



**ADB Accountability Mechanism
Compliance Review Panel**

**Annual Monitoring Report to the Board of Directors
from 15 May 2010 to 22 March 2011**

on the

Implementation of Remedial Actions

for the

Southern Transport Development Project in Sri Lanka

August 2011

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- STDP-affected persons (APs), both in the ADB and JBIC sections;
- Officials from the Government of Sri Lanka including those from the Ministry of Ports and Highways, the Road Development Authority, the former Secretary of the Ministry of Highways and Road Development (now with the Office of the Prime Minister), and the Central Environmental Authority;
- Asian Development Bank (ADB) staff at ADB headquarters and at the ADB Sri Lanka Resident Mission and its consultants;
- Representatives of the Japan International Cooperation Agency at its representative office in Colombo;
- STDP consultants including those from Roughton International Ltd, Egis Bceom International, Centre for Poverty Analysis; and
- Staff Centre for Environmental Studies/Friends of the Earth

Abbreviations

ADB	Asian Development Bank
AP	affected persons
CEA	Central Environmental Authority
CRP	Compliance Review Panel
ESD	Environmental and Social Division (of the Road Development Authority)
GRC	grievance redress committee
GOSL	Government of Sri Lanka
IEM	independent external monitor
IRP	income restoration program
JICA	Japan International Cooperation Agency
km	kilometer
MIS	management information system
NGO	non-government organization
RDA	Road Development Authority
RIP	resettlement implementation plan
SLRM	Sri Lanka Resident Mission
STDP	Southern Transport Development Project

Note

In this report, "\$" refers to United States dollars.

Chairman	R. Lubis, Compliance Review Panel
Member	A. La Viña, Compliance Review Panel
Member	A. Deruyttere, Compliance Review Panel

In preparing any country program or strategy, in financing any project, or in making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

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I. Introduction

1. In December 2004, the Compliance Review Panel (CRP) registered a request for compliance review of the Southern Transport Development Project¹ (STDP) in Sri Lanka. The request was submitted by the Joint Organization of the Affected Communities of the Colombo Matara Highway. The CRP determined that the request was eligible and the Board of Directors of the Asian Development Bank (ADB) authorized a compliance review. The CRP reviewed and investigated the request and submitted its findings and recommendations in a final report to the Board in June 2005 which the Board approved.²

2. The CRP has since then monitored the implementation of the Board-approved remedial actions identified in the final report on the investigation and has recorded its observations in annual monitoring reports posted on the CRP website.³ This fifth and final annual monitoring report 2010–2011 examines progress from 15 May 2010 to 22 March 2011. The CRP also obtained feedback from ADB staff at headquarters and in the Sri Lanka Resident Mission⁴ and from STDP-affected persons⁵ during a monitoring mission in Sri Lanka 16–22 March 2011.⁶

3. In accordance with paragraph 48 of CRP operating procedures, a draft of this fifth monitoring report was submitted to the Board Compliance Review Committee on 12 July 2011.

II. Description of the Project

A. Scope

4. The original STDP loan had two components: the southern highway component and the road safety component. The highway component consisted of the construction of a new highway linking Colombo with Galle, the capital of the Southern Province of Sri Lanka, and Matara, while the road safety component addressed Sri Lanka's serious road traffic accident situation. The highway will be about 126 kilometers (km) long and a 5.6 km Galle access road will also be constructed. STDP also supports policy and institutional reform in its two-fold primary objective: to spur economic development in the southern region and to significantly reduce the high rate of road accidents. The secondary objective is poverty reduction.

¹ ADB. 1999. *Report and Recommendation of the President to the Board of Directors on a Proposed Loan to the Democratic Socialist Republic of Sri Lanka for the Southern Transport Development Project*. Manila. (Loan 1711–SRI[SF]).

² The recommendations are included in Appendix 1 taken from paragraphs 267 and 268 of the CRP final report on the investigation.

³ The reports and other related information on the STDP request are at <http://www.compliance.adb.org/dir0035p.nsf/alldocs/BDAO-7XVBSH?OpenDocument>

⁴ The South Asia Department of ADB delegated the administration of STDP to the Sri Lanka Resident Mission.

⁵ The CRP monitoring mission included a three day field visit to the project area where the CRP met government officials, project consultants, and STDP affected persons.

⁶ The mission was led by CRP Chair Rusdian Lubis with CRP part-time members Antonio La Viña and Anne Deruyttere. The CRP was supported by staff of the Office of the Compliance Review Panel: Bruce Purdue, Secretary; Geoffrey Crooks, Associate Secretary; Teresita Capati, Compliance Review Officer; and Julie Mapilisan – Villanueva, Senior Compliance Review Assistant. Assistance with interpretation was provided by Chamindra Weerackody.

5. Based on a request of the Government of Sri Lanka (GOSL), an ADB supplementary loan of \$90 million for the highway component was approved by the Board in March 2008⁷ to finance (i) cost overruns for restructuring construction from Kurundugahahetekma to the Pinnaduwa interchange to complete the two-lane highway, for expanding the carriageway to a four-lane highway, and for completing the Galle access road; (ii) consultancy services for construction supervision and project management; and (iii) the purchase of road safety equipment. The supplementary loan excluded the last 30 km from the Pinnaduwa interchange to Godagama which was also excluded from the original loan through the restructuring of the civil works contract. The GOSL is now negotiating with the Export and Import Bank of China for funding the completion of this section.

B. Agencies and Financing

6. The original STDP was funded by ADB, the Japan Bank for International Cooperation,⁸ the GOSL, the Nordic Development Fund, and the Swedish International Development Cooperation Agency. The total cost of the restructured STDP was estimated at \$448 million with ADB financing \$180 million and the rest shared by the Japan International Cooperation Agency (JICA) and the GOSL. JICA is financing 66.6 km from Kotawa to Kurundugahahetekma in the northern part while ADB is financing 35.2 km including the 5.6 km Galle access road. While the southernmost portion from the Pinnaduwa interchange to Godagama was previously to be funded by the GOSL, it will now be financed by the Export and Import Bank of China. Cabinet approval has already been obtained to award a civil works contract to the China National Technical Import and Export Corporation. Construction of this section is expected to be completed by end of 2012.

7. The highway component is implemented by the Road Development Authority (RDA) while the road safety component is implemented by the Ministry of Highways and Road Development (renamed Ministry of Ports and Highways) as the executing agencies, respectively.

