

RETTRESETTLEMENT POLICY FRAMEWORK FOR

TRANSPORT CONNECTIVITY AND ASSET MANAGEMENT PROJECT (TCAMP)



ROAD DEVELOPMENT AUTHORITY

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Abbreviations

APs	Affected Persons
BP	Bank Procedure
CBO	Community Based Organization
CEA	Central Environmental Authority
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
GN	Grama Niladhari
GOSL	Government of Sri Lanka
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
IEE	Initial Environmental Examinations
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
NEA	National Environment Act
NIRP	National Policy on Involuntary Resettlement
OP	Operational Policy
PAP	Project Affected Persons
PAF	Project Affected Families
PAH	Project Affected Households
PD	Project Director
RR&R	Resettlement, Relocation and Rehabilitation
RAP	Resettlement Action Plan
RDA	Road Development Authority
RoW	Right of Way
RPF	Resettlement Policy Framework
SIA	Social Impact Assessment
SLLRDC	Sri Lanka Land Reclamation & Development Corporation
SM	Samatha Mandalaya
RPF	Resettlement Policy Framework
UDA	Urban Development Authority
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 cut-off 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 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 their losses, to restore their economic and social base.

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.

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

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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 .

Involuntary Resettlement: Resettlement is involuntary when it occurs without the consent of the displaced 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.

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.

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.

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

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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.

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.

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.

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Executive Summary

Road Development Authority (RDA), the Apex Agency in the field of road development expects the possibility of applying the Output Based Performance Road Contract (OPRC) format to the new road development projects. This new concept will be tested in Jaela – Puttalam Road (A03) as the Corridor 1. It is expected that this new concept with OPRC format will enhance the productivity, sustainability and quality of work of the project and also will help to overcome the drawbacks of the current contract system of having several contracts and dealing with several consultants/contractors in handling one development project. This social impact assessment is carried out in corridor 1 road section which covers Divisional Secretariat Divisions (DSDs) of Gampaha and Puttalam Districts (Gampaha 3 DSDs and Puttalam 8 DSDs).

Jaela - Puttalam section of the (A-03) road is in a good condition, but to face the rapid urbanization and increasing traffic volume, the improvements will be essential to operate this road as an arterial road which connects Puttalam with the capital city of Colombo.

It is found that within the total length of 108.6 km to be upgraded, 14.1km will be considered for 4 lane developments and the major extent of 94.5km will be considered for 2 lane developments. The potential negative impacts of the major section of 2 lanes generate moderate impacts as the ROW for the proposed development is almost available without going for major land acquisition. A small portion of land, a part of a parapet wall, or accesses to households etc. may be affected. However, not a single house will be fully affected as a result of this development.

It was observed that, some of them do not have titles to their lands. It may be necessary to provide them with alternative lands or pay adequate compensation to enable them to find alternative places before vacating their existing premises. At a discussion held with them, they expressed their willingness to support to the project provided their needs are addressed in a favourable manner.

Among the recommendations made at the conclusion of the stakeholder meeting, the proposal to have a team of social planning professionals is of prime importance. Under the new concept (OPRC), the consultant/contractor may have to employ teams of professionals for planning, designing, building and maintaining etc. It is also proposed to have a team of young social planning professionals to continuously work in the field, especially during the construction period, so that the rest of the technical staff can be fully concentrated on completing the project within the given target time framework. The social planning team can contribute to enhance the quality of maintenance of the road network by closely mobilizing the Local Authorities (LAs), communities and NGOs with a pecuniary incentive as an inducement. Cleaning of

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drains that have been completely neglected at present should be attended to by LAs and other responsible state agencies, as a priority.

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 last date of resettlement impact 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. 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.

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

Implementation Arrangement: The Project will be implemented by a dedicated Project Management Unit (PMU) of the Ministry of Higher Education and Highways. The overall coordination of LA and Rehabilitation and Resettlement (R&R) activities will be vested with the PMU.

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Grievance Redress Mechanism: The Bank policy requires the borrowers to establish mechanisms to deal with issues and grievances that might be raised by all affected persons, including the informal users of public lands. The procedure is meant to reduce the incidence of expensive and time consuming litigation involving minor issues among the landowners, and to give an opportunity to those not covered by the LAA. RDA has successfully implemented GRC system for its previous Bank funded road sector projects and this will be enhanced and expanded to the project to process all land, environment and livelihood related grievances.

The GRM will record the details of the grievances and the reasons that led to acceptance or rejection of the particular grievances, and will make them available for review by the IDA supervision missions and other interested persons/ entities.

Establishment of a Grievance Redress Committee (GRC):

Grievance Redress Committees (GRCs) will be formed by the RDA in each Divisional Secretariat Division or other appropriate project locations consisting of the following members.

Provincial Director of the Road Development Authority (Chairman), Chief Engineer/ Road Development Authority, Divisional Secretary (Member), Chairman of Pradeshiya Sabha Member), a Religious leader (Member) , a Community Leader(Member) and Project Affected Person.

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; 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

Sri Lanka's road network is dense and well laid-out providing connectivity to the country's population and centres of economic activity (Map 1). The network's density is among the highest in Asia (table 1.1), as the number of road kilometers per population exceeds the related indicators of densely populated countries in the South East Asian Countries.

Table 1.1: Road Densities of South Asian Countries

Country	Road Density in km/km ²
Sri Lanka	1.50
Bangladesh	1.36
India	0.73
Pakistan	0.32
Nepal	0.06
Butan	0.05

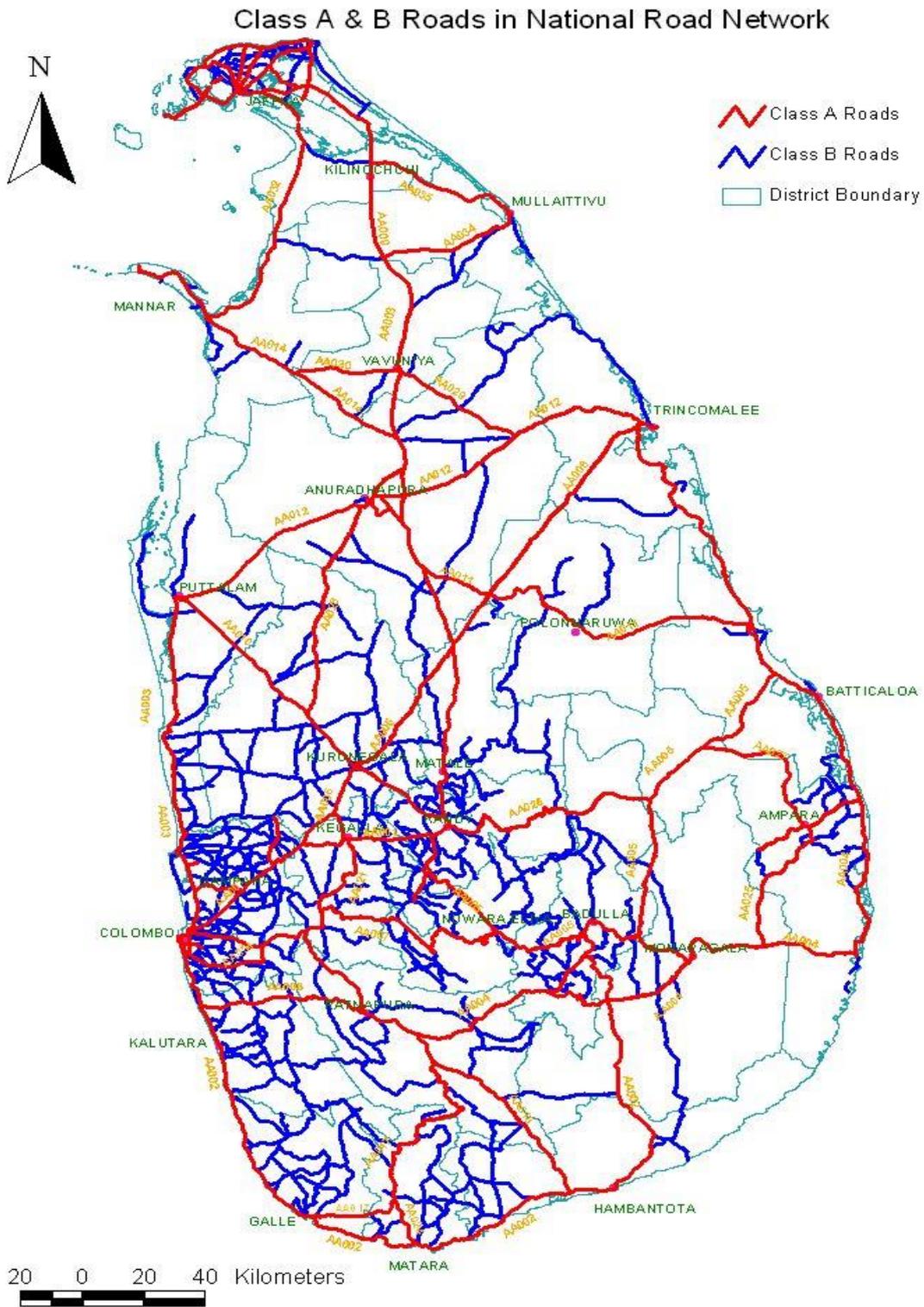
(Source: International Road Federation, World Road Statistics (2001))

However, the present road network standards and conditions are inadequate to meet the rapidly growing freight and passenger traffic. This situation limits the contribution of roads to national development, economic growth, and poverty reduction. To cope with the constraints, the existing road infrastructure must be improved and upgraded.

The Road Development Authority of Sri Lanka (RDA) wishes to explore the possibility to apply Output and Performance Based Road Contract (OPRC) format under the worldwide known Design Build Maintain Operate and Transfer methodology (DBMOT), as the basis for their asset management of the nation's most priority road network.

Road Development Authority of Sri Lanka (RDA) under Ministry of Higher Education and Highways (MOHH) is the project implementing agency and the project will be implemented as "Transport Connectivity and Asset Management Project(TCAMP). The project is aimed to support lower transportation cost through sustainable delivery of an efficient national road system that serves the needs of all Sri Lankan population. The overall objective of the WB assistance is to achieve improved and sustainable road transport by enhancing the durability, efficiency and economic impact of the national road network.

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Map I : Class A and B Roads in National Road Network Sri Lanka

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The Government of Sri Lanka (GOSL) has requested financing from the World Bank to assist them to rehabilitate and improve about 286 km of national highway network of Sri Lanka under the OPRC format. (to be decided by GOSL). The following road section has been given priority and finalized by the Planning Division of the RDA under this project.

1. Rehabilitation / improvement / maintenance of the national roads, Ja Ela to Puttalam section of Peliyagada Puttalam Road (A03) (Corridor 1- about 128.0 km). The OPRC format, based on Design, Build, Maintenance, Operate and Transfer (DBMOT) methodology, requires the Consultants to prepare a detailed technical and financial analysis for road asset management of the road, involving road rehabilitation/improvement/ upgrading, maintenance (routine and periodic) works as well as management of the road ROW, until handing over to the client. The duration of such contract involving the mentioned civil works and ROW management, is estimated to about 10 years, (for asphalt based paved roads). The sequence of the required civil works will depend of the traffic, environmental and climate conditions, and be decided based on the deterioration of its pavement, providing at all times the required residual life of the pavement. The entire project will be designed under one integral civil works and management operation , using an output based performance contract format, involving the agreed Level of Service (LOS) indicators of quality and quantity nature, , thus making sure that the Contracting Entity- (CE) The Contractor (an Entity involving contractor and consultant) has adequate incentives to maintain his service during the maintenance period given the fact that the majority of funding will be spent on rehabilitation/improvement activities. The “life span of the project”, which governs this concept- asset management, should include a “full cycle” of the road interventions, i.e. between two major road interventions (from rehabilitation to rehabilitation works), providing at all the times the approved Level of Service conditions from user’s point of view and from the road durability aspects (strength and residual life of the pavement). At the end of the project life-span, at the handing over to Employer event, the road conditions will be in accordance to the agreed Level of Service conditions, defined by the contract.

The payments to the Contracting Entity (CE) will be met only if the Level of Service conditions are met and are in accordance to the other conditions of the contract, to be developed under this assignment. The Contracting Entity will undertake majority of the project implementation and operation risks, which otherwise and traditionally, have been vested with Employer. Therefore, the CE will prepare the required detailed designs and other required construction details and shopping drawings, based on detailed field investigations, also to be carried by him, and in accordance to the defined specifications (technical, environmental, social, legal, etc), developed under this assignment. These detailed designs will be then checked and recommended for approval by the Project Monitoring/Supervision Consultant, before actual construction. However, the CE will decide on “when and how” the works will be implemented, thus involving his optimal use of resource and potential innovations. In addition, OPRC are a fixed price contracts, allowing only for the price fluctuations during the life-span of the project.

