

An Innovative Participatory Development Induced Involuntary Resettlement Experience in Sri Lanka

-Setting the Stage for Making Involuntary Resettlers Voluntary Project Partners and Beneficiaries -

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KEY WORDS: Pro-Poor Development Induce Involuntary Resettlement; Guided Consultative & Participatory Resettlement; Integrated Partnership Development; Community Housing Information & Advisory Services

EXECUTIVE SUMMARY

The Government launched **Lunawa Environment Improvement & Community Development Project** in 2002 with an objective of improving the environment and uplifting the quality of life of people in Lunawa basin in the Colombo Metropolitan Region by alleviating flood, and creating a hygienic and pleasant environment through improvement of storm water drainage systems, with **technical assistance of UN-HABITAT**. The Government of Sri Lanka adopted a **National Involuntary Resettlement Policy (NIRP)** in 2001, after the design phase of the project, and thus, the **scope of the project was revised incorporating the NIRP principles** with the assistance of UN-HABITAT technical inputs and with **additional funding of Rs. 600 M (US\$ 6.0 M)**.

The project has undertaken several additional tasks and preparatory activities such as development and reaching agreement with all stakeholders on (a) **Resettlement Policy Framework**; (b) **Resettlement Approach and Strategy** (c) **Participatory and Consultative Resettlement Process**; (e) **Implementation Guidelines**; (f) **Resettlement plans**; (g) **Housing Package**; (h) **Participatory Monitoring & Evaluation Mechanism (PMEM)** (i) **Integrated Partnership Development Programme** (j) **Staff Training and capacity building** (k) **Review Legal Aspects**; (l) **Defining PAPs & Eligibility for Compensation**; (m) **Obtain service of NGO as Partner Organization**; and (n) **Set up Community Information Center, and (o) Establishing Partnerships with Housing Finance Agencies.**

The new scope of the project has drastically changed the original resettlement component, making it a novel participatory resettlement process - with a new look, creating an innovative forerunner '**State of the Art**' **pro-poor Development Induced Involuntary Resettlement Program** translating, first time, NIRP into practice in a complex urban context with an objective of making 'PAPs' real beneficiaries and active partners of the entire development process of the region.

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This innovative **pro-poor approach on involuntary resettlement has ensured the tenure rights of the poor living in slum and shanty settlements.** However, despite the fact that there have been an effective social marketing program, **undue delays caused by conventional and bureaucratic land acquisition procedures, land surveying and valuation process has adversely affected the smooth implementation of the resettlement process of the project, creating unrest among PAPs.**

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1. BACKGROUND

1.1 Introduction : It has now been widely accepted that people should be at the center of any development activity, aiming at enhancing the quality of their life. However, there may be instances where a development interventions, though it would proceed for the greater benefit of society, bring various types of adverse effects on some people. During the last four decades tens and thousands of families were involuntarily resettled in Sri Lanka, mainly to facilitate irrigation, highway and urban development projects. Until recently, **development-induced displacement of population was considered a "sacrifice"**- with a comparatively a small group of people having to make way for the benefit of a large number of people or the country in general. What these involuntary resettlers received as compensation in general were limited to **statutory monetary compensation for land and house** acquired for the project, provided that they had the **legal ownership**, making the poor and landless people more poorer and vulnerable.

1.2 National Involuntary Resettlement : In order to ensure that people affected by development projects are treated in a fair and equitable manner, and that they are not impoverished in the process, the Government of Sri Lanka adopted a **National Involuntary Resettlement Policy (NIRP)** in 2001 with an objective of avoiding, minimizing and mitigating negative impacts of involuntary resettlement through providing facilitation for the reestablishment of the affected people on a productive and self-sustaining basis. The new policy ensures that people adversely affected by development projects are; (a) fully and promptly compensated, (b) successfully resettled, and, (c) provided assistance to (i) re-establish their livelihoods, (ii) deal with the psychological, cultural, social and other stresses caused by compulsory land acquisition, (iii) redress of grievances and, (iv) have in place a consultative, transparent and accountable involuntary resettlement process.

