive for the resumption of economic activities, business undertakings and services, it was of primary importance to clear the area of mines. Other interventions focused on rehabilitation and resettlement, electricity supply, telecommunication, infrastructure reconstruction and development, livelihood recovery, water, sanitation and health, transport, education, cultural affairs and institutional strengthening and human resources development. International aid agencies and foreign government responded positively to the government request for assistance that made most these initiative possible. It is estimated that 64% of the funds for northern development came from the international donors.

The World Bank as one of the pioneer international donors, supported through important projects such as Emergency Northern Recovery Project (ENReP), Community Livelihood Improvement Project in conflict affected areas, North East Housing Reconstruction Programme (NEHRP) and the North East Local Services Improvement Project (NELSIP). ENReP aimed to create secured living environment for 100,000 resettled people belonging to 32,300 families in Kilinochchi and Mulaitivu districts and in some DS Divisions in Jaffna district. This project provided emergency assistance and work opportunities to returnees. NERP completed construction of 27,392 houses. Under the NELSIP project 79 local government authorities were empowered through direct transfer of capital to enable improved service delivery. The main sectors prioritized have been the link access roads and township development, drainage and flood control, and water supply. Jaffna district improved 148 link roads compared with 18 and 21 interventions in Kilinochchi and Mulaitivu respectively. These projects had significant impact on reviving social and physical infrastructure with improved governance in terms of participatory development including social auditing, social inclusion and gender mainstreaming in the conflict affected areas of the North and East.

11. Contemporary Political Situation

During the period from 1983 to 2005 the Tamils, particularly the extremist youth waged an armed separatist struggle against the government to establish an independent state for the Tamil speaking peoples of Sri Lanka. All attempts at negotiated settlement including the Norwegian and Indian

interventions that resulted in Ceasefire Agreement in 1987 and Indian Peacekeeping Force in 2002 respectively ended up in failure with attendant threats to national security. With the international interventions and the inclusion of Muslims into the category of ‘Tamil Speaking People’ the situation grew in complexity where inter-ethnic tensions, mistrust, antagonism and conflict appeared to characterize inter-ethnic relations. Massive attacks were launched against economic centres, security installations, airport, and various public property. In the intensified conflict the government experienced heavy losses, and anarchic situation prevailed in the country. Following 2005 change of government and the split in LTTE, the government responded to the situation with a military onslaught to defeat the military capacity of the LTTE and re-establish the law and order of the country. The military operation was successfully concluded in May 2009.

12. Governance

Jaffna district is administered by a District Secretariat headed by District Secretary / Government Agent, and has 15 DS Divisions each headed by Divisional Secretary/ Assistant Government Agent, 435 GN Divisions, 1251 villages²². It has 10 electoral divisions, 1 Municipal Council, 3 Urban Councils, and 13 Pradeshiya Sabhas. There are 23 wards in the JMC extending over 47 GNDs. The number of wards is being increased to 26.

Sri Lanka’s governance system includes two structures that are reflected in Jaffna as well. These include the bureaucracy or the executive, and the political authority system. The bureaucracy consists of the central administration system, the provincial administration system and the local government administration. The political authority system on the other hand comprises of the Executive President (directly elected by the people), the Parliament, the Provincial Council, the Municipal Council, the Urban Council and the Pradeshiya Sabhas. Social mobilization and community participation in management has become part of governance system.

NP, created by the British, received legal status in 1987 when 13th Amendment to the Constitution that established Provincial Councils. From 1988 to 2006 the province remained temporarily merged with the Eastern Province. Following the recently concluded elections – provincial (2013), presidential (2014) and general (2014) – political authority system has been re-established. However, the administrative officers are concerned that the relationship between the government and the provincial council is proceeding in an uneasy direction largely due to the PC inability to manage the tension between the political ideologies and the development needs of the people.

The internal armed conflict left an institutional vacuum particularly at the local level although Jaffna has been under the government control since 1996. The institutional vacuum affected delivery of public goods and services, diminished quality of life of citizens, and more importantly, led to highly negative attitudes regarding State ability to address the day to day grievances of the public.

Reviving the institutions and restoring trust in the State therefore is of crucial importance. In this regard the elected national, provincial and local government authorities assume a critical role. They are in a different combat zone in terms of the relationship with each other on one hand and the public on the other. The elections have been held and the elected institutions are manned, but in a context

²² Department of Census and Statistics (2015). Department of Census and Statistics (2015). Census of Population and Housing 2012. Statistical Handbook 2015 issued by the District Secretariat identifies 1406 villages. Statistical Handbook 2015 issued by the District Secretariat identifies 1406 villages.

dotted by questions of legitimacy and eroded public confidence, voice, empowerment and accountability, it is observed that only a fundamental condition has been fulfilled. The whole country is acutely aware of, and demand, accountable and responsive public institutions, especially those directly elected by people. Both the political institutions and the administrative institutions have to position themselves in frontline and play a decisive role in what can be described as a post conflict fragile environment to usher in peace and reconciliation, rebuilding public confidence and improving living standards of people who live in a small country riven with oppositional politics.

It was also revealed that Jaffna society has a relatively dense social network and organizations. For several decades it has been known for well-functioning rural development societies, cooperative societies, business groupings and other organizations. According to the JMC there are 68 city based community Centres established by the JMC to provide services, space for trainings, pre-schools, reading rooms, and community development activity organization. The resettled communities have also formed organizations within a short time. JMC is legally empowered to obtain civil society participation in carrying out its mandate for local area development. It has recognized the importance of and has gained experience in participatory development, local level planning, procurement, grievance redress and social auditing even though under conditions of constraints. These aspects featured prominently in the JMC implemented NELSIP project. Furthermore, following the government policy of participatory governance in irrigation management, Jaffna District has established 259 (26 yet to be registered) farmer organizations in Jaffna district with a total membership of 33,441 persons which includes 8,175 females²³. In addition 10 International Non-Government Organizations, and 12 Local Non-Government Organizations are active in Jaffna district.