C. Status of the Project

8. The Board approved the ADB loan for the project in November 1999 with an expected completion date of 31 December 2005. The loan agreement (between ADB and the Democratic Socialist Republic of Sri Lanka as borrower) and the project agreement (between ADB and the RDA) were signed in December 1999. The ADB loan was declared effective in October 2002 following delays in complying with loan effectiveness conditions, particularly the submission of a satisfactory resettlement implementation plan (RIP). All co-financing agreements are in place.

9. STDP has suffered cost overruns, especially due to increased costs for civil works. Several factors have contributed to this increase including (i) price escalation due to delays, (ii) undetermined geo-technical and soil conditions, and (iii) an increase in value-added tax. In addition, the delay in bringing the project into compliance has increased the cost of consulting services, mainly because of the additional time required to supervise construction. The STDP supplementary loan approved in March 2008 aims to cover the cost overruns, the Galle access

⁷ ADB. 2008. *Report and Recommendation of the President to the Board of Directors on a Proposed Supplementary Loan and Technical Assistance Grant to the Democratic Socialist Republic of Sri Lanka for the Southern Transport Development Project*. Manila. (Loan 2413–SRI).

⁸ The Japan International Cooperation Agency and the Japan Bank for International Cooperation merged in October 2008, and after the merger JICA assumed responsibility for funding STDP. Therefore, this report will refer to JICA as the cofinancier.

road, and the change in scope for a four-lane highway from Kurundugahahetekma to the Pinnaduwa interchange. The closing date for STDP has been extended twice, up to 31 December 2010 (from the original 31 December 2006), and while the project is physically completed, the loan is being kept open until the closing date of the supplementary loan on 31 December 2011.

10. As of 23 May 2011, \$96 million of the original ADB loan and \$57.0 million of the supplementary loan had been disbursed. The restructured civil works is 99% complete and the substantial completion certificate was issued on 24 May 2011.

11. The JICA section has two contract packages: Package 1 for a four-lane highway close to Colombo was awarded in August 2005, and package 2 was restructured to a four-lane highway in 2008. As of May 2011 progress on the JICA packages was 94.6% for package 1 and 88.8% for package 2. These two contracts are now scheduled to be completed by June 2011.

III. Request, Panel Investigation, and Board Decision

12. The requesters filed a request for compliance review in December 2004. They claimed that the harm they suffered or would suffer as a result of noncompliance with ADB operational policies and procedures would include loss of homes, loss of livelihoods, damage to the environment, degradation of wetlands, dispersion of integrated communities, damage to five temples, the negative effects of resettlement, and human rights violations.

13. The requesters specifically stated that the sections of the *ADB Operations Manual* that were and would be violated and thus cause them harm were those on environment, involuntary resettlement, incorporating social dimensions in ADB operations, governance, economic analysis, benefit monitoring and evaluation, gender and development in ADB operations, processing loan proposals, and formulating and implementing loan covenants.

14. The requesters sought remediation from ADB including the following:

- (i) full compensation for resettlement;
- (ii) a gender analysis;
- (iii) reconsideration of the best alignment for the road trace in order to minimize the number of persons to be resettled;
- (iv) an initial social assessment for the final trace;
- (v) provision of adequate land for replacement;
- (vi) completion of an environmental impact assessment for the final trace;
- (vii) full consultation with affected people after completion of the new assessment; and
- (viii) as first steps, suspension of disbursements under the loan and a full investigation of the highway by an independent committee.

15. The CRP's investigation was carried out from January to June 2005. In July 2005, the Board deliberated and approved the final CRP report including the panel's recommendations (see Appendix 1).

IV. Progress in Achieving the Course of Action

16. The CRP's final report on the investigation specified two categories of recommendations. The first was four general recommendations with a scope broader than the

project itself. The second listed 15 specific recommendations to bring the project into compliance.

17. In the fourth annual monitoring report dated 15 May 2010, the CRP considered that 16 of the 19 recommendations were in compliance, two had been partially met and one could no longer be met. In this fifth and final annual monitoring report, the CRP found that of the three outstanding recommendations, two had been met, and one could no longer be met. This status is reflected in the last column of the updated course of action in Appendix 2. Unless otherwise specified, the cut-off date for information considered in this report is 22 March 2011. The findings and assessments of the monitoring mission regarding the recommendations are summarized below.

V. Findings and Assessment

18. **General Recommendation 3:** Management should develop additional guidance for ADB's Handbook for Resettlement: A Guide to Good Practice dated 1998 for staff to develop major infrastructure projects with borrowers with little or no comparable project experience, especially in Category A projects. The guidance should particularly address the issues of implementing agencies having adequate institutional capacity and resources in carrying out and monitoring resettlement and ensuring that appropriate legislation is in place to carry out such resettlement.

19. In the Fourth Annual Monitoring this general recommendation was partially met. ADB plans to complete the update and release a revised Resettlement Handbook in the last quarter of 2010. In November 2010, CRP received the draft revised Handbook and upon reviewing the Handbook, the CRP concluded that **general recommendation 3 has been fully complied with.**

20. **Specific Recommendation 7:** Management should assist in the income restoration program (IRP) and the establishment of household benchmarks through the management information system (MIS) for affected persons as called for in the resettlement implementation plan (RIP).

21. In its Fourth Annual Monitoring Report, the CRP concluded that this recommendation had been partially complied with. The CRP noted considerable progress in the establishment of the MIS which would include the benchmark indicators necessary to track the socio-economic situation of the affected households and to identify any households that needed support under the IRP. CRP also noted with satisfaction ADB's additional support for the preparation of land use management plans along the highway corridor and the interchanges⁹, which would enable economic development that would generate benefits for the local population including many of the displaced businesses and households. However, as the monitoring mission confirmed that several resettled households were poor, CRP remained concerned that the significant reduction in scope of the 2008 revised Income Restoration Program might have resulted in the exclusion of poor households suffering further impoverishment as a result of their resettlement. It was this concern that motivated CRP to consider recommendation seven only partially fulfilled. Consequently, in its Fourth Annual Monitoring Report CRP stated that in order to achieve full compliance "ADB should work closely with the RDA to identify poor households that have not

⁹ ADB. 2009. *Technical Assistance to Sri Lanka for Land Use Planning of the Southern Highway Corridor*, (TA 7065 SRI). This TA was implemented by the Urban Development Authority in coordination with RDA and support from SLRM.

been covered by the revised IRP, documenting the process and the results, and to provide them with the support necessary to re-establish, at a minimum, their pre-project livelihoods” as required by the ADB’s Involuntary Resettlement Policy.

