

DEVELOPMENT PROJECTS: BETTER REGULATIONS FOR BETTER OUTCOMES

A look into Involuntary Resettlement

Presented by:



Uween Jayasinha



Better Regulations for Better Outcomes:

A look into the Involuntary Resettlement Framework



Structure

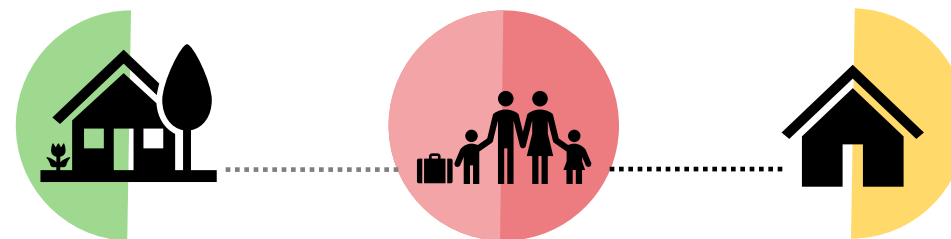
- 1 What is involuntary resettlement?
- 2 Why are involuntarily resettlement frameworks important to society?
- 3 Why is participation important in involuntary resettlement?
- 4 What are the best practices in involuntary resettlement?
- 5 What is Sri Lanka's legal and policy framework?



What is Involuntary Resettlement?

Unavoidable displacement of people

without their consent, or
if consent is only given because refusing resettlement is not reasonable.



- National Involuntary Resettlement Policy (NIRP)

Why should involuntarily resettled persons be protected?



Why is participation important in involuntary resettlement?

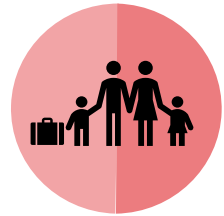
Participation is important because the **success of resettlement depends in part on the responsiveness** of the people affected



- World Bank Involuntary Resettlement Sourcebook



What are the best practices in involuntary resettlement?



Mandates **full participation of affected communities** in planning and implementation of relocation and resettlement

Contemplates the **participation of civil society** to bridge gaps between decision-makers and affected communities