13. Key Social Issues

Social issues present potential areas for development intervention as well as risks for project implementation. Since not all social issues are amenable for solutions through development projects, in the selection and prioritization there is always a chance of some stakeholders going supportive and others less than enthusiastic or even opposing. Some issues are structural issues such as, for example, integration of social mobilization programmes with the market economy through functional linkages that requires government policy actions, not project type interventions. The dynamic relationship between the social system and the ecological system is such that no development action requiring change of natural resources management can be effective without attention on social dimension. Development projects should therefore be sensitive to the local social problems and issues

Encroachments on reservations has been common and going on for a long period and it would be impossible to reclaim such land. Physical reconnaissance confirmed this. Extensions to the houses on reservations; encroachments on road reservations, open spaces and drains are plainly evident. Many of these occupiers have eventually obtained formal title deeds to such properties, and in general cannot be reclaimed, or even identified as encroachments. Identification of encroachments itself is therefore problematic.

People and stakeholders are acutely aware that the city has to deal with the problem of wastewater management, solid waste management and pollution as a matter of priority because of potential health problems resulting from bacterial contamination of drinking water. At present several storm

²³ District Secretariat (2015). Statistical Handbook 2015 Jaffna District

water retention ponds are waste water treatment points where solid wastes and floatable materials are deposited resulting from the wastewater lines connected to the storm water canals. If the ponds are deepened and desilted the ground water becomes vulnerable. High density of wells implies large extraction of freshwater and problems of quality and quantity. Due to the extensive application of chemical fertilizer in agriculture, ground water pollution has increased.

Over and above these, the institutional issues involving capacity problems and differences in political ideologies deserve to be taken into account and managed through designed mechanisms so that project implementation goes relatively smooth with institutional collaboration and consultation.

14. Conclusion

Every project is a social process, not just financial investment or technical intervention. It brings into play many social actors and stakeholders. How to identify social dimensions and craft socially and culturally appropriate development projects that are socially inclusive and capable of alleviating poverty is to be worked out in consultation with the people, groups and institutional stakeholders in the project area as well as drawing experience from elsewhere. Such interventions can be embedded in the particular social tapestry of project areas.

Annex 2 Land Acquisitions Regulations 2008

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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

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No.1596/12-TUESDAY, APRIL 07, 2009

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

LANDACQUISITIONACT, No. 09 OF 1950

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

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

JAYALATH R. W. DISSANAYAKE,
Secretary
Ministry of Land and Land Development.

Colombo,
06th April, 2009.

Regulations

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

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

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

- 1.1 In the case of land where part of a land is acquired and when its value as a separate entity deems to realize a value proportionately lower than the Market Value of the main land the compensation should be proportionate to the value of the main land.
- 1.2 Where at the date of intension to acquire was published, the building is used for occupation and or business purposes or is intended to be used for occupation and or business purposes, the difference between the cost of re-construction and the value of building, based for determination of Market Value under Section 1.1, should be paid as an additional compensation.

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Annex 3 Process Followed by SCDP in respect of Land Acquisition and Progress Achieved

Actions/Steps	Description/Reasons	Current Status
1. Cabinet approval to apply 2013 Regulations	The Revised RPF of the SCDP makes provisions for the establishment of LARC for all SCDP subprojects that have land acquisitions and/or resettlement impacts and to determine all ex-gratia payments in terms of 2009 regulations. However, as 2013 regulations address a range of losses not covered in the 2008 Regulations, and set parameters for determining a wider compensation package, it is proposed that SCDP obtains Cabinet approval to further strengthen the LARC and to apply the 2013 Regulations in determining ex-gratia payments to persons affected by land acquisition.	i. On 24 th June 2015 Cabinet of Ministers decided to designate SCDP as a “specified project” (Cabinet Paper Ref. No. 15/0773/614/022) ii. On 9 th September 2015 LARC was established for two road development projects in Kandy (Katugastota, Madawala Digana and Dharmasoka Road Projects) iii. Three separate Land Acquisition and Resettlement Committees (LARCs) are functioning in three divisional secretariat divisions in Kandy District.
2. Information disclosure	All relevant information is disclosed to the Project Affected Persons (PAPs). Information disclosure should start immediately after the issue of Section 2 Notice (intention to acquire land from private parties) and continue until the PAPs are paid their due compensation.	Social safeguard team has been conducting community consultations since the issue of Section 2 Notice to disseminate information using materials such as brochures, handouts, posters and leaflets etc. and obtain community feedback and identify contact persons i. At the initial consultation process social safeguard team undertook door to door visits & interviews, shared the information of project activities, and obtained views from APs. ii. Distributed the project’s information to all stakeholders and political leaders in city region level. iii. Prepare the project activities descriptions brochures for Kandy and Galle city regions

