

# DESIGNING AND IMPLEMENTING GRIEVANCE REDRESS MECHANISMS

A Guide for Implementors of Transport Projects in Sri Lanka





# **DESIGNING AND IMPLEMENTING GRIEVANCE REDRESS MECHANISMS**

A Guide for Implementors of Transport Projects in Sri Lanka

Asian Development Bank

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## ABBREVIATIONS

ADB	Asian Development Bank
AP	affected parties/persons
CBO	community-based organization
CEA	Central Environmental Authority
CSO	civil society organization
DS	divisional secretariat
EMP	environmental management plan
ESD	Environment and Social Division
GRC	Grievance Redress Committee
GRM	grievance redress mechanism
GSMB	Geological Survey and Mines Bureau
IOL	inventory of losses
IPSA	initial poverty and social assessment
LAA	Land Acquisition Act
LARC	land acquisition and resettlement committee
MOH	Ministry of Highways
NGO	nongovernment organization
NWSDB	National Water Supply and Drainage Board
PCRMC	Public Complaints Resolving and Monitoring Committee
PMU	project management unit
RA	resettlement assistant
RDA	Road Development Authority
RO	resettlement officer
SIMO	social impact monitoring officer
STDP	Southern Transport Development Project
TA	technical assistance
TRI	Tea Research Institute
UDA	Urban Development Authority

## FOREWORD

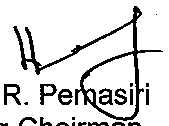
Development projects of different scales are carried out by countries with the ultimate goal of enhancing their socioeconomic and environmental conditions and the overall well-being of their populations. However, such projects do not always engender positive changes in the lives of all the people intended to benefit from them. They can place some people at high risk and in adverse situations such as losing their dwellings, property, livelihoods, common resources, social relationships and organizations, cultural practices, and security. Population displacements can critically affect the lives of vulnerable and high-risk groups like women and female-headed households, elderly and differently abled persons, people with chronic illnesses, and children.

But many adverse conditions due to large-scale development projects can be either completely avoided or minimized. Displaced and resettled communities can be provided with adequate assistance in the form of cash and/or material compensation to improve their living conditions.

Redressing grievances of affected people should be an integral part of a project's design, plan, and management. Setting up appropriate mechanisms to address community concerns, prevent adverse consequences and risks, and bring about positive changes in people's lives and relationships is increasingly important in development projects. Resolving grievances of project-affected people at the lowest level, without allowing them to escalate into unmanageable levels, equally benefits both the aggrieved parties and the project implementors.

This Guide, based on accumulated experiences of the Southern Transport Development Project, offers a range of options for grievance resolution and provides a comprehensive set of guidelines, tips, methodologies, and tools for designing and implementing grievance redress mechanisms for road sector development projects. However, projects should be cautious not to allow affected people to "shop around" grievance redress mechanisms and to abuse them for their private agendas. Grievance redress mechanisms should exercise their rights and functions with great accountability, transparency, and empathy toward affected parties. Effective communication and coordination among different grievance mechanisms are also important.

I congratulate the Office of the Special Project Facilitator (OSPF) and the South Asia Department, particularly the Sri Lanka Resident Mission, of the Asian Development Bank for the initiative taken to develop and present this Guide, which no doubt will be a useful reference for the designers, planners, and implementors of road development projects.



R. W.R. Pemasiri  
Acting Chairman  
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## PREFACE

People affected by development projects should be provided with access to mechanisms that are legitimate, reliable, transparent, and cost-effective to enable them to present their grievances and find solutions that satisfy their needs and aspirations. This Guide presents a set of guidelines for designing and implementing grievance redress mechanisms (GRMs) that can address a variety of grievances arising from road projects. GRMs can also enable projects to clarify misperceptions or resolve confusion among various stakeholders. The guidelines suggested herein evolved through experiences accumulated in the Southern Transport Development Project (STDP, also called the Colombo-Matara Express Highway) jointly funded by the Asian Development Bank (ADB) and the Japan Bank for International Cooperation (JBIC). Information included in this Guide was derived from a number of sources. The Centre for Poverty Analysis (CEPA) reviewed STDP GRMs, and the findings served as a basis for the development of the Guide. This review included key informant interviews and focus group discussions. Since CEPA is also the independent external monitor of the STDP, it extracted information on grievance handling from its large database of household interviews. A workshop that validated the CEPA findings provided additional useful information. In addition, documents from the STDP head office in Colombo and its regional offices in Galle, Dodangoda, and Bandaragama were reviewed. This Guide also incorporates information derived from interviews conducted with a number of STDP officers at the head office and in the regional offices as well as additional interviews with a small number of affected persons. The draft Guide was reviewed in a workshop on 30 October 2009, and comments were incorporated into the final version.

Chapter 1 of the Guide clarifies the concept of grievance redress mechanisms and discusses why a project should establish a GRM. The same chapter also shows how grievance redress should be built into a project's policy framework, planning models, and institutional framework. In Chapter 2, the key elements of GRM design are described. The final chapter presents a set of guidelines for implementing the GRMs, including step-by-step activities. Annexes provide practical tools, samples of monitoring charts and forms, flow charts, terms of reference, and other materials needed for the design and implementation of a grievance mechanism.

This Guide is intended primarily for the use of different stakeholders in road projects, Road Development Authority (RDA) personnel at the national and provincial levels, management and supervision consultants, contractors, staff involved in implementing resettlement plans, and members of GRMs. The Guide provides reference material for the design and the implementation of GRMs.

Many people contributed to the guide. From STDP, the project director and his staff, the Environment and Social Division, the Land Division, the regional offices of the ADB and JBIC road sections, the management consultants, and the supervision consultants provided material and data, gave their time for interviews, and commented on various drafts. The Chairman of RDA; the Secretary of the Ministry of Public Administration; the Additional Secretary of the Ministry of Justice and Law Reforms; the Secretary, Additional Secretary, and staff of the Ministry of Land and Land Development; and the Director General and staff of the Central Environmental Authority provided advice, guidance, and comments. From ADB, the South Asia Department, particularly the Sri Lanka Resident Mission, actively supported the development of the Guide.

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Office of the Special Project Facilitator<sup>1</sup>

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<sup>1</sup> The Office of the Special Project Facilitator is part of ADB's Accountability Mechanism. See [www.adb.org/Accountability-Mechanism/default.asp](http://www.adb.org/Accountability-Mechanism/default.asp).





## I. SITUATING A GRIEVANCE REDRESS MECHANISM

People adversely affected (or about to be affected) by a development project will raise their grievances and dissatisfactions about actual or perceived impacts in order to find a satisfactory solution. These grievances, influenced by their physical, situational (e.g., employment), and/or social losses, can surface at different stages of the project cycle. Some grievances may arise during the project design and planning stage, while others may come up during project implementation. Not only should affected persons (APs) be able to raise their grievances and be given an adequate hearing, but also satisfactory solutions should be found that mutually benefit both the APs and the project. It is equally important that APs have access to legitimate, reliable, transparent, and efficient institutional mechanisms that are responsive to their complaints.

### A. What Is a Grievance Redress Mechanism?

Grievance redress mechanisms (GRMs) are institutions, instruments, methods, and processes by which a resolution to a grievance is sought and provided.<sup>1</sup> A number of mechanisms are available to aggrieved parties to access redress (Figure 1). They can be complex and diverse. They may include institutions specific (internal) to a project and set up from its inception or others that have emerged over time in response to needs identified while the project evolved. Other institutions may be already established within a country's judicial, administrative, and/or political systems and exist outside a project. They include the government bureaucracy; judicial institutions; and political institutions such as Parliament, parliamentary select committees, and provincial councils. In addition, if a project is funded through external sources, the aid agency itself sometimes provides a forum for grievance redress. GRMs can include avenues for resolving conflicts between APs or other stakeholders, and can provide information sought by the public on the project.

External GRMs available to APs in Sri Lanka include the national legal system (district magistrate courts, Supreme Court), the public administrative system [divisional secretariats, *grama niladharis*, Central Environmental Authority (CEA)], people's representatives, the Parliament of Sri Lanka through its Public Petitions Committee, *pradeshiya sabhas*, and civil society organizations. The CEA plays an important role in road projects. Its roles and responsibilities are described in Annex 1. The Government of Sri Lanka has established mediation boards (*samatha mandala*)<sup>2</sup> "to bring the disputants to an amicable settlement and to remove, with their consent and whenever practicable, the real cause of grievance between them so as to prevent a recurrence of the dispute, or offence (section 10)." Mediation boards are set up in every divisional secretariat, and disputes relating to moveable and immoveable property, contracts, use of criminal force, grievous harm, intimidation, criminal trespass, defamation, and breach of peace between private parties can be mediated. In 2003, the government also established special mediation boards to provide for resolution of disputes related to social and economic issues. The Minister of Justice determines the category of such disputes. While the mediation boards deal only with disputes between private parties, the special mediation boards allow for the State or a public officer to be a disputant party.<sup>3</sup>

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<sup>1</sup> Centre for Poverty Analysis (CEPA). 2009. A Review of the Southern Transport Development Project (STDP) Grievance Redress Mechanisms, Consolidated Final Report (ADM/80-046: RSC No. C80610), Colombo. <http://www.adb.org/Documents/SPF/Consolidated-Final-Report-05182009.pdf>

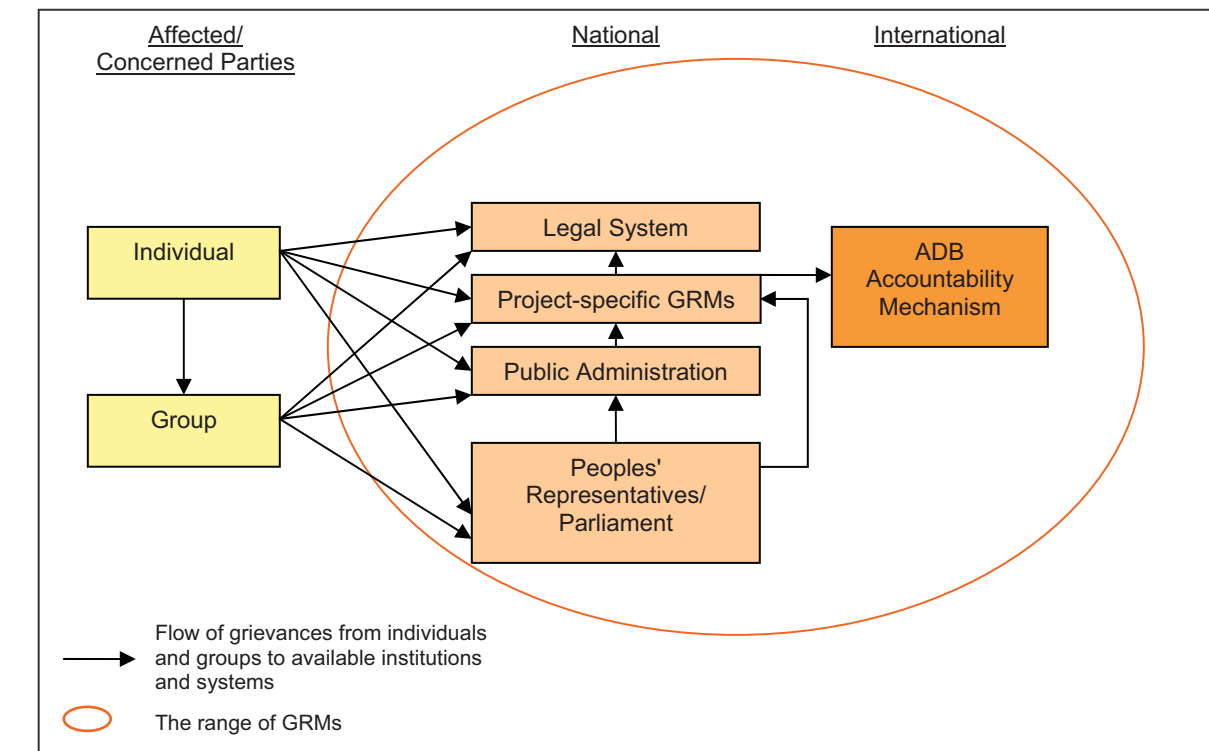
<sup>2</sup> Mediation Boards Act No. 72 of 1988. <http://www.justiceministry.gov.lk/MEDIATION%20BOARDS%20ACT,%20NO.%2072%20OF%201988.htm>

<sup>3</sup> Mediation (Special Categories of Disputes) Act, No. 21 of 2003. <http://www.justiceministry.gov.lk/ALTERNATIVE%20DISPUTE%20RESOLUTION.htm>

International aid agencies provide grievance redress through different mechanisms.<sup>4</sup> However, these external systems, as they perform only generic functions, are not exclusively geared towards addressing project-specific grievances and circumstances, nor can they be accessed by all APs. Access to external GRMs is determined largely by the resources and capacities available to the APs. Also, grievance redress processes within those external institutions are cumbersome and lengthy.

An overview of the range of systems and institutions for grievance redress available to Sri Lankan citizens is given in Figure 1.

**Figure 1: Systems and Institutions for Grievance Redress Available to Affected Persons**



Adapted from CEPA. 2009. A Review of the Southern Transport Development Project (STDP) Grievance Redress Mechanisms, Consolidated Final Report (ADM/80-046: RSC No. C80610), Colombo.

## **B. Why Does a Project Need a Grievance Redress Mechanism?**

A GRM provides a predictable, transparent, and credible process to all parties, resulting in outcomes that are seen as fair, effective, and lasting.<sup>5</sup>

<sup>4</sup> For example, the Office of the Special Project Facilitator of the Asian Development Bank's Accountability Mechanism provides a platform for project-affected people to voice their grievances and facilitates the solution of problems. For more details regarding the consultation process and the eligibility criteria refer to [www.adb.org/spf](http://www.adb.org/spf).

<sup>5</sup> Office of the Compliance Advisor/Ombudsman for the International Finance Corporation (CAO). 2008. Advisory Note: A Guide to Designing and Implementing Grievance Mechanisms for Development Projects, Washington, D.C.

A well-functioning GRM can provide benefits to both the project and the AP (Box 1).

<b>Box 1: Benefits of a Grievance Redress Mechanism</b>	
<b>Benefits to Projects</b>	<b>Benefits to Affected Persons and Other Stakeholders</b>
<ul style="list-style-type: none"> <li>• Provides information about project implementation</li> <li>• Provides an avenue to comply with government policies</li> <li>• Provides a forum for resolving grievances and disputes at the lowest level</li> <li>• Resolves disputes relatively quickly before they escalate to an unmanageable level</li> <li>• Facilitates effective communication between the project and affected persons</li> <li>• Helps win the trust and confidence of community members in the project and creates productive relationships between the parties</li> <li>• Ensures equitable and fair distribution of benefits, costs, and risks</li> <li>• Mitigates or prevents adverse impacts of the project on communities and produces appropriate corrective or preventive action</li> <li>• Helps avoid project delays and cost increases, and improves quality of work</li> </ul>	<ul style="list-style-type: none"> <li>• Provides a cost-effective method to report their grievances and complaints</li> <li>• Establishes a forum and a structure to report their grievances with dignity, and access to a fair hearing and remedy</li> <li>• Provides access to negotiate and influence decisions and policies of the project that might adversely affect them</li> <li>• Facilitates access to information</li> </ul>

In the absence of a project-specific GRM, APs will seek solutions to their grievances through GRMs that exist outside the project such as the country's judicial system, public administration, or the agencies that funded the project. Engagement of such external GRMs could lead to a number of adverse consequences for both the APs and the project implementors, for example:

- It would probably absorb a relatively longer time and substantial resources, which are generally unaffordable to many APs. People need relatively quick solutions or relief for their problems, particularly when projects are likely to cause property loss and displacement.
- Not all APs have equal access and the capacity to approach external GRMs. Thus they would be deprived of their rights to be heard and to find a fair and just solution. This could further push the APs into a state of high vulnerability, insecurity, and impoverishment.
- Depriving APs access to GRMs could induce them to develop hostility toward the project and sometimes to engage in violent behavior that might hamper the smooth implementation of the project and its related activities, and delay its overall accomplishments.
- Delays in project implementation will increase government expenditures such as compensation to contractors for loss of work, and staff maintenance. Delay can also affect the reputation of the national government.

### **C. Policy Requirements for Establishing a Grievance Redress Mechanism**

The legitimacy, authority, and powers of a GRM could come from a Cabinet memorandum, a gazette notification by the relevant Minister, or a circular issued by the Secretary of the relevant Ministry. For example, in the Southern Transport Development Project (STDP), legitimacy for the land acquisition and resettlement committees (LARCs) and the Super LARC was derived from Cabinet memoranda, while the GRMs were mandated through a circular issued by the

Secretary of the Ministry of Highways, having reached a mutual understanding with the Secretary of the Ministry of Public Administration. It is important that legitimization come from the most appropriate and an undisputable source. Also, such a decree should clearly outline the authorities and the powers vested in the GRM, including the designation of grievance focal points.

It is also important that a GRM be established early in the project cycle. Problems can be resolved easily, cost effectively, and efficiently if they are addressed before they grow into unmanageable levels. Provisions for setting up GRMs in projects involving involuntary resettlement are explicitly spelled out in a number of policy documents (Box 2).

### **Box 2: Policies that Require Grievance Mechanisms**

#### **National Involuntary Resettlement Policy for Sri Lanka, approved by the Cabinet of Ministers on 24 May 2001**

“Make all affected persons aware of processes available for the redress of grievances that are easily accessible and immediately responsive.”

#### **Asian Development Bank. Safeguard Policy Statement. Safeguard Requirement 2: Involuntary Resettlement. pages 49–50, June 2009**

“The borrower/client will establish a mechanism to receive and facilitate the resolution of affected persons’ concerns and grievances about physical and economic displacement and other project impacts, paying particular attention to the impacts on vulnerable groups. The grievance redress mechanism should be scaled to the risks and adverse impacts of the project. It should address affected persons’ concerns and complaints promptly, using an understandable and transparent process that is gender responsive, culturally appropriate, and readily accessible to the affected persons at no cost and without retribution. The mechanism should not impede access to the country’s judicial and administrative remedies. The borrower/client will inform affected persons about the mechanism.”

The GRMs established within a project are not isolated entities. Nor can they function independently. They should be closely linked to other project components such as the project’s policies and plans, rules and procedures, institutional structures, and networks, and to the numerous actors who perform different roles within those institutional arrangements. The sustainability of GRMs will obviously depend on the reinforcement that they receive from these other project components. GRMs should never be viewed as "stumbling blocks" for a project’s operations. Instead, they can perform a useful role in removing barriers and facilitating the smooth implementation of a project. They can also function as good feedback mechanisms to different institutional structures and help in framing policies, decisions, and practices that are more responsive to realities on the ground. Therefore, it is important that different project components encompass grievance redress elements in their portfolios and extend their support for the effective and efficient functioning of the GRMs. Box 3 lists the characteristics of a good GRM.