- Asian Development Bank & World Bank Sourcebooks on Involuntary Resettlement

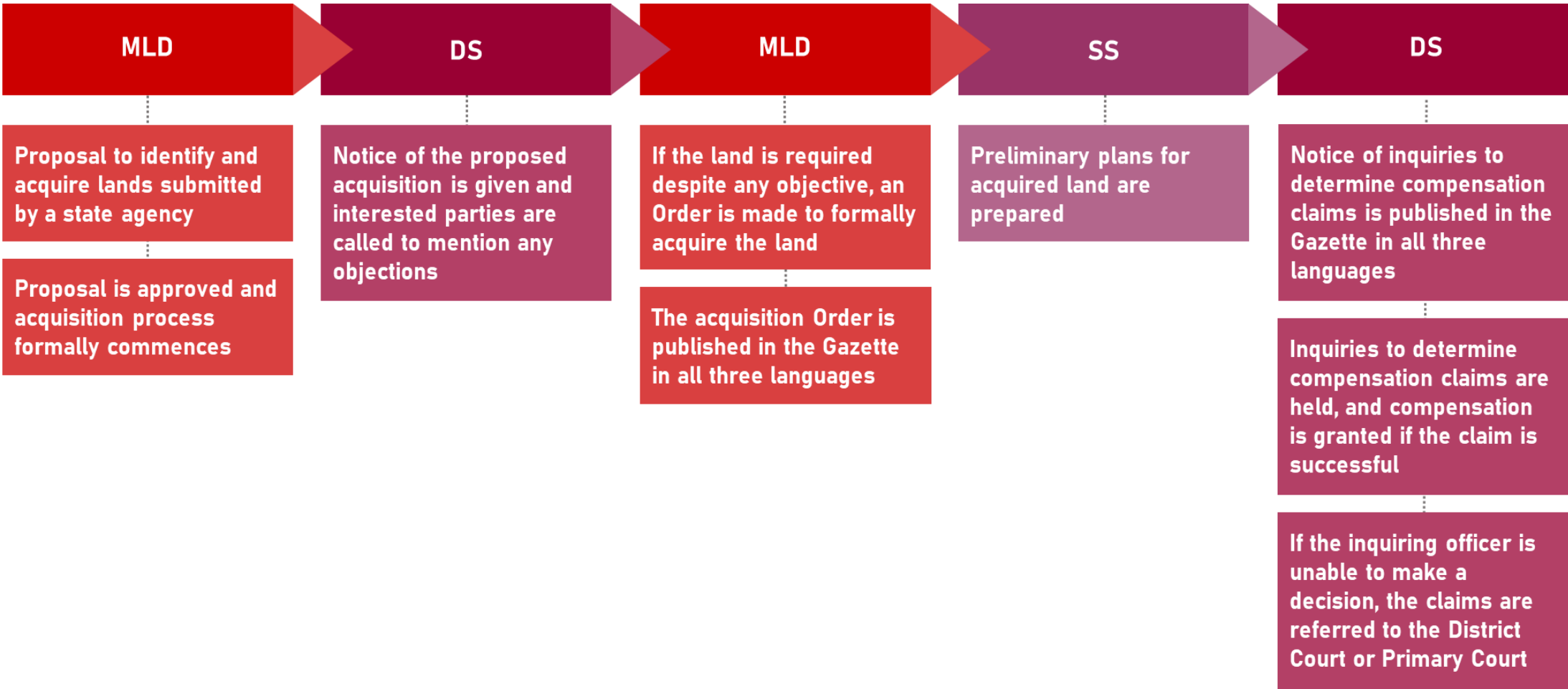


What is Sri Lanka's legal and policy framework?

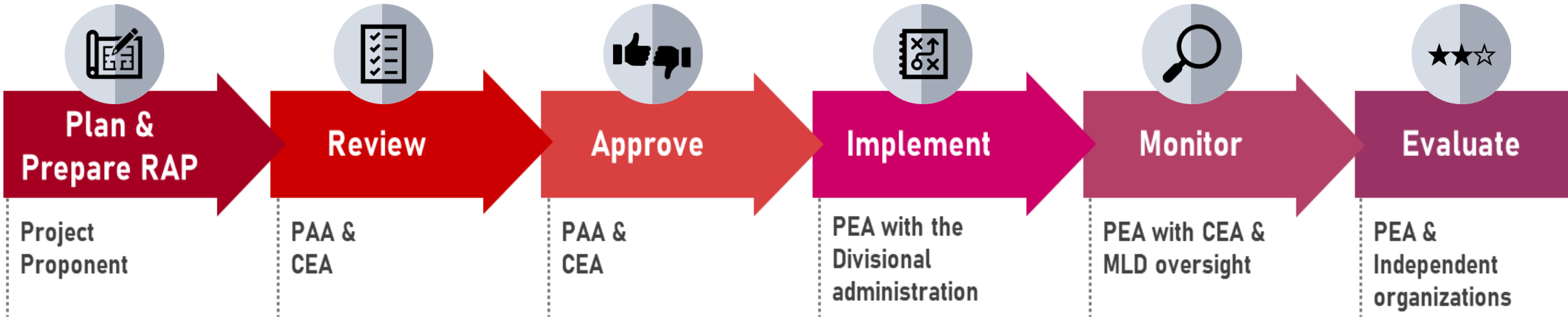
Land Acquisition Act, No. 09 of 1950	State Lands (Recovery of Possession) Act, No. 07 of 1979	National Environmental Act, No. 47 of 1980	National Involuntary Resettlement Policy (2001)
<ul style="list-style-type: none"> ▪ Formal land acquisition process and the rights of private citizens ▪ The basis for 2008 and 2013 Land Regulations 	<p>Process to evict people who are unlawfully settled in State lands</p>	<p>IEE/EIA should be prepared where the resettlement of over 100 families is likely</p>	<ul style="list-style-type: none"> ▪ Comprehensive national policy ▪ Resettlement Action Plan, full participation, replacement lands/compensation, income restoration, entitlements to non-titleholders