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		<p>iv. Distributed the information regarding land acquisition process and compensation procedures to APs before meeting of the LARC.</p> <p>v. Shared information about GRC with PAPs</p> <p>vi. Used mass media to convey the information regarding project activities.</p> <p>SCDP planned to prepare communication strategy and a unit to disclose information to all parties.</p> <p>SSRs and RAPs which are cleared by WB have been disclosed to public @ project website (http://www.defence.lk/SCDP/ban/index.html)</p>
3. Public Consultations	<p>PAPs are engaged in a consultation process throughout the land acquisition and compensation payment processes to ensure that (a) adequate information has reached the PAPs and that they are knowledgeable of the entire process; (b) their issues and grievances are heard; (c) additional information and support required by PAPs, particularly the vulnerable PAPs are provided; (d) their views and suggestions are accommodated in the processes; and (e) their issues and grievances are satisfactorily reported to the relevant agencies for remedial action.</p>	<p>SCDP planned public and stakeholders' consultations during several stages such as project identification, project planning, project implementation and post implementation stages. SCDP conducting several modes of consultation like individual consultation, group discussions and meetings. Project level GRCs and proper grievances reporting system are in place</p>
4. Establish Grievance Redress Mechanism	<p>Grievance Redress Committees (GRCs) at different levels as provided in the RPF are established and made operational immediately after the issue of Section 2</p>	<p>Four levels of Grievance Redress Mechanism (GRM) with roles and responsibilities of GRC members identified: Field level, GRC in PPA level, Project Director in PMU level and Independent Grievance Panel at Ministry Secretary level.</p>

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	<p>Notice of the LAA. All information on the roles and functions of the GRCs should be communicated to the affected persons.</p>	<p>APs notified to submit complaints verbally, in writing, using electronic communication, and that all complaints are recorded and followed up; Contact numbers shared.</p>
<p>5. Liaison with PAPs/LA Agencies</p>	<p>A dedicated officer is appointed by project implementing agencies to liaise with the PAPs and other relevant agencies throughout the land acquisition and compensation payment processes and to be responsible for (a) information disclosure; (b) engaging the PAPs in a consultation process; and (c) reporting and documentation. Furthermore, it is necessary that a liaison office in close proximity to the project affected area is set up to facilitate easy access and communication for the PAPs to meet the liaison officer.</p>	<p>Safeguard officer located at site, work in cooperation with the SDO from Local PMU; In addition CDO appointed for PPA work with 30-50 APs to facilitate easy access to and communication with authorities. Land Officer appointed by SCDP engage APs throughout the land acquisition and compensation process All safeguard activities are monitored by APD (Social) at LPMU.</p>
<p>6. Compensation for affected structures, livelihoods and incomes:</p>	<p>It is proposed that compensation for all affected structures, livelihoods and incomes of the affected persons is paid immediately after based on a valuation report obtained from the valuation officers.</p>	<p>Formal inquiry for valuation by Valuation Department to guide the LARC/ EAC. Estimate of replacement cost by the Buildings Department byfor structures to help decisions by PAPs by LARC/EAC. SCDP agreed to complete all compensation for APs before starting the sub project construction.</p>
<p>7. Temporary accommodation for affected titleholders</p>	<p>It is proposed that titleholders who will lose their residential structures due to acquisition be provided with compensation to rent in suitable accommodation as stipulated in the 2013 Regulations.</p>	<p>Temporary accommodation and shifting allowances are applicable APs as per LAR 2013 and social safeguard team support to find the suitable temporary / alternative accommodation & settling for APs. SCDP encourage the APs to build their new residences prior to shifting accommodation. Social safeguard team of SCDP follow-up the APs' resettlement program. SCDP Facilitates to prepare house plans & designs for the new houses and help for approval from LA.</p>

RESETTLEMENT POLICY PFRAMEWORK FOR STRATEGIC CITIES DEVELOPMENT PROJECT

<p>8. Secure the funds for compensation</p>	<p>PMU will seek Ministry to get special permission from the Treasury is obtained money directly to the PMU for the full compensation is paid to the affected persons.</p>	<p>PMU getting funds from the Treasury directly for compensation.</p>
<p>9. Take the Possession of Land</p>	<p>It is suggested that PMU gets the consent/agreement letter signed by the PAPs indicating their willingness to hand over the land for development. The agreement letter should provide all the details including probable amount of compensation and entitlements of the PAPs.</p>	<p>All the compensation for affected land and structures are completed before the possession of land and it encouraged by incentive payment as per LAR 2013.</p>
<p>10. Full payment of Compensations</p>	<p>It is suggested that PMU ensures and monitors that all steps in the land acquisition process is properly conducted; , ownership status is determined; and full compensation for land and structures is paid to the PAPs.</p>	<p>Internal monitoring system is already established and all the steps in land acquisition and compensation are monitored by social sfaeguard team at LPMU. It is planned to appoint external monitoring firm for social safeguard activities including land acquisition, compensation and resettlement.</p>

Annex 4 Land Acquisition Regulations 2013

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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1864/54 - 2014 මැයි මස 30 වැනි දිනටදා - 2014.05.30
No. 1864/54 - FRIDAY MAY 30, 2014

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

LAND ACQUISITION ACT (CHAPTER 460)

REGULATIONS made by the Minister of Lands and Land Development under Section 63(2)(E) of the Land Acquisition Act, (Chapter 460) and approved by the Parliament of Sri Lanka on 18th February 2014.

These regulations shall be effective only in respect of the below mentioned projects.

JANAKA BANDARA THINDANAYAK, Minister of Lands and Land Development.

on 22nd May, 2014,
At Colombo.

Regulations

1. These regulations may be cited as the Land Acquisition (Payment of Compensation) Regulations 2013.

2. (1) The basis of assessing the market value or the compensation for any injurious affection caused by the acquisition of any land for any of the projects specified in paragraph (2) (hereinafter referred to as the "Specified Projects") in respect of which a notice under Section 7 of the Act has been published, shall be in accordance with the provisions specified in regulations 3, 4, 5 and 6 of these regulations.