2.LUNAWA ENVIRONMENT IMPROVEMENT AND COMMUNITY DEVELOPMENT PROJECT (LEI&CDP) : INTRODUCTION

2.1 The Project Area - Lunawa Catchment : Lunawa Lake basin is located within Moratuwa and Dehiwala / Mount Lavinia Municipal Council areas, within the Colombo Metropolitan Region in Sri Lanka. The Lake and the surrounding area that extends about 7.0 sq. km. has been environmentally degraded due to a combination of human and natural factors developed over a long period of time. The catchment suffers from habitual flooding,

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at a frequency of four to six times per year. The Lake, which has earlier supported a significant fishery industry and a large number of livelihoods, is now devoid of aquatic life and considered to be biologically dead.

The population within the basin is estimated at 85, 000 covering 18112 households and consisting of mixed communities, more than 50% of which are under-served low income slum and shanty dwellers, and most of them have no tenure rights.

2.1 The Project :

The LEI&CDP is a continuation of Greater Colombo Flood Control and Environmental Improvement

Project initiated

by the Government of Sri Lanka during the first quarter of the last decade with financial assistance from government of Japan. This project has attempted in providing technical solution, typically in engineering nature, to the problems persisted in low lying areas in greater Colombo, with very little involvement of beneficiaries and affected persons.

The experience gained from the implementation of these projects has revealed that the sustainability of interventions, benefit and impact on the people would have been enhanced and the adverse impact of the Project Affected Person (PAP), specially urban poor, could have been minimized, if there were effective community participation and pro-poor resettlement programs securing their tenure rights. The lessons learned from the last decade experience led to a new innovative approach to upgrade low-income urban areas. The new approach and the strategy is designed to merge participatory community development and human settlement component into technical solutions. The LEI&CDP, which intends to improve the environment and to uplift the quality of life of people in Lunawa area by alleviating flood, through improvement of storm water drainage system commenced its implementation in 2002, with UN-HABITAT technical assistance and advisory services to the Human Settlement and Community Development Component (HS&CD) of the project.



3. CHANGE OF SCOPE OF LEI&CDP –INCORPORATING NIRP PRINCIPLES

3.1 LEI&CDP and NIRP : The NIRP was adopted by the government after the design phase of the project, and just before the commencement of its implementation. Therefore, the government and the JBIC had agreed to change the scope of the project incorporating the NIRP principles and to undertake a detailed assessment on additional resource requirements including the financial commitments, with the assistance of UN-HABITAT technical inputs. The original Resettlement Component of the project was revisited in the light of NIRP and the project budget was revised with additional funding of Rs. 600 M (US\$ 6.0 M), which was

provided by the government for the implementation of revised scope of resettlement component including the payment of replacement cost for all involuntary resettlers. This facility has extended to those affected, both who have and do not have legal ownerships to land and house they were occupying.

3.2 Involuntary Resettlement : Preparatory Tasks

Aftermath of the change of scope of the resettlement component of the project incorporating of NIRP principles, the LEI&CDP has focused attention on following preparatory tasks.

3.2.1 Resettlement Policy Framework :

The stakeholder consultations has highlighted the need for a clear policy framework, as it was agreed that absence of such a policy may result in severe economic, social, and environmental problems due to re-settlement activities of the project. Existing social capital and positive social elements such as mutual help may get dismantled. Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out.

LEI&CDP Resettlement Policy Framework intends to ensure compliance of resettlement and upgrading activities with the NIRP adopted by the government by;

- Laying out the resettlement policy and process of the project securing social safeguards for the persons in the Lunawa catchment who would be affected by the project in terms of loss of land, assets, shelter, and/or potentially adverse impact on livelihood or social life due to the resettlement or acquisition of property and mitigating loss of assets, resources, and potentially adverse livelihood impacts.
- Outlining (a) eligibility criteria for entitlements/compensation of displaced persons (b) legal and institutional framework, (c) mode of compensation and rehabilitation, (d) people's participation features and (e) grievance redress procedures.