22. In response to the Fourth Annual Monitoring Mission Report’s conclusions, on 15 March 2011 CRP received a report from Sri Lanka Resident Mission (SLRM) entitled: “Review of the Income Restoration Program”¹⁰ prepared by an independent local consultant with support from the Environment and Social Division (ESD) of the RDA under the guidance of SLRM and South Asia Department. While confirming that the IRP suffered many problems during its first five years of implementation (2003-2008), the consultant’s report provides convincing evidence that the termination of the IRP in 2010 was justified. This conclusion is based on an assessment of the soundness of the methodology used in 2008 (as opposed to the methodology used in 2002 and 2005) to identify the households below the poverty line as the benchmark for eligibility for further income restoration assistance. Moreover, while the resettled households faced many impoverishment risks related to landlessness, unemployment and social disarticulation, reasons for the significant reduction in poverty levels include: relatively high compensation for lost property; prudent investment of compensation for lost property; an increase in the number of household income earners as a coping strategy for resettlement far from ancestral lands; availability of jobs related to the construction of the highway, and the general economic growth in the area. In addition to the consultant’s report, CRP received information from RDA and others on the availability of existing government services after the handover of the resettlement sites to the local authorities and the instrumental role of the newly created ‘housing societies’ in the resettlement sites which provide an interface between resettled families and generally available social assistance services for families in need.

23. In light of its positive assessment of this information and further affirmation by the executing agencies, consultants, affected people and requesting parties, as well as from ADB itself, the CRP considers that Specific Recommendation 7 has been fully complied with.

24. **Specific Recommendation 5:** All affected persons be fully compensated by actual payment before they are moved.

25. The monitoring mission continued that the original recommendation can no longer be complied with due to the completion of land acquisition. Given the assurances by ADB that it will monitor the remaining compensation issues, no further monitoring by the CRP on the implementation of the RIP and land acquisition is required.

VI. Lessons Learned from CRP Compliance Review and Monitoring of the STDP Project

26. This is the first case where CRP has completed a full cycle of compliance review and monitoring. CRP is committed to learn from this experience and to apply learned lessons to future cases, in both the conduct of compliance reviews and in performing its monitoring mandate. The intention is that lessons from the STDP experience should be used to improve the compliance review process in ADB, including the role of ADB Management in addressing the recommendations in compliance reviews; and in the manner by which developing member countries respond to compliance requests, reviews and monitoring. CRP intends to make these lessons – elaborated below - available to a broader audience in both ADB and the wider

¹⁰ Sri Lanka Resident Mission and Environment and Social Development Division of the Road Development Authority: Sri Lanka Southern Transportation Project: A review of the Income Restoration Program, March 2011

accountability and policy compliance community.

27. **The first lesson CRP learned from the STDP compliance review process is that stakeholders have different perceptions of the compliance review process.** It is clear from all the interviews conducted (with the requesters, ADB management and GOSL) that the compliance review process impacted positively on both the project and its implementation by GOSL. However, stakeholders have different perceptions of the value of the CRP compliance review process and reports, including the annual monitoring exercise. ADB Management and JICA appreciated the process and consequent reports. The requesters were critical of the original report and felt that the monitoring reports did not address their demands regarding the redesign of the road trace and the suspension of project disbursements. However, they did recognize that the project improvements brought about by the CRP process were positive and benefited many people.

28. In interviews, the GOSL reiterated their criticism of the original report and the first two monitoring missions (particularly because during the review they perceived that they had not been consulted). But interviewed officials also recognized the benefits of the compliance review process to the project and its success, and particularly the institutional learning process that eventually led to stronger institutions and improved legislation that are of great importance given Sri Lanka's pipeline of new and rehabilitated highways.

29. SLRM indicated that the compliance review report and recommendations had strained their relationship with GOSL at a time when the start-up of project implementation required a relationship of trust. However, in spite of this, SLRM indicated that CRP's involvement was ultimately beneficial for SLRM itself and for GOSL. These positive outcomes are consistent with the design and intent of the compliance review process. The subject of compliance review is ADB management and its compliance or non-compliance with ADB policies and procedures. The objective of CRP recommendations is to bring a project into compliance. The compliance review process succeeded in this respect.

30. **It is clear based on the interviews the panel conducted, that CRP could improve its communication with stakeholders.** As preceding paragraphs suggest, CRP could have avoided some of the initial apprehension and lack of support by assuring GOSL of its impartiality and neutrality, as well as communicating with requesters the objectives and limitations of the CRP mandate. Although the CRP repeatedly informed both GOSL and requesters that the focus of the investigation was on ADB and not GOSL, CRP should have given a higher priority to providing information and communication at all levels (government, APs, consultants, non-government organizations, Management and SLRM). This requires the development of a communication strategy and protocol for interactions with different stakeholders. These should emphasize the need for clarity on the CRP's mandate and procedures in order to prevent misinformation and avoid false expectations. CRP's independence should not affect communication with ADB staff. CRP's approach should be transparent, communicative, and constructive, while at the same time avoiding the perception that it is a 'watchdog' or an appeal mechanism. CRP should listen closely to the government during the fact finding process, engage with it constantly, and conduct a briefing at the end of each mission.

31. **Conducting field visits as part of the eligibility process should also be helpful for information dissemination and communication with all stakeholders.** The complex roles and relationships between government agencies, consultants, ADB, Special Project Facilitator, CRP and other actors, requires that priority be given to providing basic information and summaries of CRP reports in a language and form accessible to APs, NGOs and local

agencies. This will also facilitate their broad dissemination. Fact finding, while focusing on Management and Requesters, should also include government, project consultants and other APs.