(2) The Specified Projects, for the purposes of these regulations shall be -

- (a) Colombo - Katunayake Expressway Project ;
- (b) Colombo Outer Circular Highway Project ;
- (c) Southern Transport Development Project ;
- (d) Colombo - Kandy Road Project ;
- (e) Orugodawatta - Ambatale Road Project ;



RESETTLEMENT POLICY FRAMEWORK FOR STRATEGIC CITIES DEVELOPMENT PROJECT

2A. *ලංකාවේ (1) කොටස - ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ විශේෂ අතිරේක පුවරුව - 2014.05.20*
Part I : Sec. (1) - GAZETTE EXTRAORDINARY OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA - 2014.05.20

- (f) New Kelani Bridge Approach (Kelanimulla to Angoda, Kossuwa Road) Project ;
- (g) Mattakkaliya Bridge Approach (Central Road and Aluth Mawatha) Project ;
- (h) Matara - Kataragama Railway Construction Project ;
- (i) Daduru Oya Reservoir Project ;
- (j) Rathnapura - Balangoda Road Project ;
- (k) Balangoda - Bandarawela Road Project ;
- (l) Padeniya - Anuradhapura Road Project ;
- (m) Thambalagamurwa - Kinniya Road Project ;
- (n) 5/2 Bridge Katugastota - Kandy - Jaffna Road ;
- (o) Matara - Godagama Road ;
- (p) Horana - Pamankada Road ;
- (q) Southern Expressway - Madarugoda Road ; and
- (r) Kintalapa - Godagama Road

3. (1) The market value of any land or the compensation for any injurious affection caused by the acquisition of any land for a Specified Project, shall be assessed by the Land Acquisition and Re-settlement Committees (hereinafter referred to as the " LARC ") appointed for the respective Divisional Secretary's Division in which the land acquired is located.

(2) LARC shall consist of the following members appointed by the Minister -

- (a) the Divisional Secretary or Assistant Divisional Secretary of the relevant Divisional Secretary's Division ;
- (b) the Surveyor General or his nominee ;
- (c) the Chief Valuer or his nominee ; and
- (d) an officer not below the rank of the Assistant Secretary nominated by the Minister to whom the subject of the respective Specified Project has been assigned.

(3) Every person affected by the acquisition of relevant land shall be given an opportunity to make their representation at the proceedings of the LARC.

4 (1) The LARC shall in determining the market value and the compensation to be paid for any land referred to in these regulations, take into consideration the criteria and factors specified in paragraph (2)

(2)(a) Written Claims >

Written claims submitted by the owner of the land or the affected persons ;

පාලන (1) කොටස - ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ විශේෂ නියෝගයක් මගින් සලකා ගැනීමේදී - 2014.05.30 3 A
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(b) Lands :-

- (i) The payment for the land shall include replacement cost as determined by the Chief Valuer and an ex-gratia payment amounting to the difference between the statutory compensation and the replacement;
- (ii) If a remaining portion of a land after acquisition (other than agricultural land) is incapable of being utilized as a separate entity, LARC may give an allowance to the owner if he wishes to retain the extra portion;
- (iii) In case of agriculture lands if the remainder is physically not possible for cultivation, the LARC may decide whether to acquire or make a payment for the balance extent. Reasonable time shall be given to harvest perennial crops where payment will not be made on the market value;
- (iv) all ex-gratia payments shall be determined by the LARC;

(c) Encroachers on State Lands :-

- (i) No payment shall be made to the Encroachers on State Lands :
 Provided however, a payments for the improvement of the land shall be made ;
- (ii) The provisions of this regulation shall apply only to the encroachers who were in occupation prior to the date of the Order under Section 2 of the Act is published ;

(d) Paddy Lands :-

An ex-gratia payment shall be made for paddy lands based on the difference between the statutory compensation and the amount equivalent to ten per cent of the market value of the land as computed by the Chief Valuer;

(e) Buildings and Structures :-

The replacement cost for the buildings and structures (without depreciation) shall be an amount as determined by the LARC considering the following factors :-

- (i) for parts of a structure ; the floor area to be considered for payment up to the structural points ;
- (ii) remaining portions of the structure : if the remaining portion is not suitable for further usage LARC shall pay compensation for that part as well.

(f) Rent controlled premises under the Rent Act : Residential premises and Business premises :-

Ex-gratia payment for the Building shall be the difference between the statutory compensation and the replacement cost and shall be paid according to the following manner :-

	Period of occupancy by the occupant	Percentage	
		Occupant	Owner
1.	> 20 years	75%	25%
2.	10 to 20 years	50%	50%
3.	5 to 10 years	25%	75%
4.	< 5 years	10%	90%

RESETTLEMENT POLICY PFRAMEWORK FOR STRATEGIC CITIES DEVELOPMENT PROJECT

4.A. *සමස්ත* : (i) *සමස්ත* - ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ අළු සැලසුම පනත - 2014.05.30
 Part I : Sec. (i) - GAZETTE EXTRAORDINARY OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA - 30.05.2014

(g) **Loss of Business :-**

Payments shall be made according to the categorization of businesses in the following manner :-

<i>Business Category</i>	<i>Entitlement</i>
1. Informal (non-income tax payer)	Rs. 15,000 or up to 3 months net income whichever is higher, if the income is ascertained through supporting documents.
2. Formal (income tax payer)	If the business is completely lost up to 3 years net average adjusted profit of the years immediately preceding the date of the publication of the notice under Section 2 of the Act on production of the tax declaration documents. If the business is temporarily disrupted payment shall be determined by the LARC.