Box 1 : LEI & CDP : Resettlement Framework Guiding Principles

- **Avoid or minimize re-settlements**, where feasible, exploring all viable alternative project designs.
- Where displacement is unavoidable **re-settlement plans** should be developed to compensate for their losses **at full replacement cost prior actual displacements**.
- PAPs are supported during the transition period, and assisted in their efforts to **improve their former living standards, income earning capacity, and production levels, or at least to restore them**.
- **Special attention** is paid to the needs of the poor and vulnerable groups.
- **Community participation in planning** and implementing is encouraged.
- Appropriate **community organization** should be established and existing social and cultural institutions of resettlers and their host communities should be supported and used.
- **Resettlers should be integrated socially and economically into host communities** so that adverse impacts on host communities are minimized.
- **Land, housing, infrastructure, and other compensation should be provided** to the adversely affected population,
- **The absence of legal title to land by such groups should not be a bar to compensation.**

3.2.2 Resettlement Strategy: The Resettlement Strategy of LEI&CDP has intended to translate NIRP principles into practical actions so that potential losses and adverse impacts caused by the project would be mitigated and minimized. The strategy has mainly intended to convert all involuntary resettlement persons to beneficiaries and active partners of the project

by providing assistance and support for re-settlement and social upgrading to enable them to improve at least to maintain their pre-project living standards, income-earning capacity and wealth.

3.2.3 Review Legal Aspects : In order to ensure legal backing, the Resettlement Programme is based on the existing legal framework of the country mainly the Sri Lankan Constitution, Land Acquisition Act, National Environmental Act and Environmental Impact Assessment (EIA) regulations, National Housing Development Authority (NHDA) and Urban Development Authority (UDA) Acts.

3.2.4 Defining PAPs & Eligibility for Compensation : The term "PAPs" refers to persons who are adversely affected in any of the ways defined below;

§ persons whose houses/shelter and other structures are in part or in total affected (temporarily or permanently) by the project;

§ persons whose agricultural/residential and commercial land/structures is in part or in total affected (permanently or temporarily) by the project;

§ persons whose businesses are affected in part or in total (temporarily or permanently) by the project;

§ persons whose crops (annual and perennial) and trees are affected by the Project;

§ persons whose other assets are affected by the project;

§ persons whose current livelihood situation/ income is affected from restrictions to access to resources or due to the displacement; and

§ persons/communities whose physical environment or socio-economic status are affected by the resettlement programme of the project or any other project activities.

3.2.5 NGOs as Partner Organizations: Obtained the service of experienced NGOs as partner organization, to assist affected communities and act as intermediary for them.

3.2.6 Participatory Monitoring & Evaluation Mechanism (PMEM) : The PMEM has been developed and established with an objective of carrying out participatory monitoring and assessment jointly with all stakeholders of the project and to incorporate lessons learned into the next phase of the project cycle.

Box 2 : Salient Features of the Re-settlement Strategy

- **Stakeholder consultation** decision making to be done in consultation with all stakeholders concerned.
- **Active participation of PAPs-** PAP, the key stakeholder, is in the center of the resettlement process. The **participatory process** for project preparation, implementation, and monitoring are designed to minimize potential losses and adverse impacts.
- **Adaptive and guided consultative resettlement planning-** Flexible planning with continuous refinement incorporating lessons learned through consultative planning actively involving all stakeholders, especially PAPs.
- **NGOs to act as an intermediary,** between the project and PAPs-, a partner organization to assist ' would be displaced' persons in actively participated in the resettlement process
- **Participatory process** and guidelines/ procedures for project preparation, implementation, and monitoring with an objective to minimize potential losses and adverse impacts.
- **Work in partnerships** with all projects and programmes in the area.
- **Effective communication linkages** between PAPs and the Project- **Community Information Center (CIC)** set up in the field and social marketing programmes prepared and being implemented.
- **Household Income and Social Restoration Programme.**

3.2.7 PAP Entitlement Packages : PAP entitlement package was developed offering alternate options, in consultation with all stakeholders, including PAPs.

3.2.8 Implementation Guidelines:

Detailed Project Implementation Guidelines was prepared to assist the project resettlement team, including NGO staff and field coordinators and enumerators.

3.2.9 Community Sensitization Program (CSP) and Community Information Center (CIC) :

The CSP was developed and the CIC was set up in the field so as to enhance the public awareness and disseminate information among PAPs to avoid the confusion due to information gap and to establish transparent process and procedures to encourage active PAP involvement in the resettlement.