APs should be able to use a variety of channels to access GRMs. It is important to identify and make provisions for different means of entry into the grievance redress process, as it helps to increase the access of APs to the GRMs. The channels of presenting complaints could include presentation of complaints via third parties (e.g., village elites, community-based organizations, lawyers, nongovernment organizations [NGOs], etc.); face-to-face meetings; facsimile, telephone, and email communications; written complaints; etc.

### Box 3: Characteristics of a Good Grievance Redress Mechanism

- Is known to the public and affected persons (APs)
- Has a systematic way of recording and monitoring the progress or resolution of issues
- Is accessible to all APs irrespective of their economic status, literacy level, ethnicity, caste, religion, gender, disabilities, geographical location, etc.
- Includes participation, representation, and consultation of APs in its design, planning, and operational processes
- Provides security (both physical and psychological) for APs to participate without fear of intimidation or retribution
- Has respect for the dignity and self-esteem of APs and an empathetic relationship towards APs
- Provides equitable access for APs to information, advice, and expertise
- Has different levels to allow for appeals
- Has a reasonable time frame that prevents grievances from dragging on unresolved
- Evidences social and cultural appropriateness of the systems, approaches, and methods adopted
- Possesses values, attitudes, and commitment to fairness and justice
- Shows transparency, accountability, and objectivity in conducting grievance redress processes and realizing their outcomes
- Is independent and has a clear governance structure with no external interference with the conduct of grievance redress processes and reaching agreements
- Shows clarity in procedures, processes, and time frames adopted
- Has flexibility in decision-making processes, taking into account the unique and diverse character of grievances
- Is in compliance with existing systems without undermining them
- Is run by professionally and technically competent grievance redress mechanism implementors who have been able to win trust and recognition from the communities
- Shows respect for the freedom of APs to opt for alternative grievance redress mechanisms if they so decide

A GRM should be located as close to the people as possible to be accessible, familiar, and comfortable to the APs including vulnerable groups. In the STDP, the premises of the divisional secretariat are used by the GRCs and LARCs for their meetings, as it is a venue frequently accessed by villagers for their administrative needs.

#### D. Grievance Prevention

Grievances cannot be avoided entirely, but much can be done to reduce them to manageable numbers and reduce their impacts. Implementors should be aware and accept that grievances do occur, that dealing with them is part of the work, and that they should be considered in a work plan. Implementors should do the following:

- *Provide sufficient and timely information to communities.* Many grievances arise because of misunderstandings; lack of information; or delayed, inconsistent, or insufficient information. Accurate and adequate information about a project and its activities, plus an approximate implementation schedule, should be communicated to the communities, especially APs, regularly. Appropriate communication channels and means of communication should be used. "In line with ADB's Public Communications Policy, ADB is committed to working with the borrower .... to ensure that relevant information (whether positive or negative) about social and environmental safeguard issues is made available in a timely manner, in an accessible place, and in a form and language(s) understandable to affected people ...." <sup>6</sup>
- *Conduct meaningful community consultations.* Project implementors should continue the process of consultation and dialogue throughout the implementation of a project. Sharing

<sup>6</sup> ADB's Safeguard Policy Statement (2009), p.19. ADB's Public Communications Policy (2005) sets out disclosure requirements for various ADB activities, including ADB safeguards.

information, reporting on project progress, providing community members with an opportunity to express their concerns, clarifying and responding to their issues, eliciting communities' views, and receiving feedback on interventions will benefit the communities and the project management.<sup>7</sup>

- *Build capacity for project staff, particularly community facilitators and other field-level staff.* The community-level facilitators and field-level staff of the implementing agencies should be provided with adequate information on the project such as project design, activities, implementing schedules, and institutional arrangements as well as enhanced skills in effective communication, understanding community dynamics and processes, negotiation and conflict resolution, and empathizing with communities and their needs. Building trust and maintaining good rapport with the communities by providing relevant information on the project and responding effectively to the needs and concerns of the community members will help solve issues before they even become grievances. It is also important that community facilitators and field-level staff provide regular feedback on their interactions with the communities to the higher levels of the implementing agencies.

Overall, good management of a project will also contribute to minimizing complaints.

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<sup>7</sup> ADB's Safeguard Policy Statement (2009) defines what is meant by a "meaningful consultation process," p. 20, para. 54.

## II. DESIGNING A GRIEVANCE REDRESS MECHANISM

### A. Set Goals, Objectives, and Scope

A grievance redress mechanism (GRM) should have a clear set of goals and objectives and a well-defined scope for its interventions:

- *Goal*—should respond to the question, "Why do we wish to establish a GRM?"
- *Objective/Purpose*—should respond to the question, "What do we expect to achieve from a GRM in the short term and the long term?"
- *Scope*—should respond to the question, "What are the issues to be addressed by the GRM?"

It is recommended that the GRM closest to the affected persons (APs) respond to a wide scope of issues so that many APs can approach it easily with their diverse concerns. The initial poverty and social assessment (IPSA) required in the preparation of an Asian Development Bank-supported project should point to the range of issues that are likely to be raised by APs and that will need to be accommodated within a GRM. However, it is also important that GRMs be explicitly clear on the boundaries and limits of grievances entertained and rejected in order to avoid any abuse for personal gain by various parties. For instance, allegations of corruption or other criminal acts should be addressed in another forum. It is equally important to establish a mechanism by which issues that cannot be covered by the GRM can be referred to the appropriate units or processes. The issues identified for redress could be dealt with by a single GRM or by several GRMs such as in the STDP, where the Grievance Redress Committee (GRC) had the widest scope, excluding only land acquisition and compensation issues, which were addressed by the LARCs and the Super LARC; and construction-related issues, which were handled by the contractor and managed through the Public Complaints Resolving and Monitoring Committee (PCRMC)<sup>8</sup> and the GRC. Since certain issues are more appropriately handled by certain units, it is important that issues brought up be properly sorted out and referred to the correct unit of the GRM.

### B. Anticipate Types of Grievances

Early identification and understanding of the types of grievances that are likely to be raised by persons affected by a project are prerequisites for designing and planning a GRM. Initial questions for identifying possible grievances should be built into the IPSA conducted during project preparation. Some of the relevant questions to be included are as follows:

- How are APs (different groups and subgroups) likely to express their grievances?
- Which institutions do they approach or are they comfortable with to find redress?
- What may prevent certain groups (especially vulnerable ones) from raising their grievances or concerns?
- What kind of relationship (actual or perceived) do the APs have with project executing agencies?
- What kind of redress do they expect for their grievances?

In the early phases of project preparation, individuals or groups might complain about the planned project in general and raise environmental issues. In road projects, APs might try to question the route of the trace and ask for changes so that their lands and properties would be

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<sup>8</sup> The PCRMC was not set up as a grievance mechanism. It helps manage the numerous construction-related complaints.



bypassed. During project implementation, the grievances will become more individual and concentrate on land acquisition and compensation, and during construction people will complain about construction-related inconveniences and construction impacts on their daily lives (noise, dust), lands (drainage problems), roads (damage), and houses (cracks in walls) (Box 4). Allegations of corruption might also be raised. In some countries, GRMs also record and respond to corruption cases.

#### Box 4: Types of Grievances in the Southern Transport Development Project

Different types of grievances surface at different stages of the project cycle, e.g., during project design and planning, or during project implementation. Grievances are also spread over a wide range of issues and concerns. For example, in the Southern Transport Development Project, grievances from affected persons included<sup>a</sup>

- *trace-related grievances* raised in the design stage of the project by families who were to lose their valuable assets as well as a number of activist groups and organizations such as environmentalists and human rights groups concerned with the potential damage to ecological and social resources;
- *land acquisition and compensation-related grievances* raised during the project planning and implementation stages by families whose land (including dwellings) was acquired for road construction; their grievances revolved around adverse impacts of land acquisition on livelihoods and incomes, surveying errors, improper valuation, inadequate compensation, and delays in the settlement of compensation;
- *construction-related grievances* brought up during construction by households whose land had not been acquired but who lived relatively close to or inside the "restricted development zone" declared later by the Urban Development Authority, community members, and service-providing agencies on a range of issues that ultimately damaged their properties and caused inconvenience, disruption, and insecurity to their private and public life; and
- *resettlement sites-related grievances* raised by relocated families with regard to the size and the quality of land allocated, delays in awarding land titles for their new land, poor service and common facilities, and difficulties in accessing urban and commercial centers.

<sup>a</sup> Centre for Poverty Analysis (CEPA). 2009. A Review of the Southern Transport Development Project Grievance Redress Mechanisms, Consolidated Final Report (ADM/80-046: RSC No. C80610), Colombo.

### C. Provide Structure

A GRM should have a clear structure that explicitly spells out how it functions: the roles and responsibilities assigned to its different units and personnel and the agents responsible for handling different aspects of the grievance resolution process such as receiving, recording, and sorting complaints; conducting assessments and resolution processes; coordination; and monitoring. A GRM should also fit into the existing national system to make sure it does not duplicate functions.

Table 1 shows how grievance redress roles are built into the functions of different project-implementing partners in the STDP.

**Table 1: Grievance Redress Roles of Project Implementors in the Southern Transport Development Project**

Level	Agency/Individual	Grievance Redress Role
National level	Project executing agency (RDA/ MOH, and PMU)	<ul style="list-style-type: none"> <li>▪ Establishing GRMs via circulars and Cabinet memoranda</li> <li>▪ Providing operational guidelines for GRMs, e.g., ceilings on compensation</li> <li>▪ Providing necessary funds and staff to facilitate GRM operations</li> <li>▪ Maintaining databases on the status of grievance handling by different GRMs</li> <li>▪ Participating in GRMs</li> <li>▪ Monitoring grievance-handling processes by GRMs</li> <li>▪ Coordinating the functions of GRMs, e.g., ESD</li> </ul>

		<ul style="list-style-type: none"> <li>▪ Providing capacity-building training to GRC members</li> <li>▪ Reporting the progress of grievance handling to regulatory bodies such as CEA</li> </ul>
	<b>Management consultants<sup>a</sup></b>	<ul style="list-style-type: none"> <li>▪ Monitoring the overall grievance redress processes by contractors, engineers, and RDA; database management; and reporting</li> <li>▪ Assisting the PMU to assess the progress of public complaints resolving through the PCRMC and GRCs</li> <li>▪ Conducting awareness and training programs for STDP staff and GRC members</li> </ul>
	<b>Ministry of Land and Land Development</b>	<ul style="list-style-type: none"> <li>▪ Approving the resettlement implementation plan (prior to land acquisition), which should include a process for redressing grievances<sup>b</sup></li> </ul>
	<b>Central Environmental Authority</b>	<ul style="list-style-type: none"> <li>▪ Regulating and monitoring the compliance by project implementors with EIA and EMP through the EMC<sup>c</sup></li> <li>▪ Meeting with APs or their representatives by an independent monitoring team established by CEA to identify and assess adverse environmental impacts</li> <li>▪ Granting environmental approval for rock blasting (subject to license issued by GSMB) and setting technical standards and times for blasting, borrow pits, construction waste dumping sites, etc. and other requirements such as temporary evacuation of persons and compensation for affected parties<sup>d</sup></li> </ul>
	<b>Super LARC</b>	<ul style="list-style-type: none"> <li>▪ Addressing appeals from APs on grievances related to land acquisition and compensation</li> </ul>
<b>STDP regional level<sup>e</sup></b>	<b>Supervision consultants/engineers<sup>f</sup></b>	<ul style="list-style-type: none"> <li>▪ Maintaining databases on the status of grievance handling by contractors</li> <li>▪ Monitoring the progress of grievance handling by contractors</li> <li>▪ Reporting the progress of grievance handling to RDA</li> </ul>
	<b>Contractors<sup>g</sup></b>	<ul style="list-style-type: none"> <li>▪ Complying with the EMP and adopting appropriate measures to mitigate adverse social and environmental impacts</li> <li>▪ Paying compensation to the APs for their losses as required</li> </ul>
	<b>Resettlement officer<sup>h</sup></b>	<ul style="list-style-type: none"> <li>▪ Assisting the APs in land acquisition and compensation processes including their relocation to new sites</li> <li>▪ Maintaining good relations with APs, responding to their concerns, and providing assistance to them as required</li> <li>▪ Identifying all resettlement impacts before, during, and after construction; and taking steps to mitigate them</li> <li>▪ Participating in GRCs as an ex-officio member</li> <li>▪ Functioning or serving as lowest level receiver of grievances</li> </ul>
	<b>Resettlement assistant<sup>i</sup></b>	<ul style="list-style-type: none"> <li>▪ Assisting the APs in land acquisition and compensation processes including their relocation to new sites</li> <li>▪ Maintaining good relations with APs, responding to their concerns, and providing assistance to them as required</li> <li>▪ Identifying all resettlement impacts before, during, and after construction and taking steps to mitigate them</li> <li>▪ Functioning or serving as lowest level receiver of grievances</li> </ul>
	<b>Social impact monitoring officer<sup>j</sup></b>	<ul style="list-style-type: none"> <li>▪ Functioning as the secretary to the GRC</li> <li>▪ Conducting internal audits of resettlement compensation payments through participation in LARC meetings and collecting information from relevant DSs</li> <li>▪ Comparing the information in the IOL files with the entitlements actually received through LARCs by each AP, and informing the relevant authorities of discrepancies</li> <li>▪ Observing the timely payment of compensation to the APs and facilitating their resettlement activities as planned</li> <li>▪ Preparing a list of APs who are in need of more assistance from the project (although they were paid entitlements sufficiently) and monitoring the assistance provided</li> <li>▪ Preparing and maintaining a list of APs who might be affected due to the indirect impacts of construction of the expressway, and coordinating with relevant parties to mitigate those impacts during the construction period</li> <li>▪ Functioning or serving as lowest level receiver of grievances</li> </ul>

	<b>Environmental impact monitoring officer<sup>k</sup></b>	<ul style="list-style-type: none"> <li>▪ Maintaining a database of all complaints related to environmental issues and forwarding them to the supervision consultants</li> <li>▪ Assisting the APs to submit their environment-related complaints directly to the contractor</li> <li>▪ Maintaining a list of APs who are directly or indirectly affected by construction, operations, and maintenance work, and monitoring the implementation of mitigation plans</li> <li>▪ Consulting the environmentally affected APs and communities and participating in grievance resolution processes</li> <li>▪ Ensuring that compensation for APs complies with the entitlement matrix in respect of resettlement and land acquisition</li> </ul>
	<b>Public complaints resolving and monitoring committee</b>	<ul style="list-style-type: none"> <li>▪ Addressing construction-related grievances of APs</li> <li>▪ Monitoring grievance resolution processes</li> </ul>
<b>Divisional level</b>	<b>Divisional secretary</b>	<ul style="list-style-type: none"> <li>▪ Land acquisition officer under LAA</li> <li>▪ Chairperson of LARC</li> </ul>
	<b>Assistant divisional secretary</b>	<ul style="list-style-type: none"> <li>▪ Chairperson of GRC</li> </ul>
	<b>Grievance redress committees</b>	<ul style="list-style-type: none"> <li>▪ Addressing grievances from APs excluding issues related to land acquisition and compensation</li> </ul>
	<b>Land acquisition and resettlement committee</b>	<ul style="list-style-type: none"> <li>▪ Deciding additional compensation at replacement value for APs whose property has been acquired and/or are to be resettled</li> </ul>
<p>AP = affected person, CEA = Central Environmental Authority, DS = divisional secretariat, EIA = environmental impact assessment, EMC = Environmental Monitoring Committee, EMP = environmental management plan, ESD = Environment and Social Division, GRC = grievance redress committee, GRM = grievance redress mechanism, GSMB = Geological Survey and Mines Bureau, IOL = inventory of losses, JBIC = Japan Bank for International Cooperation, LAA = Land Acquisition Act, LARC = land acquisition and resettlement committee, MOH = Ministry of Highways, PCRMC = Public Complaints Resolving and Monitoring Committee, PMU = project management unit, RDA = Road Development Authority, STDP = Southern Transport Development Project.</p> <p><sup>a</sup> Management consultants are independent consultants to RDA on all project-related activities.</p> <p><sup>b</sup> Capacity Building Project for the National Involuntary Resettlement Policy, Appendix D: General Guidelines for Planning and Implementation of Involuntary Resettlement, Ministry of Environment and Natural Resources and Ministry of Lands, ADB TA 3792-SRI, May 2003.</p> <p><sup>c</sup> Environmental Management Plan for STDP, May 2007. The EMC comprises representatives from RDA, the PMU, divisional secretaries of 16 DSs, and other relevant government agencies.</p> <p><sup>d</sup> Approval for rock and earth excavation works within the right-of-way—Southern Transport Development Project—Chainage 43+390-43+520, 17<sup>th</sup> June 2005 issued by CEA.</p> <p><sup>e</sup> The trace from Kottawa to Matara is subdivided into four regions, each with an STDP project management office.</p> <p><sup>f</sup> Supervision consultants include engineers, quantity surveyors, and environmental specialists and are the link between RDA and the contractors. They are also responsible for coordination and monitoring of all construction-related activities. There are two international supervision consultants for the ADB and JBIC sections with their counterpart local consultants.</p> <p><sup>g</sup> Three contractors carry out construction work on the highway. Two of them are in the JBIC section, while the other is in the ADB section.</p> <p><sup>h</sup> Each regional project management office has a resettlement officer.</p> <p><sup>i</sup> Each regional project management office has a resettlement assistant.</p> <p><sup>j</sup> One or more social impact monitoring officers is affiliated with each regional project management office.</p> <p><sup>k</sup> Each regional project management office has an environmental impact monitoring officer.</p>		

## D. Establish Procedures and Time Frames

A set of procedures for receiving, recording, and handling complaints should be available in the GRM. They should include procedures for

- recording, registering, and sorting grievances;
- conducting an initial assessment of grievances;
- referring grievances to appropriate units or persons;
- determining the resolution process;
- making decisions, including parameters and standards for accurate and consistent decision making;
- directing relevant agencies responsible for implementing decisions;
- notifying complainants and other affected parties of eligibility, the resolution process, and outcomes; and
- tracking, monitoring, documentation, and evaluation.

The procedures should be supplemented with time frames for grievance handling (Box 5). Such time frames contribute to enhancing the predictability of a GRM and to winning the trust and confidence of APs.

### Box 5: Time Frames in the Southern Transport Development Project

The time frame for addressing grievances in the Grievance Redress Committees of the Southern Transport Development Project is clearly stipulated as 2–3 weeks from the time of receiving the complaint, whereas the Land Acquisition Resettlement Committees have adopted the practice of resolving land acquisition and compensation-related grievances within 21 days from completion of the land acquisition process under Section 17 of the Land Acquisition Act.

## E. Appoint Members

Generally, all project staff, management staff of agencies involved in the project, and government administrators will take on grievance handling as a responsibility. The GRM members should be qualified, experienced, and competent personnel who can win the respect and confidence of the affected communities. It is also important to maintain a gender balance within the GRMs. Criteria for selecting members of GRMs could include the following:

- knowledge of the project, its objectives, and outcomes;
- technical knowledge and expertise, e.g., irrigation, engineering, geological, legal;
- understanding of the social, economic, and cultural environments and the dynamics of the communities;
- capacity to absorb the issues dealt with and to contribute actively to decision-making processes;
- social recognition and standing; and
- an equitable representation of males and females.