(h) **Loss of Livelihood :-**

Those who are self-employed and are temporarily affected due to loss of income shall be entitled for a loss of livelihood payment as determined by the LARC.

(j) **Allowance for Vulnerable Families :-**

An extra payment shall be paid for families in a vulnerable situation as determined by the LARC ;

(k) **Loss of Wages of Employment :-**

Persons who have lost the wages of employment due to the acquisition of their places of employment shall be entitled for a payment as may be determined by the LARC.

(m) **Ex-gratia payment for handing over possession of properties before the deadline :-**

(i) If the affected persons hand over the possession of a cultivated land or a residential building before the date specified by the Acquiring officer they shall be entitled for an ex-gratia payment determined by the LARC ;

(ii) **Temporary Accommodation :-**

If the physical possession of the property is required to be taken before the date specified by the Acquiring officer a rent allowance shall be paid to the affected persons, based on the floor area of the house in which they were resident prior to the date of the order published under Section 2 of the Act, in the following manner :-

<i>House category (on Floor Area) (sq. ft)</i>	<i>Municipal Council Area (Rs.)</i>	<i>Urban Council Area (Rs.)</i>	<i>Pradeshiya Sabha Area (Rs.)</i>
1. <500	50,000	40,000	20,000
2. 500- 750	60,000	50,000	30,000
3. 750- 1,000	75,000	60,000	40,000
4. >1,000	100,000	75,000	50,000

ප්‍රකාශන : (i) බදාලා - ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ අති විශේෂ ප්‍රකාශන - 2014.03.30 5A
 Part I : Sec. (i) - GAZETTE EXTRAORDINARY OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA - 30.03.2014

(ii) Shifting Allowance :-

If the physical possession of the property is required to be taken before the date specified by the Acquiring officer a shifting allowance shall be paid to the affected persons, based on the floor area of the house in which they were resident prior to the date of the Order published under Section 2 of the Act, in the following manner :-

	<i>House category (on Floor Area) (sq. ft)</i>	<i>Payment (Rs)</i>
1.	< 500	50,000
2.	500 - 750	75,000
3.	750 - 1,000	100,000
4.	>1,000	150,000

(n) Payment for re-location :-

(i) Every re-settler affected by the acquisition with a title to the land acquired is entitled for a block of land not exceeding an extent of 20 perches from a fully serviced re-settlement site equivalent to the unimproved land value determined by the LARC or to cash payment applicable for self-re location as specified in paragraph (p) ;

(ii) Where the LARC deems that it is reasonable and justifiable, the encroachers of state lands, may be offered a block of land up to an extent of 10 perches from a re-settlement site or to cash payment applicable for self-re location as specified in paragraph (p) ;

(iii) Sub-families living in the same house registered under the same register of electors or separate registers of electors, at least 3 years prior to the date of the order published under Section 2 of the Act, are entitled for a block of land up to an extent of 10 perches from a re-settlement site or to 50 per cent of the cash payment, applicable for self-re location as specified in paragraph (p) ;

Provided however, the entitlement for lands referred to in this paragraph shall be subject to the availability of lands in a particular area ;

Provided further, a cash payment applicable for self re-location may be made to a re-settler, in addition to a block of land entitled by such re-settler under this paragraph, if the LARC deems it to be appropriate ;

(p) Self-re-location :-

(i) The persons affected by the prospective acquisition who wish to self re-locate shall be entitled for a payment specified in sub paragraph (iii) in lieu of a block of land depending on the area in which the property to be acquired is situated ;

(ii) Sub-families registered under the same register of electors or separate registers of electors, living in the same house for a period at least 3 years, prior to the date of the order published under Section 2 of the Act, are entitled to 50 per cent of the cash payment, applicable for self re-location as specified in sub paragraph (iii) ;

RESETTLEMENT POLICY FRAMEWORK FOR STRATEGIC CITIES DEVELOPMENT PROJECT

6A. *මහලක්ෂ්මි (ඊ) කලාප - ෧෧ දිනේ ප්‍රධාන ප්‍රධානවලින් මහලක්ෂ්මි කලාපයේ සඳහා වන නියෝග - 2014.05.30*
 Part I: Sec. (I) - GAZETTE EXTRAORDINARY OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA - 05.05.2014

(ii) Municipality Areas	Rs. 500,000
Urban Council Areas and Pradeshiya Sabha Areas in Metropolitan and Board of Investment Areas	Rs. 300,000
Pradeshiya Sabha Areas	Rs. 150,000

(3)(a) All ex-gratia payments shall be as determined by the LARC

(b) No interest shall be paid for any ex-gratia payment.

5. (1) The owner of a land referred to in regulation 3(1), aggrieved by the assessment made by LARC on the market value and the compensation to be paid for such acquisition, may appeal in writing, to the Land Acquisition and Re-settlement Special Committee (hereinafter referred to as the "Super LARC")

(2) The super LARC shall consist of the following members appointed by the Minister :-

- (a) the Secretary of the Ministry of the Minister to whom the respective subject of the Specified Project is assigned or his representative ;
- (b) the Secretary of the Ministry of the Minister to whom the subject of Land and Land Development is assigned or his representative ;
- (c) the Secretary of the Ministry of the Minister to whom the subject of Finance is assigned or his representative ;
- (d) the Chief Valuer or his representative ;
- (e) the Survey General or his representative ;
- (f) the Chairman or Chief Executive Officer of the respective Specified Project or a representative nominated by him.

(3) The Super LARC may after careful consideration of all the relevant factors

- (a) affirm the assessment made by the LARC under these regulations ; or
 - (b) revise the assessment made by the LARC by increasing or decreasing the amount of the assessment ;
- and inform such decision to the appellant in writing forthwith.