32. CRP also learned that compliance review and monitoring reports have not been adequately shared with stakeholders. SLRM and GOSL officials expressed concern about not being able to give feedback to the draft compliance review report and the monitoring reports. This is an important area for improvement in the future. One possible solution would be for CRP to give government a chance to comment on draft findings and recommendations. The monitoring process would become more constructive if government felt they were listened to and their concerns and views were taken into account by the CRP. Among others, the accountabilities and responsibilities for compliance review and subsequent recommendations are not always explained clearly. GOSL felt that the compliance review process was initially not clear in terms of who would do what and how. GOSL resisted some recommendations arguing that during the CRP investigation and first monitoring, the GOSL lacked capacity and institutional means to implement and monitor CRP recommendations. For example, grievance redress mechanism is a new concept in Sri Lanka and the compensation process (according to ADB policy) and restoration of the livelihood of APs are also new to the country. There were criticisms that some recommendations were too general and not specific enough for ADB or GOSL to take action. SLRM initially voiced similar concerns about the CRP recommendations and their implied timelines, additional costs, and the need for supplementary loan, contract and financial processes as well as the number of meetings required with GOSL. After the second and third year of monitoring, both GOSL and SLRM increasingly worked with CRP to comply with the recommendations. These recommendations improved internal processes within SLRM, made staff more aware of safeguards compliance and developed capacity within GOSL (ESD-RDA) and its consultants. However, CRP should refrain from making recommendations that are for management to decide whilst ensuring that recommendations should be framed in such a way that they allow room to adapt to changing circumstances.

33. Mutual trust should be built with government and resident mission staff at an early stage in the compliance review process. At the start of the compliance review process, stakeholders mentioned that the CRP investigation created divergent views between SLRM and GOSL and distrust of the CRP. Both ADB staff and GOSL perceived that their performance was being questioned and that CRP should have been more selective in receiving complaints and screening whether the complaints were genuine. They also felt that the CRP review should balance time spent with APs, SLRM and GOSL.

34. Building relationships with requesters and affected people is challenging. Communication and mutual understanding are critical. Some of the requesters and some APs wanted ADB to stop the project. The APs and NGOs had an impression that the CRP is an “appellate body” or negotiator between APs and GOSL. APs expected that the CRP could bring solutions or corrections to project implementation and had the power to change the process, stop construction or change the road trace. From the beginning, therefore, there was a mismatch of expectations and the CRP, no matter how it did its work, could never deliver what requesters expected. This explains the way the relationship between the CRP and requesters evolved from a relatively close, even supportive relationship, (up to the second monitoring mission) to more distant one. By the third monitoring mission, the CRP sensed the requesters beginning to distance themselves from the process. This finding reinforces the need for the CRP to continuously engage with, and provide feedback to, requesters.

35. CRP involvement can be beneficial to affected people in terms of improved compensation and livelihood rehabilitation. The CRP also highlighted project design flaws and was instrumental in correcting them and facilitating the implementation of the project by GOSL and by SLRM. The CRP raised the awareness of HQ and SLRM on the importance of safeguard compliance as a tool for project improvement. The successful resolution of these issues ultimately contributed to the positive outcomes of the project as a whole.

36. The compliance process can stimulate improvements in the institutional framework. The compliance review and monitoring conducted by CRP was instrumental in the creation of new legislation and procedures on land acquisition and compensation, and on instituting local grievance and conflict resolution mechanisms. Improvements in the project resulted in resettlement and compensation issues being dealt with in a more methodical and rational manner. The results included: decentralization of RDA offices; strengthening of local grievance and conflict resolution mechanisms (creation of Land Acquisition and Resettlement Committees or LARC, super-LARC, and the grievance redress committees [GRC]); an emphasis on community development and the role of the Housing Societies. RDA has acquired substantial expertise in dealing with resettlement and compensation which could also be useful for other institutions, for example, in cases when the scope of RDAs direct involvement in managing project induced social impacts may not be the most effective way given the existence of more specialized entities.

37. CRP's focus on capacity building helped foster the institutional strengthening of government agencies and project consultants. Examples include: the creation of an in house capacity in RDA to handle compensation and resettlement (ESD); the creation of a management information system (MIS) and the establishment of a project performance management system implemented by ESD with responsibilities expanded beyond RDA; increased inter-institutional coordination between RDA, SLRM project consultants, Central Environment Authority (CEA), Urban Planning Authority, etc; and enhancement of the role of the CEA. CRP helped create awareness of the importance of income rehabilitation, the specific needs of women-headed households and vulnerable groups; the multidimensional and integrated nature of a highway project; and the importance of concurrent land use planning and urban development.

38. A final lesson learned is that compliance costs can be a substantial burden on government. Currently, the costs of bringing a project into compliance are borne by government. The project suffered increased costs arising from price escalation, court cases, delayed delivery, fines to contractors, etc., which are perceived, to be a result of the compliance review process. Also, imperfect grievance and conflict resolution mechanisms may have inflated compensation which may in turn have an adverse effect on the economic viability of a project. An unintentional consequence of compliance review is that it may have causes an over-focus on some issues. CRP involvement caused RDA and SLRM to prioritize social issues and has raised the concern that lesser attention might have been given to environment, engineering and construction issues. While ADB is responsible for non-compliance with its policies and procedures, in fact, the onus is on the government to bear the costs of remedial action. Changes in the legal and regulatory framework in Sri Lanka should help address these issues in future projects but a review of this issue – of who pays the additional cost of compliance - might be needed.

VII. Conclusions

39. Overall, the compliance review and monitoring added value to the project. Based on the CRP experience in STDP, compliance review and monitoring ultimately improved project implementation. All the stakeholders recognized this no matter how they felt initially about the compliance process. The recommendations suggested by the CRP have not only resulted in the project being brought into compliance but also in some significant positive changes in the GOSL approach to infrastructure projects.

VIII. Next Steps

40. With this fifth monitoring report, having concluded that the ADB has complied with all the recommendations of the CRP, with the exception of specific recommendation 5, the Panel recommends that the monitoring may now be brought to an end and there is no need to monitor beyond this fifth report.

/S/ Rusdian Lubis
Chair
Compliance Review Panel
4 August 2011

Compliance Review Panel Recommendations

(extracted from the CRP's Final Report on the Southern Transport Development Project compliance review request)

266. The CRP has 2 categories of recommendations resulting from its investigation in this Project—measures addressing issues that may cause difficulties in complying with ADB policies and operational procedures in ADB-assisted projects, and measures relevant to current implementation problems necessary to bring the project back into compliance.