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In order to ensure compliance with the World Bank's environmental and social safeguard policies and the relevant provisions under the National Environmental Act (NEA) and associated regulations, as well as other relevant legislation and policies linked to road works, an Environmental Assessment for each proposed OPRC roads have to be undertaken.

The sections of national roads selected through the National Road Sector Master Plan (NRPM) which has been developed based on the needs of transport sector for a period of 10 years from 2007 to 2017.

In addition to rehabilitation, improvement and maintenance, the pavement of certain road sections will be upgraded to Asphalt Concrete (AC) from the present pavement of DBST (Double Bitumen Surface Treatment) or Penetration Macadam (PM) surface.

Projects and Programs financed with International Development Association (IDA) resources need to comply with WB Operational Policies (OP). 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 environmental and social legislations of the GOSL.

1.2. Aims and Objectives of the Project

The specific objectives of the project are the rehabilitation and improvement of selected sections of the Negombo Road (A 003 Road) from Peliyagoda to Puttalam (Excluding Peliyagoda to Ja-Ela section), through a strategic study in order to facilitate economic activity in the areas served and provide users with better road safety conditions and proper facilities. The project will also involve rehabilitation, improvements and maintenance through an OPRC contract.

The Ja-Ela to Puttalam Road section is basically composed of about 90 km of urban/semi urban and about 36 km of rural national roads, transitioning between Colombo and Northern part of the Country. The road includes a number of small as well as major bridges, R/C and steel constructed. Out of these bridges, some have been already commissioned under other arrangements and will be not included in this project. The bridges under consideration in this project will require a quick assessment focusing on maintenance aspects (routine and periodic) and a possible widening of a few of them, mainly by adding the sidewalks. The road is paved by A/C, in relatively fair condition. The first part of the road section of length about 12.5 km is in substandard 4 lane having lane width of 3.2 m and the rest is of two travelling lanes with

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the width of 3.5 m each and with a very narrow soft shoulders or sidewalks. The Right of Way (ROW) is corresponding to the urban major arterial street/highway and needs a careful consideration regarding the road and pedestrian safety and health requirements. The traffic volume is visible heavy and of mixed composition, in magnitude of 55,100 vpd at the start section and reduce to 12,480 vpd towards the end. No major vertical and horizontal realignment is envisaged, except for the new bridge and its approaches at Kochchikade, which will be not the part of this project. The end section of the road of, about 1.6 km from km 125 of the road has been planned for widening to four lanes, until the centre of Puttalam.

The following road sections of the Jae la Puttalam section of the Peliyagoda road (A003) is to be improved through widening to four lanes, overlaying, provision of 1.5m hard shoulder and soft shoulder correction with turfing.

- Dandugan Oya bridge(18.000km) to Seeduwa Junction(20.889km) a length of 2.889km
- Seeduwa Junction(20.889km) to Airport Junction(23.730km) a length of 2.841km
- Airport Junction(23.730km) to Periyamulla Junction (31.358km) a length of 7.628
- Periyamulla Junction(31.358km) to 32+520(two lane section start) a length of 1.162

In addition, a 125 km (125.000km) to Puttalam Town (126.500) a length of 1.500 will be widened to a four lane facility

1.3. Brief Description of the Project

The project area for this social impact assessment (SIA) is the road section described above as Corridor 1, the road section from Jaela to Puttalam section of Peliyagoda – Puttalam Road (A-03) composed of 108.6km. This section of the road passes through the western coastal belt of Sri Lanka which is densely populated with mostly urban and semi urban population. Jaela, Negambo/Kochchikade, Wennappuwa, Nattandiya, Marawilla, Chilaw and Puttalam can be considered as large urban agglomerations and the area throughout this coastal belt from Jaela to Puttalam can be observed as more urban than rural atmosphere. This road development, which is the connectivity to the Northern Central and the Northern part of the country, will mostly benefit the commuters from the south and the resident population living along the western coastal belt. Some sections of this road from Jaela to Puttalam will be developed as 4 lanes and major part of the road section will be developed as 2 lanes.

The four lanes are within 14.5 Km distance from Jaela and 1.6Km from the 125th km post to the Puttalam town. Each lane is 3.2m in width and will be considered as substandard 4lanes and shoulders. The balance road section will be developed as 2 lane road section, having 3.5m of each lane and shoulders for pedestrians. Drains will be constructed where ever necessary, for easy flow of storm water and to protect the road from stagnant water. There are several bridges to be constructed, which are fairly old and damaged due to the recent floods.

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It is understood that at the design stage marginal acquisition of structures will be avoided if space is available on the opposite side of the road without valuable permanent structures and without compromising the safety and engineering architecture of the road.

The major livelihoods of the project area are fishing and tourism activities and large numbers of factory workers are residents around Katunayake Free Trade Zone. It is also observed that a large number of people in Marawila area have found foreign employment. There are existing fishing harbours at Dickowita, Negambo, Toduwawa, Chilaw and Puttalam.

Concentration of tourist hotels and activities related to tourism can be observed after passing Jaela and around Negambo as these areas are in close proximity to Katunayake International Air Port. Marawilla and Puttalam are the other areas with major tourist activities. Tourism is a thrust activity right along this coastal belt of the road section which is being performed at various scales from informal domestic levels to formal hotel level activities.

In addition to these two major livelihood activities there is a large number of population performing a variety of formal and informal service activities which are basically connected to the major activities such as transport, selling of various items, providing bicycles and other equipment, selling of food and boating and beach boys etc.

Analysing the above information it is observed that there is a large number of resident and cosmopolitan population using this road more frequently as pedestrians and commuters to various destinations. This is one of the busiest roads having a traffic volume in the range of 55,100 vehicles per day commencing from Peliyagoda and dwindling to around 12,480 at the end of the road. As the middle class population is growing rapidly around this are, the need for development of the road for their easy travelling has become important. The development of these road sections will ensure the road safety, easy and comfortable travel enabling them to contribute to the national development activities with time saving. This will also contribute to enhance the efficiency at work places of the public and the private sector as the working population can attend their work more effectively.

1.4. Potential Social Impacts of the Project

Impact to the land and other productive assets of the people along both sides of the A03 road from Jaela to Puttalam which is 108.6km in length is not very significant as only 16.12km of the road constitute 04 lanes and the balance 92.48 km is a two lane section. Although 16.12km from Jaela is to be a 04 lane section, no acquisition is involved. Even in the 02 lanes section present road corridor is quite adequate in most of the road length to accommodate the planned improvement of the project. Most of the impact exists in the last 1.6km since this section is in the Puttalam town area and the planned width of the road corridor is 21 meters.

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The improvement to the road affects a total of 30.75 perches of private land belonging to 48 families living on either side of the road section earmarked for development and 33.25 perches state land occupied by 32 people without titles. This estimate is based on the acquisition boundary identified by the enumerators during the census survey. The actual number of persons without titles and extent of private lands with titles to be acquired could be only ascertained after the preparation of Preliminary Plans under LAA, where boundaries of the final village plans will be superimposed on the PPs. State owned property will be separately addressed as no acquisition is involved but such land will be released to the project on request. The land area and ownership pattern is given in the tables that follow. After the preparation of Preliminary Plans, the RAP has to be updated.

A total area of 64 (0.16Hcs) covering 80 plots is affected. Number of affected people is 257. Of the total extent affected 33.25 perches are state lands occupied by 32 affected people who do not have title to the land. There is no acquisition involved in case of state land but the occupants (encroachers/squatters) should be given a reasonable period to vacate with compensation for the improvement done on the land and other entitlements as per the government policy on compensation on involuntary resettlement.

Total extent of land required for the road widening is 64 perches of which 30.75 perches is to be acquired from 48 private households of legal owners from all DS divisions and 33.25 perches to be taken possession from people without titles to the land occupied by them .

Social impact assessment revealed that there will be no large scale physical displacement or resettlements. Houses affected partly are 03 while 03 houses cum shops (combined house/shop) too are affected partly. Number of shops partly impacted is 28 and 15 fully. Except the land occupied by houses which amounts to 8.2 perches, balance land is occupied by commercial establishments. . The total number of structures impacted 56 comprises house only, combined houses and shop, shop and store, sheds, temporary stalls and other structures. Among affected structures, 03 houses are partially affected, Affected combined house and shops is 03. Shops and stores are partially impacted is 28. Another 15 of these are fully affected. Number of sheds is partially affected and 04 are fully affected. The fully affected shops and stores need to be relocated. The total extent of permanent structures affected is 7509 sq.ft and extent of temporary sheds and structures affected is 2180 sq.ft.

Impact on government owned properties is not very significant, An extent of 9.27 perches is affected .from three government institutions .Three bus shelters have to be relocated and 26 electric posts has to be shifted to the edge of the road. There is no acquisition involved in properties belonging to the state occupied by state institutions, but any damages to the structures should be compensated by the PMU. There are 04 private community owned properties which are affected due to the improvements to the road. The total extent of land involved is 3.4 perches which are marginal. Damages to the structures classified as common properties will be rehabilitated by the PMU. Since these are preliminary estimates once the design is finalized many of these small impacts might be avoided. The damages to the two religious premises could be avoided since the impact zone is within the area reserved for the construction of shoulders and drains.

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1.5. Purpose and Structure of the Resettlement Policy Framework

Projects and Programs financed with IDA resources need to comply with World Bank Operational Policies. Therefore, activities 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 detail designs of the proposed road corridor under this project has not been finalized at this stage, a RPF has been adopted to guide resettlement planning and management of broader social safeguards issues.

This Resettlement Policy Framework (RPF) setting 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. The RPF lays down principles and procedures for identifying impacts, providing entitlements, institutional arrangements for implementing social/resettlement action plans including grievance redress, consultation, participation, disclosure, monitoring and evaluation of progress and outcomes, 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 will be prepared as and when necessary.

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

2.1 General

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 implementing agency 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

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

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.*

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- O. Rent Control Act 1972 and Rent Amended Act of 2006*
- P. Thoroughfare Ordinance*
- Q. Crown Land Encroachment Ordinance*
- R. Forest Ordinance as amended and all other relevant legislations*

a) Land Acquisition Act No. 9 of 1950

Land acquisition for public purposes is guided by the provisions and procedures outlined in the Land Acquisition Act No. 9 of 1950. It was amended several times thereafter, the latest being the Amendment Act No 13 of 1986. Further the LA Regulations, 2008 were passed in Parliament on March 17, 2009 and made effective by the Government Gazette no 1596/12 of April 7, 2009. The Act provides a framework for facilitating land acquisition within the country. It also guarantees that no person is deprived of land except under the provisions of the LAA and entitles Affected Persons (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 of LAA 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 1596/12 of April 7, 2009. The Act discourages unnecessary acquisition and the land should be used for the purpose for which it is acquired.

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 relating to provision of compensation for affected land at market rates, reconstruction cost of structure without depreciations, valuation for whole plot of land for determining proportional unit cost for the affected land parcel, business losses, relocation assistance etc.

One of the inadequacies of the LAA is that the onus to prove ownership or interest in, demonstrate clear title to, gather all information and submit a compensation claim in respect of, land to be acquired, is on the AP. Often displaced persons are not aware of their rights or time frames to be observed under the LAA, or they are aware but are ill-equipped to deal with the procedures required and are also not experienced in dealing with various officials and documentation. To counter this, the project will assist displaced persons in making their claims under the LAA as part of the consultation and participation process, which has been discussed in the chapter related to implementation arrangements.

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

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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.

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.

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 those, such as squatters, who do not possess legal title to the lands they live in or make a living from. There is thus no provision to mitigate the adverse impacts they suffer under the LAA. However, the entitlement matrix (EM) provided in this RPF offers compensation and Resettlement and Rehabilitation (R&R) assistance to the affected squatters.

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 07 notice under LAA. The Land Acquisition Regulations (LAR) of 2008 has introduced provisions for loss of income and other impacts which can be compensated on furnishing of other evidence in lieu of documentary evidence in proof of payment of income tax by the AP. The 2008 regulations however do not cover people who cannot produce evidence to claim compensation for loss of income. 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 Project implementing agency 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

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.

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.

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 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.

In order to address gaps in the original LAA (1950) and incorporate some of the provisions

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in NIRP, the GOSL has amended the law several occasions. Following section describes the regulations and amendments of the GOSL to the LAA since 2001.

c) National Policy for the Payment of Compensation

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.

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

LAR 2008, issued under Section 63 (2) (f) of LAA 1950 came into effect on 17 March 2009 provides for statutory payments of compensation. 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 (Annex 2).

e) Land Acquisition Regulations of 2013

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-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.