## F. Provide Resources

A GRM should have a realistic budget that will sufficiently cover the costs of its operations such as staffing, awareness campaigns, capacity-building training, infrastructure and support services, field inspections, meetings, documentation, and supplies. In some countries, GRM budgets are built into the monitoring and evaluation or outreach and communications budgets of the project implementing agencies.

### III. IMPLEMENTING A GRIEVANCE REDRESS MECHANISM

#### A. Set Up Institutions

The Resettlement Plan defines the institutions that should be set up to deal with different types of grievances. The Environmental Management Plan defines how and by whom environmental impacts are monitored. These institutions should have different levels, so that complainants can move to a higher level if they are not satisfied with the grievance redress suggested or provided, and they should be designed to provide appropriate responses to specific types of grievances. In highly complex and sensitive projects, for example,<sup>9</sup> concerns are often raised at the early stages of project preparation questioning the project overall, its location, its impact, or its rationale (Box 6).

#### **Box 6: Trace-Related Grievances in the Southern Transport Development Project**

In the Southern Transport Development Project, for example, many trace-related grievances were raised by families who were to lose their valuable assets as well as by activist groups and organizations such as environmentalists and human rights groups that were concerned with potential damage to ecological and social resources during the design stage. This type of grievance should not be handled at the field level, but should be managed in a transparent manner and responded to professionally by the executing and aid agencies responsible for the project.

#### 1. Grievance Redress Committees

GRCs should be established at the division level to assure accessibility for APs. They are legitimized through a circular issued by the Secretary of the Ministry of Highways. Except for (i) grievances related to compensation for acquired land, (ii) issues related to road design and engineering aspects, and (iii) cases pending in courts, the GRC is mandated to deal with any other types of grievances arising at the community level. GRC meetings are held at the respective divisional secretariats, which are familiar and accessible to the APs.

The members of the GRC include the assistant divisional secretary as chair,<sup>10</sup> the project manager or resettlement officer, the chair of the community mediation board, a member of a recognized nongovernment organization, and a community leader. The GRC has the right to request *grama niladharis*, the project technical staff, and officers from relevant state or nonstate institutions to attend the meetings and provide information. A complainant has the right to appear in person, to be accompanied by a family member, and/or to request to be represented by a village elder.

<sup>9</sup> ADB's Safeguard Policy Statement (2009) defines highly complex and sensitive projects as those that ADB deems to be highly risky or contentious or involve serious, multidimensional, and generally interrelated potential social and/or environmental impacts. Page 21, footnote 27. Manila.

<sup>10</sup> If this position is vacant, the divisional secretary functions as the chair of the GRC.

The social impact monitoring officer serves as the secretary of the GRC (Box 7).

### Box 7: Responsibilities of the Grievance Redress Committee Secretary

In the Southern Transport Development Project (STDP), the social impact monitoring officer serves as the secretary, with the following responsibilities:

- facilitate and provide information and services to resource persons as required by the grievance redress committee (GRC) to deal with reported grievances;
- register grievances using a prescribed form;
- document the GRC proceedings, decisions, and recommendations;
- maintain grievance-related documents, reports, and attendance and payment registers of GRC members;
- liaise with the GRC chairperson;
- facilitate arrangements for field inspections;
- handle all payments and expenses related to GRC operations;
- provide feedback to affected persons and agencies involved in grievances; and
- report progress to the deputy project director in STDP.

The GRC serves as the lowest level grievance mechanism and has to deal with a wide variety of complaints (Table 2). The STDP GRC, its history, current status, results, strengths, and weaknesses are described in the CEPA Report (2009): A Review of the Southern Transport Development Project (STDP) Grievance Redress Mechanisms.<sup>11</sup>

**Table 2: Grievances Received and Solutions Provided by Grievance Redress Committees from 2005 to 2009**

Grievance Types	Solutions and Recommendations Provided
<ul style="list-style-type: none"> <li>• Damage to house walls and roofs due to blasting, vibration, and heavy vehicle movement</li> <li>• Damage to access roads, culverts, and canals</li> </ul>	<ul style="list-style-type: none"> <li>• Temporary evacuation of residents</li> <li>• Providing alternate land for house construction</li> <li>• Referral to conduct vibration tests and/or post-crack surveys</li> <li>• Conducting assessments on the current status of damaged houses, e.g., quality standards and monitoring the situation</li> </ul>
<ul style="list-style-type: none"> <li>• Obstructions to access roads</li> </ul>	<ul style="list-style-type: none"> <li>• Issuing assurance letters to APs (by contractors and/or RDA for reconstruction or repair after completing the road construction work)</li> <li>• Providing alternate access roads</li> <li>• Getting relevant agencies to construct or improve drainage systems, roads, culverts, anicuts, and wells</li> </ul>
<ul style="list-style-type: none"> <li>• Damage to private property</li> <li>• Decrease in water level and water pollution in private and public wells due to blasting</li> <li>• Damage to tea, rubber, cinnamon, coconut, and rice cultivation and business premises, with concomitant loss of income</li> <li>• Siltation of rice lands</li> </ul>	<ul style="list-style-type: none"> <li>• Getting contractors to pay compensation for damage and loss of livelihood</li> </ul>

<sup>11</sup> <http://www.adb.org/Documents/SPF/Consolidated-Final-Report-05182009.pdf>

<ul style="list-style-type: none"> <li>• Waterlogging and flooding</li> <li>• Dumping of solid wastes around houses</li> <li>• Threats to statues and monuments</li> <li>• Requests for alternative land or compensation for remaining land (as it can no longer be used as a separate entity)</li> <li>• Disputes related to ownership rights</li> <li>• Lack of clarity concerning boundary marks on acquired land</li> </ul>	<ul style="list-style-type: none"> <li>• Referral to technical experts to conduct necessary assessments of damage to property, livelihood, and environment, e.g., Agrarian Services Department, TRI, engineers, environmental officers</li> <li>• Referral to relevant agencies to take appropriate action, e.g., contractors, NWSDB, RDA</li> <li>• Referral to PCRMC</li> </ul>
<ul style="list-style-type: none"> <li>• Dust, noise, and air pollution</li> </ul>	<ul style="list-style-type: none"> <li>• Getting contractors to spray adequate water to control dust emissions</li> </ul>
<p>AP = affected person, GRC = grievance redress committee, NWSDB = National Water Supply and Drainage Board, PCRMC = Public Complaints Resolving and Monitoring Committee, RDA = Road Development Authority, TRI = Tea Research Institute.</p>	

GRCs should use common procedures in dealing with grievances to assure that objective and fair decisions are taken and agreements made (Box 8).

The procedures include

- verifying documents;
- conducting field inspections to verify the authenticity and eligibility of the grievance reported (Box 8);
- listening to different parties involved (Box 9);
- referring cases to independent agencies for technical assessment (Box 8);
- using rules set by independent agencies (Box 10 and Annex 2); and
- referring cases to other GRMs or, if necessary, to the courts.

#### **Box 8: Poultry Affected by Blasting**

"A man complained that his poultry was affected by blasting. The egg-laying rate of the birds had decreased, and some were dying. He claimed that he had 700 birds. Our inspection found that he had only 500 birds. The grievance redress committee (GRC) called for a technical report from the local veterinary surgeon, who recommended that the poultry owner be compensated for his losses and the situation be monitored for a period of time. At the GRC, the complainant agreed to accept Rs6,500 per month for a period of 6 months until the blasting was over as compensation for his loss of income. He had earlier asked for Rs10,000 per month. The contractor was persuaded to pay this amount to the poultry owner." *Dodamgoda, Southern Transport Development Project (STDP) resettlement officer*

#### **Box 9: The Common Well Destroyed—How Did the Grievance Redress Committee Decide?**

"Our family, along with six more families, was using water from a common well. In the land acquisition for the STDP, all houses and the common well were acquired. Our house was the only one left. My family alone could not afford to construct a new well. I brought my grievance to the notice of the Southern Transport Development Project resettlement officer, who recommended that I approach the grievance redress committee (GRC). At the GRC meeting I attended, the Road Development Authority agreed to help me to construct a well in my compound, and I received Rs20,000. I also agreed to allow other families to get water from my well." *A complainant from Bope-Poddala*

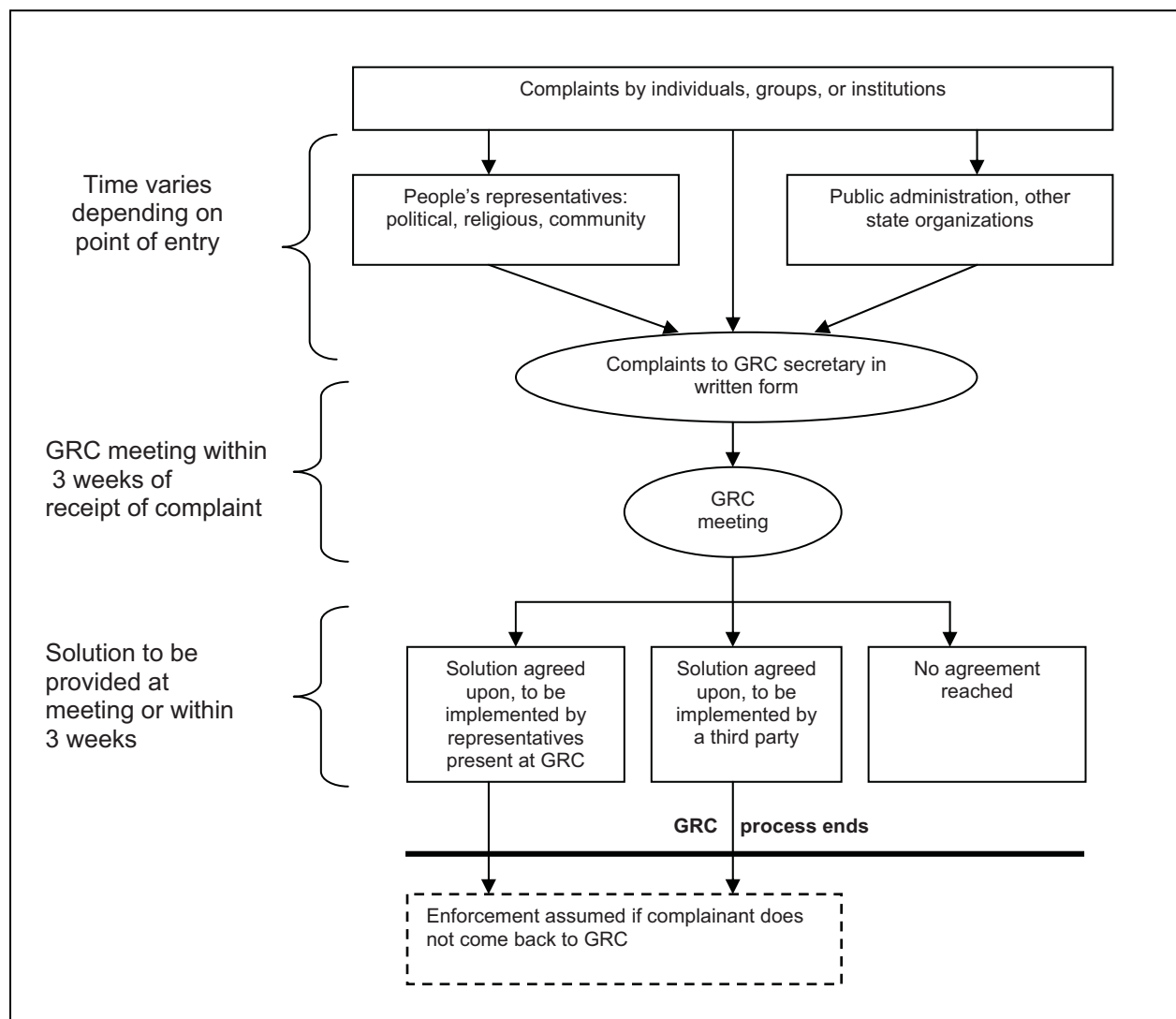
**Box 10: Agencies Set Rules and Guidelines**

The Geological Survey and Mines Bureau issues licenses for blasting and sets boundary rules for evacuation zones. Based on these guidelines, residents located in different areas identified as "dangerous, intermediate, and inconvenience zones" are paid different amounts of money during blasting periods.

The Urban Development Authority has issued guidelines on land use planning to prevent people from further encroaching into restricted zones. See Annex 2 for the guidelines and land use maps.

In the STDP, the GRC was restructured. The number of GRCs increased from initially 5 at the district level to 22 at the division level. This increased accessibility, and more APs were able to approach these GRCs. Figure 2 provides an overview of the process and the time frame for the restructured GRCs.

**Figure 2: Restructured Grievance Redress Committees: Process and Time Frames**



GRC = grievance redress committee.

Source: Prepared by CEPA based on information provided by the Southern Transport Development Project—Road Development Authority and divisional secretariat officers.



## 2. Special Mediation Boards

In addition to the GRCs or as an alternative to them, a project may request the Ministry of Justice to establish a special mediation board (refer to page 1 of this Guide). The special mediation boards are independent of the project implementors, and they provide a voluntary process that uses well-trained mediators to assist disputing parties to reach an acceptable settlement (Box 11). The mediators are trained in mediation techniques, and appointments are made only after they have been assessed to be suitable and up to the job. Mediators are appointed by the Mediation Boards Commission. The procedure for filing a complaint with the special mediation board is simple. The proceedings should be completed within 60 days, and the parties sign a settlement if they agree. The special mediation board may request expert advice and clarification on the subject matter in dispute.

### Box 11: Mediation—What Is It?

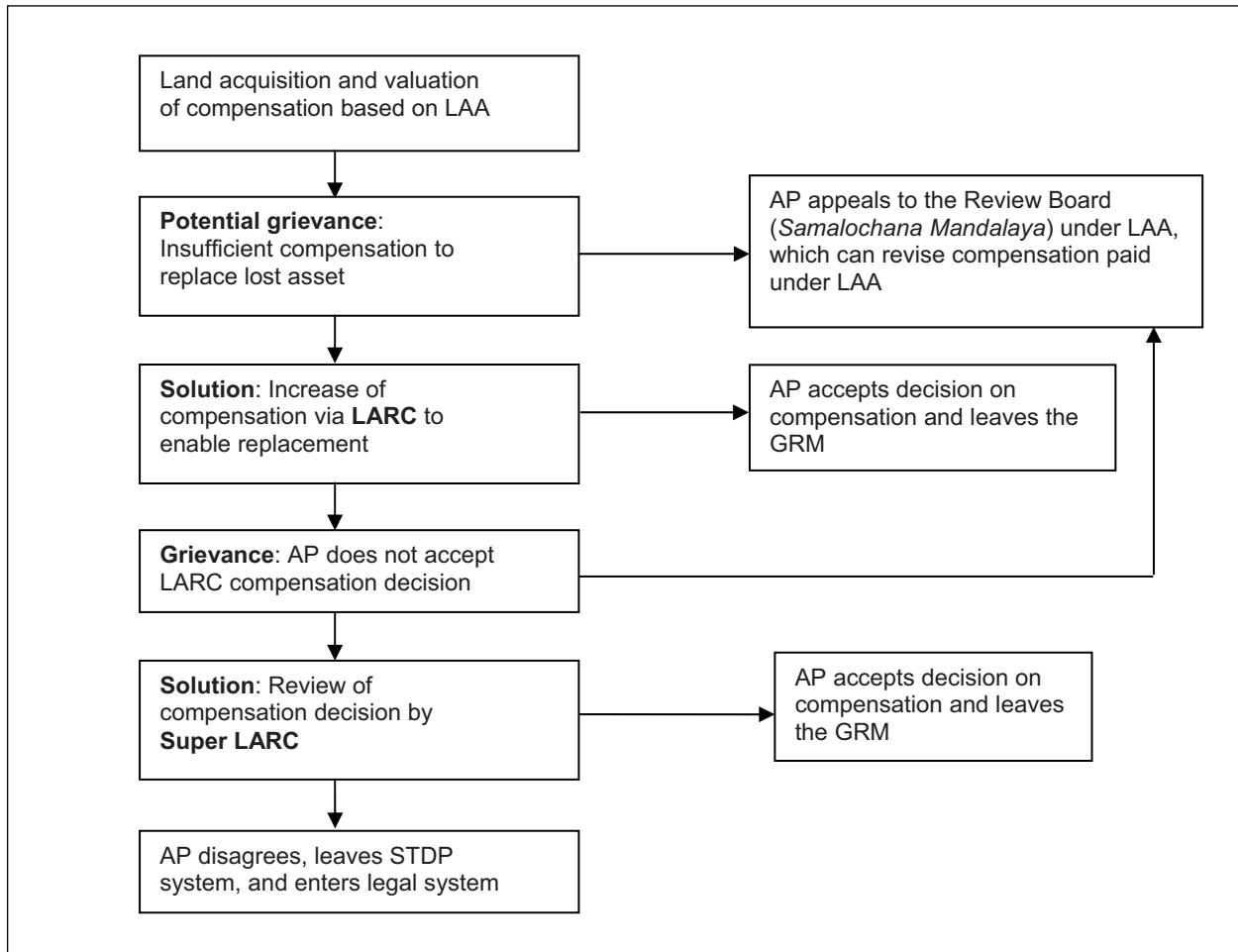
"Mediation is a voluntary, confidential, and consensual process for resolving disputes in which an impartial third party helps parties find a mutually acceptable resolution. Central to the concept is the principle of good faith negotiation. Mediation has procedural rules, needs willing parties with the capacities and the authority to settle, and requires an understanding of the issues and the procedure. The process is flexible, problem-solving oriented, and interest based. Through mediation, parties can acknowledge the feelings of other participants, overcome past negative histories, and work toward rebuilding positive working relationships. In addition, mediation helps parties achieve win/win solutions and shift their focus from the past to the future." *The OSPF Consultation Primer*. [www.adb.org/Documents/SPF/OSPF-Primer.pdf](http://www.adb.org/Documents/SPF/OSPF-Primer.pdf)

## 3. Land Acquisition and Resettlement Committees and Super LARC

LARCs were established through a Cabinet memorandum at the division level to facilitate the land acquisition process (Figure 3). The process as stipulated in the Land Acquisition Act, and the accelerated land acquisition process subsequently approved by the Cabinet to shorten many of the steps in land acquisition for road sector projects are summarized in Annexes 3 and 4, respectively.<sup>12</sup> The divisional secretary was designated as the chair, with members being the district valuation officer (or representative), the district superintendent of surveys (or representative), a technical officer nominated by the RDA, and a representative of the AP. The LARC was mandated to negotiate with APs and to decide on the replacement value for compensation.

<sup>12</sup> Annex 3 shows the normal procedure for land acquisition. Accelerated land acquisition (Annex 4), approved by the Cabinet in 2002, is project specific and applicable to the STDP only. It shows how a project can drastically reduce delays in land acquisition if combined with a LARC. Accelerated land acquisition is not yet law. However, accelerated land acquisition can be retained for projects with Cabinet approval.