3.2.10 Staff Training :

A comprehensive staff training package was prepared including a set of training manuals for the resettlement staff of the project, NGO and Municipal Councils.

3.2.11 Integrated Partnership Development Programme :

A serious of discussion were held with key agencies involved in the development activities in the Lunawa catchment and an Integrated Partnership Programme was developed to work all agencies in partnerships towards one goal.

3.2.12 Guided Resettlement Programs and Social & Environment Safeguard Measures:

A guided consultative resettlement program was developed incorporating social and entitlement safeguard measures, especially focusing on vulnerable groups, especially women, children, old and disable people.

3.2.12 Grievance Redress Mechanism (GRM) : A GRM was developed and established and PAPs had been given proper awareness on GRM so as to establish effective appellant procedure.

Box 3 : PAPs, Entitlements Eligibility Criteria & Rehabilitation Measures

All displaced households are provided with (a) a plot of land and full replacement cost of the house or the construction cost of the basic house whichever is higher to built a replacement house more, or at least equivalent to the facilities and advantages of their old houses and, (b) financial assistance (such as moving allowances/ temporary accommodation allowance) during relocation. No displacement would be taken place, involuntarily, before providing the replacement land and /or paying the compensation package.

The following Categories of person are eligible to be considered as 'Project-Affected Persons' (PAPs).

- (a) those who have formal legal rights to land / house/assets;
- (b) those who do not have formal legal rights to land /house and but have a claim to such land/ house or assets-provided that such claims are recognized under the laws of the country,
- (c) those who have no recognizable legal right or claim to the land/house they are occupying.

Persons covered under (a) and (b) above are eligible for cash compensation for the value of land/house/assets they lose, and other assistance in accordance with the next section. They are also offered the replacement cost of housing in lieu of the value of the house and given a choice of get the highest packages. Persons covered under (c) above are provided with replacement of basic shelter facilities and other resettlement assistance to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established, ie. January 2003, the date of the socio-economic survey. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (a), (b), or (c) above are provided compensation for loss of assets other than land.

4. RESETTLEMENT PROCESS

The Project has adopted a **Guided Consultative & Participatory Involuntary Resettlement Process**, consisting of following Main Phases.

4.1 Phase I: Start up and Orientation Phase : This phase includes key tasks such as; (a) Stakeholder/ Community awareness and social marketing, (b) Reach Consensus & approve Resettlement Policy Framework, (c) Reach Consensus & approve PAP Entitlement Eligibility Criteria, (d) Carry out enumeration survey / detailed field survey, (e) Identify ‘would be’ Project Affected Households(PAH) & prepare PAH List, (f) Identify ‘would be’ Re-settlers Households (RSH) & prepare RSH List, (g) Prepare, Reach Consensus & approve Entitlement Package and Modes, (h) Prepare, Reach Consensus & approve Implementation Guidelines/Procedures, and (i) Prepare Detailed Action Plans for Resettlement Phases

4.2 Phase II: Social & Technical Preparation Phase

(a) Social Preparation (NGO/ PMUII) : This sub phase includes key tasks such as; (a) Field Familiarization, (b) Community education/ mobilization, (c) Formulation of ‘Small HH Groups’, (d) Formation of ‘Core Groups’ PRA workshops / KAP survey, (e) Formulation of CBOs eg. Settlement Development Committee (SDC), and (f) Community Capability Building Programme

(b) Participatory Entitlement Assessment : This sub phase includes key tasks such as; (a) Participatory Assessment of individual PAP entitlement, (b) Agreement reached on PAP Entitlement, (c) Sign MOU with each PAP, and (d) Appellate Procedure (GRM), if there is any grievances.

(c) Land Acquisitions & Resettlement Site Preparation : This sub phase includes key tasks such as; (a) Land acquisition (b) Preparation of resettlement sites, (c) Obtain basic infrastructure facilities, and (d) Blocking out planning

(d) Designing of Housing Packages through Community Housing Infrastructure & Advisory Service : This sub phase includes key tasks such as; (a) Acquisition of land, (b) Prepare different types of house design to suit community requirements, (c) Develop Guided Housing Programs (GHP), and (d) Undertake skill assessment and provide training on House Construction.