In view of the incidence of APs submitting claims to the mechanisms under the National

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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.

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.

The provisions of LAA together with the compensation listed in the Land Acquisitions Regulations 2008 and 2013 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.

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.

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 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.

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 07 notice

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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.

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 Project 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

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 XIV parts.

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 ejectment of offenders in unlawful possession of state reservations.

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

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

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

h) Land Development Ordinance No. 19 of 1935

This Ordinance deals with the systematic development and alienation of Crown land of Ceylon and comprises XII chapters.

Chapter VII of the Land Development Ordinance (LDO) sets out the procedure for cancellation of a state land given on a permit or grant for non-compliance of the conditions of permit. Section 106 gives notice to permit holder where there has been a breach of the condition of permit. If a person failed to appear before the inquiring officer, provision has been made under Section 109 of the said Ordinance to cancel the permit. Section 110 lays down the procedure where permit holder appears and shows cause for the failure to develop the land as per provision of the permit given to him. Section 112 prescribes the order of Government Agent to be served on the permit holder and to be posted on land. Section 113 provides for an appeal to the Land Commissioner against the order of the Government Agent.

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

This is an Ordinance to confirm rights on people through a legal process who had unencumbered possession of private lands for over 10 years.

Can a person acquire prescriptive title to state land in Sri Lanka? Section 15 of the Prescription Ordinance enacts „nothing herein contained shall affect the rights of the crown (state). Thus prescription does not run against the state. 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

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 squatters, 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

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

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 (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.

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

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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.

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

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

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

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

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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

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 Dewalagam Act

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

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

t) Thoroughfare Ordinance No. 40 of 2008

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

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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

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

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 .

2.2.2 Women Charter of Sri Lanka

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.

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, the was planned to be established

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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

Sri Lanka is popular to be a home for the indigenous “vanniyaletto” also known as the “adivasi” 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.

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.

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

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

Urban Development Authority

The principal activity of the UDA is to promote and regulate the integrated planning and physical development, having regard to the amenities and services provided to the community, prepare development plans for such development areas. Further, it formulates and implements urban land use policies and development of environmental standards and implementation of such schemes. Part V of the UDA Law, No 41 of 1978 lays down the provisions relating to acquisition of immovable property.

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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]).

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.

Ministry of Lands and Land Development

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.

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.

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)

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

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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.

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.

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

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.

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.

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

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]).

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.

2.3 World Bank Social Safeguards Policies

The RPF seeks to sustain a due diligence process to avoid exacerbating social tensions and to guarantee unfailing 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)

Involuntary resettlement covers situations where a project must compensate people for loss of land, other assets, livelihood, or standard of living. The project 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.

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..

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.

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)

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

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affected 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)

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 ESMF.

2.4 Gap Analysis of National and World Bank Safeguard Requirements

To summarize, Sri Lanka has a highly developed legal system to manage land acquisition and regulate land use. It has an advanced system for valuation of properties, both in specialized and non-specialized categories involving different methods as mentioned earlier in this chapter. The existing legal provisions come close to meeting the WB's safeguard requirements when it comes to land acquisition and involuntary resettlement. The GoSL's NIRP and the LA Regulations of 2008 and 2013 seek to address gaps bringing the process closer to the Bank's safeguards policies. The NIRP is a statement of policy intention without specific rules and prescriptions to guide safeguards implementation. In this context, this 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.

2.5 Guiding Principles for the Project

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

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The project 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 project 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.

3. Social Management and Mitigation Measures

3.1 General

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 Potential Social Impacts and Mitigation Measures

Social Impact Assessments carried out indicate that the proposed construction activities involve widening the existing road (carriageway) to at least two lane and four lane operations with improvement of the surface, construction of side drains, widening of black spots, widening or replacement of culverts and bridges, removal of the roadside structures and trees. Such activities may require additional land and economic and physical displacement of people in certain locations. The RDA has framed this Resettlement Policy Framework (RPF) in accordance with existing Policies, including the LAA, NIRP, and World Bank guidelines on involuntary resettlement. The RPF establishes a process by which members of potentially affected communities participate in design of project components, determination of measures necessary to achieve resettlement policy objectives, and implementation and monitoring of project activities. Screening checklist of level of social impacts is given as annex 3.

In situations where land is acquired from private land owners or even squatters, resettlement of the owners and their homesteads can bring about negative impacts and issues. Some issues from the Sri Lanka legal framework that need further attention to ensure compliance with the World Bank's OP 4.12 are highlighted below:

- *Avoiding/Minimizing Land Acquisition:* As there are no clear guidelines, the only limiting factor might be the costs that may discourage acquisition more than necessary.
- *Eligibility for Compensation:* As the provisions for inquiry into the affected persons' (APs) interests and compensations claim indicate, there is a need to recognize the rights of the titleholders and others who have some form of legal basis to the interest claims.
- *Relocation of Homestead Losers:* Stipulates "reasonable expenses" to effect any change of residence caused by the acquisition. There is need for reallocation of lands and other facilities.
- *Socioeconomic Rehabilitation:* No provisions are there to mitigate long-term socioeconomic changes the APs and households might undergo in the post-acquisition period.

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- *Ensuring Payment/Receipt of the Compensation:* In acquisition of land, it would be necessary to ensure that the APs would actually *receive* the awards.
- *Deduction Due to Market Price Appreciation:* On the other hand, deduction of an appreciation in market value, where a portion of a plot is acquired and the market price of the remainder is likely to increase. Such reasonable deductions of the market value of the acquired portion should be taken in to consideration.

The Land Acquisition Act (LAA) of 1950 seems to recognize the government's accountability to the affected property owners, who could challenge a decision up to the Supreme Court and the Board of Review. While this may have been necessitated by the application and practices of the act, the process is very time consuming. Resolution of the court cases, where the appeals could go up to the Supreme Court and Board of Review, could take a relatively long time.

Some of these shortfalls and difficulties with using the 1950 LAA for time-bound development projects are widely recognized by project execution agencies of GoSL and the donors supporting development projects in Sri Lanka. This led to formulation of a National Involuntary Resettlement Policy (NIRP), by taking into consideration the resettlement principles and guidelines of major donors, including the World Bank. Amendments to the 1950 LAA have also been made to complement a few provisions of the NIRP and facilitate preparation and implementation of the land-based development projects. The NIRP has been adopted by the government, but the full extent of the amendments to the acquisition act remain to be incorporated. As a result, land acquisition remains as difficult as before, even though the NIRP is followed to plan resettlement activities. Under the circumstances, the land acquisition process to be followed in the proposed project makes use of the country's existing LAA, the NIRP and the World Bank's OP 4.12.

3.3 Impact Mitigation Principles

The RPF aims to outline the principles to be applied in the resettlement and rehabilitation of any project affected persons so that they do not suffer adverse effects from the project and they improve, or at the minimum retain, their previous standard of living, earning capacity and production levels. The resettlement actions should minimize dependency and be sustainable socially, economically and institutionally. Special attention must be paid to improvement of the living standards of any vulnerable or marginalized groups. The mitigation principles and guidelines proposed below are based on the provisions adopted in the NIRP of Sri Lanka, and the World Bank's OP 4.12 on Involuntary Resettlement.

- Where displacement is unavoidable, resettlement of the APs will be planned and developed as an integral part of the project and will be implemented as a development program.
- Homestead-losers, including the households living on public lands without authorization, will be given the options of physical relocation in similar locations of their choice, or in designated resettlement sites, and will be assisted with relocation.
- The relocation sites, wherever needed, will be selected in consultation with the potential resettlers, and will be provided with the social and community facilities similar to those used previously. All efforts will be made not to take the APs far away from their residual lands, if any, and the existing sources of income and livelihood.

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- For compensation and assistance, encroachers who have been regularized by GoSL, and those who have earned prescriptive rights to public lands they presently use, will be treated as landowners with legal titles to the lands.
- Absence of legal title will not be considered a bar to compensation for non-land assets created by public land users¹.
- Vulnerability of the APs, in terms of economic, social and gender characteristics, will be identified and mitigated with appropriate policies.
- Where community-wide impacts are caused in the form of affecting community facilities, restricting access to common property resources, and the like, the project will rebuild such facilities and provide for alternative accesses.
- The project executing agency will bear the costs of land acquisition and resettlement.

¹ According to the Land Acquisition Act, if a person keeps using public land for 10 years or more may earn 'prescriptive right' and may become eligible for compensation for the land as well.

3.4 Impact Mitigation Modalities

The following types of compensation/ entitlement will be paid for losses expected to be caused by the project.

- Replacement costs will include registration costs or stamp duties in cases replacement of the affected lands and other assets involve such costs, subject to actual replacement.
- Loss of houses/ structures and other immovable assets of value, which are to be rebuilt, will also be compensated at replacement costs.
- Loss of other assets like trees, which cannot be replaced, will be compensated for at current market prices at the time of first acquisition notification. Compensation for affected orchards and similar commercial plantations will take into account the loss of investment and income. [RDA will use expert assistance and any available standards in determining the compensation.]
- Cut-off dates will be established to determine compensation eligibility of persons and their assets. These are the dates on which census of the affected persons and their assets will be taken. Assets like houses/ structures and others which are created, and the persons or groups claiming to be affected, after the cut-off dates will be ineligible for compensation.
- If a notice for eviction has been served on a person/family before the cut-off date and the case is pending in a court of law, then the eligibility of APs will be considered in accordance with the legal status determined by the court and the affected persons will be eligible for compensation/assistance in accordance with this policy's provisions.
- Where acquisition causes displacement from homesteads, the project will encourage for and assist with self-relocation. Where self-relocation is infeasible, the project will arrange for lands to relocate, and provide for basic social and physical infrastructure.
- The project will identify and implement policies to mitigate any adverse impacts that are unique to any project locations and have so far remained unknown.
- Compensations/ entitlements due to the APs will be paid in full before they are evicted from the public lands.

3.5 Impacts and Losses Eligible for Compensation/ Assistance

The mitigation principles and impact mitigation modalities stated in the preceding section are operationalized by defining and categorizing the potential impacts/ losses which will qualify for mitigation. The losses/ impacts listed below are only the likely ones and remain open to revision as the specific corridors are selected and social assessments are carried out. Any unforeseen impacts, as and when encountered, will be taken into account along with appropriate measures to mitigate them.

Impacts Eligible for Mitigation

Lands (All Kinds):

All kinds of lands, such as agricultural, residential, commercial, fallow and any other kinds of lands acquired from private ownerships. The following land users will also qualify for compensation:

1. Where public lands, on which encroachers/ users have been regularized, are acquired or taken back, the affected land users will be entitled to replacement costs of the lands.
2. Where public lands, on which the users qualify for prescriptive rights (for use for 10 years or more), are taken back, the affected land users will be entitled to replacement costs of the acquired lands.
3. Where public lands are taken back from legally authorized private users, the users will be entitled to the remaining lease value and entitlements for other losses in accord with the stipulated policies.
4. The unauthorized or informal users of public lands, such as squatters and encroachers, are not eligible for compensation for land, but for other losses covered by the mitigation policies.

Built Structures:

Houses and Other Structures on Public Lands: All built structures, such as living quarters, commercial and those used for other purposes.

Trees and Orchards: Market price of all trees, including those in orchards, grown on private and public lands. The compensation for fruits and other crops will be assessed and paid in terms of seasonal and perennial characteristics.

Fruits and Other Crops: Compensation will be assessed based on the market value of the crops standing in the field and those found on trees.

Seasonal Crops: Compensation of such crops will be paid for only one season.

Perennial Crops: For a reasonable period of time based on the year's value of the crops grown on the acquired lands.

Business and Wage Income: Temporary loss of business and wage income by the owners and employees of businesses affected on private and public lands, for a reasonable period of time.

Severe Impacts on Livelihood: The persons /households, whose livelihood- irrespective of landownership status- is severely affected, would be assisted to deal with the changed circumstances.

Common Property Resources: RDA will provide alternative access to or develop similar resources, whichever is appropriate. [No compensation will be paid in cash.]

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Usufruct Rights: If such rights, which have been acquired by private citizens/groups through a formal agreement with the government, RDA will pay for remainder of the lease value or fulfill the obligations agreed in the contract and any other entitlements in accord with the mitigation policies. [Where agreements are between private parties, the owner of the affected property will fulfill any obligations agreed between them.]

Unforeseen Losses/ Impacts: All other losses/ impacts that have remained unknown as of now, but identified in AP censuses will be mitigated with appropriate measures.

3.6 Eligible Affected Persons (APs) for compensation and assistance

As follows from the proposed mitigation principles and modalities, the following persons/ households/entities will be entitled to financial and other forms of compensation and assistance. It is to be noted that depending upon the types of losses, an AP may be entitled to more than one form of compensation.