**Figure 3: Land Acquisition and Grievance Procedures in the Southern Transport Development Project**



AP = affected person, GRM = grievance redress mechanism, LAA = Land Acquisition Act, LARC = land acquisition and resettlement committee, STDP = Southern Transport Development Project.

Source: Centre for Poverty Analysis (CEPA). 2009. A Review of the Southern Transport Development Project (STDP) Grievance Redress Mechanisms, Consolidated Final Report (ADM/80-046: RSC No. C80610), Colombo.

The Super LARC, also established through a Cabinet memorandum, was considered necessary in the STDP to facilitate an appeal and review process—at a higher level—for APs who disagreed with LARC decisions (Figure 3). The Secretary, Ministry of Highways; Secretary, Ministry of Land; chief valuer (or representative); surveyor general (or representative); and general manager of RDA (or representative) were stipulated as the members of the Super LARC. The Cabinet memorandum set out the objective of the Super LARC to examine appeals made by APs. The Super LARC was given the power to review and revoke the compensation decided upon by a LARC.

For both LARCs and the Super LARC, however, it was necessary to develop a clear framework and procedures for the decision-making process.

#### **4. Recent Developments in Payment for Land Acquired for Development**

In response to a Cabinet memorandum submitted by the Minister of Land and Land Development on 25 July 2007 seeking approval (i) to set up a national policy on payment of compensation to APs (in addition to statutory compensation paid under the Land Acquisition

Act) whose land and other properties have been acquired for development projects; and (ii) to invalidate all other compensation schemes implemented by the ministries of Highways, Irrigation, and New Railroad Development and the National Water Supply and Drainage Board as well as other state institutions, the Cabinet of Ministers, at its meeting held on 2 August 2007, directed the Minister of Land and Land Development to formulate and present a common policy for the payment of compensation. The proposed policy presented by the Minister was approved by the Cabinet of Ministers on 3 January 2008. The regulations relating to the payment of compensation were enacted by Parliament on 17 March 2009 and were published in the *Government Gazette* on 7 April 2009.

The new regulations relating to the payment of compensation stipulate the basis for calculating (i) "market value" of land acquired, (ii) compensation for injurious affection and severance,<sup>13</sup> and (iii) compensation for disturbances and other expenses based on the principle of "value to owner." The new regulations replace the "ex-gratia payment package" approved by the Cabinet of Ministers on 8 September 2004, which was effective since 1 June 2005 and implemented by LARC to provide compensation for affected parties on "replacement value" (circular issued by the Minister of Highways 4/2005). The ex-gratia package will not apply to any land acquisition conducted after September 2008. The new regulations enacted by Parliament and the operational guidelines for the enforcement of these guidelines provided by the Valuer's Department<sup>14</sup> appear in the matrix in Annex 5.

The new regulations on land acquisition are effective for any acquisition in respect of which a notice under Section 2 was published after 1 September 2008 and other ongoing land acquisition schemes that had not yet published notices under Section 7.<sup>15</sup> However, these regulations do not affect projects where LARCs operated and had published notices under Section 2 before 1 September 2008.<sup>16</sup> Any specific role for LARC in the future remains unclear and undecided, and both the RDA and the Ministry of Land and Land Development await the Chief Valuer's clarification of LARC's position.

## **5. A Mechanism to Manage Construction-Related Complaints**

Construction-related complaints can be numerous,<sup>17</sup> and managing them is the contractor's responsibility under its contract with the Government (Box 12). Usually these kinds of complaints are described as environmental impacts and include issues related to dust, flooding, blasting (noise, vibration, evacuation), lost access, dangers to life, damage caused to public roads from heavy machinery, deteriorating water quality and quantity, damage to property and crops, soil erosion, and others.

<sup>13</sup> Meaning unfavorable influences or injuries and losses.

<sup>14</sup> Land Acquisition Regulations 2008 for the Payment of Compensation—A presentation by the additional chief valuer (2 October 2009).

<sup>15</sup> As per the circular issued by the Secretary, Ministry of Land and Land Development in August 2009 (4/2008) and subsequently confirmed by the Additional Chief Valuer in his presentation in February 2009.

<sup>16</sup> Circular issued by the Secretary, Ministry of Land and Land Development to divisional secretaries/land acquisition officers in August 2008.

<sup>17</sup> In the STDP, 4,516 construction-related complaints were recorded between 2004 and 2009.

### Box 12: Duties of the Contractor

"The contractor shall throughout the execution and completion of the work and the remedying of any defects therein take all reasonable steps to protect the environment on and off the site and to avoid damage or nuisance to persons or to property of the public or others resulting from pollution, noise or other causes arising as a consequence of his method of operation." (Subsection 19.1, Item C of the Contract Addendum Agreement for Restructuring the Contract signed between the Road Development Authority and the Contractor in June 2008).

"The contractor shall take all reasonable precautions, whether specified in the contract or not, to prevent damage to the natural environment occurring as a result of the execution of the works. The contractor will be required to prepare environmental management plans ... and submit to the engineer for approval prior to work commencing on site." (Section 105)

In the STDP, the Environmental Management Plan clarifies the mitigation measures for the environmental impacts, and the supervision consultants report the types of complaints, measures taken, and status of resolution on a monthly basis to the RDA, the Central Environmental Authority, and ADB. Due to the high number of complaints, the project set up a PCRMC, which brings together representatives of the RDA, the supervision consultants, and the contractors and is coordinated by the management consultants. A detailed description and flow chart of the PCRMC is in Annex 6. The complaints received by the supervision consultants are entered into a computer database, and the following information is included (see sample page of the database in Annex 7):

- nature of the complaint;
- complaint category, i.e., blasting, flooding, noise, property damage, etc.;
- source and date of receiving the complaint;
- impact location
- chainage<sup>18</sup> reference;
- name and address of the complainant;
- action taken; and
- current status

Data entered on action taken and current status on complaints are analyzed by the supervision consultants in the form of graphs and charts (Annex 8); are included in their monthly progress reports on implementation of the Environmental Management Plan; and are submitted to the RDA, funding agencies, etc. If different supervision consultants are responsible for different sections of a road project, a uniform database and format for reporting should be used by all.

### B. Build Capacity—A Precondition for Implementation

The capacity to handle grievances effectively is an essential aspect of a good GRM. Capacity refers not only to providing training for and building the skills of the GRM implementors, but also to a range of other capabilities for which a mechanism should be set in place to facilitate and promote effective service delivery. The overall capabilities of a GRM include the

- general orientation of the GRM and its approaches to dealing with APs, e.g., whether the GRM is perceived as a complaint-handling/problem-solving mechanism for APs or for receiving feedback from customers on both positive and negative aspects of the project to improve its overall performance;

<sup>18</sup> Distance (in kilometers) from a marked zero point along the trace.

- knowledge of the GRM about the (a) historical, political, and social context; (b) perceptions and facts about the project situation and APs; and (c) systems, organizations, procedures, and processes involved;
- organizational support for grievance handling, which encompasses mapping, communication, and coordination among different GRMs; conducting research; providing administrative support and relevant documentation to GRM staff; and having an effective public communication strategy;
- essential skills for dealing with grievances; and
- credibility of the GRMs and its officers.

The GRM implementors, drawn from different state agencies such as the divisional secretaries, valuation officers, engineers, contractors, and land officers or from the community, would not have the specific and essential skills and the capacity to engage in an effective grievance resolution process. Therefore, it is important that such GRM implementors be provided with adequate orientation and training on grievance resolution. Such capacity-building training should start immediately after setting up the GRM and can be integrated into the project launch training for project implementors. Also, it can be included in the project operations manual. The subject matter for such training/orientation programs should include the following:

- procedural training on receiving, registering, and sorting grievances;
- conduct of initial grievance assessments;
- effective communication, negotiation, and facilitation skills;
- management of the grievance redress process (developing flow charts, assigning roles, monitoring performance of staff dealing with complaints, and providing incentives);
- creating awareness of the usefulness of a GRM as an important source of feedback;
- problem solving; dispute resolution; and decision making; and their respective parameters, standards, and techniques; and
- documentation and reporting, including the use of "customer feedback" as part of an ongoing organizational learning process for the implementing agency.

Annex 9 gives a comprehensive framework and suggestions for capacity building in GRMs.

According to estimates from STDP personnel, only 10%–15% of the total number of APs' grievances go through formal GRMs. There are cases of APs not being aware of the formal GRMs, not having the resources and the capacities to access formal GRMs, feeling uncomfortable presenting themselves before a formal GRM, or perceiving the formal systems and procedures as lengthy and delaying the redress process. APs have higher regard, trust, and confidence in individuals; they need individual support on humane grounds, which cannot be addressed satisfactorily through a formal GRM. APs also often use individuals as points of entry to the formal grievance redress process (Box 13). This underpins the importance of the individual staff's, administrator's, and government official's positive attitudes and behavior toward APs as an area to be addressed in capacity building.

### Box 13: Importance of Individual Staff and Government Approachability

Affected persons (APs) do not always approach formal grievance redress mechanism (GRMs). The Southern Transport Development Project (STDP) experience points to a large number of APs first approaching individuals and their respective institutions outside formal GRMs to find redress for their grievances. Staff or regional offices are the "frontliners" and set the tone for credible complaint handling. If APs are treated fairly and respectfully, and appropriate information and guidance are provided at this stage, many grievances and complaints can be resolved at these individual levels, and only more complex issues are elevated to the appropriate GRMs. Attitudes and behavior, listening skills, ability to demonstrate empathy, and taking complaints seriously determine the first impression complainants get, which influences their readiness to contribute to problem solving.

## C. Create Awareness

GRMs should be widely publicized among stakeholder groups such as the affected communities, government agencies, and civil society organizations. Lack of knowledge about GRMs results in people not approaching and using them, and they eventually lose the relevance and the validity of the purpose for which they were created. People should also be informed about their options, depending on the types of complaints, but should not be encouraged to submit false claims. Criteria for eligibility need to be communicated. An effective awareness campaign launched to give publicity to the roles and functions of the GRMs should include the following components:

- scope of the project, planned construction phases, etc.;
- types of GRMs available;
- purposes for which the different GRMs can be accessed, e.g., construction-related grievances, land acquisition and compensation-related grievances;
- types of grievances not acceptable to the GRMs;
- who can access the GRMs;
- how complaints can be reported to those GRMs and to whom, e.g., phone and facsimile numbers, postal and email addresses, and websites of the GRMs as well as information that should be included in a complaint;
- procedures and time frames for initiating and concluding the grievance redress process;
- boundaries and limits of GRMs in handling grievances; and
- roles of different agencies such as project implementors and funding agencies.

A variety of methods can be adopted for communicating information to the relevant stakeholders:

- display of posters in public places such as in government offices, project offices, community centers, etc.;
- distribution of brochures;
- village-level government officers such as *grama niladharis*, *samurdhi niladharis*, etc. to hold small-group discussions;
- community-based organizations; and
- print and electronic media, including radio.

## D. Implementing Steps

The process of implementing a GRM involves the following steps:

1. Assign focal points.
2. Receive and register complaints.

3. Screen and refer the complaints.
4. Coordinate with other GRMs.
5. Assess the complaint.
6. Formulate a response.
7. Select a resolution approach.
8. Implement the approach.
9. Settle the issues.
10. Track, document, and evaluate the process and results.

## **1. Assign Focal Points**

The focal points for receiving and registering complaints from APs in each GRM should be clearly identified and established. GRMs can have multiple focal points to receive and register grievances. It is equally important to have someone who has overall responsibility for tracking and following up on issues and complaints raised. The descriptions of the GRM functions should clearly stipulate the official designations and the roles of the focal points so that they can really be held accountable for performing their functions. Terms of reference of individual staff in turn should include grievance redress functions.

In the STDP, focal points for receiving complaints are the divisional secretary/assistant divisional secretary; staff of STDP regional offices, in particular the resettlement officers and resettlement assistants; supervision consultants; and contractors. Sometimes complaints are lodged with the Presidential Secretariat, Ministry of Highways, Ministry of Public Administration, other political authorities, and others.

## **2. Receive and Register Complaints**

Grievances may be reported to local police stations. If this is the case, they should be referred to project staff, registered by the designated focal point, and referred to the appropriate GRM.

Complaints can be presented in a variety of forms ranging from verbal communications to formal and written complaints. A GRM may also receive complaints directly from APs or via third parties. Whatever the source and the form in which the complaint is received, it should be accepted by the focal points and registered in a grievance/complaint register (Box 14).

It is also recommended that uniformity be maintained in the complaint registration systems across different sections and agencies of the project. Annex 10 provides a format to record and register a complaint.

### Box 14: The Complaint Register

The regional offices of the Southern Transport Development Project (STDP) each maintain a public complaints register (book) in which complaints received by project managers or staff, either in written or verbal form, are entered.

A complaint register includes

- reference number,
- date of the complaint,
- name of the complainant/s,
- gender,
- national identification number/s,
- address of the complainant/s,
- summary of the complaint,
- signature of the complainant/s.

### 3. Screen and Refer the Complaints

Having received and registered a complaint, the next step in the complaint-handling process is for the focal points to establish the *eligibility* of the complaint received. The following criteria can be used to assess and verify eligibility:

- The complainant is identifiable and has provided a name and contact details.
- The complainant is affected by the project.
- The complaint has a direct relationship to the project.
- The issues raised in the complaint fall within the scope of the issues that the GRM is mandated to address.

If the complaint is not eligible, the complainant should be informed of the reasons. If the complaint can be referred to another GRM, the complainant should be informed accordingly.

### 4. Coordinate with Other Grievance Redress Mechanisms

GRMs do not operate in a vacuum. They are embedded in networks of agencies and actors, and in the course of their operations may relate to APs, GRM implementors, their executing and support agencies, project implementors, intermediaries used for presenting complaints, and funding agencies. On the other hand, APs may relate to GRMs in diverse forms. For example, APs might seek redress from more than one single GRM, or else they might decide to appeal to a higher level of the same GRM or to a different GRM if they are dissatisfied with the resolutions made by a lower level GRM. For example, APs dissatisfied with decisions of the LARC (in the STDP) in respect of compensation for their acquired land may appeal to the Super LARC, a higher level of the same GRM, which has the mandate to reverse the decisions of a LARC if deemed necessary. Or else, APs may decide to completely move away from the LARC system and appeal to different GRMs such as the Review Board or the courts. As such, coordination among different GRMs, as well as among other external agencies and actors with whom the GRMs interact in their operations, is an important aspect of good GRM design. It is necessary to identify and establish a central point to carry out these coordinating and communication functions. The coordination functions of such a central body could include

- facilitation of case referrals to appropriate agencies;
- tracking and monitoring grievance resolution processes and their outcomes by different agencies;
- maintaining a central database of complaints received and their current status;



- analyzing data and preparing regular updates and progress reports for involved agencies with proposed follow-up activities;
- establishing feedback loops with relevant agencies and the APs to communicate and report case progress and status;
- identifying capacity-building needs of the GRM members, and overseeing the conduct of such capacity-building training ;
- identifying awareness-creation needs among relevant agencies and communities, and overseeing the conduct of such awareness-building programs;
- liaising with media and monitoring media reports; and
- giving feedback to project management.

In the STDP, the activities of the 22 GRCs are coordinated by the STDP Environmental and Social Division (with support from the management consultants<sup>19</sup>), and their coordinating functions include conducting periodic meetings and workshops (sometimes with the participation of APs) to review GRC performance and address the problems and issues encountered by GRCs, making appointments and replacements of GRC members, field supervision, providing capacity-building training for GRC members, providing feedback to relevant agencies and authorities, facilitating financial requirements of the GRCs, and maintaining a central database of the grievances dealt with by the GRCs.

## **5. Assess the Complaint**

If the initial assessment establishes the eligibility of the complaint to be pursued, a further assessment is recommended of the *seriousness* of the complaint—classified in terms of high, medium, or low—and its impact on both the complainant and the project. Assessing the seriousness of a complaint is not easy, as it could be subject to biases. Criteria should be established and could include the following:

- severity of the problem,
- potential impact on the well-being of an individual or group,
- potential impact on the project, and
- public profile of the issue.

Assessing the severity of a complaint will require additional data collection through field visits to the sites, discussions and interviews with complainants and other relevant persons or groups in the community, and cross-checking the information already provided.

## **6. Formulate a Response**

Having completed the complaint assessment, a response can be formulated on how to proceed with the complaint. This response should be communicated to the complainant. The response should include the following elements:

- acceptance or rejection of the complaint;
- reasons for acceptance or rejection;
- next steps—where to forward the complaint;
- a time frame; and
- (if accepted) further documents or evidence required for investigation, e.g., field investigations.

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<sup>19</sup> The Environment and Social Division will take over the full responsibility for these functions very soon, and necessary personnel and training are provided under Asian Development Bank technical assistance.

## 7. Select a Resolution Approach

GRMs should always present multiple approaches for grievance redress. Approaches that are difficult or culturally and socially alien to APs should be avoided as much as possible. People should be able to participate in the grievance redress process comfortably and without any fear of intimidation. The grievance redress approaches should also create adequate space for the active participation of the APs, including vulnerable groups. Possible approaches to grievance redress include

- mediation through local and traditional institutions such as village elders, temple priests, or community-based organizations that have a close understanding of the issues affecting their community members; these local institutions can be integrated into the formal GRMs; for example, the GRCs in the STDP drew members from among village organizations or village leaders so that they would provide the community perspective on the issues been addressed;
- facilitation of settlements among disputants through mediation boards (*samatha mandala*);
- direct negotiations and dialogue between the APs and the relevant agency or agencies;
- facilitated negotiations through a third party;
- investigation of a complaint through review of documents, field investigation, assessments from technical agencies, and/or interviews of different parties; and
- referrals to other judicial and administrative processes.

Depending on the nature and the severity of the complaint/s, the chairpersons of the different GRMs, in consultation with the APs, should identify and decide on an approach for grievance resolution. Where appropriate, APs should be given the choice of selecting an affordable approach with which they are comfortable and confident and that is beneficial to them.

Approaches and processes adopted by various GRMs differ from one another. This also depends on the nature of complaints. For project-based GRMs, APs should be informed of the following:

- Who constitutes the GRM?
- Where is the GRM located?
- How should the complaint be reported or referred to the GRM?
- Who can accompany the complainant to the GRM?
- What steps are followed in the inquiry or resolution process?
- What documents and evidence are needed in support of the complaint?
- How much time is needed to initiate and conclude the grievance redress process?

This information should be part of a simple brochure that explains the different grievance redress possibilities for APs.