4.3 Phase III- Participatory Resettlement Planning : This sub phase includes key tasks such as; (a) Prepare site specific Resettlement Action Plans (RAP) through Community Action Planning (CAP), (b) Consultation with RHH on proposed house Design/ Resettlement Sites and Prepare Resettlement Sites, (c) Consultation with ‘other PAPs’ on proposed shelter improvement, (d) Reach agreements with RHPs on housing types / resettlement sites, (e) Reach agreements with other PAP on shelter improvements, (f) Design Community Housing & Infrastructure Services, and Grievance Redress Mechanism

4.4 Phase IV- Consultative and Guided Resettlement Execution Phase : This sub phase includes key tasks such as; (a) Implementation of Site specific Resettlement Action Plan, (b)

Develop / implement house construction facilitate program for house construction in resettlement sites, (c) Provide facilitation for off catchment resettlement, (d) Technical assistance for house construction and refurbishment, (e) Implement guided House Construction Program, and (d) Host Community Integrated Program.

4.5 Phase V- Consolidation- Community Integration and Income Restoration : This sub phase includes key tasks such as; (a) Carry out Secondary Advance Impact assessment and Compensation Measures, (b) Livelihood Restoration Programs, and (c) Establish 'Neighbourhood Forums' (NFs), which is a larger community framework encompassing a mixture of low-income, middle-income and high-income residential groups in a geographically defined larger neighborhood, extending beyond the boundaries of the directly affected settlements.

5. KEY ACHIEVEMENTS AND CURRENT STATUS

5.1 Key Achievements : Key achievement accomplished so far are summated below;

Project Management

- § Re-assessed the financial implication of the Resettlement component in the light of NIRP and Revised the project Budget- Obtained additional Rs 600 M from the Government
- § Refined Organizational Structure of the Project in keeping with the new changes of the Government.
- § Develop / Implement staff training & capacity building program to implement novel resettlement program.
- § Develop/ Implement Integrated Partnership Development Program jointly with all Projects and Programs implemented in the area.

Resettlement Sub Component

- § Developed Resettlement Policy, Participatory Resettlement Strategy, Process and Activity Plans, and put them into practice
- § Obtained a Leading NGO to assist and facilitate PAPs in the resettlement process
- § Carried out detailed enumeration survey and developed data base on PAPs consisting of Family Profile for each PAP HH
- § Developed PAP Entitlement Packages, Fixed assets registry PAP offering alternate options, in consultation with all stakeholders, including PAPs
- § Acquired lands, prepared resettlement sites, layout plans, house designing in consultation with PAPs,
- § Developed /Implemented guided resettlement programs tailor made to various PAP categories, depending on their choice
- § Develop / Implement Livelihood and Income Restoration program in consultation with affected PAPs.
- § Undertook comprehensive secondary advance impact assessment of the project on host community and prepared / implemented Host Community Integration Program
- § Developed / Implement Grievance Redress Mechanism
- § Developed/ implement PAP and private sector partnership programs and established linkages with banks and PAPs.

§ Develop / implement effective Social Marketing and Information Dissemination Program.

The new scope of the project has drastically changed the original resettlement component, making it a new resettlement component- with a new look, creating an innovative forerunner **‘State of the Art’ pro-poor development induced involuntary resettlement program** translating, for the first time, NIRP into practice in a complex urban context with an objective of making ‘PAPs’ real beneficiaries and active partners of the project, **setting a ‘ Role Model’ for participatory guided consultative resettlement program**, creating a **‘win-win’ situation for all stakeholders.**

The key achievements of this innovative resettlement program are (a) 100% of HHs living on unauthorized land and on government permits have now agreed to resettle voluntarily accepting the entitlement package offered, (b) about 50% HH living without land tenure rights have been provided with replacement land and alternative entitlement packages to build a decent home, and (c) 90% HH with legal ownerships of the land and houses, most of them are in middle and high income levels, have agreed to resettle voluntarily, while the rest have made appeals for higher entitlement, or waiting for the valuation reports. These cases are now being negotiated. None of the PAP have taken legal action against the project, which is very unusual when compared to previous projects involved in involuntary resettlement in Sri Lanka.

