

**COMPLAINT CLOSING REPORT
OF CONCERNED ADB OPERATIONS DEPARTMENT**

5 October 2023

PROJECT NAME	SRI: Mahaweli Water Security Investment Program
ADB DEPARTMENT/DIVISION	SAER/SLRM, SARD
AM FUNCTION	PROBLEM-SOLVING
ELIGIBILITY RESULT	INELIGIBLE
NON-ELIGIBILITY DETERMINATION	17 June 2023
I. Complaint and issues	<ul style="list-style-type: none"> • Not satisfied with the valuation and compensation determined for their lands to be acquired under the project. • Lack of transparency during the process of valuation. • SLRM not responding to the letter submitted (to SLRM) on 08 June 2021. • The case submitted to the local government remains unresolved.
II. Actions taken to address the problems or issues	<p>Project staff of SAER/SLRM commenced communicating with the complainants soon after OSPF gave their determination on the eligibility. SAER/SLRM staff held two virtual meetings, first with the complainants (on 23 June 2022) and then with the participation of divisional secretary (Galewela) and Project Implementation Unit (PIU) staff of NWPCP (02 August 2022). SLRM and SAER staff also communicated on multiple occasions with the complainants to update them on actions being taken. SLRM project staff also conducted a special Mission to sites on 20 September 2022 and met all the complainants in person.</p> <p>All the three complainants had taken their cases to the “compensation review board” as per the provisions of the Land Acquisition Act. However, the review board was not functioning due to a delay in being reconstituted after the general elections. Therefore, the project staff at SLRM continued communicating with the project team and the key line ministries (Ministry for Mahaweli/Irrigation and Ministry of Land) requesting that the “compensation review board” be reinstated and that the cases be heard as soon as possible. In the meantime, the project staff at SLRM made sure that no construction activities were carried out on these lands, until the matter was resolved. The need to expedite the hearings at the review board and avoid construction within these sites was reiterated during the subsequent periodic review meetings between ADB and the Project Management Unit (monthly) and ADB review missions (November 2022).</p> <p>As the hearings of the compensation review board were being continuously postponed, the project implementing agency (IA) considered the option of providing additional assistance (allowance) directly to the complainants.</p> <p>This resolution was communicated by the IA to all three parties, and an agreement was reached.</p>
III. Decisions or agreements by parties concerned	<p>As noted above an agreement was reached between the IA and all complainants, that the IA would provide additional allowance to the complainants, and that the complainants would withdraw their complaints from the compensation review board. This step required the complainants to receive the stipulated compensation amount (the amount offered through the valuation Dept. and other allowances as indicated in the entitlement matrix).</p> <p>The three complainants withdrew their complaint to the review board during May and June 2023. Thereafter, the IA through divisional secretary made compensation payments (in full) for all the three complainants. Compensation had been made during the months of June, July, and August 2023.</p>

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IV. Results and lessons learned	<p>Agreements on valuation and trust worthiness on the valuation process largely depends on the level of communication that the project team and valuation officers make with the project affected persons. The misinformation provided by survey teams, especially during the project processing stage causes a lot of confusion among the affected persons especially on the entitlements, eligibility for compensation and on the possible amounts received as compensation.</p> <p>Further the lack of knowledge on SPS (processes and requirements) by some government officials also leads to this kind of issue.</p> <p>To avoid such issues in future, ADB SLRM continues providing awareness to the project team on entitlements, eligibility criteria and communication with affected persons. The ADB appointed social safeguard specialist continues to work closely with the project team, relevant divisional secretaries, valuation department and ministry of Land making sure that accurate information is shared with all stakeholders related to land acquisition and resettlement matters. Further, progress meetings on land acquisition and resettlement matters are held on a regular basis.</p>
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