## 8. Implement the Approach

The following are important aspects to be considered in the implementation of a project-based GRM:

- creating a conducive environment for the APs to relate their grievances without fear and intimidation;
- allowing the APs (if necessary) to be accompanied by a third party, e.g., a family member or a fellow villager with whom they feel comfortable to present their grievances;

- undertaking field inspections (if necessary) to assess and verify the grievances reported;
- referring the complaints for technical assessments (if necessary) to validate and establish the real causes of the grievances, e.g., to engineers, Tea Research Institute, National Building Research Organization, Geological Survey and Mines Bureau;
- minimizing investigative processes and unnecessary referrals to other parties;
- avoiding delays;
- referring to the relevant laws, rules, and regulations that bind the decision-making processes, e.g., the Land Acquisition Act; regulations issued by the Geological Survey and Mines Bureau, Urban Development Authority, and Central Environmental Authority;
- inviting other relevant agencies or persons, e.g., *grama niladharis*, technical officers, to provide additional information required;
- creating opportunities for negotiation and exchange;
- setting clear and objective criteria for decision making, e.g., different compensation rates for people living in different evacuation zones, i.e., dangerous zones vs. inconvenient zones, rather than having a flat rate for everybody; or compensation packages for different losses as prescribed in the payment matrix;
- assuring the APs that decision-making processes are independent and fair;
- documenting the grievance redress process and its outcome; and
- communicating the grievance redress outcome to the AP and the relevant agencies (Box 15).

### **Box 15: Documentation and Communication in the Southern Transport Development Project**

In the Southern Transport Development Project (STDP), the following formats are currently being used for documentation and communication:

- Format in Annex 11: Is filled in by the secretary of the grievance redress mechanism (GRC) for recording the grievance redress process and its final outcome and recommendations immediately after the GRC proceedings are over. This report is signed by all GRC members, and copies are forwarded to GRC members, deputy project directors, project managers, the STDP head office, and other relevant parties such as project engineers and environmental specialists. However, the affected persons (APs) are not given a copy of this report. Instead, the decisions of the GRC are communicated by the GRC secretary to the APs in a separate letter.
- Format in Annex 12: Filled in by the resettlement officer and issued to the APs immediately after the land acquisition and resettlement committee (LARC) proceedings are over and signed by the divisional secretary and the resettlement officer (representing the Road Development Authority) to inform the APs of their entitlements for compensation.
- Format in Annex 13: Issued by the project managers of the STDP regional offices to the APs certifying their compensation entitlements under both the Land Acquisition Act and LARC after both processes are over.

## **9. Settle the Issues**

Project-based GRMs may propose a variety of strategies to settle grievances, including

- requesting the relevant agencies responsible for the grievance to take appropriate measures to remove the cause of grievance, e.g., contractors to clear access roads or provide alternative roads, clear canals and other irrigation systems, desilt rice fields, and/or remove garbage; for example, in the STDP, GRC decisions on technical and construction-related resolutions are communicated to the supervision consultants by the deputy directors of the regions, to be communicated to the contractors;

- determining reasonable compensation for acquired land, property damage, loss of livelihood, temporary evacuations, resettlement, etc. either from the project executing agency, e.g., the RDA, or from contractors;
- signing agreements between APs and the project for solutions mutually agreed upon;
- assuring the APs to address their grievances at the end of completing the project-related work, e.g., repairing the houses; the assurance letters are issued by the contractors or the project executing agency in both English and Sinhala; and
- initiating a monitoring process (after addressing the causes of the problem or paying compensation) to assess any further impacts of project-related work on the properties and livelihoods of the APs.

## **10. Track, Document, and Evaluate the Process and Results**

The GRMs have the responsibility for tracking and monitoring the process of grievance redress and the implementation of the decisions made and of seeing that redress is granted to APs in a timely and efficient manner. They also have the responsibility for giving regular feedback to the complainants about the progress of the grievance redress process. The monitoring should include the progress of implementation of grievance resolutions and the timeliness of grievance redress, follow up grievances to be sure they are attended to, and document details of complaints received and the progress in solving them. Grievances provide information to project managers about project implementation and actual and potential problems.

In the STDP, the PCRMC, apart from its other roles, has been effectively used for tracking and monitoring the progress of complaint-handling processes. The engineers, supervision consultants, and the RDA jointly monitor the status of handling construction-related grievances by the contractor at the monthly meetings of the PCRMC. Progress reports on the status of complaints resolved and on new complaints received by each party are presented for review and follow-up at these monthly meetings (Annex 13). In addition, databases on complaints resolved and on new complaints received are maintained and updated by both STDP regional offices and the engineers. The environmental impact monitoring officer makes regular field inspections to verify the information reported by different agencies. A consolidated monthly report of the progress of complaint handling is prepared by the engineers in consultation with the RDA and forwarded to the project director of the STDP.<sup>20</sup>

An evaluation system should assess the overall effectiveness and the impact of the GRMs. Such evaluations can take place either annually or biannually, and their results should contribute to improving the performance of the different GRMs and provide valuable feedback to project management. The following questions can be addressed in such evaluations:

- How many complaints have been raised?
- What types of complaints have been raised?
- What is the status of the complaints (rejected or not eligible, under assessment, action agreed upon, action being implemented, or resolved)?
- How long did it take to solve the problem?
- How many APs have used the grievance redress procedure?
- What were the outcomes?
- Are the GRMs effective in realizing the stated goals, objectives, and principles?
- Are the GRMs capable of responding to the range of grievances specified in their scope?

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<sup>20</sup> Memorandum of understanding agreed to by the contractor, engineer, and the RDA for implementation of the Environmental Management Plan of the STDP.

- Are the GRMs equipped with an adequate and diverse set of resolution approaches?
- Have the GRMs adopted measures to improve the resolution approaches, e.g., capacity building, consultation, with technical experts, etc.?
- Are the GRMs effectively integrated into overall project management?

This information is important for project management to see trends of complaints, detect flaws in implementation, take timely corrective action, and make strategic changes where needed. It also provides valuable feedback about APs' satisfaction with the project and thus contributes to a good reputation for the implementing and executing agencies.

## **ROLES AND RESPONSIBILITIES OF THE CENTRAL ENVIRONMENTAL AUTHORITY**

The Central Environmental Authority, established in August 1981 under the provision of the National Environmental Act No. 47 of 1980, has the broad objective of integrating environmental considerations in the development processes of the country.

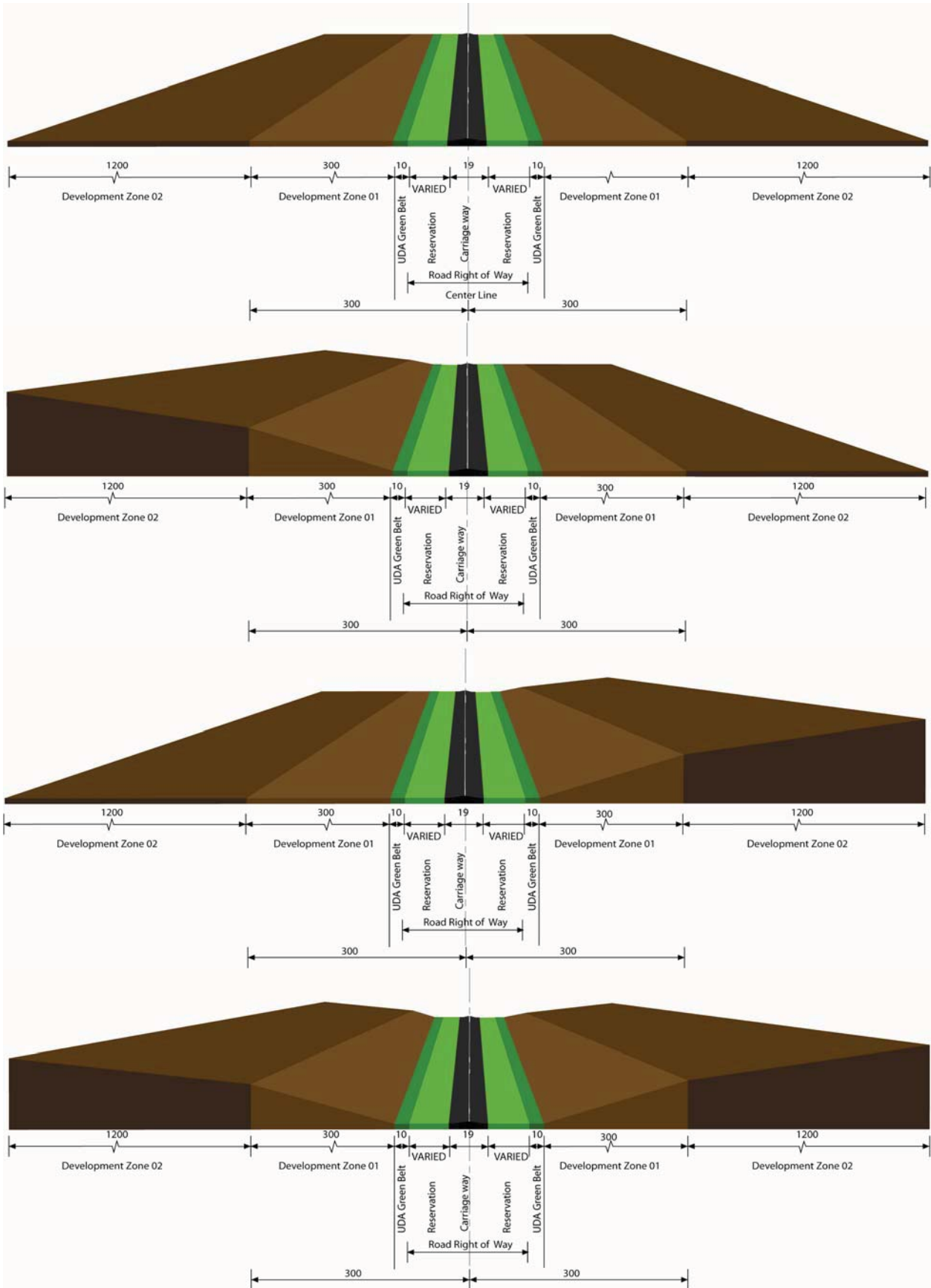
Its roles and responsibilities in road construction projects are as follows:

- Ensure that project developers submit an environmental impact assessment (EIA) for approval that comprehensively addresses the potential physical, biological, economic, and social impacts arising from the proposed project.
- Ensure that the project developers propose appropriate measures to avoid or minimize adverse impacts of a project on physical, biological, human, social, and cultural resources.
- Determine that the project developers in every project-related activity, e.g., construction, land acquisition, relocation or resettlement, etc., comply with and act in accordance with the country's laws, ordinances, and regulations.
- Determine project developers' and implementors' compliance with the standards set by the Central Environmental Authority for the control of air and water quality, noise, and vibrations.
- Regulate and monitor project developers' and implementors' compliance with environmental impact assessment-approved conditions and take appropriate action against those who violate the approved procedures.

**URBAN DEVELOPMENT AUTHORITY GUIDELINES AND LAND USE MAPS**

"There shall be a restricted development zone extending from the outer edge of the 10-meter wide buffer zone up to a 500-meter setback from the center of the expressway for controlling developments until the Land Use Plan for the 3-km wide expressway corridor is completed; in the restricted development zone, housing development shall be permitted for existing housing lots, subdivided lots that have been approved prior to 01.01.2008, and improvements to existing dwelling houses. For other activities, planning clearances and development permits already granted and not yet commenced shall be suspended during the 12-month period of study for the Land Use Plan" (Urban Development Authority circular issued by the Director General in November 2008).

The following diagrams show the development zones, reservation areas, and green belts marked by the Urban Development Authority.





## STEPS IN LAND ACQUISITION

Stage and Activity/Role	LAA Section	Responsible Unit/ Institution	Role of Concerned RDA Units
<b>Stage I: Preparation of acquisition proposal</b> (Time frame: 5 weeks)			
<ol style="list-style-type: none"> <li>1. Identification of suitable land after preliminary investigation</li> <li>2. Preparation of rough sketch of land</li> <li>3. Arrangement of funds by obtaining approval from the Treasury under FR 53</li> </ol> <p>This fund should be a reasonable amount as requested by the respective DS as per FR; this money should be deposited by the RDA in the concerned divisional secretariat for their official expenses. In case PMUs are able to channel funds directly to DSs, the amount can be arranged with mutual agreement by the PMU and DS.</p>	248	Project executing agency (RDA)	<p>The PMU prepares and submits a request to the RDA Land and Resettlement Division (LARD) with support from the provincial director/s and design engineers of the RDA Planning Division. The PMU ensures that the RP is also attached to the acquisition proposal as an annex.</p> <p>The PMU ensures that budget for the land acquisition for the project/subproject is included in the RDA annual plan and funds are available from the relevant ministry and from the aid agency to implement these activities.</p>
<ol style="list-style-type: none"> <li>4. Preparation of acquisition proposal (to be submitted to the Land Acquisition Division of the MLD) <ul style="list-style-type: none"> <li>• Application</li> <li>• Detailed statement</li> <li>• Tenement list and rough sketch or survey plan</li> <li>• RAP approved by the MOHRD</li> </ul> </li> </ol>	2 (1)	Project executing agency (RDA through the MOHRD)	<p>Director of LARD appoints land acquisition officer/s (LAO) and land assistant/s (LA) to prepare the application and follow up with various agencies involved in the land acquisition process.</p> <p>The PMU recruits LAOs and LAs to assist the LAO/LA from LARD.</p> <p>The PMU maintains its own file copy of the acquisition proposal and supporting documents (including the RP).</p>
<b>Stage II: Publication of 1st notice and preparation of advanced tracing</b> (Time frame: 11–15 weeks)			
<ol style="list-style-type: none"> <li>1. Registration of acquisition proposal and obtaining approval from the Minister of Land and Land Development</li> </ol>	248	Director of the Land Acquisition Division, MLD	LAOs from the LARD and the PMU follow up and report on action taken by the MLD.
<ol style="list-style-type: none"> <li>2. Issuing of Section 2 order to divisional secretary by the MLD</li> </ol>	2	Director of Lands, MLD	<p>The PMU ensures that funds are deposited in the account of each divisional secretariat to cover its expenses in land acquisition activities.</p> <p>(This fund should be a reasonable amount as requested by the respective DS as per FR. This money should be deposited by the RDA in the concerned divisional secretariat for their official expenses. In case PMUs are able to channel funds directly to DSs, the amount can be arranged with mutual agreement by the PMU and the DS.)</p>
<ol style="list-style-type: none"> <li>3. Exhibition of Section 2 notice in three languages on the affected land and in some conspicuous places in that area; handing over to relevant persons including claimants (Divisional secretary assigns an officer to undertake the relevant activities with support from the <i>grama niladhari</i> of the respective <i>grama niladhari</i> division. A LARC is formed in each divisional secretariat.)</li> </ol>	249	Divisional secretary	<p>LAOs from the LARD and the PMU assist the LAOs of the divisional secretariat in the translation of the notices into three languages (Sinhala, Tamil, and English) and in the dissemination of information to APs.</p> <p>The PMU/LARD assists in orienting the LAOs and appointed staff from the <i>grama niladhari</i> and the LARC on project and land acquisition/resettlement issues.</p>

Stage and Activity/Role	LAA Section	Responsible Unit/ Institution	Role of Concerned RDA Units
4. Sending of Survey requisition to the survey superintendent to survey and prepare the advanced tracing		Divisional secretary	LAOs from the LARD and the PMU follow up and report on actions taken by the divisional secretaries.
5. Preparation of advanced tracing and sending it to MLD and divisional secretary		Survey superintendent	LAOs from the LARD and the PMU follow up and report on action taken by the Survey Department. LAOs from the LARD and the PMU conduct field visits to get feedback from and consult with APs.
6. Confirmation of receipt of advanced tracing by the divisional secretary		Divisional secretary	LAOs from the LARD and the PMU follow up and report on action taken by the divisional secretary and ensure that the advanced tracing is properly received by MLD.
<b>Stage III: Investigation and calling for objections<sup>a</sup></b> <b>(Time frame: 13–17 weeks)</b>			
1. Issuing of Section 4 order to divisional secretary	4, 250, 4.3	Director of Land Division, MLD	LAOs from the LARD and the PMU follow up and report on action taken by the director of Land Division LAOs from the LARD and the PMU conduct field visits to get feedback from and consult with APs.
2. Preparation of Section 4 notice in three languages and exhibition		Land acquisition officer and <i>grama niladhari</i> of relevant <i>grama niladhari</i> division	LAOs from the LARD and the PMU assist the LAOs of the divisional secretariat in the translation of the notices into three languages and in the dissemination of information to APs. The PMU keeps a copy of the notices in its files.
3. Reporting to the MLD as above		Divisional secretary	LAOs from the LARD and the PMU coordinate with the divisional secretaries on complaints or objections received from the public.
4. Investigation of objections received according to the Section 4 notice and sending recommendations to the MLD (MOHRD shall form a grievance committee to investigate the complaints)	251, 252, 4.4	MOHRD/RDA	LAOs from the LARD and the PMU report to the MLD the status and resolution of cases and complaints received (whether to proceed or not in the land acquisition).
<b>Stage IV: Decision to acquire the land</b> <b>(Time frame: 4–6 weeks)</b>			
1. Refer to the divisional secretary the declaration by the Minister of Land under Section 5	5, 253	Director of Land Division, MLD assisted by the assigned officer from the divisional secretariat	LAOs from the LARD and the PMU follow up and report on action taken by the Director of Land.
2. Publication of Section 5 declaration in the <i>Government Gazette</i> in three languages	254	Divisional Secretary, Department of Government Printing	LAOs from the LARD and the PMU follow up and report on action taken by the divisional secretaries and the Department of Government Printing. The PMU keeps a copy of the publication in its files.
3. Exhibition of the <i>Gazette</i> in conspicuous places and interested persons		Divisional secretary (through	LAOs from the LARD and the PMU follow up and report on action taken by the divisional secretaries and assist in the dissemination of information and

Stage and Activity/Role	LAA Section	Responsible Unit/ Institution	Role of Concerned RDA Units
		the concerned <i>grama niladhari</i>	consultation with APs.
4. Sending a copy of the Gazette to Survey Department, MLD, and MOHRD		Divisional secretary	LAOs from the LARD and the PMU follow up and report on action taken by the divisional secretaries.
5. Issuing of survey requisition to survey superintendent to prepare a final plan	6	Divisional secretary	LAOs from the LARD and the PMU follow up and report on action taken by the divisional secretaries and ensure that the request is properly received by the survey superintendent.
6. Surveying the land, preparation of preliminary plan, laying of boundary stones by the survey superintendent and forwarding of plan to divisional secretary and MLD	255	Survey superintendent of the Survey Department	LAOs from the LARD and the PMU follow up and report on action taken by the survey superintendent and ensure that the plans are properly received by the divisional secretaries. LAOs from the LARD and the PMU conduct field visits to get feedback from and consult with APs.
7. Sending a copy of Preliminary Plan to the MLD		Divisional secretary	LAOs from the LARD and the PMU follow up and report on action taken by the divisional secretaries and ensure that the plans are properly received by the MLD.
<b>Stage V: Inquire into claims and payment of compensation</b> <b>(Time frame: 22–54 weeks)</b>			
1. Preparation of Sec.7 notice in three languages and publication in the Gazette.	7	Divisional secretary, Department of Government Printing	LAOs from the LARD and the PMU follow up and report on action taken by the divisional secretaries and the Department of Government Printing and assist in the translation and dissemination of information to APs.
• Call for claims for compensation (both for title holders and nontitle holders)	255 7.2		LAOs from the LARD and the PMU conduct field visits to get feedback from and consult with APs. The PMU keeps a copy of the publication in its files.
• Deciding of dates and places for inquiries			
2. Sending a copy of the Gazette to chief valuer, MLD and MOHRD/RDA	9	Divisional secretary	LAOs from the LARD and the PMU follow up and report on action taken by the divisional secretaries.
3. Holding of inquiries into claims and compensation	256, 10 (1) (a)	Divisional secretary	The PMU recruits and orients additional staff to support the activities, if necessary. LAOs from the LARD and the PMU assist the APs in the completion of necessary documentation to expedite payment of compensation. The PMU mobilizes the external resettlement monitoring agency.
4. Issuing of decision under 10 (1) decision	257	Divisional secretary	LAOs from the LARD and the PMU follow up and report on action taken by the divisional secretaries.
5. Refer to Valuation Department for valuation		Divisional secretary	LAOs from the LARD and the PMU follow up and report on action taken by the divisional secretaries.
6. Issuing of valuation report to divisional secretary		Valuation Department	LAOs from the LARD and the PMU follow up and report on action taken by the Valuation Department.
7. Declaration of the award	17	Divisional secretary	LAOs from the LARD and the PMU follow up and report on action taken by the divisional secretaries.
8. Issuing of award under Sec. 17	259	Divisional secretary	LAOs from the LARD and the PMU follow up and report on action taken by the divisional secretaries.
9. If the owner agrees to obtain the compensation, payment of the compensation from the funds obtained through the treasury	261	Divisional secretary, MOHRD, Treasury	LAOs from the LARD and the PMU follow up and report on action taken by the divisional secretaries and the processing of the check. The PMU tracks and reports on the status of compensation payments and