267. On the first category, the Board asks that Management take the following measures:

- (i) review selected road projects as to how changes of scope may make the application of environment and resettlement policies difficult;
- (ii) review cofinancing arrangements in selected projects to determine if such arrangements have a damaging effect on policy compliance for the whole project, and make recommendations to strengthen policy compliance for these projects;
- (iii) develop additional guidance for the *ADB Handbook for Resettlement: A Guide to Good Practice* dated 1998 for staff to develop major infrastructure projects with borrowers with little or no comparable project experience, especially in Category A projects. The guidance should particularly address the issues of implementing agencies having adequate institutional capacity and resources in carrying out and monitoring resettlement and ensuring that appropriate legislation is in place to carry out such resettlement;
- (iv) provide to the CRP with a copy to the Board, by 31 August 2005, a course of action with timelines on implementation of these measures for the CRP's monitoring and reporting to the Board.

268. On the second category, the Board asks that Management take the following measures:

- (i) assess the environmental impacts of the Galle access road and any stretch of the ADB section on the Final Trace (FT) different from the Combined Trace (CT) including consulting project-affected people;
- (ii) ensure the incorporation of the environmental impact assessments and the recommended mitigation measures of any stretch of the ADB section on the FT different from the CT and of the Galle access road in the environment management plan (EMP) for the project;
- (iii) review the cofinancing arrangements in the STDP with a view to strengthening policy compliance for the whole project;
- (iv) conduct an analysis of gender issues on the project and ensure that the programs under the project adequately address these gender issues;
- (v) require that all affected persons be fully compensated by actual payment before they are moved;

- (vi) determine whether or not there has been a change of scope in the project, as provided in Project Administration Instruction No. 5.04;
- (vii) assist in the income restoration program and the establishment of household benchmarks through the management information system (MIS) for affected persons as called for in the resettlement implementation plan (RIP);
- (viii) ensure that full project information, especially the essential elements of the RIP, be provided in an appropriate language to each affected household, rather than simply making it available at the district offices;
- (ix) help establish well-staffed monitoring of resettlement activities by an independent institution, forwarding concerns to RDA for urgent action from affected persons;
- (x) require immediate provision of utilities and infrastructure to resettlement sites;
- (xi) require a special emphasis in the RIP and the income restoration program for women, if necessary by the allocation of additional staff to track their recovery as affected persons;
- (xii) assist in the preparation of a detailed project framework for benefit monitoring and evaluation (BME) activities to include outputs, indicators of achievements, and means of verification on social issues;
- (xiii) assist in the preparation of an additional assessment of project beneficiaries along the FT to establish baseline information for BME activities;
- (xiv) update the project profile (PP), or its equivalent by the project information document on the ADB website where the latest posting is 15 March 2000, at least on a monthly basis with full information for all categories, until the project is brought into compliance;
- (xv) provide to the CRP with a copy to the Board, by 31 August 2005, a course of action with timelines on implementation of these measures for the CRP's monitoring and reporting to the Board.

Loan 1711–SRI[SF]: Southern Transport Development Project

Course of Action to Implement the Recommendations of the Compliance Review Panel (CRP)

Summary of Findings and Status as of 22 March 2011

	Remedial Action	CRP Rating and Action Required Based on Last Progress Report	Management Progress as of 30 September 2010	Compliance Status Determined by CRP
Not Complied				
Para 268 (v)	Require that all affected persons be fully compensated by actual payment before they are moved	<p>Not complied</p> <p>Compliance cannot be achieved because the project has completed the land acquisition for the right of ways.</p> <p>No actions required. The original recommendation can no longer be complied with due to the current advanced stage of land acquisition. Given the assurances by ADB that it will monitor the remaining compensation issues, no further monitoring by the CRP on the implementation of the RIP and land acquisition is required.</p>	<p>Recommendation was overtaken by events. However, All APs included in the RIP have been fully compensated at replacement cost.</p>	<p>Considered Complied With, although recommendation was overtaken by events. (para 30 of CRP Annual Monitoring Report 2005-2006)</p>
Complied				
Para 267 (iii)	Develop additional guidance for ADB's Handbook for Resettlement: A Guide to Good Practice dated 1998 for staff to develop major infrastructure projects with borrowers with little or no	<p>Complied</p> <p>In the Fourth Annual Monitoring, this general recommendation was partially</p>	<p>In November 2010, CRP received the draft revised Handbook ,based on the Safeguards Policy Statement</p>	<p>Complied</p> <p>(para. 20 of CRP Annual Monitoring Report 2009-2010)</p>

	Remedial Action	CRP Rating and Action Required Based on Last Progress Report	Management Progress as of 30 September 2010	Compliance Status Determined by CRP
	comparable project experience, especially in Category A projects. The guidance should particularly address the issues of implementing agencies having adequate institutional capacity and resources in carrying out and monitoring resettlement and ensuring that appropriate legislation is in place to carry out such resettlement.	met. ADB planned to complete the update and release a revised Resettlement Handbook in the last quarter of 2010.	approved in June 2009	
Para 268 (vii)	Assist in the income restoration program (IRP) and the establishment of household benchmarks through the Management Information System (MIS) for the AP as called for in the Resettlement Implementation Plan (RIP).	<p>Complied</p> <p>The CRP suggested that ADB should support the RDA in identifying households in precarious situations and are still in need of support for income restoration. The CRP considered that significant progress had been achieved in improving the MIS and is confident that it would be fully operational in the short term</p>		<p>Complied (para 23 of this report)</p> <p>On 15 March, 2011 CRP received a report from SLRM entitled: "Review of the Income Restoration Program" While confirming that the IRP suffered many problems during its first five years of implementation (2003-2008), the consultant's report provides convincing evidence that the termination of the IRP in 2010 was justified. This conclusion is based on an assessment of the soundness of the methodology used in 2008 as the benchmark for eligibility for further income restoration assistance. Reasons for the significant reduction in poverty levels include: relatively high</p>