5.2 Current Status : The detailed enumeration survey held after the commencement of the revised resettlement component in mid 2002 revealed that 567 HHs have to be resettled for the drainage system improvement of the project. 11 resettlement sites have now been acquired and developed. The entitlement assessment of almost all individual ‘would be resettled’ families has now been completed, and agreement reached on resettlement choices, and value of basic entitlement has been deposited in the bank and MOU have been signed. (see **Table 01**) Out of 347 HHs, 213 HHs decided to resettle in resettlement sites. 55 HHs have already started house construction and 25 families have completed the house construction. Out of 134 HHs decided to relocate off catchment, 56 have HHs already moved out after buying or constructing houses out side the catchment.

Table 1 : LEI&CDP : Summary of Involuntary Resettlement			
Total No. of HHs to be Resettled - 567 (about 50% HHs living on unauthorized land, without proper tenure rights)			
No. of Off Site Resettler HHs – 347		No. of On Site Resettler HHs – 220	
No. of HH decided to resettle in resettlement sites in the catchment 213	No. of HH decided to resettle in off catchment areas 134	No. of HH needing re-housing in the same land 90	No. of HH needing refurbishment of their houses 130

6. FROM A MARSHY SLUM TO A DECENT HOUSE IN HYKE TERRACE : TWO CASE STUDIES OF 'SWEET' DISPLACEMENT

6.1 Joy of Mrs. Jesmin's Family : It was ironic that the auspicious day, May 25, 2004 fell on a wet monsoonal morning when the rains were falling down intermittently and winds were gushing. After 38 years living in a makeshift house built on the canal banks (No land tenure rights) without proper shelter for heavy monsoon, Jesmin was moving in to her very own custom built house on a resettlement site, named 'Hyke Terrace'.

Its was a happy day for this 60 year old factory worker and her sick (paralysis) husband and children. They lost their home twice due to two heavy floods. It was a dream come true for them. The new house built on a 2 perch land in Hyke Terrace, one of the 11 resettlements sites developed by the project. It is a two storied house and has a living room, kitchen, bedroom and a bathroom on the ground floor and will have 3 more rooms in upstairs, which according to Mrs. Jesmin, would be built for rented accommodation to raise much needed income to manage her new house and life style.

This is not just a dream come true for Jesmin and her family but many others who live in makeshift housing on the banks of the Lunawa Lake and canal system. A new home was never an option for them as they lived in poverty and only just managed to make their daily living. They received assistance for the building works of the house, by the project and development programs during this process Jasmin's sons also received masonry training through the skill pool. The family, not only got a new house and new life style, but a job for her son too.



6.2 The Story of Mr. Norbert Silva

The first house construction commenced on, 10/12/2003 and four other houses also had commenced construction soon after. An old gentleman stood beside his plot of land, which had been dug up for the foundations, and was looking beyond his new plot towards a small temporary shack on the far side of the canal bank. He is Mr. Norbet Fernando, who had lived in his temporary shack by the canal for over 20 years. He explained how he felt



Norbert's family is loosing a Temporary House in the marshy Lunawa Canal Bank

Just across the canal in the same neighbourhood but in a more healthy, pleasant & convenient environment., they are building a better and a permanent house.

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extremely emotional when he saw his old house by the canal in the background of his new house being constructed under the Project.

Norbet lived in this temporary shack with his wife, in an unhealthy environment and since his shack was on the boundary of the canal, it was at constant risk of flooding each time it rained.

Norbet tearfully explained how his son was in prison, charged with possession and use of drugs. He mentioned how he and his wife lived with deep sadness and that he had never thought that in his life time he would ever get the opportunity to own a plot of land of their own and live in a custom built house. Norbet was a carpenter by profession, and he undertook to complete all carpentry work such as windows, doors and door frames for his house. To date he has finished most of the carpentry and only a few items need to be completed in order for all carpentry work of the house to be completed.

Table 02 summates what they lost and gained and assistance and facilitation provided by the project for their resettlement.