Stage and Activity/Role	LAA Section	Responsible Unit/ Institution	Role of Concerned RDA Units
<ul style="list-style-type: none"> <li>- Divisional secretary sends the request to the MOHRD through LARD</li> <li>- MOHRD issues the check in favor of the divisional secretary through LARD</li> <li>- Divisional secretary pays compensation and provides rehabilitation assistance to APs</li> </ul>			<p>livelihood restoration assistance.</p> <p>The external resettlement monitoring agency monitors and reports on compensation payments and rehabilitation assistance provided to the APs.</p>
10. Payment of interest (For the period from the date publication of Section 38 (a) to the date of compensation paid at 7% per annum)		Divisional secretary, MOHRD, Treasury	LAOs from the LARD and the PMU follow up and report on action taken by the divisional secretaries and the processing of the check. The PMU tracks and reports on the status of compensation payments and livelihood restoration assistance to ESD and aid agency.
<b>Stage VI: Taking over of possession after the acquisition (Time frame: 8 weeks)</b>			
1. Apply for Section 38 (a) after the completion of payment of compensation	262	Divisional secretary, MOHRD, Treasury	LAOs from the LARD and the PMU follow up and report on action taken by the divisional secretaries.
2. Publication of Section 38 (a) order in the Gazette and giving instructions to Divisional Secretary to take over the possession	38	Director of Land, MLD, Department of Government Printing	LAOs from the LARD and the PMU follow up and report on action taken by MLD and the Department of Government Printing. The PMU keeps a copy of the publication in its files.
3. Handing over the possession to RDA and reporting to the MLD and MOHRD		Divisional secretary	LAOs from the LARD and the PMU follow up and report on action taken by the divisional secretaries.
<b>Stage VII: Vesting of certificates (Time frame: 2 weeks)</b>			
1. Vesting of land through the vesting certificate in the local authority after taking over the possession under Section 38 (a) or Section 38 (a) proviso for RDA:	44 (1), 267	Divisional secretary (assisted by its land acquisition officer) Director of Land, MLD	The PMU tracks and reports on the completion of land acquisition activities. The external resettlement monitoring agency monitors activities and submits a report.
<ul style="list-style-type: none"> <li>• Obtaining the required full amount of funds from the relevant organization, obtaining approval from the MLD for vesting</li> <li>• Mentioning of imposing of conditions and units in the vesting certificate</li> <li>• Registration of vesting certificate in the District Land Registry</li> <li>• Sending of copy of vesting certificate to MLD and MOHRD/RDA</li> </ul>		Divisional secretary Divisional secretary Divisional secretary Divisional secretary	

AP = affected person, DS = divisional secretary, ESD = Environment and Social Division, FR = Financial Regulation, LA = land assistant, LAA = Land Acquisition Act, LAO = land acquisition officer, LARC = land acquisition and resettlement committee, LARD = Land and Resettlement Division, MLD = Ministry of Land Development, MOHRD = Ministry of Highways and Road Development, PMU = project management unit, RDA = Road Development Authority, RP = resettlement plan.

<sup>a</sup> Stage III applies to the normal land acquisition process. However, Section 38a of the Land Acquisition Act allows for skipping this step. Under such section, publication of Section 38 (a) proviso in the Gazette can be done immediately after the receipt of the Advanced Tracing from the Survey Department.

Source: SAIRC Manual.

### ACCELERATED LAND ACQUISITION PROCESS BASED ON EXPERIENCE WITH ROAD PROJECTS

Cabinet approval was obtained to shorten many of the stages in the land acquisition process. The following table shows this revised procedure, which is being adopted by the Southern Transport Development Project.

Action under LAA	Responsibility	Process	Duration (weeks)	Potential Delays
Publish notice under Section 2 and issue survey requisition	DS	Prepare notice in three official languages; publish notice; prepare survey requisition; report to the MOL	2	Capacity for translations in DS
Survey the land and prepare advance tracing (AT)	Survey Department	AT to facilitate issuance of Section 38 (a) order and Section 5 declaration	4	Workload in the Survey Dept. and number of lots involved
Section 38 (a) order	MOL	Prepare order; have it signed by the Minister; get gazette printed, and issue to DS	4	MOL capacity; obtaining Minister's signature
Issue Section 5 declaration	MOL	Prepare declaration; get Minister's signature, and issue to DS	2	Same as above
Gazette Section 5 declaration	DS	Prepare declaration in three languages, and get gazette printed and published	5	Translation, gazette publication
Prepare acquisition plan	DS; Survey Department	Issue survey requisition, survey land, prepare final plan, landmark the land, and issue plan to DS	4	Survey delays; divisional administration capacity
Issue Section 7 notice	DS	Prepare notice in all three languages; get gazette published; call for Section 9 inquiries	5	Translation; gazette publication
Ownership and compensation inquiries under Section 9 and issue of ownership determination	DS	Conduct inquiries, determine title, issue Section 10 (1) notice, request and obtain valuation report from Chief Valuer, and issue Sec.17 notices (award of compensation)	5	DS workload and priorities; valuation reports
Payment of compensation	DS	Request funds from MOL, and release funds through district secretary to DS	3	Availability of funds; procedural delays
Payment of interest	DS	Calculate interest soon after compensation payment and pay both at the same time. Procedure for obtaining funds is the same as for compensation.	3	Same as above
Take possession of land	DS	After compensation and interest are paid		
<b>Total (estimated)</b>			<b>37</b>	

AT = advance tracing, DS = divisional secretariat, LAA = Land Acquisition Act, MOL = Ministry of Land and Land Development.

Source: Capacity Building Project for the National Involuntary Resettlement Policy—Appendix F: Process Manual for Implementation of the NIRP, Ministry of Environment and Natural Resources and Ministry of Land (ADB TA 3792-SRI, p. 20).

**COMPENSATION ENTITLEMENT MATRIX AS PER REGULATIONS  
ENACTED BY PARLIAMENT ON 17 MARCH 2009**

Compensation Entitlements	Regulations / Subentitlements <sup>a</sup>	Explanatory Notes <sup>b</sup>
1. Market value	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 proportional to the value of the main land	The physical condition, extent, the highest and best use of the main land, legally permissible market value, and any encumbrances, etc. should be considered in ascertaining value.
	1.2 Where at the date of intention 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	<p><b><u>Reinstatement value</u></b></p> <p><b><i>Abandoned buildings/structures</i></b> A building will qualify for payment of any additional value based on cost of reinstatement if and only if it has not been abandoned.</p> <p><b><i>Buildings/structures under construction</i></b> No payment based on reinstatement cost should be paid for incomplete buildings/ structures that reasonably appear to have been abandoned. In this case it may be advisable to look into approved building plan, and others</p> <p><b><i>Encroachments</i></b> In the case of encroachments on State lands: with the concurrence of the divisional secretary in writing, reinstatement value may be paid.</p> <p>Encroachment on private land where the owner has not contested the encumbrances in a court of law: the person who carried out the improvements will qualify to receive the value upon adequate proof that improvements have been made by such person.</p>
	1.3 Value based on development potential could be considered for paddy lands acquired where permission to fill such lands have been granted by the Agrarian Services Commissioner General	Copies of formal approval for filling should be obtained and the valuation should be based on conditions pertaining to permitted use, extent, and others.
	1.4 When an acquired building is occupied by a tenant/statutory tenant protected under the provisions of the Rent Act No.7 of 1972 (as amended thereafter) the compensation should be ascertained in proportion to the provisions of Rent (Amendment) Act, No.26 of 2006	<ul style="list-style-type: none"> <li>▪ Unencumbered freehold interest should be calculated.</li> <li>▪ The statutory entitlement of the landlord and tenant under the Rent Amendment Act No.26 of 2002 should be calculated.</li> <li>▪ Unencumbered value should be apportioned between the tenant and the landlord accordingly.</li> </ul>
2. Injurious affection and severance <sup>c</sup>	Damages caused by any severance and injurious affection should be allowed fully	Actual injury should be calculated in each and every case.
3. Payment of disturbances and other expenses (compensation based on "value to owner")		Tests for determining the eligibility of a claim for disturbance compensation include the following: (a) the loss must be shown to have been sustained, (b) the loss must be natural and a reasonable consequence of dispossession, (c) the loss must not be too remote, (d) the loss must be quantifiable, and (e) the loss must be mitigated.

## Annex 5 (continued)

Compensation Entitlements	Regulations / Subentitlements <sup>a</sup>	Explanatory Notes <sup>b</sup>
	3.1 Expenses incurred for appearing for Section 9 inquiry	The amount to be allowed should not exceed Rs10,000 on account of claim/valuation report, title report, and travelling expenses, etc.
	3.2 Expenses for finding alternative accommodation	<p>These expenses should be paid with regard to the nature of the house occupied:</p> <ul style="list-style-type: none"> <li>▪ maximum rental of Rs10,000 per month for properties situated in the municipal council areas,</li> <li>▪ maximum rental of Rs7,500 per month for properties situated in urban council areas, and</li> <li>▪ maximum rental of Rs5,000 per month for properties situated in <i>pradehsiya sabha</i> areas.</li> </ul> <p>If the anticipated displacement is temporary, a maximum of 3 months rental is payable, and if permanent, a maximum of 6 months rental is payable.</p>
	3.3 Cost incurred in change of residence	<ul style="list-style-type: none"> <li>▪ For houses where floor area is less than 1,000 square feet = Rs10,000</li> <li>▪ For houses where floor area is between 1,000 and 2,000 square feet = Rs15,000</li> <li>▪ For houses where floor area is more than 2,000 square feet = Rs25,000</li> </ul> <p>If there are subfamilies, the above should be divided proportionately.</p> <p>For other properties, a maximum amount of Rs25,000, depending on the nature of occupation</p>
	3.4 Cost of advertising	<p>Applicable for businesses where permanent displacement occurs</p> <ul style="list-style-type: none"> <li>▪ Informal business = Rs2,500</li> <li>▪ Formal business = Rs15,000</li> </ul>
	3.5 Re-fixing cost of fixtures and fittings	<ul style="list-style-type: none"> <li>▪ For house/residence = Rs5,000</li> <li>▪ In the case of business premises or any constructions of specified nature, the amount should be based on actual computations, and steps should be taken to avoid any double counting</li> </ul>
	3.6 Expenses incurred for transport	Included in 3.1 and 3.3
	3.7 Loss of earnings from business (within the limits given in prevailing Act)	<ul style="list-style-type: none"> <li>▪ Informal business = Rs15,000</li> <li>▪ Formal business should be based on accounts and tax returns pertaining to preceding 3 years</li> </ul>
	3.8 Increased overhead expenses	Should be recommended based on the circumstances
	3.9 Double payments	Rent, rates, etc. Should be recommended based on the circumstances.
	3.10 All other expenses to the owner due to the acquisition	<p>Examples:</p> <ul style="list-style-type: none"> <li>▪ the loss sustained because of the compulsory sale of the business due to the acquisition, e.g., sale of stock, furniture, and fittings as per the circumstances</li> <li>▪ old and disabled people</li> <li>▪ self-employment</li> </ul> <p>If it is possible, expenses should be calculated to a maximum of Rs15,000 for all heads</p>

## Annex 5 (continued)

Compensation Entitlements	Regulations / Subentitlements <sup>a</sup>	Explanatory Notes <sup>b</sup>
	3.11 Any other additional expenses for disturbance or compensation not connected under any other subsection of this act, which is not directly connected to market value of the land	Disturbances for tenants should be assessed under the above heads
	3.12 When an owner of a house or of an investment property displaced, additional 10% payment based on market value	Additional 10% payment can be made <ul style="list-style-type: none"> <li>▪ for a residential property when the possession is given at the relevant date</li> <li>▪ for let on and leased properties when the valuation is based on the investment method</li> </ul>

<sup>a</sup> Quoted from *The Gazette* of the Democratic Socialist Republic of Sri Lanka No. 1585/7, 20 January 2009.

<sup>b</sup> Provided by the Valuer's Department and accessed through the Road Development Authority.

<sup>c</sup> Meaning unfavorable influences or injuries and losses.

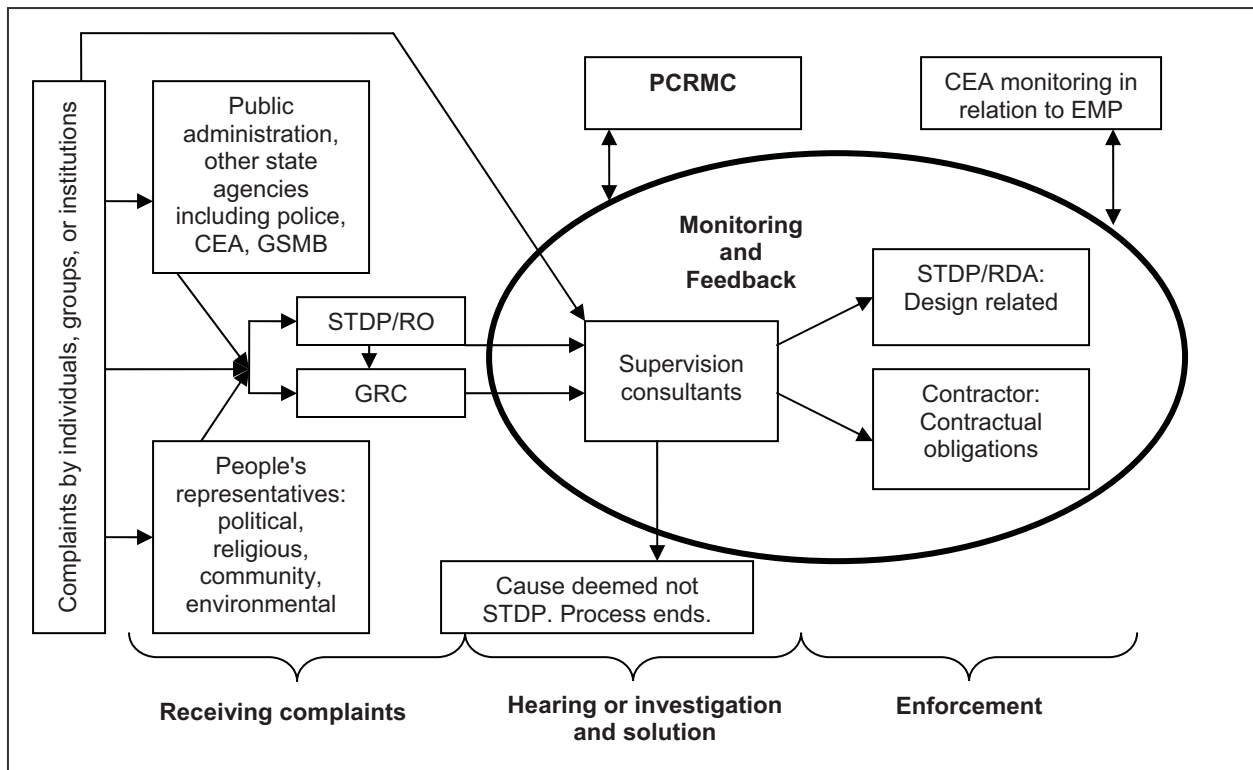


## PUBLIC COMPLAINTS RESOLVING AND MONITORING COMMITTEE

The Public Complaints Resolving and Monitoring Committee (PCRMC), established in 2006, brings together the representatives of the Road Development Authority (RDA), supervision consultants, and contractors. Coordinated by the management consultants, the PCRMC is a joint coordinating committee to address construction-related complaints including environmental and social issues and to monitor the progress of resolving problems (see Box). The complaints considered by the PCRMC at its monthly meetings are channelled through the supervision consultants, who receive them either directly from affected persons or via other agencies such as the RDA, the contractors, or sometimes the Grievance Redress Committee (GRC). The figure shows this process.

The public grievances addressed by the PCRMC include damage to public roads due to heavy vehicle operation and transportation of heavy equipment and material; dust emissions; rock blasting and vibration; soil erosion and flooding; haphazard disposal of waste materials and peat in inappropriate places; siltation of rice fields; damage to crops; loss of income; damage to private houses; safety measures for the protection of the general public and construction workers, e.g., placement of sign boards, driving speed limits; public awareness creation; footwear and belts for workers, etc.; maintenance of underpasses, access roads, canals, culverts, etc.; water quality and quantity in public and private wells; and compensation for affected persons, e.g., amounts paid, payment delays, and others.

### Construction-Related Complaints Management Structure



CEA = Central Environmental Authority, EMP = Environmental Management Plan, GRC = Grievance Redress Committee, GSMB = Geological Survey and Mines Bureau, PCRMC = Public Complaints Resolving and Monitoring Committee, RDA = Road Development Authority, RO = resettlement officer, STDP = Southern Transport Development Project.

Source: Prepared by the Centre for Poverty Analysis based on information provided by the Southern Transport Development Project, Road Development Authority, and divisional secretariat officers.

**Annex 6 (continued)**

While sharing responsibility among the three parties (e.g., RDA, supervision consultants, and contractors) for addressing public complaints, the PCRMC monitors the performance of the contractors and sometimes brings pressure on them to comply strictly with the environmental and social safeguards of the Environmental Management Plan (EMP).<sup>1</sup> The management consultants maintain a database of the complaints received and monitor the contractors' compliance with the EMP guidelines and the progress of handling grievances and their outcomes.