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				compensation for lost property; prudent investment of compensation for lost property; an increase in the number of household income earners as a coping strategy for resettlement far from ancestral lands; availability of jobs related to the construction of the highway, and the general economic growth in the area. After handover of resettlement sites government social services have taken over responsibilities from RDA
Complied				
Para 267 (i)	Review selected road projects as to how changes of scope may make the application of environment and resettlement policies difficult.	Complied	The review was conducted submitted. The Report was posted on ADB website on 9 December 2008	Complied (para. 21 of the CRP Annual Monitoring Report 2006-2007).
Para 267 (ii)	Review cofinancing arrangements in selected projects to determine if such arrangements have a damaging effect on policy compliance for the whole project, and make recommendations to strengthen policy compliance for these projects.	Complied	The review was completed in 2008 and the report was submitted to CRP. The report posted on ADB website on 9 December 2008	Complied (para. 22 of the CRP Annual Monitoring Report 2006-2007).
Para 267 (iv)	Provide the CRP, with a copy to the Board, by 31 August 2005 a course of action with timelines on implementation of these measures for the CRP's	Complied		Complied (para. 24 of CRP Annual Monitoring Report 2006-2007)

	Remedial Action	CRP Rating and Action Required Based on Last Progress Report	Management Progress as of 30 September 2010	Compliance Status Determined by CRP
	monitoring and reporting to the Board.			
Para 268 (i)	Assess the environmental impacts of the Galle access road (GAR) and any stretch of the ADB section on the Final Trace (FT) different from the combined trace (CT) including consulting project affected people.	Complied Panel suggests that Management continues to work with RDA to ensure that EMP is implemented.	SLRM works closely with RDA on the implementation of EMP The Environmental Impact Monitoring Reports for the period January- June 2009 was posted on ADB website on 10 September 2010.	Complied with despite the Panel's reservations on the documentation relating to consultation and the treatment of the culturally significant sites (para. 25 of CRP Annual Monitoring Report 2006-2007)
Para 268 (ii)	Ensure the incorporation of the environment impact assessments and the recommended mitigation measures of any stretch of ADB section on the FT different from the CT and of the Galle Port Access Road in the Environmental Management Plan (EMP) for the Project.	Complied To maintain compliance Panel suggests that Management continues in monitoring the implementation of EMP not only for the highway section under construction but also the last 30 km. that is now waiting for financing. The Panel suggests that Management should intensify its efforts in working with RDA to implement mitigation measures and address the flooding and environmental problems associated with the temporary abandon work for the last 30 km of the highway. In addition, Management should also intensify its efforts to work with RDA to provide better public outreach to inform affected people about the progress in handling environmental impact	Two International environmental consultants recruited in October 2007 worked exclusively on the implementation of EMP. To strengthen the implementation of EMP, an STA was approved on 12 February 2009 (TA No. 7239). International Environmental Consultant and a National Social Development Consultant were mobilized on 01 June 2009. They conducted extensive office-level and field-level training programs and submitted their final training reports in January 2010. RDA launched a new website for STDP on 03 February 2010 which also provides information on EMP. The website is available at http://www.stdp.lk/ . RDA periodically updates the website with new project	Complied with as of 2006-2007 monitoring period but CRP continued to monitor this until 2010-2011. (para. 26 of the CRP Second Annual Monitoring Report 2006-2007).

	Remedial Action	CRP Rating and Action Required Based on Last Progress Report	Management Progress as of 30 September 2010	Compliance Status Determined by CRP
		associated with the project highway.	<p>information.</p> <p>The Environmental Monitoring Committee meeting held at the Central Environmental Authority (CEA) on 26 August 2010 decided to conduct a Training Session on the implementation of EMP for the benefit of the Project Contractor on proposed civil work contract for the final 30-kms of the highway. The training program will be jointly conducted by ADB and CEA.</p> <p>Resettlement Officers and Environment Impact Monitoring Officers attached to STDP field offices, Social and Environmental Officers of ESD and of the Construction Supervision Consultants have been working as focal contact points in the project area, who provide construction-related information to project-affected persons and attend to their grievances, if any.</p>	
Para 268 (iii)	Review the co-financing arrangements in the STDP with a view to strengthening policy compliance for the whole Project.	<p>Complied</p> <p>Panel suggests that Management should ensure that the same RIP, IRP and updated EMP will be implemented for the last 30 km of the highway that will be</p>	<p>ADB and JBIC/JICA agreed on a common RIP, IRP and EMP to satisfy the safeguard policy requirements for the entire Project. ADB-JBIC MOU reflects this arrangement.</p> <p>At the inter-departmental level,</p>	Complied with as of 2006-2007 monitoring period but CRP continued to monitor this until 2010-2011. (para. 27 of the CRP Annual Monitoring Report 2006-2007).

	Remedial Action	CRP Rating and Action Required Based on Last Progress Report	Management Progress as of 30 September 2010	Compliance Status Determined by CRP
		<p>financed by GOSL with its own arrangement.</p>	<p>the Environmental Monitoring Committee (EMC) chaired by CEA Chairman considers STDP as a single project covering both ADB and JBIC/JICA sections.</p> <p>The Income Restoration Program (IRP) has been implemented in both ADB and JBIC/JICA sections of the Project.</p> <p>The updated and approved EMP 2007 is being implemented in both ADB and JBIC/JICA section of the Project.</p> <p>Civil works in ADB and JABIC/JICA sections of the highway require two separate supervision consultants. Nonetheless, at the project level, the PMU assisted by the Management Consultants is responsible for overseeing the overall project implementation.</p> <p>On 14 September 2009, SLRM wrote to the Government highlighting the importance of adopting ADB's Safeguard measure for the last 30-Kms of the highway which will be financed by a loan from the Export and Import Bank of China.</p>	

	Remedial Action	CRP Rating and Action Required Based on Last Progress Report	Management Progress as of 30 September 2010	Compliance Status Determined by CRP
			The Environmental Monitoring Committee meeting held at the Central Environmental Authority (CEA) on 26 August 2010 decided to conduct a Training Session on the implementation of EMP for the benefit of the Project Contractor on proposed civil work contract for the final 30-kms of the highway. The training program will be jointly conducted by ADB and CEA.	
Para 268 (iv)	Conduct an analysis of gender issues on the Project and ensure that the programs under the project adequately address these gender issues.	Complied Panel concerns on drastic reduction on the original number of affected persons eligible for income restoration assistance from 1050 including 256 vulnerable female-headed households to only 27. Therefore, Panel suggests Management carefully review the revised IRP and advise RDA accordingly.	The recommendations of the Gender Analysis Report are being implemented through the income restoration program of the Project. The Gender Specialist at SLRM is taking an active role in coordinating IRP progress review. The MIS is continually being updated and has also been verified by SLRM staff which provides gender-disaggregated project-affected persons' data. SLRM has engaged a Social Development Consultant under TA 7239 to review the factors contributed to reducing the original number of affected persons eligible for income restoration assistance from 1050 (including 256 vulnerable female-headed households) to	Complied with as of 2006-2007 monitoring period but CRP continued to monitor this until 2010-2011. (para. 28 of the CRP Annual Monitoring Report 2006-2007).