6. For the avoidance of doubts it is hereby declared that the provisions of Land Acquisition Regulations, 2008, published in Gazette Extraordinary No. 1596/12 of April 7, 2009, shall not apply for the determination of the market value or the compensation for any injurious affection caused by the acquisition of any land for any of the Specified Projects.

7. For the purposes of these regulations -

"Act" means Land Acquisition Act (Chapter 460) ;

"Acquiring Officer" has the same meaning as in the Act ;

RESETTLEMENT POLICY FRAMEWORK FOR STRATEGIC CITIES DEVELOPMENT PROJECT

පාලන (1) කොටස - ශ්‍රී ලංකා ප්‍රජාතන්ත්‍රවාදී සමාජවාදී ජනරජයේ අදාළ පනතින් යටතේ - 2014.03.20 7A
Part I : Sec. (1) - GAZETTE EXTRAORDINARY OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA - 2014

"Disabled person" has the same meaning as in the Protection of the Rights of the Persons with Disabilities Act, No. 28 of 1996 ;

"Families in a vulnerable situation" means women headed families, families with disabled persons and families with persons older than sixty years ;

"Minister" means the Minister to whom the subjects of Lands and Land Development is assigned ;

"Paddy land" means the lands which are being cultivated with paddy or lands that have been prepared for cultivation of paddy or lands that have been used for cultivation of paddy at least five years prior to the date of the notice published under Section 7 of the Act. ;

"Register of electors" has the same meaning as in the Registration of Electors Act, No. 44 of 1980 ;

"Rent Act" means the Rent Act, No. 7 of 1972 ;

"Replacement Cost" means the prevailing cost involved in replacing an asset at the time of acquisition and includes fair market value, transaction costs, interest accrued, transitional and restoration costs and any other applicable payments. If any, but the depreciation of assets and structures shall not be taken into account. Where there are no active market conditions, replacement cost is equivalent to delivered cost of all building materials, labour cost for construction and any transaction or relocation costs.

"Statutory compensation" means the market value and the compensation determined in terms of the provisions of Section 45 of the Act.

06-382

Annex 5 Cabinet Approval for SCDP as 'Specified Project'

**நாடுவள அமைச்சு, தலைநகர அமைச்சு, நீர் வழங்கல் மற்றும் வடிகால் அமைச்சு**
MINISTRY OF URBAN DEVELOPMENT, WATER SUPPLY AND DRAINAGE

மேல்குறிப்பிட்ட
எண். குறி. } UDWS/E10/Cabinet Decision
My Ref }
கீழ்க்கண்ட
எண். குறி. }
Year Ref }
தேதி
Date } 01-07-2015

SCD Project
27 JUL 2015
Ministry of Urban Development
Water Supply & Drainage

Project Director
Strategic Cities Development Project.

Cabinet Decision on Approval for the adoption of the procedures of land acquisition and resettlement committee (LARC) land acquisition and resettlement special committees (SUPER LARC) for the payment of compensation for those are affected due to land acquisitions made for Development Projects identified under the Strategic Cities Development Programme

I am sending herewith a copy of the above Cabinet Decision for necessary action please.


P. Edirisinghe
Director (Urban Development)


Sig. Eng. P. Suresh
Additional Secretary (Urban Development)
For Secretary
Ministry of Urban Development, Water
Supply and Drainage


A. Pramesh
Secretary to the Government


R. Suresh
28/7

Annex 6 Templates for Resettlement Action Plan

Sample Outline of Abbreviated Resettlement Action Plan

(a) Project Description

Identify Project location and its features.

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

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

(c) Legal and Regulatory Framework

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

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

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

(e) Consultations

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

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

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

(g) Arrangements for Monitoring and Implementation, and

Specify the arrangements for M&E

(h) Timetable and Budget

An Implementation schedule will be prepared including all resettlement activities from preparation to implementation.

Sample Outline of Resettlement Action Plan

a) Project Description

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

b) Social Impact Assessment

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

c) Legal and Policy Frameworks

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

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

- Define eligibility, and entitlements for the potential losses that affected persons will receive
- Prepare Entitlement Matrix in the light of EM of RPF
- The methodology to be used in valuing losses to determine their replacement cost

RESETTLEMENT POLICY FRAMEWORK FOR STRATEGIC CITIES DEVELOPMENT PROJECT

- A description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets
- A description of the packages of compensation and other resettlement measures

e) Consultation and Public Participation

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

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

- Relocation options and site selection will be done with the help and participation of APs.

g) Income Restoration Strategies

- Identify income and livelihoods at risk
- Develop income restoration and Rehabilitation & Resettlement strategy
- Specify job opportunities for youth, women and others whose livelihoods are affected

h) Institutional Framework and Grievance Redress

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

i) Resettlement Budget and Financing

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

j) Implementation Schedule

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

k) Monitoring and Evaluation

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

Annex 7 Format for Social Screening

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

Estimate of Specific Impacts

Components of the Sub Project	Site Clearing	Earth work	Construction of Bridges and Other Structures
Private land required (Sq. m.)			

RESETTLEMENT POLICY FRAMEWORK FOR STRATEGIC CITIES DEVELOPMENT PROJECT

No. of land owners losing more than 10% of land area			
Government land required (Sq. m.)			
Forest land required (Sq. m.)			
No of houses affected			
No of shops affected			
No of other structures affected			
No of public utilities affected			

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?

Decision on Categorization

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

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

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?