The specific tasks of the PCRMC are<sup>2</sup>

- to review the progress of resolving environmental and social issues and complaints received during the month;
- to undertake joint field investigations and studies to resolve critical issues;
- to review reactions and commitment of the field staff of the contractor and the supervision consultants to taking immediate action to resolve urgent environmental and social problems;
- to maintain constructive and better relationships with the relevant government agencies, such as the divisional secretariat, Agrarian Services offices, Department of Irrigation, Sri Lanka Land Reclamation and Development Corporation, Central Environmental Authority (CEA), *pradeshhiya sabha*, and people's and farmers' organizations through proper coordination and communication to resolve environmental and social issues during construction; and
- monthly reporting of issues coming through PCRMC meetings with recommendations to the project management unit of the Southern Transport Development Project (STDP).

The monthly meetings of the PCRMC held at the STDP regional offices serve the following purposes<sup>3</sup>:

- reviewing the progress of work completed by the contractors and their quality standards;
- assessing the adequacy of measures adopted by the contractors to meet the standards and conditions laid down by CEA, the Geological Survey and Mines Bureau, and RDA, including safety measures in respect of construction-related work;
- undertaking joint field investigations to resolve critical environmental and social issues with representatives of the contractor; supervision consultants; RDA; management consultants; and, if necessary, other government officers from the departments of Agrarian Services, Irrigation, Provincial Road Development Authority (PRDA), divisional secretariat, and *pradeshhiya sabha*; decisions taken jointly during such field investigations are forwarded to the contractor by the supervision consultant for implementation;
- clearing barriers to construction work such as acquiring additional land; removing unauthorized buildings, structures, and crops; dealing with public protests; and others;
- facilitating working arrangements between the contractors and other agencies such as the PRDA, *pradeshhiya sabha*, Department of Irrigation, and others in maintaining roads and irrigation systems;
- addressing public complaints and recommending appropriate solutions; and

<sup>1</sup> Environmental Management Plan for Southern Transport Development Project, Road Development Authority, Ministry of Highways, May 2007.

<sup>2</sup> Strengthening Public Complaints Resolving and Monitoring System, a letter dated October 2007, by project director, STDP.

<sup>3</sup> Based on an analysis of a sample of PCRMC meeting minutes.

**Annex 6** (*continued*)

- reviewing the status of action taken by the contractors to respond to public grievances including monitoring processes adopted.

The monthly meetings of the PCRMC are attended by the following persons<sup>4</sup>:

- additional project director,
- team leader of supervision consultants and environmentalist (chair),
- program director or program manager of the contractor with relevant staff,
- project managers (Asian Development Bank and Japan Bank for International Cooperation),
- management consultants (social and environmental impact monitoring specialist),
- environmental impact monitoring officers from the four STDP regional offices, and
- other relevant officers from other agencies, as necessary.

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<sup>4</sup> Strengthening Public Complaints Resolving and Monitoring System, a letter dated October 2007, by project director, STDP.

**SAMPLE LIST OF PUBLIC COMPLAINTS**  
as of 30 June 2009 (sorted by receiving date)

Legend

- Flooding (due to pilot and due to main highway)
- Blasting (noise, vibration, evacuation, etc.)
- Dust (nuisance, loss of crops)
- Danger to public
- Access road
- Additional acquisition
- Material transportation and use of public roads
- Water quality and quantity
- Noise
- Vibration
- Property damage
- Crop damage
- Soil erosion
- Other problems related to construction



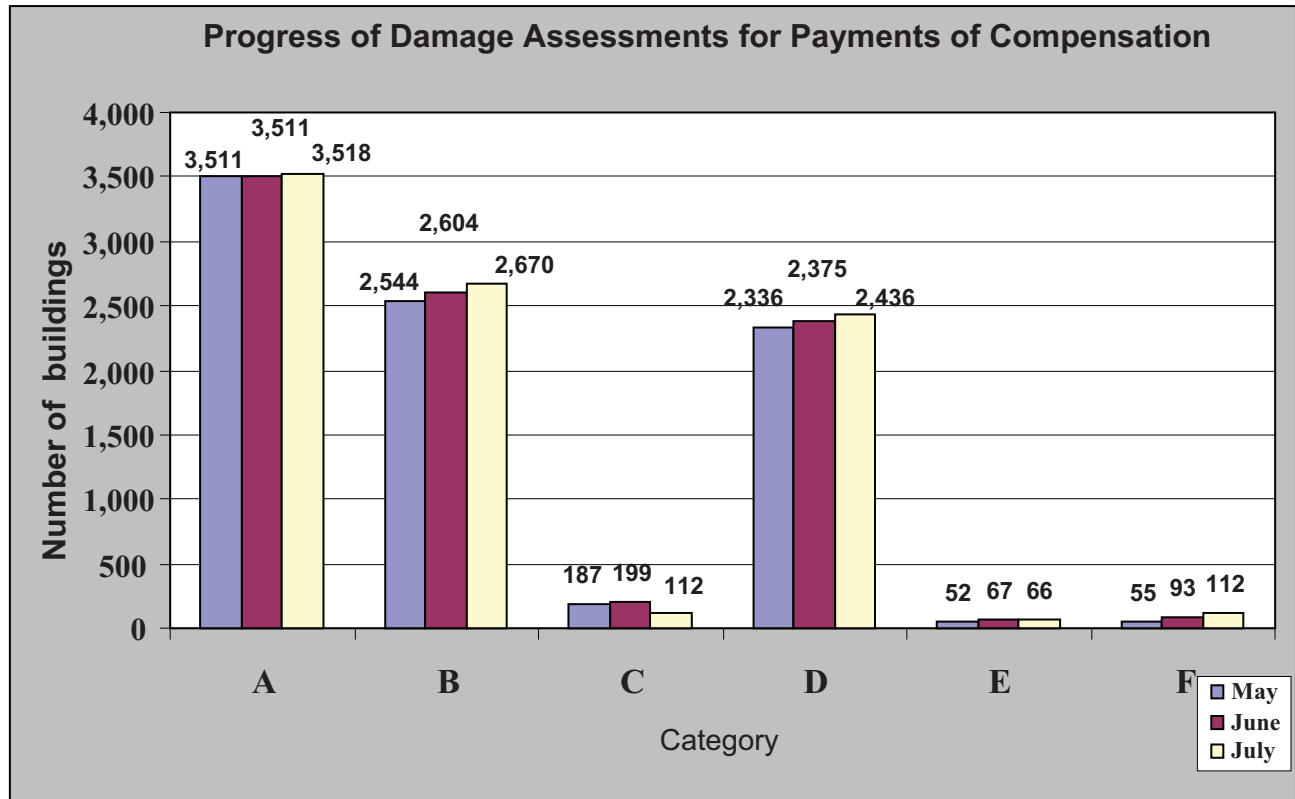
Serial No.	Nature of the Complaint	Category	Complaint received through (with date)	Impact Location	Chainage Reference	Name of Complainant	Address	Remarks	Status			
									Solved	On going	Pending	RDA matter
1	Forecasting of possible flood threat due to filling of lowland within ROW	Flooding	PCI 25. 01. 07	Miriswatta	48+000	Mrs. A		A set of pipes and a causeway were provided equal to permanent design at the pilot road level	Solved	-	-	-
2	(1) Forecasting of possible flood threat due to filling of lowland within ROW (2) Forecasting of possible nuisance due to operation of machinery	Flooding Noise	PCI 25. 01. 07 PCI 25. 01. 07	Miriswatta Miriswatta	48+000 48+000	Mr. B Mr. C		(1) A set of pipes and a causeway were provided equal to permanent design at the pilot road level (2) Sound proof generator was provided and doors of the generator are kept closed always.	Solved	-	-	-
3	Forecasting of possible flood threat due to filling of lowland within ROW	Flooding	PCI 25. 01. 07	Miriswatta	48+000	Mr. D		A set of pipes and a causeway were provided equal to permanent design at the pilot road level	Solved	-	-	-
4	Forecasting of possible flood threat due to filling of lowland within ROW	Flooding	PCI 25. 01. 07	Miriswatta	48+000	Mr. E		A set of pipes and a causeway were provided equal to permanent design at the pilot road level	Solved	-	-	-
5	Forecasting of possible flood threat due to filling of lowland within ROW	Flooding	PCI 25. 01. 07	Miriswatta	48+000	Mr. F		A set of pipes and a causeway were provided equal to permanent design at the pilot road level	Solved	-	-	-
6	Forecasting of possible physical damage to the house due to the construction works	Property damage	PCI 25. 01. 07	Miriswatta	48+200	Mr. G		Conditions laid down in GSMB and CEA permits issued for blasting operations will be strictly followed.	Solved	-	-	-
7	Clearing of mangrove vegetation	Other problems related to construction	PCI	Close to Bentara Bridge area	53+000 to 53+700	STDP		Only the ROW was cleared.	Solved	-	-	-
8	Forecasting boulders falling on houses	Property damage	STDP 23. 02. 07	Nawadagala	62+700	Mr. H, Mr. I, Mrs. J, Mr. K		Evacuated on long term temporary basis.	Solved	-	-	-
9	Forecasting of possible threat to life due to blasting operations	Blasting	By hand 17. 02. 2007	Pantota Road	52+500	Mrs. L		Evacuated on long-term temporary basis.	Solved	-	-	-

## Annex 7 (continued)

10	Forecasting of possible threat to life due to blasting operations	Blasting	By hand 17. 02.2007	Pantota Road	52+500	Mr. M		Agreed to temporary evacuation.	Solved	-	-	-
11	Damage of public well	Property damage	By hand 08.03.2007	Pantota Road	52+500	Mrs. N		Rehabilitated by Taisei	Solved	-	-	-
12	Nuisance caused due to dust	Dust	STDP 13.03.2007	Nauthuduwa	41+050	Mrs. O		Watering	Solved	-	-	-
13	Nuisance caused due to dust	Dust	STDP 16.03.2007	Yatadola	39+050	Mr. P		Watering	Solved	-	-	-
14	Nuisance caused due to dust	Dust	STDP 16.03.2007	Yatadola	do	Mr. Q		Watering	Solved	-	-	-
15	Nuisance caused due to dust	Dust	STDP 16.03.2007	Yatadola	do	Mr. R		Watering	Solved	-	-	-
16	Nuisance caused due to dust	Dust	STDP 16.03.007	Yatadola	do	Mrs. S		Watering	Solved	-	-	-
17	Nuisance caused due to dust	Dust	STDP 16.03.2007	Yatadola	do	Mr. T		Watering	Solved	-	-	-
18	Maintaining the owners' house is located outside the ROW	Additional acquisition	16.03.2007	Niyakolahena	55+650 (LHS)	Mr. U		Clarified with survey team. Revealed that house located within the ROW. Informed to the PCI to clarify the situation.	Solved	-	-	-
19	Maintaining the owners' house is located outside the ROW	Additional acquisition	16.03.2007	Kanaththahena	49+000 (LHS)	Mr. V		Part of the compensation paid by RDA	Solved	-	-	-
20	(1) Noise nuisance due to construction activities	Noise	PCI 22.03.2007	Miriswatta	48+000	Mr. W		(1) Sound proof generator was provided and doors of the generator are kept closed always.	Solved	-	-	-
	(2) Threat of rock fall	Danger to public	PCI 22.03.2007	Miriswatta	48+000	Mr. X		(2) Control the vibration by consulting the GSMB	Solved	-	-	-
	(3) Threat of flood	Flooding	PCI 22.03.2007	Miriswatta	48+000	Mr. Y		(3) A set of pipes and a causeway were provided equal to permanent design at the pilot road level	Solved	-	-	-
21	(1) Noise nuisance due to construction activities	Noise	PCI 22.03.2007	Miriswatta	48+000	Mr. Z		(1) Sound proof generator was provided and doors of the generator are kept closed always.	Solved	-	-	-
	(2) Threat of rock fall	Danger to public	PCI 22.03.2007	Miriswatta	48+000	Mr. AA		(2) Control the Vibration by consulting the GSMB. Referred to the GSMB	Solved	-	-	-
22	Forecasting of possible damage to the tea plants due to flood	Flooding	PCI 22.03.2007	Miriswatta	48+000	Mr. BB		A set of pipes and a causeway were provided equal to permanent design at the pilot road level	Solved	-	-	-
23	(1) Noise nuisance due to construction activities	Noise	PCI / STDP 22.03.2007	Miriswatta	48+000	Mr. CC		(1) Sound proof generator was provided and doors of the generator are kept closed always.	Solved	-	-	-
24	(2) Possible flood threat due to filling of lowlands	Flooding	PCI / STDP 22.03.2007	Miriswatta	48+000	Mr. DD		(2) A set of pipes and a causeway were provided equal to permanent design at the pilot road level	Solved	-	-	-
	Forecasting boulders falling on houses	Danger to public	PCI / STDP 22.03.2008	Nawadagala	62+800	Mr. EE		Evacuated on long term, temporary basis (Refer to Com. No. 08)	Solved	-	-	-
25	Requesting to take proper action for evacuation during blasting and to take proper action for possible damage to the houses due to blasting	Blasting	STDP 22.03.2007	Pantota	52+580	Mr. FF		Evacuated during blasting.	Solved	-	-	-

CEA = Central Environment Authority, GSMB = Geological Survey and Mines Bureau, JBIC = Japan Bank for International Cooperation, PCI = Japan Bank for International Cooperation consultants, RDA = Road Development Authority, ROW = right-of-way, STDP = Southern Transport Development Project.

**SAMPLE GRAPH MONITORING STATUS  
OF CONSTRUCTION-RELATED COMPLAINT ASSESSMENTS**



- A** – Considered for assessment
- B** – Assessed
- C** – Being assessed
- D** – Agreed/paid
- E** – Disagreed/not paid
- F** – Remaining

## **BUILDING CAPACITY FOR GRIEVANCE REDRESS MECHANISMS**

What follows is a framework, and a few practical suggestions, for how best to build the capacity of an organization (with a focus on its personnel) to manage an effective grievance redress mechanism (GRM). This annex will include an explanation of what is meant by the often misunderstood term “capacity,” and how it applies to the tasks associated with making a GRM work well.

First, a note on the concept of “capacity” itself: While most people think of capacity building as mere training (skill building), capacity is the overall capability of an organization—and those working within it—to deliver services effectively and to cope with the challenges therein. Mechanisms work only as well as the people who represent them, and only as well as the systems and procedures in which they operate allow. While some capacity is derived from the skills of those involved in GRMs, other elements contribute to a mechanism’s overall capacity, including orientation, knowledge, processes, credibility, and tools. Each is explained in more detail below.

### **Orientation**

Perhaps the single most important factor in determining the effectiveness of a GRM is how people perceive the fundamental role of the mechanism itself. For example, there will be a marked difference in the way people approach their work between those who see the GRM as a “complaints department” and those who see it as a “customer service” or “corporate social responsibility” department.

- **GRM as “Complaints Department.”** If those working in a GRM see their function only—or primarily—as addressing complaints, then they will likely assume that every interaction will be unpleasant, and they should expect to be on the defensive in almost every conversation with an affected person (AP). They will be likely to view their own role as having to face unhappy or angry people, trying to manage emotionally charged expectations, defending the organization or project as best they can from criticism, and trying not to make concessions or raise expectations. Meanwhile, the substantive complaints in the process will be seen only as unwelcome or unpleasant problems that someone will (or might) need to address—creating delays and additional work. Simply by framing the GRM with an emphasis on “grievances,” everyone involved will be likely to approach the process with negative perceptions, diminishing the enthusiasm with which they will approach their work, while maximizing the stress it creates. This orientation (or fundamental approach) emphasizes all of the negative aspects of the process—a fact that directly affects performance, morale, and expectations all around.
- **GRM as “Customer Service Department.”** By contrast, if officers view a GRM as an integral part of effective project management, through which the project implementation and management teams seek feedback not from “affected persons” (a term that emphasizes the negative consequences), but from “customers” or “beneficiaries,” who are also meant to be receiving the benefits of the project, then they will be far more likely to approach their work positively. If they actively seek all types of substantive feedback from their “customers,” then they will consider the information they receive to be of value, rather than simply as unpleasant complaints, and they can use that feedback to improve their approach to a project or to learn for the purpose of improving future projects. Second, they should seek not just

complaints, but also positive feedback from those who are affected by the project (in order to paint a more accurate picture of the value of the project, and to put any complaints into proper perspective). A positive approach to GRMs will also be much more likely to yield positive responses from APs, rather than their simply expecting to complain. If people are asked not only what they do *not* like about the project, but also what they *do* like, then their responses are more likely to be moderate about any negative impacts in most cases.<sup>1</sup> In approaching the work of a GRM this way, people within the mechanism can also feel better about the work they are doing and approach it with more enthusiasm. Their experience in conversations with APs will be more mixed, rather than completely negative.

## Knowledge

Generally speaking, the more people within a mechanism know about what they are doing, the better. Specifically, however, three types of knowledge are especially important to those operating within a GRM:

- **“Knowing the context”**—understanding of background issues, politics, sensitivities, precedents, local history, language, and culture;
- **“Knowing the facts”**—having detailed information and a survey of relevant perceptions (as well as facts) related to the project and to any cases associated with it; this includes specifics on the impacts and benefits of the project, who is affected, and knowledge of relevant criteria (e.g., laws, costs, valuations); and
- **“Knowing the system”**—experience in dealing with people, organizations, procedures, and cases; one should be familiar with the purpose and objectives of GRMs, the guiding principles governing treatment of APs, relevant legislation, one’s own role in the process, and the limits of GRMs.

## Processes

While it is important that officers working within a GRM process know the relevant procedures, the procedures themselves must be sound, fair, transparent, and efficient. The processes associated with a GRM should serve its purposes rather than serve as an obstacle to the resolution of issues. Processes should also create the right incentives for next steps in GRMs.<sup>2</sup> Procedures within GRMs should be reviewed periodically to insure that the procedures support the personnel, rather than the other way around. Rules, policies, and standards must be fair, clear, and clearly communicated both internally and externally, and they must be applied and enforced consistently. Institutions must be accessible, respected, and credible. Organizational support to those working within GRMs must be available and must enable officers to do their jobs effectively. This should include training and internal review (for the purpose of learning and of aligning incentives with improved performance—a “learning organization” model). Critical elements of organizational support to personnel include the following:

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<sup>1</sup> Of course, there are some projects where certain people are only negatively affected and do not receive direct benefits from the project, such as those who will not have direct access to a highway that is being built through their community. Such projects require a more nuanced conversation about the greater good of the project and the benefits to the community.

<sup>2</sup> For example, processes in GRMs should not create incentives for APs to seek further redress (e.g., by having the second step in a procedure routinely yield more benefits or higher compensation than the previous step). Process analysis must be done from the perspective of an AP to test the incremental incentives at each step. A GRM’s own procedures should not encourage “GRM shopping” or unjustified multiple appeals (e.g., with no cost or risk of taking further steps).