	Remedial Action	CRP Rating and Action Required Based on Last Progress Report	Management Progress as of 30 September 2010	Compliance Status Determined by CRP
			<p>only 27. The draft review report was submitted on 07 September 2009. The report was circulated to RDA and CEPA for comments. The Final Report was submitted on 25 October 2009. This report validated that only 27 APs require the IRP under the Project.</p> <p>As CRP suggested a fresh review of the facts and data was started in September 2010 to review the revised IRP. A rapid assessment is also included in the study with collaboration of Environment and Social Division (ESD) and the Department of Sociology, University of Kelaniya to ascertain whether the program has correctly chosen APs for the program and whether the selection criteria of poor households match national poverty definitions and indexes. Furthermore, the review will examine whether those who were selected as the poor have overcome their poverty with the assistance of the IRP. The final report of the review is to be submitted to SLRM on 31 October 2010.</p>	
Para 268 (vi)	Determine whether or not there has been a change of scope in the Project, as provided in Project Administration	Complied	ADB Management determined that there has been a change in scope in the Project in	Complied (para. 59 of CRP Annual Monitoring Report 2007-

	Remedial Action	CRP Rating and Action Required Based on Last Progress Report	Management Progress as of 30 September 2010	Compliance Status Determined by CRP
	Instruction 5.04.		December 2006. The Board approved major change in scope on 6 March 2008.	2008)
Para 268 (viii)	Ensure that full project information, especially the essential elements of the RIP, be provided in an appropriate language to each affected household, rather than simply making it available at district offices.	Complied The Panel is concerned about complaints regarding the lack of specific information on progress on construction activities and feedback on complaints. Therefore, the Panel suggests that Management closely monitor the plan to strengthen the disclosure of information to affected people under S-CDTA 7239-SRI and to promote direct dialogue with them.	(a) Resettlement information in Sinhala with entitlement matrix has been disseminated to affected households. (b) The addendum to RIP translated in Sinhala and distributed to DS offices and posted on RDA web site on 11 October 2007. (c) English and Sinhala version of RIP and entitlement matrix are posted on the Project Website (d) Brochure in Sinhala has been distributed (Tamil distributions not considered necessary as APs are mainly Sinhalese). On 27 July 2010 SLRM launched a publication titled 'Designing and Implementing Grievance Redress Mechanisms - A Guide for Implementers of Transport Projects in Sri Lanka.' The Guide, which is available in three languages-English, Sinhala and Tamil-evolved from field experiences accumulated	Complied (para. 32 of CRP Annual Monitoring Report 2006-2007)

	Remedial Action	CRP Rating and Action Required Based on Last Progress Report	Management Progress as of 30 September 2010	Compliance Status Determined by CRP
			<p>from the Project.</p> <p>As the final report submitted by the Communication Consultant on 30 June 2010, the dialogue between the Project managers and project affected persons and other stakeholders have improved. Currently, more discussions with affected persons and attention to their grievances are taking place in the project areas.</p>	
Para 268 (ix)	Help establish well-staffed monitoring of resettlement activities by an independent institution, forwarding concerns to RDA for urgent actions from APs.	<p>Complied</p> <p>CRP will no longer monitor the implementation of this Board-approved recommendation.</p>	<p>SLRM, RDA and External Independent Resettlement Monitor continue to work together to monitor resettlement, income restoration and regional development programs which come under the project. In order to enhance the knowledge on safeguards a training workshop for RDA staff on social safeguard compliance was conducted at SLRM with the assistance of SAOD on 30 October 2009.</p> <p>ADB, through CEPA, undertook a study on the GRC mechanism under STDP. A workshop was held at Colombo on 3 March 2009 which was attended by RDA staff and provincial council staff.</p>	Complied (para. 42 of CRP Annual Monitoring Report 2009-2010)

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			<p>The SLRM conducted the final workshop of the TA 7239 on 23 and 24 March 2010. RDA, ESD, Ministry of Lands, Valuation Department and External Monitor of STDP were among the 75 participants. The Workshop focused on ADB's Safeguard Policy Statement, its application to development interventions, recent changes introduced to the Land Acquisition Act of Sri Lanka and the scheme of compensation payment for acquisition of property for roads. Another key issue discussed at the workshop was institutional capacities of project implementing agencies and how to improve them. The findings of the socio-economic survey conducted under the TA provided the background data and information for the workshop discussions.</p> <p>Safeguards related TAs contributed substantially to improve the institutional capacity in resettlement monitoring and evaluation of ESD of RDA. Currently ESD not only reviews safeguard planning documents of various project, but also prepares them. For example, ESD recently prepared safeguard planning documents</p>	

	Remedial Action	CRP Rating and Action Required Based on Last Progress Report	Management Progress as of 30 September 2010	Compliance Status Determined by CRP
			for Conflict-affected Region Emergency Project.	
Para 268 (x)	Require immediate provision of utilities and infrastructure to resettlement sites.	Complied The Panel observed that not all basic services were in place and therefore suggests that Management continue monitoring the implementation of this recommendation.	The resettlement sites have been provided with more basic services such as water for drinking and bathing, electricity, surface water drainage, internal roads and access roads. SLRM will continue to monitor the progress of such services and their maintenance by the community.	Complied with as of 2006-2007 monitoring period but CRP continued to monitor until 2010—2011. (para. 34 of CRP Annual Monitoring Report 2006-2007)
Para 268 (xi)	Require a special emphasis in the RIP and the income restoration program for women, if necessary, by allocation of additional staff to track their recovery as AP.	Complied The Panel does not find that the recommendations from gender study have been incorporated into the revised IRP and therefore suggests that Management carefully review the revised IRP (see action on specific recommendation 4).	Recommendations of the Gender Analysis Report have been incorporated into the IRP which is being implemented by RDA.	Complied (para. 24 of CRP Annual Monitoring Report 2006-2007)
Para 268 (xii)	Assist in the preparation of a detailed project framework for benefit monitoring and evaluation (BME) activities to include outputs, indicators of achievements, and means of verification of social issues.	Complied Continued to update the PPMS and PIF.	ESD submitted the third update of PPMS on 05 June 2009 and the forth update of PPMS on 11 March 2010 ESD and Management Consultant of STDP and the Social Development Consultant of TA 7239 conducted following surveys to update PPMS and the following Reports were	Complied (para. 87 of CRP Annual Monitoring Report 2007-2008)