Land Acquisition Process



Resettlement and Implementation under NIRP



Involuntary Resettlement Regulatory & Policy Framework

Gaps & Weaknesses



Gaps and Weaknesses

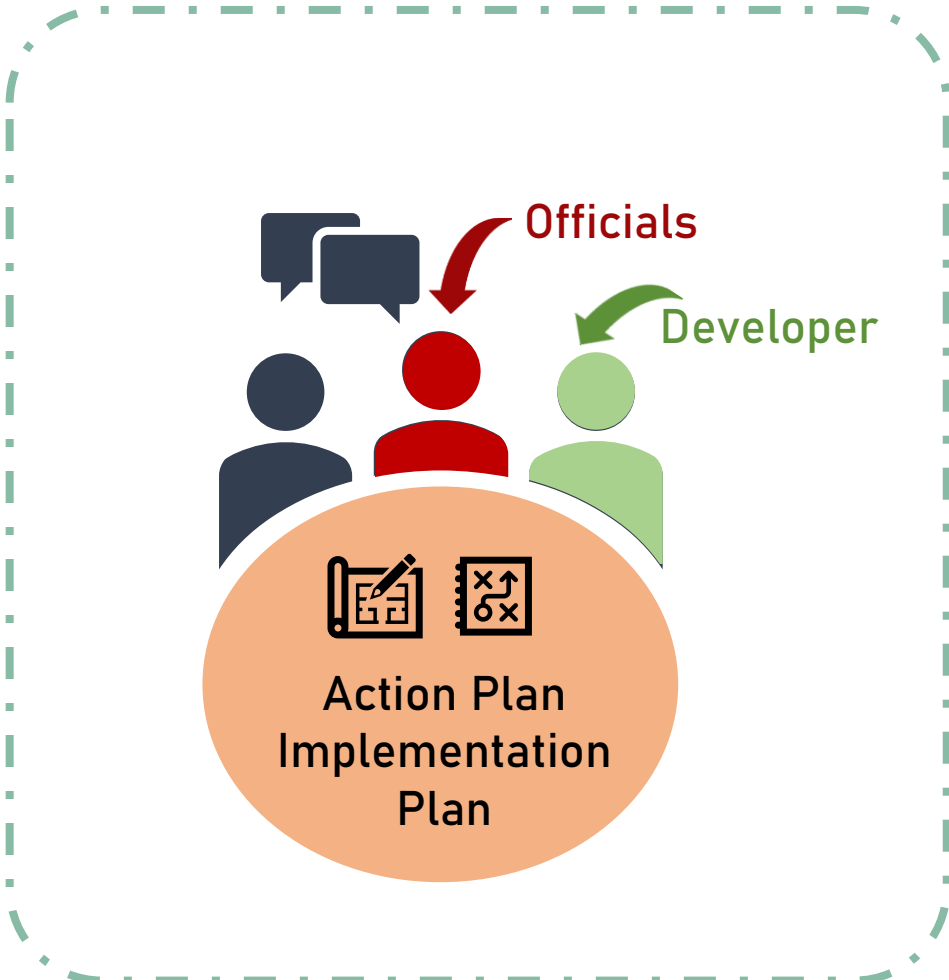
Gaps in law and non-enforceability of NIPR