- Mapping of various GRMs' available and effective coordination, communication, and record keeping (in part to discourage “GRM shopping”) is needed.
- Research is an important component of organizational learning. While most organizations do not (or cannot) devote extra or internal resources to explicit learning and dissemination of best practices, some organizations (in both the public and the private sectors) make economical use of research done (or supported) by academic institutions and/or student internships. These can be cost-effective ways to enhance capacity and drive improvement (e.g., through case analysis, statistical analysis, policy analysis).
- Practical resources and administrative support must be available for logistics, managing schedules, and managing contacts. At the minimum, officers should be in the right place, at the right time, with the right case file.
- Documentation is critical. Organizations should also provide personnel with user-friendly guides and manuals for getting started, next steps, frequently asked questions, and troubleshooting and should provide services to document and disseminate lessons learned from ongoing experiences. In other words, officers should have resources available to help them answer questions and/or to deal with new or unfamiliar problems.
- Organizational support should also include a media strategy—the means of communicating publicly through multiple media. Media strategies are essential tools for managing public expectations, preventing harmful rumors, and maintaining the reputation of the project and the organization behind it. It will also be useful, at times, to disseminate important information to large numbers of people in the most effective and efficient way possible.

## **Skills**

The skills required to deal effectively with grievances and to have productive conversations with APs are not the same as those normally required to implement a project effectively. As officers who have dealt with APs know, addressing grievances has both technical and nontechnical aspects, and staff are seldom trained in the latter. In order to build the capacity of people working within a GRM to deal with APs more effectively, training must be provided in a number of specific skill sets. Training should also include generating low-risk (or no-risk) opportunities to practice and improve those skills. What follows is both a list of the skill sets essential to dealing effectively with APs and recommendations for the development of training tools designed to facilitate those practical training opportunities:

- **Negotiation, Influence, and Conflict Management.** Every interaction with an AP who has a grievance is a negotiation—a conversation in which parties are attempting to influence each other. Most grievances are also disputes or potential disputes between APs and those responsible for a project. One of the most difficult, yet common, challenges in negotiating grievances or disputes is managing the “friction” that is generated in relationships while trying to work out substantive answers or solutions to problems. Skills in the art and science of negotiation, influence, and conflict management are essential to dealing with grievances effectively, in particular the art of negotiating substantive or technical issues in ways that (a) allow decisions to be based on appropriate, legitimate criteria; (b) preserve manageable relationships even while there might be disagreement over issues; and (c) explore options and alternatives in order to reach mutual agreements where possible.
- **Choice Analysis.** Many specific tools can help negotiators to be more effective at preparing for conversations with those who disagree, and there are lessons to be learned about how best to design strategies to influence counterparts to accept certain proposals or decisions. Understanding how people see (from their own perspective) the choices they are being given is essential to understanding why they might behave in certain ways. Project officers working within GRMs will benefit from an empathetic (though not necessarily sympathetic) understanding<sup>3</sup> of what APs are experiencing. Specific tools are available to help negotiators better understand how choices look to others, for the purpose of influencing them more effectively.
- **Brainstorming and Joint Problem Solving.** While some issues affecting APs are often emotional, there are also technical, non-emotional matters that must be dealt with in GRMs. These include determining responsibility, assessing the validity of claims, determining how policies apply in a case, and valuation. In order to turn conversations about grievances into productive problem solving, it is useful to have the capacity to engage APs in brainstorming about constructive ideas and to design and manage processes for joint problem solving (engaging both project staff and APs—and possibly other resource people).
- **Communication.** Based on work already done with project implementors, we have identified several specific communication skill sets that will help most project staff deal with grievances. These include the following:
  - *Inquiry and Active Listening.* The most basic, and essential, communication skills for anyone dealing with grievances are the skills of inquiry (asking good questions) and active listening (listening to people with the intent of understanding what they mean, as well as hearing what they say). Most APs want to be listened to, in addition to having their substantive complaint addressed. Not listening adequately to APs is probably one of the most common sources of frustration, which only adds to any existing problems in dealing with substantive issues.

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<sup>3</sup> Essentially, *empathy* is the ability to understand and appreciate how someone else feels about something (without necessarily agreeing), while *sympathy* is feeling the same as someone else.

- *Understanding Perceptions.* Much like the importance of having an empathetic understanding of the choices people face, it is also essential for project staff to be aware that different people, for very logical reasons, will often have very different perceptions of an event, a policy, or other people. When most people try to talk about an issue on which they disagree, they engage in forms of communication that are not helpful (e.g., debate, arguments, accusations, or threats). It is often vital to turn the type of communication being used into something more constructive, particularly dialogue—a conversation where people are making the effort to understand each other, even if they might strongly disagree. The key to turning arguments into dialogue is to reframe people’s assertions into perceptions, leaving room for more than one, rather than trying too quickly to determine “who is right, and who is wrong” and to assign blame. There are practical tools available to help people do this systematically.
- *Difficult Conversations.* Nearly every interaction within a GRM is either a difficult conversation or potentially so. A “difficult conversation” is any conversation that people find challenging, but particularly one that is important and about which they feel strongly. It will be helpful for any officer working within a GRM to realize that every difficult conversation (especially those with APs) is actually three conversations. First, there is the “factual” conversation: the technical details of what happened, is happening, or will happen. However, there is also an “emotional” conversation, which is the conversation about how people feel about what is happening. And third, there is the “identity” conversation, which is the impact that the conversation (or dispute) has on their sense of “who they are” and how they are being treated. It is possible to build the capacity of project officers and others (including AP representatives) in a set of skills that can actually help them to have difficult conversations in ways that are more productive (and less destructive).
- *Feedback.* Grievances are fundamentally a form of feedback given about a project by those affected by it, and they should be treated as such. Much has been learned about how feedback is both given and received. And particular skills have been identified to give and receive (and to help others give) feedback effectively and in ways that maximize how helpful that feedback can be. To emphasize the “customer service” approach to managing GRMs, understanding how feedback works and developing the capacity to manage the feedback process well are extremely important.
- **Facilitation.** Many project-related grievances will be common to many APs and will involve multiple stakeholders. In fact, few attempts to redress grievances will be purely bilateral. It will be essential for officers working within GRMs to have facilitation skills so that they can better manage the communication, the collection of information, any option generation, the exploration of alternatives, and/or the making of any commitments consistently and effectively in group settings. These skills should include how to design group processes, run meetings effectively, manage multiple interests, facilitate group brainstorming, and manage the production of documents (e.g., draft agreements) by groups.
- **Risk Management.** While officers are trying to address APs’ concerns, they must also be aware of the risks inherent in doing so. These risks include legal liabilities, reputational damage to the organizations or projects they represent, physical harm to people and/or property, raising expectations, undermining colleagues or previous decisions, and setting precedents that might be used later. Learning the skills and

tools of risk management is essential for avoiding specific kinds of trouble and for aligning the work done in each case with work done in the past or to be done in the future (i.e., avoiding inconsistency, which will undermine credibility).

- **Strategic Communication.** These skills will help project implementors to (a) manage perceptions (and minimize negative perceptions) about a project and the organizations behind it, (b) disseminate accurate information about a project and its impacts (particularly useful in countering rumors and/or addressing fears based on uncertainty), (c) inform APs about the existence of the mechanisms and resources that are available to them (making that part of the implementor's due diligence more efficient), (d) address (professionally and strategically) any criticism or questions raised in the media about a project or its impacts, and (e) manage good public relations as part of good corporate social responsibility.

## Credibility

While the knowledge, the administrative support, and the skill level of people working within GRMs are all important aspects of GRM capacity, APs must also be able to trust those handling their cases. At the very least, the officers dealing with APs will need to have a minimum of credibility with them, meaning that the APs have some confidence that the officer will treat them with dignity and respect (as customers) and be able to deal professionally with their case (even if the APs do not like the outcome), and that the APs can believe what they are told by that officer, and that it is authoritative. That confidence and trust can come from any of several sources:

- **Identity.** One of the easiest ways to establish credibility with APs is for them to be able to relate to the officer at the most basic of levels. It is particularly valuable to have someone who is a member of the same community (ethnic, regional, caste, religious group, etc.) as all, or many, of the APs.
- **Status.** One indicator of respect both ways (i.e., the respect that a project implementor shows the APs and vice versa) is the status of the person who is sent to deal with a case. Status might take different forms in different societies, but it will usually derive from either the seniority of the individual (age or "rank" in the organization) or level of experience.
- **Relationships.** Another source of credibility can be derived from the familial or professional connections of the officers as seen by an AP community. APs will often find it easier to trust or believe someone who knows a particularly respected local political or community leader, or one who studied under a respected mentor, or who has some pre-existing relationship with some respected member of the community. (Even a celebrity from the entertainment industry or a sports figure can fill this role.)
- **Reputation.** An officer might have a reputation for being fair or knowledgeable, or for having worked in the past as an advocate for the kinds of people with whom APs might identify.
- **Track Record (Consistency).** Some officers—particularly those with experience—might also have a case history that (if APs are, or are made, aware of it) will inspire some confidence.
- **Authority (Ability to Reward or Sanction).** In many cases, APs will feel respected by (and will be more likely to have confidence in) an officer who is empowered to

make commitments on the implementor's behalf, and/or who has the authority either to reward or to sanction APs, based on their behavior or willingness to cooperate.

- **Effective Communication, Relationship Management, and/or Use of Objective Criteria.** It is not always possible to find the “ideal” person to act as an officer in every case. If an officer does not possess any of the above attributes, then the officer should work to establish credibility with APs through his or her own behavior toward the APs. While it is often tempting (and easier) simply to focus on the “facts” of a case and to treat all APs alike, officers should make it a priority, from the very beginning, and throughout the process, to be mindful of how the APs perceive the person with whom they are dealing. A good faith effort to establish credibility in the working relationship with APs will be an important resource going forward, as the case progresses. Even in cases where the APs do not begin with trust or confidence in the officer, effective communication (particularly listening, asking good questions, and building an empathetic understanding of their overall situation—not just the specific grievances), dedicated relationship management (e.g., joining APs for a meal, rather than simply dealing with them in an office), and use of objective criteria that APs will find persuasive will all help the officer to build credibility with the APs he or she is trying to help. Building a “good working relationship” does not necessarily mean doing things so APs will like the officer. While that might make for interactions that are less unpleasant, it is not the same as being credible to them.

## Tools

Officers need to be equipped with an administrative toolkit. Guides, frameworks, checklists, and forms allow for more systematic and consistent approaches:

- Checklists are necessary, but not sufficient. Do not rely too heavily on them.
- Diagnostic frameworks help ensure thorough and comprehensive approaches.
- Quick-reference manuals and frequently asked questions are extremely useful.
- Feedback and evaluation forms will be helpful in analyzing the case and preparing future cases.

## PROPOSED GRIEVANCE REDRESS REGISTERING AND MONITORING FORM

### Complainant Information (Person Reporting)

1. Name:
2. Address:
3. National ID:
4. Gender:  Male  Female
5. Telephone:
6. Email:
7. Fax:
8. Type of complainant:
  - Affected person/s
  - Intermediary (on behalf of the AP)
  - Civil organization
  - Service organization (e.g., local government institution)
  - Others (specify)
9. Registration (assigned):

### Complaint Details

10. Mode of receiving the grievance:
  - Letter
  - Phone call
  - Fax
  - Email
  - Verbal complaint (walk-in)
  - Suggestion box
  - Others (specify)
11. Location of the problem/issue specified in the complaint:
  - District:
  - Divisional secretariat:
  - Grama niladhari* division:
12. Type of problem/grievance:
  - Trace
  - Land acquisition
  - Compensation
  - Construction
  - Resettlement site
  - Others (specify)
13. Short description of the problem:

14. Short description of the factors causing the problem:

**Annex 10** (continued)

15. Person/agency responsible for causing the problem:  Project implementing agency  Affected parties  Service delivery agencies  Local political authority  Civil organizations  Funding agencies  Others (specify):
16. Past action/s taken by the complainant (if any):
17. Details of the focal point that received the complaint:  
Name of the person who received the complaint:  
Position:  
Name of the receiving office:  
Date:
18. Actions taken by the Receiving Office

<b>Action 1</b>	<b>Action 2</b>	<b>Action 3</b>	<b>Action 4</b>
<b>Short Description</b>	<b>Short Description</b>	<b>Short Description</b>	<b>Short Description</b>
<b>Name of Action Officer</b>	<b>Name of Action Officer</b>	<b>Name of Action Officer</b>	<b>Name of Action Officer</b>
<b>Office</b>	<b>Office</b>	<b>Office</b>	<b>Office</b>
<b>Date</b>	<b>Date</b>	<b>Date</b>	<b>Date</b>

19. Final Resolution

Name of the person completing the form:

Signature:

Date:

**FORMAT FOR RECORDING THE PROCEEDINGS  
OF GRIEVANCE REDRESS COMMITTEES**

1. Name of the complainant/s:
2. National identification number:
3. Address:
4. Date of the inquiry:
5. Time:
6. Whether complainant participated or not:
7. Grievance or issue (in summary):
8. Statement made by the complainant/s:
9. GRC recommendation:
10. Participants in the GRC:
11. Copies to:



**FORMAT FOR RECORDING COMPENSATION ENTITLEMENTS  
UNDER THE LAND ACQUISITION RESETTLEMENT COMMITTEE**

**Information on land acquired for STDP/RDA and compensation entitlements for affected persons under Resettlement Implementation Plan**

**1. Information on Land Acquired**

- a. Address of the location:
- b. Road section where the land was located:
- c. Plan No:                      Lot No:
- Extent (perches/hectare/square feet):

**2. Use**

- a. Residential
- b. Business
- c. Residential and business
- d. Agricultural
- e. Commercial activities
- f. Others

**3. Nature of Occupancy**

- |                                          |  | Period    | Rent |
|------------------------------------------|--|-----------|------|
| a. Owner <input type="checkbox"/>        |  | From..... | Rs   |
| b. Lessee <input type="checkbox"/>       |  | From..... |      |
| c. No ownership <input type="checkbox"/> |  | From..... |      |

**4. Crops under Acquisition**

- |                              | Number | Extent |
|------------------------------|--------|--------|
| a. Coconut trees (grown)     | .....  |        |
| b. Coconut trees (small)     | .....  |        |
| c. Rubber                    | .....  |        |
| d. Tea plants                | .....  |        |
| e. Jack trees                | .....  |        |
| f. Breadfruit ( <i>del</i> ) | .....  |        |
| g. Rice (acres/bushels)      | .....  |        |
| h. Others                    | .....  |        |

**5. Names of Occupants**

Name	National ID No.	Occupation	Relationship to Head of Household
<i>(head of household)</i>			

**6. Descendants (if nominated)**

**Annex 12 (continued)**

- 7. Compensation** (entitled by the household/his/her nominee—subject to handing over the vacant property to RDA by ..... (date)
- |                                                                                         |       |
|-----------------------------------------------------------------------------------------|-------|
| a. Compensation house & property acquired under LAA<br>(based on current value)         | ..... |
| b. Cash advance to purchase alternate house/land<br>(to be recovered from compensation) | ..... |
| c. Payment equal to 25% of the value of the house/building                              | ..... |
| d. House rent (for one year)                                                            | ..... |
| e. Land to construct a house and a cash grant of Rs10,000                               | ..... |
| f. Cash grant of Rs15,000 for resettlement                                              | ..... |
| g. Cash grant of Rs15,000 for loss of employment                                        | ..... |
| h. Special allowance for disabled persons                                               | ..... |
| i. Cash grant of Rs1,500 for transport                                                  | ..... |
| j. Permission to transport remaining construction materials                             | ..... |

**8. Important Aspects for Consideration**

- Acceptable documentary evidence should be submitted to support the above payments.
- This form should be presented to obtain the entitlement payments.
- It is the responsibility of the person eligible for compensation to secure this form, and it should not be allowed to be used by others.
- In the event of changing or destroying the information appearing on this form, the costs should be borne by the person eligible for compensation.
- This form should be presented when requested by an officer responsible for acquisition.

**9. Steps to be Followed to Accelerate the Compensation Process**

You will be able to obtain payments mentioned under No. 7 early by furnishing the following documents:

**9a. If you are the owner of the acquired land**, please furnish the following documents in support of your entitlement rights:

- Ownership titles
- Documents related to inheritance
- Decisions of court cases to prove tenure rights (if any)
- Deeds (if available)
- Affidavits (if relevant)
- Power-of-attorney documents (if relevant)

**9b. Documents in support of occupation of the property**

- Certificate from the *grama niladhari*
- Electoral name list
- Any other support documents

Information on how to keep these documents ready in advance can be obtained from your divisional secretary or the *grama niladhari*.

Signed:

Road Development Authority  
Date:

Divisional Secretary  
Date:

**FORMAT FOR CERTIFICATION OF COMPENSATION ENTITLEMENTS UNDER  
THE LAND ACQUISITION ACT AND LAND ACQUISITION AND RESETTLEMENT COMMITTEE**

**Acquisition of Land for STDP  
ADB Section Certificate of Compensation for Damaged Land and Property**

Divisional Secretariat Division:  
Resettlement Officer's Division:  
Deed no.:  
Lot no.:  
Extent (in ha):  
Name of the affected person:  
Address:

**Entitlements:**

**Statutory compensation under Section 17 of Land Acquisition Act**

1. For house	Rs
2. For land	Rs
3. Other construction	Rs
4. Interest (at 7% and tax liabilities at 10%)	Rs

**Compensation under Land Acquisition and Resettlement Committee**

1. For house	Rs
2. For land and crops	Rs
3. For other construction	Rs
4. Resettlement payment	Rs
5. Payment for loss of employment	Rs
6. Payment for loss of income from property (formal or informal businesses)	Rs
7. Housing assistance for encroachers	Rs
8. Basic allowance for disabled/old/female-headed households	Rs
9. House rent (after vacating the house)	Rs
10. Special payment for finding alternate residence (by affected person) (after handing over the house on stipulated dates with clear titles)	Rs
11. Incentive payment of 25% (of the value of the building according to Section 17) and handing over the building on the stipulated date	Rs
12. Payment to obtain water for the alternate land	Rs
13. Payment to get electricity connection (after getting connected)	Rs
14. Allowance for transporting building materials	Rs
15. Other payments	Rs

**Total compensation paid: Rs**

Signed:

Project Manager  
ADB Section  
STDP/RDA

## **Designing and Implementing Grievance Redress Mechanisms**

A Guide for Implementors of Transport Projects in Sri Lanka

This guide clarifies the concept of grievance redress mechanisms and presents the rationale for their implementation. It shows how grievance redress should be built into projects' policy and institutional frameworks as well as planning models. It also describes the key elements of grievance redress mechanisms and provides step-by-step guidelines for designing and implementing these mechanisms. Annexes to the guide offer practical tools, samples of monitoring charts and forms, flow charts, terms of reference, an input on capacity building for grievance redress, and other materials needed for the design and implementation of a grievance mechanism. The guide evolved through experiences accumulated in the Southern Transport Development Project in Sri Lanka.

### **About the Asian Development Bank**

ADB's vision is an Asia and Pacific region free of poverty. Its mission is to help its developing member countries substantially reduce poverty and improve the quality of life of their people. Despite the region's many successes, it remains home to two-thirds of the world's poor: 1.8 billion people who live on less than \$2 a day, with 903 million struggling on less than \$1.25 a day. ADB is committed to reducing poverty through inclusive economic growth, environmentally sustainable growth, and regional integration.

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