Screening Consultant

Authorized Person, Implementing Agency

Date:

Date:

Approved by:

Deputy Project Director / Social, SCDP

Date:

Approved By:

Project Director / SCDP

Annex 8 Scope of Work and Activities of PMU

- 1) Planning: Each PPA will prepare implementation plans for the subproject activities coming under their purview. The PMU will coordinate and prepare the final detailed implementation plan;
- 2) Project coordination: Integrate all stakeholders into a smooth working group;
- 3) Staffing: Recruiting of staff required for PMU and PPAs. Some staff such as consultants will be selected in accordance with Government and WB procedures;
- 4) Enhancing Capacity; Training of PMU staff;
- 5) Project implementation: Supervising project activities, including managing physical and financial progress;
- 6) Project Management Control: Implementing cost, schedule, and technical performance control system; and framing reporting procedures. Issuing implementation guidelines to the staff of the PMU and PPAs.
- 7) Management Information System: Establishment of a Management Information System to track the physical and financial progress;
- 8) Linkages: Establishing procedures for interacting and cooperating with other agencies involved in project implementation;
- 9) Financial Management: Managing disbursement of Project funds, ensuring that such funds are utilized for approved activities by establishing and maintaining an effective financial monitoring system. Ensure timely allocation of funds for payment of entitlements. Preparation and submission of Withdrawal applications to the WB for reimbursement;
- 10) Monitoring: Monitor the project activities with identifiable indicators;
- 11) Gender concern: Develop a plan to address Gender concern;
- 12) Covenants: Ensuring compliance with all requirements and covenants in the agreements with WB;
- 13) No cost or time overrun: Ensure that the Project is implemented without Cost or Time overrun;
- 14) Removal of bottlenecks: Identification of issues, problems and resolution;
- 15) Reporting: Submitting the required periodical reports to EA, NPSC, SCDF and WB;
- 16) Coordination: Coordinate with related Agencies to restore / improve the income and living standard of the APs; and
- 17) Grievance Redress: Coordinate the activities of all the grievance redress instruments including GRCs.

Annex 9 Qualifications and Main Tasks of Key Staff

Position and Qualification	Tasks
<p>Project Director: A senior administrative officer with a higher degree in engineering and management</p>	<p>Overall responsibility to provide leadership to the project; convene IGP, convene stakeholder forum and steering committee meetings; respond to all emerging issues and problems, lead the social management unit with guidance and monitoring, hire consultants, allocate staff and resources for social management, report to the Government and Bank regarding safeguards compliance.</p>
<p>Deputy Project Director (Social): A professional with five years of sector experience and a higher degree in social sciences or related field</p>	<ul style="list-style-type: none"> ▪ Carrying out social screening, and social impact assessment with the help of external consultants if necessary; ▪ Preparing RAPs with the help of consultants; ▪ Endorsing social screening and categorizing impacts, recommending SIA and RAP; ▪ Internal monitoring, documentation; ▪ Managing consultants; ▪ Facilitating external monitoring and annual safeguard review; ▪ Planning remedial social protection plan for vulnerable households as per RPF, before the commencement of relocations; ▪ Addressing gender issues; ▪ Developing IEC materials for awareness raising activities; ▪ Leading SDOs and CDOs working at sub-project level with technical guidance; ▪ Document grievance resolution at PMU level; and ▪ Conducting training programs.
<p>Assistant Director /Social Development Officers: A professional with a master's degree in urban sociology, planning, human geography, development studies, social work, social sciences or related field with 3 years' experience in the sector</p>	<ul style="list-style-type: none"> ▪ Assist with social screening, plan and carryout census survey and impact assessment; ▪ Address Gender Issues; ▪ Ensure coordination of RR with civil works; ▪ Monitor RAP planning and implementation; ▪ Assist with resolution of grievances of APs;

RESETTLEMENT POLICY PFRAMEWORK FOR STRATEGIC CITIES DEVELOPMENT PROJECT

	<ul style="list-style-type: none"> ▪ Monitoring of sub-project level social activities; ▪ Developing IEC materials for awareness raising activities; ▪ Document grievance resolution at PPA level
<p>CDO: A graduate with five years of experience in social work</p>	<ul style="list-style-type: none"> ▪ Conducting awareness programs for people, CBOs and other agencies supporting safeguard programs; ▪ Disseminating information regarding social safeguards among all stakeholders specifically among APs; ▪ Arranging for the delivery of entitlements; ▪ Coordinate with consultants , CBOs and service providers to assist APs in resettlement activities; ▪ Resolving the grievances of the APs; ▪ Recording of data in regard to implementation of the project and submission to PPA; ▪ Facilitating internal monitoring; and ▪ Functioning as Liaison Officer of the sub-project cell.
<p>Consultant Must be well trained social development professional and should have experience in urban resettlement and slum issues</p>	<p>Refer Annex VII for details.</p>

Annex 10

TOR for Hiring External Consultants

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

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

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

Scope of Work

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

Specific Tasks

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

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Information, Education and Communication: The consultants will assist in IEC activities through public meetings and consultations with the AP and vulnerable groups and their organizations like CBO. The consultant will establish rapport with APs and inform them about their entitlements provisioned in the RPF and RAPS. It will raise their awareness regarding documentation and procedures to receive their rights and benefits. The consultant will organize AP beneficiaries groups and educate them about the program and dispel misinformation. The consultant will facilitate AP interactions with the PMU and local authorities. Consultant will organize monthly meetings with APs at pre-disclosed time and locations. Decisions taken in these meetings will be documented and submitted to PMU/PPA as part of Monthly Progress Reports.

AP Identification and Verification: The consultant will —cross verify through consultation with community groups the list of eligible vulnerable families and squatters and assist in issuing ID cards to the APs eligible. The consultant will also act as a medium for recording AP grievances and informing the PMU/PPA for action.

