

**Comparative Analysis of Sri Lanka's Legal Framework and ADB Safeguard Policy Statement:
Indigenous Peoples**

(A) ADB Safeguard Policy Statement	(B) Corresponding Legal Provisions	(C) Extent of Equivalence¹	(D) Recommended Gap-filling Measures
Scope and Triggers: (Definition of Indigenous Peoples) The term Indigenous Peoples is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region.A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under this policy.			
Key Element (1) Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others	Constitution as amended to 2015 (Constitution 2015) 14. (1) Every citizen is entitled to –... (f) the freedom by himself or in association with others to enjoy and promote his own culture...	Full equivalence The Constitution recognizes that citizens may self-identify with distinct cultural groups. Sri Lanka's Constitution and legal regime do not use the term 'indigenous peoples'.	
Key Element (2) Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories	No corresponding legal provision	No equivalence	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to stipulate that the EIA process must include a social impact assessment that identifies distinct cultural groups in a proposed project area that have a collective attachment to geographically distinct habitats or ancestral territories in the project

¹ "Full Equivalence" denotes that DMC legal requirement(s) are in complete harmony with the corresponding ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element thereof. "Partial Equivalence" denotes that the DMC legal requirement is in partial harmony with the corresponding ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element; and "No Equivalence" denotes that no DMC legal requirement can be found that corresponds to the particular ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element.

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			area and to the natural resources in these habitats and territories.
Key Element (3) Customary cultural...institutions that are separate from those of the dominant society and culture	See Scope and Triggers, Key element 1	Full equivalence	
Key Element (4) Customary... economic.... institutions that are separate from those of the dominant society and culture	No corresponding legal provision	No equivalence	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to stipulate that the EIA process must include a social impact assessment that identifies distinct cultural groups in a proposed project area that have customary economic institutions that are separate from those of the dominant society and culture.
Key Element (5) Customary... social, institutions that are separate from those of the dominant society and culture	Constitution 2015 16. (1) All existing...unwritten law shall be valid and operative notwithstanding any inconsistency with the preceding provisions of this Chapter.	Partial equivalence The Constitution recognizes customary law, but does not recognize any other customary social institution.	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to stipulate that the EIA process must include a social impact assessment that identifies distinct cultural groups in a proposed project area that have customary social institutions that are separate from those of the dominant society and culture.
Key Element (6) Customary...political institutions that are	No corresponding legal provision	No equivalence	Amend the EIA Regulations 1993, the General EIA Guide 2006, the

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separate from those of the dominant society and culture			EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to stipulate that the EIA process must include a social impact assessment that identifies distinct cultural groups in a proposed project area that have customary political institutions that are separate from those of the dominant society and culture.
Key Element (7) A distinct language, often different from the official language of the country or region	Constitution 2015 14. (1) Every citizen is entitled to –... (f) the freedom by himself or in association with others to...use his own language;... 18. (1) The Official Language of Sri Lanka shall be Sinhala. (2) Tamil shall also be an official language. (3) English shall be the link language.... 19. The National Languages of Sri Lanka shall be Sinhala and Tamil. 22. (1) Sinhala and Tamil shall be the languages of administration throughout Sri Lanka and Sinhala shall be the language of administration and be used for the maintenance of public records and the transaction of all business by public institutions of all the Provinces of Sri Lanka other than the Northern and Eastern Provinces where Tamil shall be so used: Provided that the President may, having regard to the proportion which the Sinhala or Tamil linguistic minority population in any	Full equivalence The Constitution recognizes that there are languages other than the official languages and empowers their use.	

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	unit comprising a division of an Assistant Government Agent, bears to the total population of that area, direct that...a language other than the language used as the language of administration in the province in which such area may be situated, be used as the language of administration for such area.		
Key Element (8) A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under this policy.	No corresponding legal provision	No equivalence	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to stipulate that the EIA process must include a social impact assessment that identifies distinct cultural groups that have lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance.
Policy Principle 1: Screen early on to determine (i) whether Indigenous Peoples are present in, or have collective attachment to, the project area; and (ii) whether project impacts on Indigenous Peoples are likely.			
Key element (1): Early screening to determine whether Indigenous Peoples are present in, or have collective attachment to, the project area.	National Environmental (Procedure for approval of projects) Regulations 1993 (EIA Regulations 1993) 5. A project proponent of any proposed prescribed project shall as early as possible submit to the Project Approving Agency preliminary information on the project requested by the appropriate Project Approving Agency. 19. In these regulations- "Preliminary information" shall include a description of the nature, scope and location of the proposed project	Partial equivalence The EIA Regulations 1993 require project proponents to submit "preliminary information", but do not mention potential social impacts, indigenous peoples, or ethnic groups. The General EIA Guide 2006 describes "preliminary information" as what is essentially screening and indicates that the IEE/EIA process should begin as early in the project planning process as possible. The General EIA Guide 2006	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to stipulate that preliminary information must identify potential social impacts as well as environmental impacts, including impacts on distinct cultural groups in the project area or which have an attachment