Table 02 : From a Marshy Slum To Hyke Terrace		
	Mrs. Jesmin's Family	Mr. Nobert Silva Family
What lost	Temporarily House and encroached land (No legal tenure right)	Temporarily House and land with legal ownership
What Gain/ Entitlements Received	Replacement land with legal ownership - 2 perch land free of cost in 'Hyke Terrace' ¹	Replacement land with legal ownership - 4 Perches (2 P free and 2P on value) in 'Hyke Terrace' ¹
	Replacement cost of the house – Rs. 400,000.00 ²	
	-	Market value of the acquired land
	Resettlement allowances Rs. 15,000.00	
	Income restoration – Rs. 9,000.00	
	Livelihood restoration grant – Rs. 25,000.00	
Other Assistance, Support & Facilitation provided	Housing Information & Advisory Services (Technical assistance for designing & construction of the new house)	
	Host community integration support / guidance	
	Income & social restoration assistance	
	Facilitation of low cost material procurement & services (Masonry, Carpentry) and skill development	
	Counseling & facilitation of life re-establishment & social reorientation	
	Banking facilities	

¹ One of the Resettlement Sites developed by the project

² Minimum amount equivalent to cost of the basic house as the replacement cost of existing house is lower than the cost of basic house

7. ISSUES & CONCLUSION :

7.1 Issues : Even though about a half of PAPs, who have been living in slum and shanty settlements without proper legal rights, have been and, are being, successfully resettled in resettlement sites and off catchment areas, on their choices. However, the project has faced with following procedural delays in dealing with the entitlements to formal land owner, mainly due to the delay in amending the existing Land Acquisitions Act of 1960 incorporating the NIRP principles.

1. **Long bureaucratic and conventional process of land acquisition** – Started two years back, but still not fully completed.
2. **Undue delays in land surveying** - Land surveying for acquisitions have to be done through the Government Survey Department and, long delay in surveying has contributed to the delay in the land acquisition process.
3. **Undue delay in valuation process and issues relating to valuation methodology** - PAPs were given a choice of obtaining their entitlement, either the replacement cost of the land and house or the market value, whichever is higher. Almost all HHs with no tenure rights have accepted the entitlement package offered by the project based on the replacement cost, as they are aware that they do not get any financial value for the land taken over by the government. However, the middle and high income groups, who possess legal ownership of land and assets are waiting for their valuation reports, (which are being done by the Government Valuation Department) to compare it with the replacement cost package, offered by the project. The bureaucratic delays of the valuation has created unrest and uncertainty among PAPs.
4. **Issues relating to land title** : It has been revealed that deeds for most of the lands acquired are not clear, and title disputes cause undue delay in valuation of lands.

7.2 Conclusion : The project has revised the scope of the resettlement component, incorporating the NIRP principles and developed and adopted **guided consultative and participatory development induce resettlement process**. The new scope of the project has drastically changed the original resettlement component, making it a novel participatory resettlement process creating an innovative forerunner **‘State of the Art’ pro-poor Development Induced Involuntary Resettlement Program** with a set of new tools translating, first time, NIRP into practice in a complex urban context with an objective of **making ‘PAPs’ real beneficiaries and active partners of the entire development process, setting a ‘Role Model’ for participatory guided consultative resettlement program, creating a ‘win-win’ situation for all stakeholders.** This innovative **pro-poor approach on involuntary resettlement has ensured the tenure rights of the poor living in slum and shanty settlements.**

However, despite the fact that there have been an effective Social Marketing Program, **undue delays caused by conventional and bureaucratic land acquisition procedures, land surveying and valuation process has adversely affected the smooth implementation of the resettlement process of the project creating unrest among PAPs.**

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BIOGRAPHICAL NOTES

Mr. Thilak Hewawasam, UN-HABITAT Consultant (Social Development Specialist) possess a vast experience in the field of Resettlement and Social Development, Housing, Land Management & Settlement, Environment and Social Development & Assessment, Community Management, Peri-urban and Rural Un-served and Underserved Settlement Development and, Public & Local Government Administration. He started his career as public sector administrator and held Senior Management Positions in Sri Lanka, such as the Chairman, Central Environment Authority, Director General (Projects) and Director of innovative Community Water Supply & Sanitation Project of the Ministry of Housing and Urban Development. He has more than 10 years of experience as a staff consultant to the World Bank (Community Development Specialist / Institutional Specialist) in Pakistan, Bangladesh, India, Kazakhstan and Kyrgystan.

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