Regularized Encroachers: Those who have been regularized on the public lands acquired or taken back for the project, as determined by the Divisional Secretaries.

Persons with Prescriptive Rights on Public Lands: Those who have been using the public lands for at least 10 years, as identified by the Divisional Secretaries.

Informal Users of Public Lands (Squatters and Encroachers): Residing on public lands and/or using such lands for income earning purposes.

Persons with Usufruct Rights: Owners of business and other activities on formally leased-in public lands.

Community or Groups: Where local communities and groups are likely to lose income earning opportunities or access to crucial common property resources, special development programs will be undertaken to provide alternatives to restore and improve their livelihood.

3.7 Resettlement Planning and Execution

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 R&R entitlements, relocation planning and actual relocation, resolution of grievances if any, site clearance, site handover to contractor for civil works; post resettlement support measures, monitoring and evaluation. Tor for preparation of Social assessment and resettlement action plan given as annex 4.

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RDA will carry out initial screening and social assessments to identify potential resettlement issues and impacts. Based on the screening data on the extent of likely IR impacts, sub-project safeguard requirements will be categorized as follows:

- A. Significant (Category A) – If as a result of the subproject, about 200 or more people may experience major impacts, that is, being physically displaced from housing, or losing 10% or more of their productive (income-generating) assets;
- B. Not significant (Category B) – If as a result of the subproject, fewer than 200 people will be physically displaced from housing or lose less than 10% of their productive (income-generating) assets. Resettlement plans are prepared commensurate to their impacts;
- C. No resettlement effect (Category C) – If the subproject does not require temporary or permanent land acquisition, and there are no impacts involving the loss of land, structures, crops and trees, businesses or income. No resettlement plan is required. This category also includes temporary but not significant impacts which will have to be mitigated as a part of construction management in consultation with the AP by the Contractor.

3.8 Principles and Guidelines to Execute Resettlement Policy Framework

1. The resettlement principles adopted in RPF for TCAMP recognizes the relevant legal and policy framework, regulations and guidelines – especially, LAA and NIRP – on one hand the WB safeguards on the other. The principles which will guide management and mitigation measures proposed in the RPF are summarized in Table 3.1.

Table 3.1 Principles and Guidelines for Mitigation of Social Impacts

Principles	Guidelines
Principle 1: Minimize human displacement and resettlement wherever possible.	Land acquisition and involuntary resettlement will be avoided where feasible or minimized to the extent possible through the incorporation of social considerations into project design options. For example, In the case of any activities where land acquisition may be required and land, house or assets may be affected, while selecting the sub-project, the project 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.
Principle 2:	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;

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<p>Identify all project impacts and record all losses properly</p>	<p>If the Social Screening shows substantial impacts requiring a full RAP, a Social Impact Assessment (Census Survey supplemented by a Socio- Economic Survey) will be carried out to record all 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</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>

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<p>and other stakeholders such as registered Civil Societies during planning and implementation</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> <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

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	<p>amenities and services to resettle the affected households and commercial units;</p> <ul style="list-style-type: none"> • offer relocation assistance including transport allowance where physical relocation is required; and • 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, and project levels</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</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>the latter in case of conflict amongst them).</p>	
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3.9 Key Steps in Involuntary Resettlement Planning and Execution

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.

3.9.1 Social impact assessment, inventory and valuation

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.

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.

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 reduce/mitigate negative impacts.

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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.

3.9.2 Eligibility and entitlements

An EM has been developed outlining various types of losses resulting from sub-project impacts and provisions for compensation and RR&R benefits for various categories of affected people. The matrix will apply to the project 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 Contractor 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 SIA, which is summarized in Table 3.2.

Table.3.2 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

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Income and Livelihood	<ul style="list-style-type: none"> • Income from renting of houses • 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 • Places of worship

The EM is governed by applicable Sri Lankan laws, 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 for structures for squatter families, priority to avail shops on long-term lease for displaced shopkeepers, assistance for temporary loss of incomes, additional benefits for vulnerable displaced households, re-establishment of community facilities, and mitigation measures for temporary impacts. The RPF provides additional guidelines for integrating social inclusion, accountability and gender considerations depending on their rights while planning and implementing resettlement activities. 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 WB policy.

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:

Any person or household, or community who suffers loss of land, shelter, business, income, sources of livelihood because of the Project impact 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 case of the 'titleholders' eligibility will be determined through scrutiny of title deeds or other legal documents admissible and recognized under law as valid ownership documents.

The following categories are eligible for receiving entitlements as per this 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-residential Owner, Land and Structure Owner: Legal land owners who are not in possession of their land either because they have rented or leased out their said land and property affixed to it, or such land has been taken possession of by any other person. 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 structure owners, or tenant and will receive different compensation and Rehabilitation & Resettlement assistance as per the EM.
- ✓ 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.
- ✓ 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.
- ✓ Squatters: People who have illegally occupied land either for dwelling purposes or for livelihood activities. During the land acquisition process they will not be entitled to

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compensation for land except for development effected on such land, and Rehabilitation & Resettlement assistance

3.9.3 Cut-off Date

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.

3.9.4 Development of Entitlement Framework

a) Compensation at Replacement Cost

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

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. The project facilitates to build the negotiation among all interested/eligible parties (APs) for compensation.

c) Acquisition of Non-viable Remainder Plots

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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.

Compensation for Structures

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 reminder 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 3.3, unless otherwise provided for under the latest regulations relevant to the case:

Table 3.3 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:

Non-title residential squatter or encroached households residing in the project area 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 squatters 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

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

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be no major resettlement impacts expected by the project interventions.

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.

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.

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. 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.

3.9.5 Entitlement Matrix

The Entitlement Framework has been worked out considering the 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. The project ensure that the involuntary resettlement safeguards and policies (NIRP and World Bank safeguards) to apply to address such issues through EM. This EM explains the category and type of loss and the eligible category for entitlements.

Table 1.4. Proposed Entitlement Matrix

Type of Impacts/Entitlements	Compensation recommended	Eligibility	Responsibility
Loss of land 1.1 Non-agricultural land (e.g. residential)	A) All (cash) payments for acquisition of land will be at replacement value at current market prices. The compensation will be decided by a Committee termed Land Acquisition and Resettlement Committee (LARC) (see below for	Land owner or affected persons losing assets on production of documentary proof of entitlement.	Chief Valuer, Divisional Secretary Social staff of RDA and PMU.

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<p>lands, barren lands)</p>	<p>details)The compensation should be the amount equal to the difference between statutory value and replacement cost (ex-gratia) decided by the CV plus Replacement value and statutory value decided by the CV.</p> <p>B) If the portion remaining after the acquisition cannot be used as a separate plot, and if the AP desires to keep the remaining portion with him/her, LARC could pay him an allowance for same.</p>		<p>Provincial Director/RD A, LARC and Super LARC.</p>
<p>1.2 Agricultural lands</p>	<p>A) For the agricultural lands compensation will be paid as item 1.1 above.</p> <p>B) If the remaining portion after acquisition could not be used physically for cultivation, the LARC could decide whether to acquire same or pay compensation .If the compensation for the remaining portion is not based on market value a reasonable period should be given to harvest the annual crops.</p>	<p>Land owner or affected persons losing assets on production of documentary proof of entitlement.</p>	<p>CV,DS Social staff of RDA and PMU. Provincial Director/RD A. Agrarian Service Department, LARC/Super LARC</p>
<p>1.3 Paddy Lands</p>	<p>Difference between 10 % of the market value of the land determined by the CV and the statutory value, is the ex gratia payment for the paddy land plus the statutory value in addition to the ex-gratia payment.</p> <p>Note :the market value is calculated by taking the value of a perch of highland in the area where the paddy field is situated and this sum is multiplied by 10 on the assumption that 10 perches of paddy</p>	<p>Land owner or affected persons losing assets on production of documentary proof of entitlement.</p>	<p>CV,DS Social staff of RDA and PMU. Provincial Director/RD A, RE Agrarian Services Department</p>

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	land is allowed to be filled for development purposes under the Agrarian Services Act. Source: Department of Valuation.		LARC/Super LARC															
2. Lost Assets (Buildings and Structures) <ul style="list-style-type: none"> • Parts of structures • Access of business and residential places/concrete steps • Remaining portion of the structure after acquisition if unusable. 	Pay replacement cost for the affected portion based on the extent (volume) of the structure constructed without depreciation Compensation should be paid for the unusable portion too at replacement cost.	Occupants of structures on production of proof of ownership	CV,DS, Social staff of RDA and PMU. Provincial Director/RD A, RE LARC and Super LARC															
3. Ex gratia payment for the residential and Commercial buildings subject to provisions of Rent Control Act.	An amount equal to the difference of Statutory value and, replacement cost to be distributed as per the following table: <table border="1" data-bbox="438 1444 933 1908"> <thead> <tr> <th>Period Of occupation (years)</th> <th>Owner (%)</th> <th>Occupant (%)</th> </tr> </thead> <tbody> <tr> <td>>20</td> <td>25</td> <td>75</td> </tr> <tr> <td>10-20</td> <td>50</td> <td>50</td> </tr> <tr> <td>5-10</td> <td>75</td> <td>25</td> </tr> <tr> <td>>10</td> <td>90</td> <td>10</td> </tr> </tbody> </table>	Period Of occupation (years)	Owner (%)	Occupant (%)	>20	25	75	10-20	50	50	5-10	75	25	>10	90	10	Owner and occupants of buildings fall within the provisions of the Rent Control Act.	CV,DS Social staff of RDA and PMU.GN ,Local Authority Provincial Director/RD A, RE, LARC and Super LARC
Period Of occupation (years)	Owner (%)	Occupant (%)																
>20	25	75																
10-20	50	50																
5-10	75	25																
>10	90	10																

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<p>4. Loss of Business</p> <p>4.1. Informal (nontax payers)</p> <p>4.2. Formal (tax payers)</p>	<p>If income could be proved by supporting documents, Rs.15,000.00 or net income of 03 months whichever is higher.</p> <p>Adjusted average net profit of 03 years preceding the publication of Sec.07 notice under LAA</p>	<p>All Business owners who are affected</p>	<p>CV,DS</p> <p>Social staff of RDA and PMU.</p> <p>Provincial Director/RD A, RE LARC and Super LARC.</p>
<p>4.3. Temporary Disruption of business</p>	<p>Compensation to be decided by the LARC</p>	<p>All Business owners who are affected</p>	<p>CV,DS</p> <p>Social staff of RDA and PMU.</p> <p>Provincial Director/RD A, RE, LARC./Super LARC</p>
<p>4.4. Loss of livelihood</p>	<p>Compensation to be decided by the LARC</p>	<p>All Business owners who are affected</p> <p>Self-employed and those who are temporarily affected due to loss of livelihood</p>	<p>CV,DS</p> <p>Social staff of RDA and PMU.</p> <p>Provincial Director/RD A, RE , LARC and Super LARC</p>

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4.5.Vulnerable Households	Compensation to be decided by the LARC	All household that fall within the category of vulnerable households for e.g. Very old, women headed households without a reasonable income very poor, disabled, indigenous people	CV,DS Social staff of RDA and PMU. Provincial Director/RD A, RE LARC and Super LARC
4.6.Loss of Employment	Compensation to be decided by the LARC	Those who lost their wage earning employment due to acquisition of the business premises they were employed.	CV,DS Social staff of RDA and PMU. Provincial Director/RD A, RE, LARC and Super LARC
4.7 Ex-Gratia payment for the handing over possession within the prescribed period.	Ex-gratia payment to be decided by the LARC.	The owners of residential houses and/or cultivated lands	CV,DS Social staff of RDA and PMU. Provincial Director/RD A, RE, LARC and Super LARC.