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	<p>accompanied by location maps and any other details as may be requested for by the Project Approving Agency;...</p> <p>Guidance for Implementing the Environmental Impact Assessment (EIA) Process No. 1 A General Guide for Project Approving Agencies (PAA) 2006 (General EIA Guide 2006)²</p> <p>2. Procedures for Compliance with Regulations</p> <p>2.1 Preliminary Information (PI) requests</p> <p>It is the responsibility of PAAs to obtain information from project proponents at the earliest practical stage regarding the nature, location and impacts of a proposed project that requires an IEE or an EIA. CEA has already compiled checklists and questionnaire in order to collect Preliminary Information. PAA may use them for obtaining Preliminary Information from project proponents. Information requested should:</p> <ul style="list-style-type: none"> • help the PAA determine whether an IEE or EIA is required; • help the PAA identify questions and issues for attention in the scoping process, including whether an IEE or EIA is required and what such documents should require; • to the extent possible, satisfy requirements for an IEE if no EIA is required. <p>PAAs may obtain help from the CEA and other PAAs on preliminary information forms and questionnaires.</p>	<p>includes “social” among potential impacts and states that the context for determining significant impacts should include impacts on a specific community, but does not explicitly mention social impacts, indigenous peoples, or ethnic groups.</p> <p>The EIA Scoping Guide 2006 appears to be the only component of the safeguards regime that uses the word “screening”, but does that only in diagrams and not in the text and does not mention potential social impacts, indigenous peoples, or ethnic groups.</p> <p>The Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997, which do not appear to be legally binding, explicitly refer to screening:</p> <p>1.1 ...Any new projects in the agricultural sector therefore need to be carefully screened to assess their environmental impacts...</p> <p>3.3 Steps in the project approval process</p> <p>The essential steps in obtaining environmental clearance for a prescribed project are:...</p> <ul style="list-style-type: none"> • The PAA will provide guidance on the format for submission of Preliminary Information (PI). This facilitates...environmental screening... 	<p>to the project area.</p>

² This Guide may be construed to be legally binding because its published version specified that it is “[a] Standard Agreed EIA Procedure Based on the Gazettes (Extraordinary) No: 772/22 dated 24th June 1993; No: 869/14 dated 23 February, 1995, No: 978/13 dated 4th June 1997, No: 1104/22 dated 5th November 1999, No: 1108/1 dated 29th November 1999, No: 1159/22 dated 22th November 2000 and No: 1373/6 dated 29th December 2004 of the Democratic Socialist Republic of Sri Lanka.”

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	<p>2.1.1 Notice of adequacy of Preliminary Information Once the PAA is satisfied that adequate preliminary information has been received, the PAA should acknowledge its receipt in within six (6) days. When documents are found inadequate the PAA should so inform the PP as early as possible.</p> <p>2.3 Criteria for IEE or EIA - Determination of Significant Impacts Significant environmental impacts: "Significant impacts" should be determined based on considerations of both context and intensity: Context: This means that the significance of an action should be analyzed in several contexts such as the impacts on...a specific community...</p> <p>2.5 Timing of EIA process A project proponent should commence the IEE/EIA process as close as possible to the time that it develops the proposal. By ensuring that project proponents do this the PAA can ensure that IEE/EIA preparation can be completed in time to meet decision making schedules and deadlines. The IEE/EIA should be prepared early enough so that it can practically contribute to the decision making process and will not be used to rationalize or justify decisions already made.</p> <p>For projects directly undertaken by public entities, the IEE/EIA should be prepared at the feasibility or prefeasibility (go-no go) stage. The EIA may be supplemented at a later stage if necessary. For applications by private proponents to the PAA, appropriate</p>		

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	<p>environmental assessments should be commenced immediately after the application and preliminary information are received and as early in the planning stage as possible.</p> <p>6. Abbreviations and Terminology Terminology Effects Effects include:...</p> <p>b.... Effects and impacts as used in this document are synonymous...Effects include...social...</p> <p>Guidance for Implementing the Environmental Impact Assessment (EIA) Process No. 2 A General Guide for Conducting Environmental Scoping 2006 (EIA Scoping Guide 2006)³</p> <p>2. Procedure for Conducting an IEE/EIA The major steps in the EIA process are as follows: Step I - Preliminary Information A project proponent is required to give the PAA preliminary information on the proposed prescribed project as early as possible. It should include a description of the nature, scope and location of the proposed project accompanied by location maps and any other details as may be required by the PAA. The preliminary information submitted should be comprehensive and may even suffice to be considered as an IEE.</p>		