	Remedial Action	CRP Rating and Action Required Based on Last Progress Report	Management Progress as of 30 September 2010	Compliance Status Determined by CRP
			<p>submitted between December 2009 and February 2010.</p> <p>Survey 1: Survey of sample of households in the Resettlement Sites.</p> <p>Survey 2: Survey of Housing Societies in the Resettlement Sites.</p> <p>Survey 3: Updating of information at the four sample villages surveyed in 1999 (Godagama, Kabaragala, Paraduwa, and Yaddehimulla) in ADB section.</p> <p>Survey 4: Survey of sample of households in the GN Divisions located along the trace of the Express way;</p> <p>Survey 5: Survey of service delivery institutions/ business establishments in the vicinity of the proposed interchanges.</p> <p>Management Consultant of STDP submitted the final report of the Survey 4 and the Survey 5 on 01 September 2010.</p> <p>ESD submitted the fifth Update of PPMS (April to June 2010) on 07 September 2010</p>	

	Remedial Action	CRP Rating and Action Required Based on Last Progress Report	Management Progress as of 30 September 2010	Compliance Status Determined by CRP
Para 268 (xiii)	Assist in the preparation of an additional assessment of project beneficiaries along the FT to establish baseline information for BME activities.	Complied	Please see above	Complied (para. 90 of CRP Annual Monitoring Report 2007-2008)
Para 268 (xiv)	Update the Project Profile (PP), or its equivalent by the Project Information Document on the ADB website, where the latest posting is 15 March 2000, at least on a monthly basis with full information for all categories, until the Project is brought into compliance.	Complied	(a) SLRM has posted additional information and created a shortcut on SLRM Site on the Web. (b) SLRM has completed Project Website redesign with DER's assistance (c) ADB and RDA has established link between their STDP web pages. (d) SLRM has expanded website coverage to include full project information. English and Sinhala versions of RIP and the full entitlement matrix are posted on the STDP website	Complied (para. 39 of CRP Annual Monitoring Report 2005-2006)
Para 268 (xv)	Provide to the CRP with a copy to the Board, by 31 August 2005, a course of action with timelines on implementation of these measures for the CRP's monitoring and reporting to the Board.	Complied Annual update hereafter until CRP certifies that the progress is adequate and satisfactory.		Complied (para. 40 of CRP Annual Monitoring Report 2005-2006)

List of Persons Met

ADB Sri Lanka Resident Mission

Mr. Richard Vokes – Country Director
Ms. Candice McDeigan – Senior Portfolio Management Specialist
Mr. Aruna Nanayakkara – Senior Project Officer (Road & Transport)
Ms. Manjula Amerasinghe – Senior Project Officer (Environment)
Ms. Nelun Gunasekera – Senior Social Development Officer (Gender)
Mr. Jayaratne Perera – Safeguards Officer

Ministry of Ports & Highways

Ms. Sujatha Cooray – Secretary
Mr. B.V.D.N Chandrasiri – Project Director, STDP
Mr. R.W.R. Premasiri – Director General, RDA
Mr. S. Mehandan – Deputy Director General, RDA

Office of the Prime Minister

Mr. S. Amarasekera – Secretary to the Prime Minister
(former Secretary to the Minister of Highways)

Road Development Authority (STDP Staff)

Mr. B.V.D.N Chandrasiri – Project Director, STDP
Mr. I.C.R. Fernando – Deputy Director (Environment)
Mr. H.M. Wimalasinghe – Deputy Director (EIS)
Mr. R.M. Samarathne – Deputy Director (Land)
Mr. T.S. Silva – Deputy Director (PI)
Ms. Himasha Benaragama – MIS Assistant
Mr. N. Maddugoda – Social Development Specialist
Mr. G D Thilakasiri – Deputy Project Director (Engineering)
Ms. K.G. Kalyani – Resettlement Assistant
Mr. D. Sarath Algama – Regional Officer
Mr. T.D. Wilajewardena – Deputy Project Director (Engineering)

Road Development Authority (Environmental and Social Division Staff)

Mr. R.H. Karunaratne – Director
Ms. Saranga Gajasinghe - Environmental Officer
Mr. Lakmali Liyanage – Social Officer

EGIS-BCEOM International (RDA Management Consultant)

Mr. N.P. Curtin – Team Leader
Mr. N. Maddugoda – Social Development Specialist
Mr. Janaka Mannaperuma – Environmental Specialist

Roughton International Ltd. (Construction Supervision Consultant-ADB Section)

Mr. Inderjeet Singh Gill – Team Leader

Centre for Poverty Analysis (External Monitor for Resettlement)

Ms. Neranjana Gunetilleke – Team Leader
Ms. Nilakshi De Silva – Economist
Ms. Mansi Kumarasiri – Coordinator

Central Environmental Authority

Ms. Ramani Ellapola – Director General
Ms. Kanthi De Silva – Director (EIA)
Mr. Thushara Peiris – Assistant Director (EIA)

Japan International Cooperation Agency (cofinancier)

Mr. Tatsunori Higuchi – Representative
Ms. Namal Ralapanawe – Project Specialist

Centre for Environmental Studies/ Friends of the Earth (NGO)

Mr. Hemantha Withanage – Executive Director

External Resources Department

Mr. Priyantha Ratnayake – Director

Project affectees met at the following places**JBIC Section (also requesters of compliance review)**

Mr. Sunil Ranjith Dayaratne
Ms. W.H. Lalani Chandrika
Mr. Ruwan Hidellarachchi
Mr. H.D.C.C. Gunatilleke
Mr. Henry Gunatilleke

Kekirihena Resettlement Site

Mrs. Sandya Seneviratne
Ms. Maduchani Seneviratne

Kokarakanda Resettlement Site

Mr. K. Ranjith
Mrs. D.M. Ramani
Mrs. K. Somalatha
Mrs. P.H. Chandrawathie

Pathirajawatte Resettlement Site

Mr. M.H. Gunasekera