Limited opportunities for participation

Limited access to information

1. Ad-hoc consultation with communities and stakeholders



2. No space for public participation

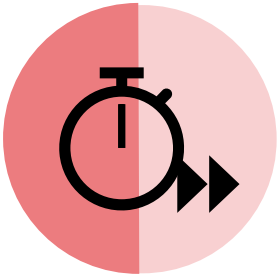
URGENCY PROVISION



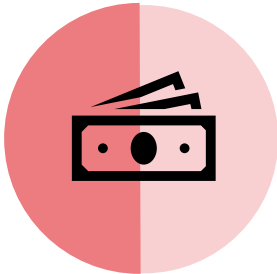
No objections



No analysis

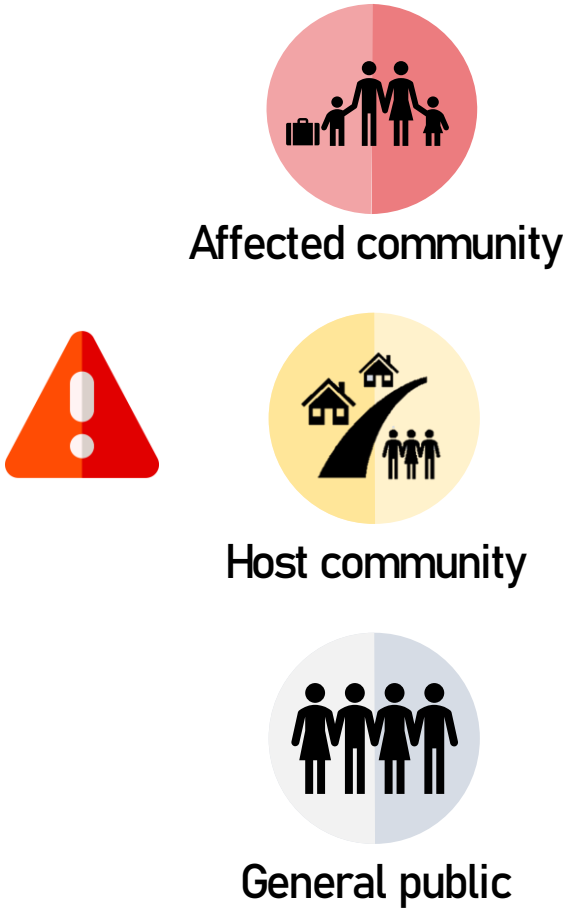


Faster timeline

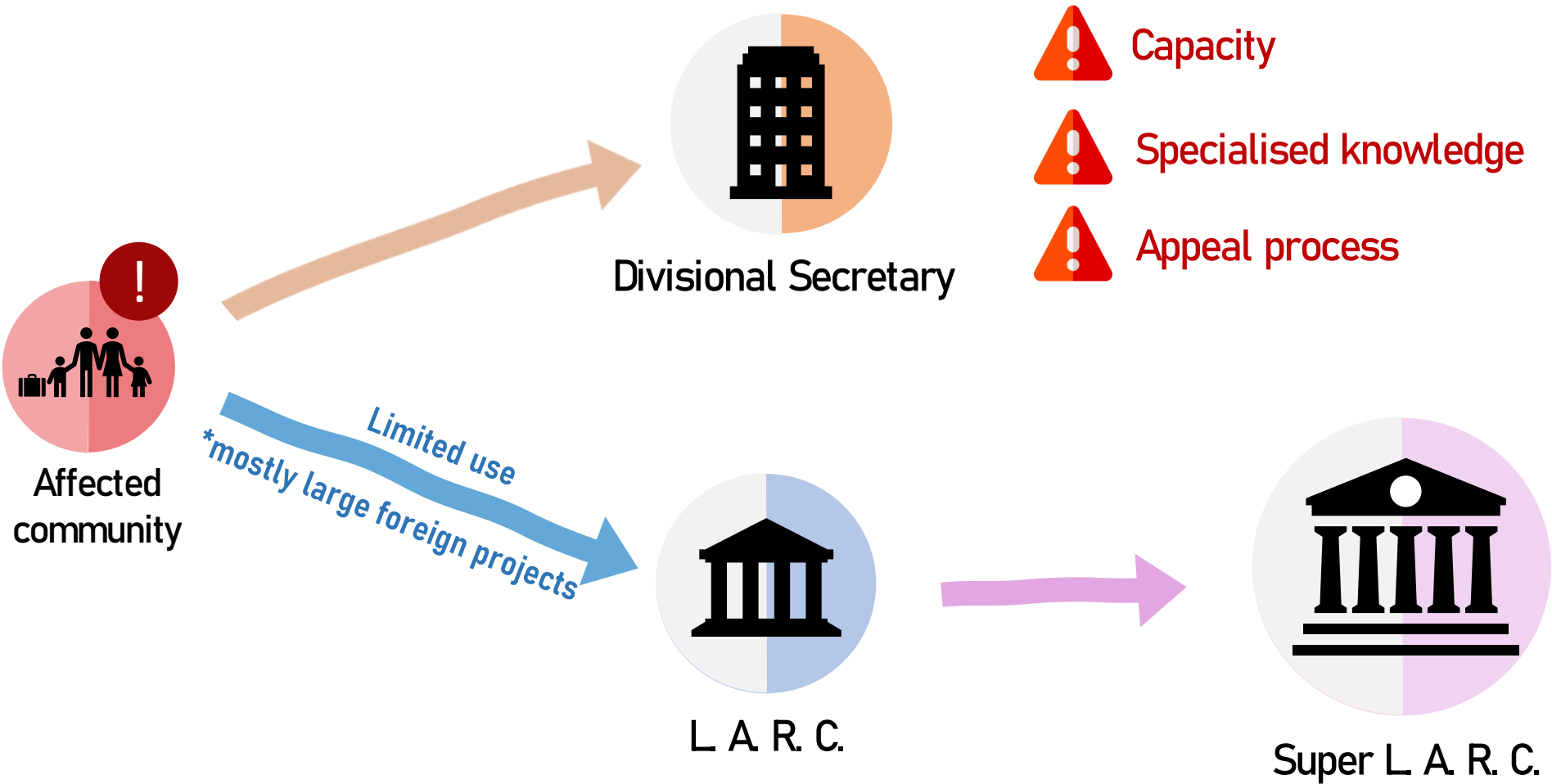


Only compensation

3. No obligations to make or disclose Resettlement Action Plans



4. No proper grievance redressing mechanism



How does better participation add to value-for-money?

When displaced persons are willing participants in resettlement

Increases the likelihood of:

- Legitimacy in the eyes of the public
- Better public cooperation
- Faster return to normalcy and productivity
- Faster resumption of responsibility for their lives.



Reduces the likelihood of

- Costly delays due to public opposition to resettlement
- Legal challenges that aggravate tensions between the stakeholders
- Later adjustments to development plans that can be costly

- World Bank Involuntary Resettlement Sourcebook



OPPORTUNITIES TO PROTECT PUBLIC INTEREST IN PUBLIC INFRASTRUCTURE

Review of Regulatory Frameworks in Sri Lanka

The complete report can be accessed through:

www.veriteresearch.org/publication