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	Two diagrams in this Guide indicate that “screening” is the first step in the IEE/EIA process, but the text of the Guide does not mention screening.		
Key element (2): Early screening to determine whether project impacts on Indigenous Peoples are likely.	See Policy Principle 1, Key element 1.	Partial equivalence See Policy Principle 1, Key element 1.	See Policy Principle 1, Key element 1.
Policy Principle 2: Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples. Give full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and intergenerationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples.			
Key element (1): Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples.	EIA Scoping Guide 2006 4.2 Conducting Formal Scoping Meetings 4.2.2 Identifying the Affected or Concerned Institutions and Individuals The PAA will need to determine all public and private agencies, groups, or individuals who may be directly or indirectly affected by the proposed project activities.... Affected parties can include any of the following:... Location of...interest groups, or individuals adjacent to, or in the immediate vicinity of the proposed project work area, or otherwise influenced by the...social or economic changes inherent in the proposed project actions. 4.2.4 Providing necessary Background Materials to Invitees ...A summary...should include in simple paragraphs a description of:... • The anticipated affected...social and economic environments,... 4.2.6.3 Defining the Affected Environment The first task will be to correctly define the physical, biological, and social areas that will be directly or indirectly affected by the proposed project activities.... Probable social impacts are much more challenging to confine to a specific	Partial equivalence The EIA Scoping Guide 2006 does not specifically mention social impact assessment, but does indicate that the scoping process must take social impacts into account. The EIA Regulations 1993 do not mention social impacts and do not require social impact assessment. The National Environmental Act 1980 (NEA 1980) definition of ‘environment’ does not include social aspects. The definitions of ‘environmental impact assessment’ and ‘initial environmental evaluation’ in the NEA 1988 do not mention social aspects of IEE or EIA. The Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997, which do not appear to be legally binding, list types of social impacts in the context of different categories of potential projects in the agriculture sector: 2. Multi-purpose river basin development projects; 3. Major irrigation	Amend the NEA to explicitly include social aspects in the definitions of ‘environment’, ‘environmental impact assessment’ and ‘initial environmental evaluation’. Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to stipulate that the EIA process must include a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on distinct cultural groups.

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	<p>ecosystem or drainage basin. In estimating probable social impacts it is essential to estimate direct and indirect effects, and to delineate the affected environment accordingly....</p> <p>4.2.6.5 Identification of Possible Alternatives to the Proposed Project Participants should be asked to describe project actions, which could be carried out that would provide the same economic or social results, while minimizing or avoiding altogether the potential adverse environmental problems...</p> <p>4.3 Conducting Informal Scoping Meetings ...the EIA team should ensure that individuals or groups are randomly selected, with as wide as possible a cross-section of social, economic... interests.</p> <p>National Environmental (Amendment) Act 1988 (NEA 1988)</p> <p>12. Section 33 of the principal enactment is hereby amended as follows:-...</p> <p>(b) by the insertion, immediately after the definition of "environment" of the following new definitions :-</p> <p>"environmental impact assessment report" means a written analysis of the predicted environmental project and containing an environmental cost-benefit analysis, if such an analysis has been prepared, and including a description of the project, and includes a description of the avoidable and unavoidable adverse environmental effect of the proposed prescribed project ; a description of alternative to the activity which might be less harmful to the environment together with the reasons why such alternatives were rejected, and a description of any irreversible or</p>	<p>reservoir projects; 4. Projects involving land clearing (monoculture) of single commercial crops; 5. Agro-industrial projects; 6. Change in land use from agricultural to non-agricultural purposes; 7. Intensively managed floriculture foliage/horticulture projects; 8. Projects with cumulative impacts; 10. Drainage and land reclamation projects; 11. Animal husbandry projects. The 1997 Guidelines do not explicitly call for social impact assessment.</p> <p>The Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, which do not appear to be legally binding, explicitly list social impacts and call for assessing them:</p> <p>4. Preparation and Processing of Environmental Documents</p> <p>4.4 Environmental Impact Assessment (EIA) Report</p> <p>3. Social Impacts</p> <p>...The EIA Report should examine whether any particular social group is more severely affected than the others; if it is found to be so) the EIA Report should propose measures to avoid or minimize the adverse impacts on this group. Data for this analysis should be obtained from secondary sources of information such as the National Census and through personal contacts with community leaders supplemented by field visits. If the project is likely to have significant impacts on the community, attitudinal and site (physical) surveys may be needed to assess the extent and severity of the impacts on the community.</p>	

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	<p>irretrievable commitments of resources required by the proposed prescribed project ;</p> <p>"initial environmental examination report" means a written report wherein possible impacts of the prescribed project on the environment shall be assessed with a view to determining whether such impacts are significant, and as such requires the preparation of an environmental impact assessment report and such report shall contain such further details, descriptions, data, maps, designs and other information and details as may be prescribed by the Minister;...</p> <p>National Environmental Act 1980 (NEA 1980)</p> <p>33. In this Act unless the context otherwise requires-...</p> <p>" environment" means the physical factors of the surroundings of human beings including the land, soil, water, atmosphere, climate, sound, odours, tastes and the biological factors of animals and plants of every description;</p>		
<p>Key element (2): Assessment process gives full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures.</p>	<p>No corresponding legal provision</p>	<p>No equivalence</p>	<p>Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to stipulate that the EIA process must give full consideration to options for mitigating project impacts and providing project benefits that project-affected people, including all affected distinct cultural groups,</p>

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<p>Key element (3): Assessment process identifies social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and intergenerationally inclusive.</p>	<p>No corresponding legal provision</p>	<p>No equivalence</p>	<p>prefer.</p> <p>Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to stipulate that the EIA process must identify social and economic benefits for affected distinct cultural groups that are culturally appropriate and gender and inter-generationally inclusive.</p>
<p>Key element (4): Project preparation process develops measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples.</p>	<p>See Policy Principle 2, Key element 1.</p> <p>General EIA Guide 2006 1.2 Goals of Project Approving Agencies (PAA) Project Approving Agencies should to the fullest extent possible:...</p> <ul style="list-style-type: none"> • Use the EIA process to identify and assess reasonable alternatives to proposed actions that may avoid or minimize adverse effects on the quality of the environment... <p>6. Abbreviations and Terminology Terminology Mitigation "Mitigation" includes: Avoiding the impact altogether by not taking a certain action or parts of an action. Minimizing impacts by limiting the degree of magnitude of the action and its implementation...</p>	<p>Partial equivalence</p> <p>See Policy Principle 2, Key element 1.</p> <p>The General EIA Guide 2006 defines 'mitigation' to include avoiding and minimizing impacts and directs project approving agencies to use the EIA process to avoid or minimize adverse effects on the environment.</p> <p>Only in the case of the transport sector is there explicit direction to avoid and minimize impacts on social groups, and those guidelines do not appear to be legally binding.</p>	<p>Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to stipulate that the EIA process must explicitly require project preparation processes to develop measures to avoid, minimize, and/or mitigate adverse impacts on affected distinct cultural groups.</p>
<p>Policy Principle 3: Undertake meaningful consultations with affected Indigenous Peoples communities and concerned Indigenous Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance Indigenous Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive</p>			

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<p>grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.</p> <p>Key element (1): Affected Indigenous Peoples communities and organizations are consulted in a meaningful manner.</p>	<p>NEA 1988 23BB. (3) Any member of the public may within thirty days of the date on which a notice under subsection (2) is published make his or its comments, if any, thereon to the project approving agency which published such notice, and such project approving agency may, where it considers appropriate in the public interest afford an opportunity to any such person of being heard in support of his comments, and shall have regard to such comments and any other materials if any, elicited at any such hearing, in determining whether to grant its approval for the implementation of such prescribed project.</p> <p>National Environmental (Amendment) Act, No. 53 of 2000 (NEA 2000) 4. Section 23BB of the principal enactment as amended by Act, No. 56 of 1988 is hereby amended as follows- ... (2) A project approving agency shall on receipt of an environmental impact assessment report submitted to such project approving agency in compliance with the requirements imposed under subsection (1), by Notice published in one newspaper each in the Sinhala, Tamil and English language, notify the place and times at which such report shall be available for inspection by the public to make its comments, if any, thereon.</p> <p>EIA Regulations 1993 11. (i) Upon receipt of the [EIA] Report...the Project Approving Agency shall...by prompt notice published in the Gazette and in one national newspaper published daily in the</p>	<p>Partial equivalence</p> <p>The NEA 1988 enables public hearings, but only at the discretion of a project approving agency. The General EIA Guide 2006 elaborates on this.</p> <p>The NEA 1988, NEA 2000 and the EIA Regulations 1993 require making a draft EIA report available for interested persons to review, but there is no provision for mandatory meaningful public consultation with affected persons or groups.</p> <p>The EIA Scoping Guide 2006 calls for actual consultation with affected people at the scoping stage.</p> <p>The Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997, which do not appear to be legally binding, call for public consultation generally: 3.8 Guidelines for Conducting an Environmental Impact Assessment ...The likely requirements include... • the requirement of continuing public consultation during the Impact Assessment process...</p> <p>The Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, which do not appear to be legally binding, refer to public hearings as if they would be expected to be part of any EIA process: 4. Preparation and Processing of Environmental Documents</p>	<p>Amend the NEA to make public hearings mandatory, rather than discretionary.</p> <p>Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to stipulate that all affected distinct cultural groups and their organizations, if any, must be consulted during mandatory public hearings.</p>

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	<p>Sinhala, Tamil and English languages invite the public to make written comments, if any, thereon to the Project Approving Agency within thirty days from the date of the first appearance of the notice, either in the Gazette or in the newspaper.</p> <p>(ii) The notification shall specify the times and places at which the Report shall be made available for public inspection.</p> <p>(iii) The project Approving Agency shall make available copies of the Report to any person interested to enable him to make copies thereof.</p> <p>General EIA Guide 2006</p> <p>4. The Commenting Process</p> <p>4.1 Public Notice</p> <p>On receipt of the IEE/EIA the PAA should make preliminary assessment of its adequacy as expected in the ToR. If found adequate on prima facie review, only EIA document should open for public scrutiny for a period of 30 working days and must be so announced in the gazette and one newspaper in English, Sinhala and Tamil. The 30 day commenting period will begin on the day in which a notice under subsection (2) is published. 30 days will be calculated excluding public holidays and Sundays....</p> <p>4.3 Public comment facilitation and evaluation</p> <p>PAAs should establish procedures for making EIAs readily available to the public for reading in Colombo and in the district or division in which the project is proposed. PAAs should establish an efficient process to allow copies of EIAs to be made for the public upon request and upon payment of the full reproduction costs by the requesting</p>	<p>4.4 Environmental Impact Assessment (EIA) Report</p> <p>... It should be noted that the format and contents of the Draft EIA Report and the Final EIA Report should essentially be similar, except that the Final Report may contain amendments to the Draft Report following the public hearings...</p>	

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	<p>party or parties. PAAs should forward all comments received to the PP for review and response. Upon receipt of the PPs written response to comments...the PAA should evaluate the responses before making a decision.</p> <p>4.4 Public hearings The NEA states that a public hearing may be held at the discretion of the PAA when it thinks that it would be in the public interest to do so....If it is decided to hold a public hearing, it should be held immediately after the expiration of the 30 day period for public comments and before the PP is asked formally to comment on public and agency comments.</p> <p>EIA Scoping Guide 2006 See Policy Principle 2, Key element 1.</p>		
<p>Key element (2): The scope of consultations includes design, implementation and monitoring of measures to avoid or otherwise minimize, mitigate or compensate for adverse impacts.</p>	<p>See Policy Principle 3, Key element 1.</p>	<p>Partial equivalence</p> <p>Under the NEA 1988, NEA 2000 and the EIA Regulations 1993, and the General EIA Guide 2006, opportunity for public comment is limited to the draft EIA report.</p> <p>Under the EIA Scoping Guide 2006, opportunity for consultation with affected people is limited to the scoping stage.</p> <p>The Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997, which do not appear to be legally binding, also appear to limit their general call for public consultation to the design stage: 3.8 Guidelines for Conducting an Environmental Impact Assessment</p>	<p>Amend the NEA to explicitly stipulate that there must be opportunities for public comment at all stages of the EIA process including design, implementation and monitoring.</p> <p>Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to stipulate explicitly that the EIA process must include opportunities for public comment at all stages of the EIA process including design, implementation and monitoring.</p>

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		...The likely requirements include... • the requirement of continuing public consultation during the Impact Assessment process...	
Key element (3): The Scope of consultations includes tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner.	No corresponding legal provision	No equivalence	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to stipulate explicitly that the scope of opportunities for public comment must include tailoring project benefits for affected distinct cultural groups in a culturally appropriate manner.
Key element (4): Enhance Indigenous Peoples' active participation in projects affecting them will provide for culturally appropriate and gender inclusive capacity development.	No corresponding legal provision	No equivalence	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to stipulate explicitly that the EIA process must enhance the active participation of affected people, including distinct cultural groups, and provide for culturally appropriate and gender inclusive capacity development.
Key element (5): Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.	No corresponding legal provision	No equivalence The legal regime does not require project proponents to provide project-specific grievance mechanisms. Article 17 of the Constitution generally	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector

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		<p>guarantees that any citizen whose fundamental rights are infringed by executive or administrative action is entitled to apply to the Supreme Court.</p> <p>The EIA Scoping Guideline 2006 explains that a grievance about a decision to approve a project would have to be taken to court, but does not mention a project-specific grievance mechanism:</p> <p>2. Procedure for Conducting and IEE/EIA</p> <p>Step IV - Decision-making</p> <p>... A member of the public aggrieved by a decision to grant approval for a project would have to seek recourse in courts.</p>	<p>Projects in Sri Lanka 1997 to stipulate explicitly that project designs must ensure that there are culturally appropriate and gender inclusive mechanisms to resolve project-related grievances of all project-affected people, including distinct cultural groups.</p>
<p>Policy Principle 4: Ascertain the consent of affected Indigenous Peoples communities to the following project activities: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples. For the purposes of policy application, the consent of affected Indigenous Peoples communities refers to a collective expression by the affected Indigenous Peoples communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities.</p>			
<p>Key element (1): Consent of affected Indigenous Peoples communities is required for project activities that would include commercial development of cultural resources and knowledge of Indigenous Peoples.</p>	<p>No corresponding legal provision</p>	<p>No equivalence</p>	<p>Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to explicitly stipulate that project proponents must secure the written consent of affected distinct cultural groups for project activities that would include commercial development of their cultural resources and knowledge.</p>
<p>Key element (2): Consent of affected Indigenous Peoples</p>	<p>Land Acquisition Act 1950 29. Where an award is made...the acquiring</p>	<p>No equivalence</p>	<p>Amend the Land Acquisition Act 1950 and/or its implementing</p>

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communities is required for project activities that would include physical displacement of Indigenous Peoples from traditional or customary lands.	officer of the district in which the land to which that award relates is situated shall tender to each person who is entitled to compensation according to that award the amount of compensation allowed to him by that award...and shall pay the tendered amount to him if he consents to receive it:...	<p>The Land Acquisition Act 1950 refers to consent to accept compensation for relocation, but neither the Act nor its implementing regulations clarify whether consenting to receive compensation is equivalent to consenting to physical displacement.</p> <p>The Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997, which do not appear to be legally binding, provide guidance on resettlement in the context of: multi-purpose river basin development projects; major irrigation reservoir projects; change in land use from agricultural to non-agricultural purposes; and projects with cumulative impacts. These Guidelines do not call for consent of displaced people.</p> <p>The Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, which do not appear to be legally binding, have a section that describes what an EIA should contain if a project involves resettlement, but does not call for consent of displaced people.</p>	<p>regulations to require consent of affected distinct cultural groups for project activities that would include their physical displacement from traditional or customary lands.</p> <p>Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to explicitly stipulate that project proponents must secure the written consent of affected distinct cultural groups for project activities that would include their physical displacement from traditional or customary lands.</p>
Key element (3): Consent of affected Indigenous Peoples communities is required for project activities that would include commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples.	No corresponding legal provision	No equivalence	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to explicitly stipulate that project proponents must secure the written consent of affected distinct cultural groups for project activities that

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			would include commercial development of natural resources within customary lands under use that would impact their livelihoods or the cultural, ceremonial, or spiritual uses that define their identity and community.
Policy Principle 5: Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected Indigenous Peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.			
Key element (1): Project design avoids, to the maximum extent possible, any restrictions on Indigenous Peoples' access to, and physical displacement of Indigenous Peoples from, protected areas and natural resources.	No corresponding legal provision	No equivalence	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to explicitly stipulate that project design must avoid, to the maximum extent possible, any restrictions on distinct cultural groups' access to, and physical displacement from, natural resources and protected areas that are wholly or partially within their ancestral territories.
Key element (2): Where avoidance is not possible, project designs ensure that the affected Indigenous Peoples communities can participate in the design, implementation, and monitoring and evaluation of management arrangements for such protected areas and natural resources.	No corresponding legal provision	No equivalence	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to explicitly stipulate that, where avoidance is not possible, project designs ensure that project-affected distinct cultural groups can participate in the design, implementation, and monitoring and

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			evaluation of management arrangements for such natural resources and protected areas that are wholly or partially within their ancestral territories.
Key element (3): Where avoidance is not possible, project designs ensure that affected Indigenous Peoples communities share equitably in project benefits.	No corresponding legal provision	No equivalence	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to explicitly stipulate that, where avoidance is not possible, project designs must ensure that project-affected distinct cultural groups share equitably in project benefits.
Policy Principle 6: Prepare an Indigenous Peoples plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected Indigenous Peoples communities during project implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.			
Key element (1): When Indigenous Peoples communities are present in the project area, or are likely to be affected by project activities, an Indigenous Peoples Plan (IPP) is prepared.	No corresponding legal provision	No equivalence There is no legal requirement to prepare an environmental management plan or any document similar to an IPP. The Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, which do not appear to be legally binding, are the only component of the safeguards legal regime that explicitly calls for an EIA Report to examine whether any particular social group is more severely affected than others and, if so, for the EIA Report to propose measures to avoid or minimize the adverse impacts on that group. In the	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to explicitly require preparation of an environmental management plan that provides for mitigating a project's social impacts as well and, in the case of projects that affect distinct cultural groups, to require preparation of a separate social impact management plan that addresses the impacts on the

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		specific case of the transport sector, it is possible that an EIA report could include information that could be similar to what this Key element requires for a formal plan.	distinct cultural group or groups.
Key element (2): The IPP is based on social impact assessment and is prepared by qualified experts.	No corresponding legal provision	No equivalence See Policy Principle 6, Key element 1.	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to explicitly provide that, in the case of projects that affect distinct cultural groups and for which a separate social impact management plan is prepared, that plan must be based on social impact assessment and be prepared by qualified experts.
Key element (3): The IPP draws on indigenous knowledge and participation by the affected Indigenous Peoples communities.	No corresponding legal provision	No equivalence See Policy Principle 6, Key element 1.	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to explicitly provide that, in the case of projects that affect distinct cultural groups and for which a separate social impact management plan is prepared, that plan must draw on the knowledge of the affected distinct cultural groups and provide for their participation in its preparation.
Key element (4): The IPP includes a framework for continued consultation with the affected Indigenous	No corresponding legal provision	No equivalence See Policy Principle 6, Key element 1.	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the

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Peoples communities during project implementation.			Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to explicitly provide that, in the case of projects that affect distinct cultural groups and for which a separate social impact management plan is prepared, that plan must include a framework for continued consultation with the affected distinct cultural groups during project implementation.
Key element (5): The IPP includes specific measures to ensure that Indigenous Peoples communities receive culturally appropriate benefits.	No corresponding legal provision	No equivalence See Policy Principle 6, Key element 1.	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to explicitly provide that, in the case of projects that affect distinct cultural groups and for which a separate social impact management plan is prepared, that plan must include specific measures to ensure that the distinct cultural groups receive culturally appropriate benefits.
Key element (6): The IPP identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts.	No corresponding legal provision	No equivalence See Policy Principle 6, Key element 1.	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to explicitly provide that, in the case of projects that affect distinct cultural

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			groups and for which a separate social impact management plan is prepared, that plan must identify measures to avoid, minimize, mitigate, or compensate for any adverse project impacts.
Key element (7): The IPP includes a culturally appropriate grievance redress mechanism.	No corresponding legal provision	No equivalence See Policy Principle 3, Key element 5. See Policy Principle 6, Key element 1.	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to explicitly provide that, in the case of projects that affect distinct cultural groups and for which a separate social impact management plan is prepared, that plan must include arrangements for a culturally appropriate grievance redress mechanism.
Key element (8): The IPP includes arrangements for monitoring during project implementation and for evaluation of results.	No corresponding legal provision	No equivalence The EIA Regulations 1993 generally require a monitoring plan for all approved projects and the General EIA Guide 2006 includes a monitoring plan in the recommended format of an EIA, but there is no requirement to prepare an environmental management plan or any document similar to an IPP. The Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997, which do not appear to be legally binding, provide for monitoring and specify different types of social impacts, but do not mention indigenous peoples or ethnic groups:	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to explicitly provide that, in the case of projects that affect distinct cultural groups and for which a separate social impact management plan is prepared, that plan must include arrangements for monitoring during project implementation and for evaluating results.

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		<p>3.3 Steps in the project approval process The essential steps in obtaining environmental clearance for a prescribed project are:...</p> <ul style="list-style-type: none"> • The PAA appoints a Monitoring Committee to draw up a Monitoring and Evaluation Plan and ensure that monitoring of the project activities is carried out according to this plan. <p>The Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, which do not appear to be legally binding, recognize that a project may have social impacts (see Policy Principle 2, Key element 1) and call for a monitoring plan:</p> <p>4. Preparation and Processing of Environmental Documents</p> <p>4.4 Environmental Impact Assessment (EIA) Report</p> <p>Environmental Consequences</p> <p>CEA requires the following information to be included in both the draft and the final EIA Report in respect of each alternative action considered:...(4) A monitoring plan to be followed by the PAA during the design, construction and operation stages of the project, in cases where special effort is needed for monitoring impacts or implementation of mitigation measures,...</p>	
<p>Key element (9): The IPP includes a budget and time-bound plan for implementing all required actions.</p>	<p>No corresponding legal provision</p>	<p>No equivalence</p> <p>See Policy Principle 6, Key element 1.</p>	<p>Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector</p>

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			Projects in Sri Lanka 1997 to explicitly provide that, in the case of projects that affect distinct cultural groups and for which a separate social impact management plan is prepared, that plan must include a budget and time-bound plan for implementing all required actions.
Policy Principle 7: Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected Indigenous Peoples communities and other stakeholders.			
Key element (1): A draft IPP (including documentation of consultations with Indigenous Peoples communities and social impact assessment results) is publicly disclosed in a timely manner before project appraisal.	No corresponding legal provision	No equivalence See Policy Principle 2, Key element 1 and Policy Principle 6, Key element 1. The EIA Regulations 1993 require disclosing a draft EIA report, but there is no requirement to prepare and disclose a document like an IPP.	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to explicitly provide that, in the case of projects that affect distinct cultural groups and for which a separate social impact management plan is prepared, a draft of that plan which includes documentation of consultations with the affected distinct cultural groups must be disclosed in a timely manner before project appraisal.
Key element (2): The disclosed draft IPP is accessible to, and in a form and language(s) understandable to, affected Indigenous Peoples communities and other stakeholders.	No corresponding legal provision	No equivalence See Policy Principle 7, Key element 1. The General EIA Guide 2006 indicates that an EIA should be translated into the two national languages: Appendix 2 EIA Content and Format 2. Guidance on EIA content ...The text of the document should be	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to explicitly provide that, in the case of projects that affect distinct cultural groups and for which a separate

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		translated into Sinhala and Tamil and made available for public scrutiny.	social impact management plan is prepared, a draft of that plan must be disclosed to the affected distinct cultural groups in a form and language(s) that they understand.
Key element (3): The final IPP (and any subsequent updates) also are disclosed to affected Indigenous Peoples communities and other stakeholders.	No corresponding legal provision	No equivalence See Policy Principle 7, Key element 1.	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to explicitly provide that, in the case of projects that affect distinct cultural groups and for which a separate social impact management plan is prepared, the final plan and any updates must be disclosed to the affected distinct cultural groups and other stakeholders.
Policy Principle 8: Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.			
Key element (1): Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied.	No corresponding legal provision	No equivalence	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to explicitly include in the EIA process a requirement that: <ol style="list-style-type: none"> 1. in the event that a proposed project's activities are contingent on establishing legally recognized rights of distinct cultural groups to land; and/or 2. in the event of involuntary

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			acquisition of lands traditionally occupied by distinct cultural groups, project proponents must prepare an action plan for securing legal recognition of the distinct cultural groups' rights to lands they have traditionally occupied.
Key element (2): Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves involuntary acquisition of such areas.	No corresponding legal provision	No equivalence	See Policy Principle 8, Key element 1.
Policy Principle 9: Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.			
Key element (1): Monitor implementation of the IPP using qualified and experienced experts.	See Policy Principle 6, Key element 8.	Partial equivalence See Policy Principle 6, Key element 8.	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to explicitly provide that, in the case of projects that affect distinct cultural groups and for which a separate social impact management plan is prepared, implementation of that plan must be monitored by qualified and experienced experts.
Key element (2): Include arrangements for participatory monitoring whenever possible.	No corresponding legal provision	No equivalence	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to explicitly provide that, in the case of projects that affect distinct cultural

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			groups and for which a separate social impact management plan is prepared, that plan must include arrangements for participatory monitoring whenever possible.
Key element (3): Assess whether IPP objectives and desired outcomes are achieved, taking into account baseline conditions and monitoring results.	No corresponding legal provision	No equivalence	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to explicitly provide that, in the case of projects that affect distinct cultural groups and for which a separate social impact management plan is prepared, monitoring of the implementation of that plan must assess whether its objectives and desired outcomes are achieved, taking into account baseline conditions and monitoring results.
Key element (4): Monitoring reports are disclosed.	General EIA Guide 2006 5. Implementing the Decision 5.1 Monitoring of Projects Mitigation and other conditions established in the IEE/EIA during its review and committed to as part of the decision should be implemented by the developer and monitored by the PAA. The PAA should:... f. Upon request, make available to the public the results of relevant monitoring.	Partial equivalence The only provision with respect to disclosing monitoring reports is in the General EIA Guide 2006, which stipulates that government agencies must disclose monitoring reports only on request.	Amend the EIA Regulations 1993, the General EIA Guide 2006, the EIA Scoping Guide 2006, the Environmental Guidelines for Road and Rail Development in Sri Lanka 1997, and the Environmental Guidelines for Agriculture Sector Projects in Sri Lanka 1997 to explicitly provide that, in the case of projects that affect distinct cultural groups and for which a separate social impact management plan is prepared, the implementation of that plan must be monitored and the monitoring reports must be disclosed.