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<p>4.8. Temporary Residential facilities</p>	<p>Payments applicable to APs for temporary residential facilities.</p> <table border="1" data-bbox="438 414 917 840"> <thead> <tr> <th>Floor Area</th> <th>MC</th> <th>UC</th> <th>PS</th> </tr> </thead> <tbody> <tr> <td><500</td> <td>50000</td> <td>40000</td> <td>20000</td> </tr> <tr> <td>500-700</td> <td>60000</td> <td>50000</td> <td>50000</td> </tr> <tr> <td>700-1000</td> <td>75000</td> <td>60000</td> <td>40000</td> </tr> <tr> <td>>1000</td> <td>100000</td> <td>75000</td> <td>50000</td> </tr> </tbody> </table>	Floor Area	MC	UC	PS	<500	50000	40000	20000	500-700	60000	50000	50000	700-1000	75000	60000	40000	>1000	100000	75000	50000	<p>Affected occupants at the date of publication of Sec.02 notice under LAA who are expected to hand over possession before the prescribed date. Rate depends on the floor area occupied by the affected prior to the above date.</p>	<p>CV,DS Social staff of RDA and PMU. Provincial Director/RDA, RE, LARC and Super LARC</p>
Floor Area	MC	UC	PS																				
<500	50000	40000	20000																				
500-700	60000	50000	50000																				
700-1000	75000	60000	40000																				
>1000	100000	75000	50000																				
<p>4.9. Change of residence Entitlement</p>	<p>Type of House Payment (Rs.) Floor Area (Sq.ft)</p> <table border="1" data-bbox="438 1019 917 1310"> <thead> <tr> <th>Floor Area (Sq.Ft)</th> <th>Amount (Rs)</th> </tr> </thead> <tbody> <tr> <td><500</td> <td>50,000</td> </tr> <tr> <td>500-750</td> <td>75,000</td> </tr> <tr> <td>750-1000</td> <td>1,00,000</td> </tr> <tr> <td>>1000</td> <td>1,500,000</td> </tr> </tbody> </table>	Floor Area (Sq.Ft)	Amount (Rs)	<500	50,000	500-750	75,000	750-1000	1,00,000	>1000	1,500,000	<p>If the acquisition officer need to get the possession of the property before the prescribed date the floor area occupied by the affected prior to the date of publication of Sec 02 notice under LAA. is entitled to compensation shown under 4.9 column 2</p>	<p>CV,DS Social staff of RDA and PMU. Provincial Director/RDA, RE, LARC and Super LARC.</p>										
Floor Area (Sq.Ft)	Amount (Rs)																						
<500	50,000																						
500-750	75,000																						
750-1000	1,00,000																						
>1000	1,500,000																						

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<p>4.10. Resettlement Entitlement</p>	<p>A plot of land up to 20 perches equivalent to undeveloped value of land acquired from the affected from a resettlement site with all service facilities. LARC to decide on the extent. Or if affected desires to be self-relocated. The following cash payments are payable by the PMU. The land could only be offered subject to the land availability of land in the relevant area.</p> <p>The local area Amount(Rs)</p> <table border="1" data-bbox="440 826 979 987"> <thead> <tr> <th>MC</th> <th>UC</th> <th>PS</th> </tr> </thead> <tbody> <tr> <td>5,00,000</td> <td>3,00,000</td> <td>1,50,000</td> </tr> </tbody> </table>	MC	UC	PS	5,00,000	3,00,000	1,50,000	<p>Minimum of 03 years residence in the same premises with the principal occupant prior to the date of publication of Sec02 notice under same electoral list or separate electoral list</p>	<p>CV,DS Social staff of RDA and PMU. Provincial Director/RD A, RE, LARC and Super LARC</p>
MC	UC	PS							
5,00,000	3,00,000	1,50,000							
<p>4.11. Resettlement Entitlement for Sub families</p>	<p>The local area Amount (Rs.)</p> <table border="1" data-bbox="440 1070 979 1205"> <thead> <tr> <th>MC</th> <th>UC</th> <th>PS</th> </tr> </thead> <tbody> <tr> <td>250,000</td> <td>150,000</td> <td>75,000</td> </tr> </tbody> </table>	MC	UC	PS	250,000	150,000	75,000	<p>For those encroachers who were in occupation of such land prior to the date of publication of Sec.02 notice</p>	<p>CV,DS Social staff of RDA and PMU. Provincial Director/RD A, RE, LARC and Super LARC.</p>
MC	UC	PS							
250,000	150,000	75,000							
<p>5.0. Compensation for Encroachers 5.1. Improvements done on the land 5.2. Resettlement Entitlement</p>	<p>At replacement value for structures and other improvements</p> <p>Plot of land up to 10 perches from a resettlement site or the compensation applicable to title holders for self-relocation as item 4.11, if the LARC is of the opinion that such assistance is reasonable and justifiable. The land could only be offered depending on the</p>	<p>Those untitled people who were in occupation prior to the publication of Sec.02 notice under LAA.</p> <p>Same as above</p>							

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	availability of land in the relevant area.		
<i>Above table is based on the provisions contained in the Government Gazette No. 1837/47 dated 22nd November 2013.</i>			

3.9.6 Guide to cost estimation and funding

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.

Accordingly, land acquisition and resettlement expenses for consultation and participation, grievances redress, cost for relocation, Income restoration, transitional allowance, livelihood program, skilled development, monitoring and evaluation, administration, contingencies etc. will be included as cost estimates for social safeguards management.

The above matrix is based on the provisions made on compensation by the Government gazette NO.1837/47 dated 22nd November 2013 in consultation with the RDA assuming that the project will be included for compensation based on the relevant gazette

All ex-gratia compensation will be decided by the LARC, as per the guidance provided in the above gazette. Statutory value and replacement cost is decided by the Chief Valuer.

According to the Government Gazette No.1837/47 of the above date, the members of the LARC will be appointed by the Hon Minister of land and Land Development will be composed of following officers

1. Divisional Secretary or Assistant Secretary
2. Surveyor General or his representative
3. Chief valuer or his representative
4. An officer not below the rank of an Assistant Secretary nominated by the Minister in charge of the ministry that implement the project.

Every affected person should be provided with opportunity to come before the LARC and submit reasons to support his/her case.

Any AP who is not satisfied with the decision of the LARC has the right to appeal to the Super LARC for redress.

Composition of Super LARC appointed by the Hon Minister of Land and Land Development

1. Secretary of the ministry or his representative that implements the project.
2. Secretary or his representative of the ministry of Land and land Development
3. Secretary or his representative of the Ministry of Finance
4. Chief Valuer or his representative
5. Surveyor General or his representative
6. The Chairman, Chief Executive Officer or an officer nominated by him of the organization that implement the project.

After considering all the facts relating to the appeal carefully the Super LARC will confirm the decision of the LARC, increase or decrease the compensation awarded by the LARC and the decision of the Super LARC should be conveyed to the affected person.

3.9.7 Approval Process of Resettlement Plans in Sri Lanka

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.

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).

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 IV 'C' of the NEA.

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.

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4. GENDER AND DEVELOPMENT

4.1 General

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

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.

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.

Applied to the 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.

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

5. Consultation and Participation

5.1 General

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.

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 Stakeholder Analysis

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 affected by the project. 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 5.1 Identification of Stakeholders

Broad Category	Sub Category	Types of Individuals and Groups
		Developer / Designer/Contractor

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Those Who Affect/influenced the Project	Those Involved in Project Delivery	Client
		Owner
		Investor
		Professional Consultants
		National Political Authorities
		Government Ministries, Departments at Central, District and Divisional Levels
	Those Who Determine the Context	
		Divisional Secretariats
		Provincial Level Statutory Bodies
		Local Government Authorities
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

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

5.3 Stakeholder Consultation and Participation

The project 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 the project 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

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project implementers. In order to achieve this, the information should be made accessible and understandable and where necessary, information must be translated into local languages of the affected population.

Public Information Brochure (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.

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.

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.

5.4 Stakeholder Consultation and Participation Model

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. Table 6 indicates the key activities which need to be carried out during the preliminary, planning, designing and implementation stages.

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Table 2.2 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; ▪ 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

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.

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

The Environmental and Social Division (ESD) of the Road Development Authority was established in year 2006 and implements environmental and social safeguards compliance strategies at different levels of road construction projects. The ESD will provide safeguards compliance related services for all the road development activities in the organization, beginning at project identification stage, all the way through implementation and post implementation evaluation. The ESD's active involvement in upstream planning and downstream processing and implementation would be significantly aided on all safeguard compliance related aspects of road sector development in Sri Lanka. Consequently, with ESD's assistance any social or environmental compliance related issues would be brought to the attention of the authorities right at the outset, thereby preventing major issues from emerging during implementation.

Institutional Roles and Responsibilities

Institutional Roles and Responsibilities for implementation of social safeguards are summarized in the table below:

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Table 6.1 - Institutional roles and responsibilities for implementation of social safeguards

Name of Institute & Persons responsible	Activities and responsibilities to implement social safeguards
<p>Road Development Authority</p> <p><u>Director Lands/ESD and Resettlement Assistants of the Land Division/ESD of the RDA.</u></p> <p>Provincial Director/RDA</p> <p>Chief Engineer/ RDA</p> <p>Executive Engineer/ RDA</p>	<p>Project executing agency.</p> <p>Also Land Acquisition should be as per the guidelines stipulated in LAA, NIRP and World Bank operational policy on Involuntary Resettlement; and the resettlement could be done according to RAP. Acquisition is carried out it will follow normal acquisition procedure without following the section 38A Proviso, which is the emergency procedure of the LAA. Mitigation of social impact and Implementation of</p> <p>Grievance redress mechanism (as the Chairman of the GRC). Conducting Grievance redress Meetings. Coordination with line agencies.</p> <p>Act as the Secretary of the GRC. Public consultation and awareness raising. Coordination with line agencies to replace all structures, affected parties located within the RoW. Assist to DS of the area to implement land acquisition process under the LAA.</p> <p>Monitoring and Evaluation of social mitigation activities and progress implementation. Coordination with utilities agencies.</p>
<p>Project Management Unit</p>	

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<p>Site engineers and Technical officers.</p>	<p>Take actions to implement the RAP. Monitoring the progress of social safeguards taken to minimize negative social impacts. Preparation of progress reports on social safeguards.</p> <p>Making changes to the designs to avoid significant social issues.</p> <p>Manage good relationship with affected parties and general public.</p>
<p>Divisional Secretariats</p> <p>Divisional Secretary</p>	<p>Act as the Acquisition officer and assist the RDA to confirm ownership of properties and implement the land acquisition process.</p> <p>Participation in grievance redress committee as a member.</p>
<p>Utility Agencies</p> <p>Regional Engineers of Telecom, Water Board and Ceylon Electricity Board.</p>	<p>Shifting of utilities as per scheduled time.</p> <p>Take responsibility to carryout shifting of utilities with minimum effect on consumers and general public.</p>

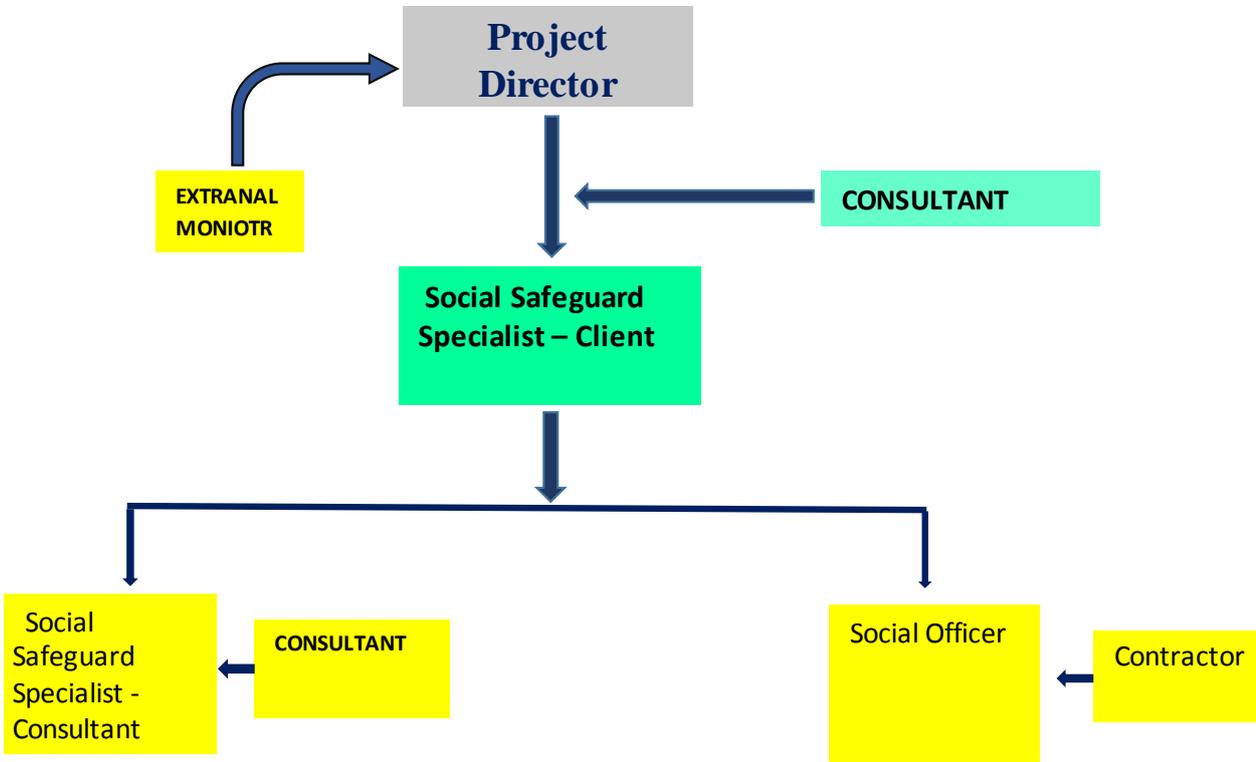
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Table 6.2 Institutional roles and responsibilities for implementation of Social Safeguards during maintenance period.

Name of Institute & Persons responsible	Activities and responsibilities to implement social safeguards
<p>Road Development Authority</p> <p>Director, ESD and Field Monitoring Assistants (FMAs) of ESD</p> <p>Provincial Director/RDA</p> <p>Chief Engineer/ RDA</p> <p>Executive Engineer/ RDA</p>	<p>Responsibility of executing all road maintenance work through designated Executive Engineers (EE) of the areas under guidance of the Maintenance, Management and Construction (MMC) Division of RDA.</p> <p>To observe and report the level of social safeguards compliance maintained during road maintenance work to DG, RDA.</p> <p>Direct and guide EE in complying with social safeguards during road maintenance works through the respective Chief Engineer, RDA</p> <p>To Guide EE in complying with social safeguards during road maintenance works</p> <p>To ensure the social safeguards are complied during any road maintenance work..</p>
<p>Divisional Secretary</p>	<p>Act as a focal point for receiving any grievances of public that is related to road maintenance work</p>
<p>Utility Agencies</p> <p>Regional Engineers of Telecom, Water Board and Ceylon Electricity Board.</p>	<p>Shifting of utilities if required (temporarily) for any road maintenance work.</p>

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Figure 1 ; SOCIAL SAFEGUARD MANAGEMENT of the Project



6.2.1 Payment of entitlements

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;
- On receipt of the concurrence, accepting the correctness of their entitlements, a payment voucher for the amounts will be prepared. If an AP contests the entitlement/compensation immediate action to redress the grievances will be taken through the grievance redress instruments. Payments for such APs will be made only after the resolution of grievances. APs who concur with entitlements offered will be paid as scheduled without any delay;

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- 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.
- 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

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 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.

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;
- 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.

6.4 Contractors' Compliance on Social Safeguard Measures:

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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

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:

- 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.

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

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.

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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.

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

The knowledge, skills and attitudes of the core operational social safeguard network, the project officials, , 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.

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

According to the LAA, persons who are displaced from public lands do not have a right to bring their grievances to any institutional entities. However, the Bank policy requires the borrowers to establish mechanisms to deal with issues and grievances that might be raised by all affected persons, including the informal users of public lands. The procedure is meant to reduce the incidence of expensive and time consuming litigation involving minor issues among the landowners, and to give an opportunity to those not covered by the LAA. The general GRM established under the project will process all land, environment and livelihood related grievances.

The decisions made by GRM will be binding on the project execution agency. To instill confidence and trust in the procedure, the convener will ensure that all grievance decisions are made in formal hearings and that the individual GRM members are not contacted by the aggrieved APs or stakeholders in advance. The convener will have the authority to ensure impartiality, fairness and transparency. The GRM will record the details of the grievances and the reasons that led to acceptance or rejection of the particular grievances, and will make them available for review by the IDA supervision missions and other interested persons/ entities.

Establishment of a Grievance Redress Committee (GRC)

Grievance Redress Committees (GRCs) will be formed by the RDA in each Divisional Secretariat Division or other appropriate project locations consisting of the following members as given in table 7.1.

Table 7.1 Positions and Duties of the GRC Members

Designation/Official Position	Function in the Committee	Task Assigned	Remarks
Provincial Director/RDA	Convener- (Chairman)	Chairing the GRC Meetings, making recommendations and sending for action	Grievance Notice should be Headed within a month
Officer representing RDA - at the project area	Secretary- CE or EE of the RDA can act as the	Maintaining minutes, Correspondence on Decisions by the GRC	

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	Secretary of the GRC		
Chairman of the Pradeshiya Sabha	Member	To represent local Authority and its Concerns	
Divisional Secretary	Member	To represent Divisional Secretariat And its Concerns	
Member of local Community organization / NGOs and CBOs	Member	To represent the Local community	
A representative Of concerned PAP/Stakeholder	Member	To represent the Concerned PAP/stakeholder	

Creation of Awareness of the Grievance Redress Mechanism

RDA should inform the relevant APs/Communities, Grama Niladharis, Local Samurdhi Officers and Social Development officers of the Divisional Secretariats and Pradeshiya Sabhas of the areas about the existence of grievance redress mechanism.

RDA should prepare flyers indicating:

- Project brief including the benefits of the rehabilitated road for the public
- Procedures for registering a complaint
- Categories of persons, institutions and property/assets affected that can claim compensation
- Explanation of those who would not be considered as an affected person, property etc.

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- The address of the authority to receive and register the application with the name of the officer in-charge, address, and telephone/fax numbers to contact.

The minutes of the GRC signed by the GRC members are maintained at the office of the Provincial Director of RDA. The recommendations along with other issues will be sent to the Project Director within a week after the GRC meeting. The same information will also be sent to the relevant applicants for his information. The recommendations will be implemented before the construction work is started in the sections of the road where affected persons have claimed for redress.

8.0 Monitoring and Reporting

General

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

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 of reference, monitoring indicators, mechanisms and methodologies, frequency, documentation and reporting arrangements.

8.1 Monitoring System

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

8.1.1 Internal monitoring

Internal monitoring will be done by the ESD at the project level. 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;
- Documentation for informed decision making, and efficient response to implementation issues;
- Maintenance of each APs entitlement updated file;

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- Management of baseline information on socio economic conditions of the APs, to assess whether the socio economic conditions improve and income and living standard improve restored;
- Preparation of progress reports; and
- Coordination within the implementing organization as well as with outside agencies.

8.1.2 External Monitoring

The PMU will engage a Third party 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.

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.

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.

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.

8.1.3 Monitoring Roles and Responsibilities

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) Project Management Unit

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.

b) Monitoring & Evaluation Cell

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 designs

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8.2 Reporting

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

- Periodic Reports (Monthly; Internal, Quarterly, and Annual 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.

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.

8.2.1 Reporting responsibilities

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 project will also constitute the reporting mechanism.
- Reporting to the PMU and Steering Committee
- The Social Specialist of the PMU will report to the PD who will in turn report monthly to the project.

8.3 Monitoring Framework

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

- 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;

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 8.1 below: The modes of measure progress includes monthly and quarterly reviews as well as bi-annual progress reports

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Table 8.1. Monitoring Indicators for project 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, 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.
	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	<ul style="list-style-type: none"> Number of APs received compensations by type of loss, Number of APs received RR&R assistance
	h. Restoration of cultural and community property resources	<ul style="list-style-type: none"> Number of cultural and community resources that requires relocation / restoration Number of such community resources relocated/restored.
	i. Vulnerable households, groups and persons	<ul style="list-style-type: none"> 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.

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	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.

Annex 1 : EXECUTIVE SUMMARY of Social Impact Assessment

Road Development Authority (RDA), the Apex Agency in the field of road development expects the possibility of applying the Output Based Performance Road Contract (OPRC) format to the new road development projects. This new concept will be tested in two road corridors. Jaela –Puttalam Road (A03) as the Corridor 1 and Avissawella –Padalangala Section of Colombo – Ratnapura- Wellawaya –Batticaloa Road A-04 as Corridor 2. It is expected that this new concept with OPRC format will enhance the productivity, sustainability and quality of work of the project and also will help to overcome the drawbacks of the current contract system of having several contracts and dealing with several consultants/contractors in handling one development project. This social impact assessment is carried out in corridor 1 road section which covers Divisional Secretariat Divisions (DSDs) of Gampaha and Puttalam Districts (Gampaha 3 DSDs and Puttalam 8 DSDs).

Jaela - Puttalam section of the (A-03) road is in a good condition, but to face the rapid urbanization and increasing traffic volume, the improvements will be essential to operate this road as an arterial road which connects Puttalam with the capital city of Colombo.

The project background and description of the project area are explained in the first chapter and objectives and methodology followed in completing the SIA are given in chapter 2. Social and economic status of the project area in chapter 3 and legal frame work and policies applicable to the project is given in chapter 4. Consultants carried out a participatory approach and a comprehensive consultation process to study the socio economic status and to identify the impacts of the project. Stakeholder meetings, Focused Group Discussions (FGDs) and Key Informants Discussions were held with identified persons in addition to a Socio Economic Survey and Road Users Survey carried out in the project area. In chapter 5 the consultation and social survey information are highlighted while social impacts pertaining to 2 lane and 4 lane scenarios are given in chapter 6. Chapter 7 explains the mitigation measures, conclusion and recommendations. The Gender Plan based on communities is given in chapter 8.

It is found that within the total length of 108.6 km to be upgraded, 14.1km will be considered for 4 lane developments and the major extent of 94.5km will be considered for 2 lane developments. The potential negative impacts of the major section of 2 lanes generate moderate impacts as the ROW for the proposed development is almost available without going for major land acquisition. The total land area to be taken over will be approximately 35.8 perches along the major length of 94.5km. The total number of potential households to be affected has been identified as 45. A small portion of land, a part of a parapet wall, or accesses to households etc. may be affected. However, not a single house will be fully affected as a result of this development.

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Comparing with the 2 lane section of the proposed development, the last section of the 4 lane distance from 125th km post up to the end of the road generates significant impacts to 15 shops and a store. These 15 shops are semi-permanent and temporary nature and need relocation. The owners have been running business for over 25 years. It was observed that, some of them do not have titles to their lands. It may be necessary to provide them with alternative lands or pay adequate compensation to enable them to find alternative places before vacating their existing premises. At a discussion held with them, they expressed their willingness to support to the project provided their needs are addressed in a favourable manner.

Among the recommendations made at the conclusion of the stakeholder meeting, the proposal to have a team of social planning professionals is of prime importance. Under the new concept (OPRC), the consultant/contractor may have to employ teams of professionals for planning, designing, building and maintaining etc. It is also proposed to have a team of young social planning professionals to continuously work in the field, especially during the construction period, so that the rest of the technical staff can be fully concentrated on completing the project within the given target time framework. The social planning team can contribute to enhance the quality of maintenance of the road network by closely mobilizing the Local Authorities (LAs), communities and NGOs with a pecuniary incentive as an inducement. Cleaning of drains that have been completely neglected at present should be attended to by LAs and other responsible state agencies, as a priority.

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

LAND ACQUISITION ACT, 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 . Screening checklist to determine the level of social impacts.

Project : Province:

Subproject : District:

Level of Project

Design:

Potential for Involuntary Resettlement Effects*	Not Known	Yes	No	If yes, consider potential scope of resettlement effects
Will the project include any new physical construction work?				
Does the project include upgrading or rehabilitation of existing facilities?				
Are any environmental effects likely which may lead to loss of housing, other assets, resource use or incomes?				
Is land acquisition likely to be necessary?				
Is the site for land acquisition known?				
Is the ownership status and current usage of the land known?				
Will easements be utilized within an existing site or Right of Way?				
Are non-titled people present on the site/within the Right of Way?				
Will there be loss of housing?				
Will there be loss of crops, trees, and other fixed assets through land use related changes?				
Will there be loss of incomes and livelihoods?				
Will people lose access to facilities, services, or natural resources through land use-related changes?				
Will any social or economic activities be affected through land use-related changes?				
Affected Persons and Severity of Impacts				
Any estimate of the likely number of those affected by the project? No () Yes ()				
If yes, approximately how many?				
Any estimate of the severity of impact at the household level?				

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If yes, what?
Any of these people poor, indigenous, or vulnerable to poverty risks? No () Yes ()
If yes, how?

Annex 4**ASSET MANAGEMENT PROJECT USING OUTPUT AND PERFORMANCE-BASED ROAD CONTRACT (OPRC)**

Terms of Reference for preparation of Social Impact Assessment (SIA) and Resettlement Action Plan (RAP)

1. General:

1. The Roads Development Authority of Sri Lanka (RDA) wishes to explore the possibility to apply Output (based) Performance Road Contract format (OPRC), under the worldwide known Design Build Maintain Operate and Transfer methodology (DBMOT), as the basis for their asset management of the nation's most priority road network.
2. The OPRC contract format will be applied to the design, rehabilitation/improvement/maintenance of the national roads, *Ja Ela to Puttalam* section of Peliyagada Puttalam Road (A03) (Corridor 1- about 128.0 km) and *Awissawela to Pelmadulla* road section of Colombo Ratnapura Wellawaya Betticaloa road (A04) (CRWB) and *Pelmadulla-Padalangala* road section of Pelmadulla - Embilipitiya - Nonagama road (PEN /A018) , totaling to about 158 km.
3. Ja Ela to Puttalam Road section is basically composed of about 90 km of urban/semi urban and about 36 km of rural national roads, transitioning between Colombo and Northern part of the Country. The road includes a number of smaller as well as major and relatively long bridges, R/C and steel constructed. Out of these bridges, some have been already commissioned under other arrangements and will be not included in the project. *All these, including the bridges that are included in the project, have been described in an Attachment to this TOR.* The bridges under consideration in this project will require a quick assessment focusing on maintenance aspects (routine and periodic) and a possible widening of a few of them, mainly by adding the sidewalks. The road is paved by A/C, in relatively fair condition. The first part of the road section of length about 12.5 km is in substandard 4 lane having lane width of 3.2 m and the rest is of two travelling lanes with the width of 3.5 m each and with a very narrow soft shoulders or sidewalks. The Right of Way (ROW) is corresponding to the urban major arterial street/highway and needs a careful consideration regarding the road and pedestrian safety and health requirements. The traffic volume is visibly heavy and of mixed composition, in magnitude of 55,100 vpd at the start section and reduce to 12,480 vpd towards the end. No major vertical and horizontal realignment is envisaged, except for the new bridge and its approaches at Kochchikadi, which will be not the part of this project. The end section of the road, of about 1.6 km, from km 125 of the road has been planned for widening to four lanes, until the center of Puttalam. The drainage

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has been neglected and needs serious consideration and planning given the nature of the terrain.

4. **Awissawela to Pelmadulla Road** section of Colombo Ratnapura Wellawaya Batticaloa road (A04) (CRWB) is two lane road on a rolling terrain. The CRWB road is the trunk road which provide connection to Colombo the capital city from Sabaragamuwa, Uva and Eastern provinces. The road is very important in terms of food security as it provide transport of vegetable grown in Uva province and paddy grown in Eastern province. And also road leads to several tourist destinations such as Ratnapura gem city, Bandarawela hill country, Batticaloa beautiful beaches and sea for wind surfing. The length of the road section is about 63 km and has lane width of 3.00 m. There no hard shoulder along the road section and need few realignment at sharp bends to improve road safety. The road section from Awissawella to Ratnapura has been improved in the year 1999 with AC surface and need overlay with adding hard shoulder. The section from Ratnapura to Pelmadulla has been improved in the year 2006 with AC surface and surface is in reasonably good condition. The average daily traffic of the section is varying from about 18,000 vpd at the start and to 14,000 vpd towards the end. The traffic is mix in composition and nearly 50% of the traffic consist of motor cycles and three wheelers. Four townships along the road need to be widened to 4 lane facility to relieve the traffic congestion at townships and land for the widening is available at present. There are bridges along the section and two (2) major bridges have been taken out of the project as the reconstruction of these bridges have been taken under other funding. There are 4 bridges located in town sections need widening to 4 lane facility. Asphalt concrete road surface is in fair condition need overlay with adding adequate hard shoulder.
5. **Pelmadulla – Padalangala section of Pelmadulla - Embilipitiya - Nonagama road (PEN /A018)** is two lane road of length of about 73.5 km. The PEN road is one of the important trunk roads of the National road network. The road provides the connection to Sabaragamuwa province from Hambanthota where new international Airport at Mattala and new port is located. This also provides the alternative road to Southern province from Colombo through CRWB road. This road also tourist important road as it provide the access to Udawalawe National Park. The road section under consideration has been improved in the year 2006 with surface of DBST. The average width of the Carriageway is 9.6m which provides two lanes of 3.5m and 1m hard shoulder on both side of the road. The Vertical and Horizontal alignment of the road section is reasonably good and no realignment is required. Surface of the road is reasonably good condition except 1st section up to Madampe of length about 12km. This section has some potholes and surface deteriorations.
6. The OPRC contract format, based on Design, Build, Maintenance, Operate and Transfer (DBMOT) methodology, requires the Consultants to prepare a detailed technical and financial analysis for road asset management of the road, involving road rehabilitation/improvement/ upgrading, maintenance (routine and periodic) works as well as management of the road ROW, until handing over to the client. The duration of such contract involving the mentioned civil works and ROW management, is estimated to about

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10 years, (for asphalt based paved roads). The sequence of the required civil works will depend of the traffic, environmental and climate conditions, and be decided based on the deterioration of its pavement, providing at all times the required residual life of the pavement. The entire project will be designed under one integral civil works and management operation, using an output based performance contract format, involving the agreed Level of Service (LOS) indicators of quality and quantity nature, thus making sure that the Contracting Entity- (CE) The Contractor (an Entity involving contractor and consultant) has adequate incentives to maintain his service during the maintenance period given the fact that the majority of funding will be spent on rehabilitation/improvement activities. The “life span of the project”, which governs this concept- asset management, should include a “full cycle” of the road interventions, i.e. between two major road interventions (from rehabilitation to rehabilitation works), providing at all the times the approved Level of Service conditions from user’s point of view and from the road durability aspects (strength and residual life of the pavement). At the end of the project life-span, at the handing over to Employer event, the road conditions will be in accordance to the agreed Level of Service conditions, defined by the contract.

7. The payments to the Contracting Entity (CE) will be met only if the Level of Service conditions are met and are in accordance to the other conditions of the contract, to be developed under this assignment. The Contracting Entity will undertake majority of the project implementation and operation risks, which otherwise and traditionally, have been vested with Employer. Therefore, the CE will prepare the required detailed designs and other required construction details and shopping drawings, based on detailed field investigations, also to be carried by him, and in accordance to the defined specifications (technical, environmental, social, legal, etc), developed under this assignment. These detailed designs will be then checked and recommended for approval by the Project Monitoring/Supervision Consultant, before actual construction. However, the CE will decide on “when and how” the works will be implemented, thus involving his optimal use of resource and potential innovations. In addition, OPRC are a fixed price contracts, allowing only for the price fluctuations during the life-span of the project.

2. Detailed specifications for the preparation of Social Impact Assessment (SIA) and Resettlement Action Plan (RAP)

2.1 INTRODUCTION AND OBJECTIVES

8. Where the project will entail acquisition of land, structures and other assets, and/or cause displacement of loss of assets within the public Right of Way (ROW), the Land Acquisition Act No. 9 of 1950 and subsequent LA regulations in 2008 applies. The project is under consideration for World Bank financing, and must therefore also be in compliance with the World Bank’s policy on ‘‘ Involuntary Resettlement’’ as described in OP 4.12.

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9. It is the responsibility of the Borrower to prepare a plan that complies with the Government of Sri Lanka's and the World Bank's policy guidelines and directives on land acquisition and involuntary resettlement. This Plan is referred to as a Resettlement Action Plan (RAP). The RAP will be prepared in two phases and will include a gender action plan and details of community consultations. The GoSL and the World Bank will first agree on an appropriate Entitlement Framework, on the basis of which a detailed RAP will be developed.
10. The RAP has three main objectives:
 - to present the project area and the impacts of land acquisition for project civil works on the people who own properties to be acquired, live on the land to be acquired, and/or derive their income from the land or enterprises operating on the land to be acquired;
 - to present the entitlement policy for compensation and assistance to people affected by the project;
 - to present an action plan for delivery of the compensation and assistance outlined in the policy, to the persons identified as entitled to such assistance.
11. GoSL and World Bank policy is based on the principle that the population affected by the project should receive benefits from it, or at the very least not be worse off than before. Acquisition of land and other assets, both of private holdings and within the ROW, are integral part of project design and implementation. Undertaking a social impact assessment and preparing a RAP should be incorporated as part of the project design from the start, and undertaken in close coordination with environmental analysis, the Environmental action plan, and the engineering design and implementation.
12. The World Bank policy emphasizes that involuntary resettlement should be avoided or minimized where possible by exploring other alternative project designs. Therefore, the initial screening for social and environmental impacts should be part of the feasibility studies to determine the final selection of roads to be included in the project.
13. In cases where displacement, loss of assets, or other negative impacts of people are unavoidable, the project should assist the project Affected Persons (PAPs) with the means to improve their former living standards, income earning capacities, production levels or at least maintain the previous standards of living of those suffering losses.
14. Since a key principle is that no civil works should be undertaken on any stretch of road before land acquisition has been completed and compensation or assistance carried out according to the RAP, it is essential that the planning and implementation of civil works be coordinated with the RAP.
15. Preparation of a RAP requires thorough understanding of social, economic and cultural factors influencing the lives of the adversely affected people. Detailed baseline studies need to be conducted, and a participatory approach through consultation with potentially affected persons and other stakeholders such as local NGOs, municipal authorities, etc is essential. Appropriate skills and experience to coordinate and implement this must be available within the responsible agencies.

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16. The Terms of Reference for the work undertaken may be modified according to local contexts, subject to approval by GoSL and the World Bank.

2.2 SCOPE OF WORK

Task 1. Social Impact Assessment (SIA)

- 17 The objectives of the Social Impact Assessments are:
- to provide the minimum information on social impacts as part of the preliminary screening of road sections;
 - to verify the legal boundaries of the Right of Way, document existing structures, land plots, and other physical assets within the ROW to establish a cut-off date for entitlements in accordance with the policy to be developed, identify project affected persons including those who are vulnerable; and
 - to provide the socio-economic baseline information required for preparation of the entitlement framework.
- 18 **Preliminary Screening:** The consultant shall make initial visits to all the different stretches of road under consideration for project. Coordinated with the other screening exercises being undertaken (environmental, techno-economic), an assessment shall be made of the potential magnitude of social impacts. Any major social impact issues such as large scale resettlement, relocation or impact on dense urban clusters, loss of livelihood, acquisition of private land and other vulnerable groups shall be identified. Stretches with no or minor social impacts shall be identified, and given priority in the selection of roads to be improved.
- 19 Following the selection of road stretches to be included in the project, a verification exercise shall be undertaken. The verification shall establish the legal boundaries of the Right of Way, and identified current usage of the land in terms of squatters, land encroachments, fixed and movable structures, trees and wells, etc. This shall be jointly verified by the (RDA) and the respective Provincial Council, in the field, the information gathered should be reflected in maps and records, jointly verified by signature of the responsible senior (RDA) and PC officials. The following guidelines shall be followed:
- a) Where it is likely that dislocation of people will be required, suitable resettlement sites of government owned land in close proximity to the current locations of the affected persons should be recorded. The resettlement sites should be identified and finalized in consultation with the displaced persons;
 - b) All encroachments within the public ROW, as well as private holding of land and other assets in areas where it is probable that the corridor of impact will go shall be documented;
 - c) Assets both within and outside of the ROW such as structure, land holdings, trees and wells, etc shall be recorded on strip maps, and be numbered in each named settlement and administrative unit;

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- d) The information gathered shall be recorded on strip maps, and if possible computerized Photography and/or video recordings should be used to document existing structures and land holdings, and circumstances for identification and planning.
20. Following this a public notification of the intent to undertake a project shall be issued, in accordance with the legal requirements of GoSL. This represents the cut-off date for entitlements under the project. Only those people with land or other assets identified as existing prior to this date will be entitled to support under the project. This is to prevent land invasions, erection of new structures for speculation purposes, and other attempts at false claims. The consultants shall assist the appropriate authorities in undertaking this work.
21. **Socio-economic baseline information:** This will be collected by means of a sample socio-economic survey of the pre-selected roads. The survey shall gather information on the various categories of losses and other adverse impacts likely under the project. The losses shall be categorized according to type. These losses will vary based on the local context. They may include, but not be limited to, types of impact and number of PAPs against each impact type such as:
- a) loss of land and other productive resources such as trees
Loss of livelihood or sources of livelihood
Temporary loss of assets, livelihood or sources of livelihood
How project will impact women differently – on livelihood, displacement, access to resources, etc;
 - b) loss of structures, temporary or fixed, within or outside of ROW;
 - c) loss of access to public services (roads, water supply, schools, medical facilities, shops);
 - d) loss of customers and supplies;
 - e) loss of access to forest or protected areas
Loss of fishing, grazing, or forest areas;
 - f) loss of access to common property resources; and
 - g) Disruption of social, cultural, religious, or economic ties and networks.
22. Furthermore, the sample socio-economic survey shall identify potentially affected populations, with special attention to vulnerable groups such as landless households and women-headed households. It shall include but not be limited to:
- a) demographic characteristics (age, sex, marital status, literacy level, peer relations, numbers, and categories of affected people);
 - b) ethnic composition of the population and settlement pattern;
 - c) main and secondary forms of livelihood including specification of the resource base, seasonal and permanent use of resources including land based and salaried employment for different household members, labor mobility and migration, the importance of informal networks and labor exchange patterns and the potential impact of disrupting these patterns, skill base, training need assessment for livelihood enhancement income through various sources, expenditure pattern, economic vulnerability, asset base;
 - d) status of access to market, health facilities, banking, communication, etc;

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- e) if any persons have already been displaced, information on them should be collected for two time periods at the time of displacement and at present.
23. As part of the sample socio-economic survey, an assessment shall also be made of what the likely replacement value of the various assets lost is based on the following considerations:
- a) entitlements to affected persons shall be based on replacement value rather than registered land prices etc. which tend to be undervalued;
 - b) this assessment is also important as a means of preventing inflated claims to compensation;
 - c) as part of this assessment, consultations and discussions shall be held with a representative number to the different categories of affected persons, to assess their views on what constitutes fair compensation or assistance, their preferences for resettlement actions, and reactions towards the project; and
 - d) a suitable methodology shall be developed to classify different types of assets, and the measurements taken to determine quantities of losses, i.e different types of land, tree, crops, structures, businesses etc, and the unit of measurement such as area of land, number of trees, floor area or other measurements for houses etc.
24. The sample survey shall form the basis for the full base line socio-economic survey to be undertaken subsequently of all PAPs. By conducting it first for a sample population, it may be modified and improved prior to undertaking the full survey.
25. **Reporting.** The findings from the Social Impact Assessment shall be presented in a report. The information collected shall be gender segregated. This shall include:
- a) Baseline information on socio-cultural and economic parameters of the project area;
 - b) assessment of current land acquisition practices, their appropriateness and potential impacts for this project;
 - c) estimates of the type of losses expected as a result of the project, broken up in categories of cultivated, homestead, enumeration of structures, trees and other assets;
 - d) identification of the categories of affected persons, bases on the identified losses, and estimates of their numbers;
 - e) it is important to analyze the data in such a way that the report captures the likelihood that some persons may lose different kinds of assets. Therefore, the number under each category is not mutually exclusive and in identifying different person's losses and entitlements, provision must be made for recording and compensation for more than one kind off loss; and
 - f) the status of squatters and encroachers within the public Right of Way.
26. Based on this information the consultants shall prepare a draft Entitlement Framework, which will form part of the agreement between GoSL and the Bank. The following considerations are essential:
- a) the framework will be adopted as policy for this project;
 - b) the entitlement framework shall be prepared by the consultants. However, it is essential that this be done in close consultation with the agencies responsible for the subsequent

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- implementation of the Resettlement Action Plan, to ensure full understanding and agreement on the issues;
- c) the framework should be placed within the legal context of Sri Lanka and the Bank’s applicable Operational Policies must be adhered to. If there is a divergence between domestic law, the practice, and the World Bank’s Policies, this should be clearly identified and analyzed before the framework is finalized. If necessary, consultation between the Bank and GoSL authorities should be held to arrive at a framework acceptable to both;
 - d) a key consideration should be to develop a methodology to document to what extent the objectives are achieved. Indicators should be developed which can be used for systematic monitoring and comparison with the baseline data over time;
 - e) as a general principle, there ought to be more than one option offered to PAPs within each category of impact. The entitlement framework should analyze these options, the risks and benefits of each, and how to implement the various programs in a transparent manner;
 - f) Wherever possible, land for land ought to be a priority. Cash compensation should only be undertaken when it can be clearly documented that land for land or other types of assistance are not available. If cash payments are made, special arrangements should be made to assist the most vulnerable in making productive use of the money. The entitlement framework should also describe how payments can be made in a transparent manner, for example, by doing it publicly with independent verification;
 - g) the entitlement framework shall specify the period of notification about acquisition of assets, and establish that no civil works may start on a stretch of road before the Resettlement Action Plan has been implemented there. This is a key principle, and must be taken account of when awarding contracts for civil works. Improper or delayed implementation of the RAP may lead to costly delays in civil works;
 - h) As the project will work in different areas at different times, the framework and RAP should be prepared in such a way that the period between the acquisition of people’s assets and the actual start of work is the shortest possible. The framework should, therefore, also contain provisions as to how the compensation and assistance levels may be re-evaluated and adjusted in case of price increases. Such reassessment should be done at least on an annual basis (ideally every six months).

27. The framework shall be presented in a tabular form as below:

Type of Loss	Entitled person	Entitlement	Implementation Issues/Guidelines	Organizations Responsible

Task 2. Preparation of Resettlement Action Plan (RAP)

28. The information collected during the Social Impact Assessment shall form the basis for preparing a Resettlement Action Plan (RAP). The RAP should contain, at a minimum, the following sections:

- a) Summary findings from the Social Impact Assessment;
- b) Summarized description of applicable legal framework of the Country and the World Bank's policies and Entitlement framework. The RAP should clearly bring out why and how laws and policies are applicable and what measures have been taken in the project to address them;
- c) Data on expected impacts, numbers and categories of affected persons;
- d) Consultation and participation arrangements of RAP and other stakeholders, and framework for continued consultation during implementation stage;
- e) Mitigation measures;
- f) Gender action plan;
- g) Institutional arrangements, including grievance procedures;
- h) Implementation procedures;
- i) Timetable of activities, with Gantt charts showing the various elements of the plan, coordination of land with road design, contracting, and construction;
- j) Monitoring and evaluation of land acquisition and resettlement process; and
- k) Budget and costs.

29. In preparing the RAP, the likely alignment and corridor of impact for the roads to be improved shall be determined. This shall be done as a joint exercise, coordinating the various design aspects of the project (engineering, environmental, socio-economic). The corridor of impact is defined as the width required for the improved road and the civil works necessary to construct it, including the new pavements, shoulders, support slopes, and necessary safety zones. People who live or have assets outside of this corridor of impact and who will not be affected by the project will not be considered as PAPs and will not be entitled to compensation or other forms of assistance. The following considerations are important:

- a) The identification of the corridor of impact shall be undertaken as a joint exercise between the planners responsible for engineering design, environmental assessment, social impact and R& R planning;
- b) Public consultation shall be undertaken to determine what local people consider to be the best alignment for the improved road;
- c) The corridor of impact will normally fall within the existing Right of Way but the study shall assess where private land acquisition may be required;
- d) It is likely that the exact road alignment, and therefore the corridor of impact, may shift following detailed engineering designs. The purpose of this early estimate is to get as complete a picture as possible of the expected scope of land acquisition required, number of PAPs categories and entitlements, and budgets and time frame required for

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- the implementation of the Resettlement Action Plan. However, this shall be updated and corrected as required following the final engineering designs;
- e) the consultant, along with the engineering team, shall carry out analysis of alternatives to ensure that requirement of private land is minimum to improve and upgrade the existing road alignment to the defined technical standard;
 - f) the analysis of alternatives should take into account the usage of land, vulnerability of land owner, productivity of land and land cost while determining land acquisition. The lower value land should be acquired where possible;
 - g) wherever possible, the alignment should be designed so as to avoid acquiring residential buildings and buildings in which permanent businesses operate;
 - h) re-alignments should only be done where it is necessary for safety reasons or when it is preferable for environmental reasons or because it has less asset acquisition impact.
30. Based on the agreed entitlement framework, the full baseline socio-economic survey and a joint on-site verification shall take place for the total length of highway to be improved. The baseline socio-economic survey shall be conducted within the corridor of impact.
31. The survey shall be a full census of all entitled persons and a baseline socio-economic survey. It shall uniquely identify all entitled persons under the policy. The survey shall use the methodology developed for the sample survey undertaken earlier and provide the data for an overall estimate of total numbers of people affected, assets to be acquired by the project, and scope of resettlement and rehabilitation measures to be taken. The joint on-site verification will determine the precise nature and quantity of assets to be acquired and the losses to be compensated.
32. The consultants shall advise the project authorities about the best way to coordinate this activity. The following considerations are important:
- a) the survey and verification should be done jointly by representatives of the project authorities and the PAPs and other authorities (as appropriate);
 - b) during this survey, the PAPs shall be explained of the likely impact by the project authorities and presented with a copy of the entitlement framework in his/her local language;
 - c) the assets to be acquired shall be tabulated, bearing in mind that each PAP may have losses in more than one category. The compensation or assistance he/she is entitled to shall be clearly explained, as well as the likely timetable for when the acquisition is to take place;
 - d) where different options have been developed, these shall be explained along with the likely risks involved. Wherever possible as part of the analysis of alternatives, the principal of high vulnerability/ low risk should be followed, i.e. those among the PAPs identified as particularly vulnerable should be encouraged to choose the assistance or compensation that offers the least risk. This choice shall not be made on the spot but provision should be made in the RAP for further consultation and sufficient time should be given to the PAPs to make their choices;

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- e) the table of likely losses and types of entitlements shall be verified by the three parties present and signed by each of them. The PAP shall be given a copy, which will serve as proof of his/her status as PAP, and each PAP should be given a unique identification code. Other measures such as identity cards may be considered if necessary;
 - f) this information should be coded and computerized, and updated as required following finalization of the data. Developing a database to track PAPs entitlement and compensation of assistance given should be considered to ensure accurate and efficient implementation of the RAP;
 - g) it should be made clear to the PAP that if the final road design and the choice of alignment mean that he/she is no longer within the corridor of impact, no compensation will be given;
 - h) the PAP shall also be informed about the mechanism set up for grievance procedures;
 - i) provision should be made for how missing data can be collected later, and other mechanisms for information sharing and local participation should also be developed;
 - j) undertaking the baseline socio-economic survey and joint verification is a time consuming exercise. People are not always available, and it may be difficult to coordinate the movements of local government officials with the project authorities. It is therefore essential to allow sufficient time for the survey and verification before any civil work start, and to coordinate the planning of the different project components.
 - k) Summary information shall be tabulated based on districts, with length of road, land to be acquired (cultivated and homestead listed separately), temporary and permanent buildings, and number of households and total persons affected (broken down by gender and other relevant categories such as major/minors, etc.)
33. **Institutional Arrangements.** Responsibilities for implementation of various parts of the RAP should be clearly delineated:
- a) while elements of the plan may be undertaken by other institutions (b) for coordination among different agencies of government of community organization, appropriate mechanisms should be identified and established. The organizational structure and type of skills required should lead to the creation of a joint task force or steering committee with representation from different agencies, involving participation from local government and representatives of the PAPs;
 - b) Appropriate monitoring and evaluation arrangements should be developed. It should be the responsibility of the implementing agency to systematically monitor the progress of the RAP, and analyze and report on its impacts compared with the baseline data. Suitable indicators should be developed. Independent evaluation or supervision should be provided for, and guidelines prepared for how this is to be undertaken;
 - c) A grievances and appeals mechanism should be evolved;
 - d) It is essential to document the institutional capacity of the agency or agencies responsible for implementing the RAP. Where institutional capacity is yet to be developed or identified, a realistic plan shall be presented for how this is to be achieved, bearing in mind likely constraints and delays.

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- 34. Assessment of institutional capacity will be a key factor in the appraisal of the RAP.
- 35. Following agreement on an entitlement framework, a summary publication with project description, estimates of land acquisition losses and entitlements should be prepared, both in English and in the local language. This is to be distributed among the local communities and other stakeholders.

2.3 REQUIREMENTS OF THE ASSIGNMENT

37. **Reporting and feedback schedule:** All submissions related to the assignment should be submitted to Project Director of Project Management Unit (PMU) of Road Sector Assistance Project, as hard copies and electronically. Electronic version of the final report should be in Word form and not PDF. During the final submission of the report(s), if changes requested during the draft report stage are not satisfactory to the employer, the consultant will be required to work further on the document until it is considered satisfactory. All reports will be also reviewed by the World Bank. Any feedback/discussions in addition to below can be requested by the employer as well as the consultancy firm.

Description	Deadline	Feedback
Submission of the inception report	01 week after signing the contract agreement.	Within 1 week, comments and suggestions will be provided in writing A meeting will be organized by the employer to discuss clarifications and provide additional feedback
Submission of the draft SIA report & RAPs	07 weeks after receiving comments.	Within 1 week, comments, corrections and further information necessary will be provided in writing
Submission of the final SIA and RAPs	02 weeks after receiving comments	Submission of Final Reports (one soft copy and two hard copies for each road)

38. **Information to be provided by Employer:** In order to expedite the process, the PMU will provide copies of the most recent SIA reports and RAPs (also available in the Info shop of the World Bank) of RSAP phase 2, as well as the Environmental and Social Management Framework of RSAP on the day of contract signing. The PMU will also provide any documents related to OPRC. In addition, relevant sections of the bid document of RSAP phase 2 will be provided. A meeting to discuss any clarifications with PMU and the World Bank in reference to this ToR can be arranged on request.