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

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

Capacity building for Condominium Management: The consultant will provide training to their settled people at the new sites to build their capacity to manage their own affairs in a sustainable manner.

Annex 11 Sample Format of 'Family Card'

Ministry of Megapolis & Western Development

Family Card for Relocation Assistance under Strategic Cities Development Project

Number of the family card: Name of Sub project:

National Identity card Number: Name of the chief occupant: Name of Spouse:

Address of Applicants: Number of Family members:

Occupation:

- A) Chief occupant:
- B) Spouse
- C) Any other member of the family:
- D)

District:

Divisional Secretary /A.G.A Division Area:

- a) Original place of residence:
- b) Relocated place of residence:

Grama Niladhari Division & Number:

- a) Original place of residence:
- b) Relocated place of residence

Entitlements and Payments

S. No	Entitlements	Amount (Rs)	Received Signature	Date
1	House			
2	Transportation			
3	Loss of structures & Immoveable Asset			
4	Income Assistance, if eligible			
5	Rental allowance, if eligible			
6	Any other assistance			

NB: In AP Family Cards only the eligible entitlements will be entered

Annex 12 Proposed Composition of Grievance Redress Committee

Independent Grievance Panel:

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

Entitlement Assessment Committee (EAC)

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

PPA Level GRCs

(1) GRCs for sub-projects coming under the purview of UDA.

- (a) Chief Secretary (Provincial Council) or his nominee- For Jaffna projects
- (b) Director General UDA or his nominee (Chairman)
- (c) Chairman of the LRC of the location.
- (d) GN of the location.
- (e) APD/SDO (Secretary) and
 - (f) Two respectable citizens from society including one from the under-served community, one of whom should be a woman

(2) GRCs for subprojects coming under the purview of SLLRDC

- (a) Chief Secretary (Provincial Council) or his nominee- For Jaffna projects
- (b) Chairman of SLRRDC or his/her nominee (Chairman)
- (c) Chairman of the LRC of the location.
- (d) GN of the location.
- (e) APD/SDO (Secretary) and
 - (f) Two respectable citizens from society including one from the affected community, one of whom should be a woman

(3) GRCs for subprojects coming under the purview of RDA

- (a) Chief Secretary (Provincial Council) or his nominee- For Jaffna Projects
- (b) Director General of RDA or his nominee(Chairman)
- (c) Chairman of the LRC of the location.

(d) GN of the location.

(e) APD/SDO (Secretary) and

(f) Two respectable citizens from society including one from the affected community, one of whom should be a woman

(4) GRCs for subprojects coming under the purview of Irrigation Department

c) Chief Secretary (Provincial Council) or his nominee- For Jaffna projects

d) Director General of Irrigation Department or his nominee (Chairman)

e) Chairman of the LRC of the location.

f) GN of the location.

g) APD/ SDO (Secretary) and

h) Two respectable citizens from society including one from the affected community, one of whom should be a woman

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

(a) Municipal Commissioner (Chairman)

(b) Chairman of the LRC of the location

(c) GN of the location

(d) APD/ SDO (Secretary) and

Two respectable citizens from society including one from the under-served community, one of whom should be a woman

Annex 13 Sample Application Form for Grievance Redress

CHAIRMAN GRC -----

Date:.....

Name of Sub project:

District:

National Identity card Number:

Number of the family card:

a. Original place of residence:.....

Divisional Secretary /A.G.A Division

Name of the chief occupant:
residence:.....

b. Relocated place of

Divisional Secretary /A.G.A Division

Name of Spouse:

a. Original place of
residence:.....

Address of Applicant:

Grama Niladhari Division & Number:

Number of Family members:

b. Relocated place of residence:.....

Grama Niladhari Division & Number:

Occupation :

A) Chief occupant:

B) Spouse

C) Any other member of the family:

.....

A. GRIEVANCES

2

3

B. EXPECTED REDRESS

2

3

.....

.....

SIGNATURE OF APPLICANTS

NOTE: Both spouses should sign the application

Annex 14 TOR for Hiring Independent Safeguards Monitoring and Review Consultants

Request for Expression of Interest

Country Sri Lanka

Project Strategic Cities Development Project, Sri Lanka

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

1. This request for expression of Interest follows the general procurement notice for this project that appeared in the newspaper..... of dd/mm/yy.
2. Loan for the project sanctioned Vide No. xxx–elk by World Bank, MOM&WD intends to apply part of the proceeds for engagement of Safeguard Monitoring and Review Consultant (SMRC) for SCDP.
3. The consulting services includes monitoring and reviewing of various social and environmental safeguards associated with land acquisition, Compensation, R&R policies, Environmental Action Plan, Information disclosure, Communication etc., for SCDP.
4. MOM&WD now invites eligible consulting firms (Consultants) to indicate their interest in providing the services. Interested consultants should provide information demonstrating that they have the required qualifications and relevant experience to perform the services. The short listing criteria are that the Consultants should have a minimum of ---- years of experience in the relevant area and having successfully undertaken at least ----- similar assignments, particularly urban and resettlement projects. The consultant should have qualified and experienced qualified personnel in their team.
5. Consultants will be selected in line with the procedure set out in the World Bank guidelines **Selection and Employment of consultants by World Bank borrowers, January, 2011**
6. Interested consultants may obtain further information at the address given below from 1000 hrs. to 1700 hrs. on all working days from MOM&WD.
7. Expression of interest must be delivered to the address given below no later than 1500 hrs on dd/mm/yy.

SCDP Project

Project Director—SCDP

Address:

