

Resettlement Framework

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September 2020

Bangladesh: Multitranche Financing Facility–Flood and Riverbank Erosion Risk Management Investment Program (FRERMIP)

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**Government of the People's Republic of
Bangladesh
Bangladesh Water Development Board**

**Flood and Riverbank Erosion Risk Management
Investment Program (FRERMIP)**

RESETTLEMENT FRAMEWORK

September 2020

This Resettlement Framework is prepared by the Bangladesh Water Development Board under the People's Republic of Bangladesh, for the Asian Development Bank.

Institutional Strengthening and Project Management Consultant (ISPMC)

Joint Venture of Northwest Hydraulic Consultants Ltd. and Euroconsult Mott MacDonald Ltd. in association with Deltares, Resource Planning and Management Consultants and CEGIS.

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ABBREVIATIONS

| | | |
|---------|---|--|
| ADB | – | Asian Development Bank |
| AHHs | – | affected household |
| APs | – | affected persons |
| BRE | – | Brahmaputra right embankment |
| BWDB | – | Bangladesh Water Development Board |
| CCL | – | cash compensation under law |
| CEGIS | – | Centre for Environmental and Geographic Information Services |
| CPR | – | common property resources |
| CMP | – | current market price |
| CRO-RU | – | Chief Resettlement Officer-Resettlement Unit |
| CSC | – | construction supervision consultant |
| DC | – | Deputy Commissioner |
| DP | – | displaced person |
| EIA | – | environmental impact assessment |
| EP | – | entitled person |
| FGD | – | focus group discussions |
| FHH | – | female headed households |
| FRERMIP | – | Flood and Riverbank Erosion Management Investment Program |
| GIS | – | geographic information system |
| GRC | – | grievances redress committee |
| ID | – | identity card |
| ILRP | – | income and livelihood restoration program |
| INGO | – | implementing nongovernment organization |
| IOL | – | inventory of losses |
| IR | – | involuntary resettlement |
| JMREMP | – | Jamuna-Meghna River Erosion Mitigation Project |
| JLB | – | Jamuna left bank |
| JRB | – | Jamuna right bank |
| JVT | – | joint verification team |
| LA | – | land acquisition |
| LAP | – | land acquisition plan |
| M&E | – | monitoring and evaluation |
| MIS | – | management information system |
| MLB | – | Meghna left bank |
| MRB | – | Meghna right bank |
| NGO | – | nongovernment organization |
| PLB | – | Padma left bank |
| PMO | – | project management office |
| POE | – | panel of experts |

CURRENCY EQUIVALENTS

(as of 17 August 2020)

| | | |
|---------------|---|-----------|
| Currency unit | – | taka (Tk) |
| Tk1.00 | = | \$0.0118 |
| \$1.00 | = | Tk84.80 |

GLOSSARY

Affected household: All members of a household residing under one roof and operating as a single economic unit; who are adversely affected by the Project or any of its components. It may consist of a single nuclear family or an extended family group.

Affected person (AP): All the people affected by the Project through land acquisition, relocation, or loss of income; and include any person, household, firms, or public or private institutions. APs, therefore, include (i) persons whose agricultural land or other productive assets such as trees or crops are affected; (ii) persons whose businesses are affected and who might experience loss of income due to the Project impact; (iii) persons who lose work/employment as a result of Project impact; and (iv) people who lose access to community resources/property as a result of the Project.

Assistance: Support, rehabilitation, and restoration measures extended in cash and/or kind over and above the compensation for lost assets.

Census: The pre-appraisal population record of potentially affected people, which is prepared through a count based on village or other local population data or census.

Char or Charland: Char is a Bangla word which is a tract of land surrounded by waters along the river course and can be considered as a “by-product” of the hydro-morphological dynamics of rivers. In the dynamics of erosion and accretion in the rivers of Bangladesh, the emergence of island or chars within the river channel often creates new opportunities to establish settlements and pursue agricultural activities on them. Thus, charland is defined as the river island that emerges from the riverbed as a result of accretion.

Compensation: Payment in cash or kind for an asset to be acquired or affected by a project at replacement cost at current market value.

Cash compensation under law (CCL): CCL comprises all land acquisition compensation under the Acquisition and Requisition of Immovable Property Act of 2017.

Cut-off date: The date after which persons coming into the project corridor are NOT eligible for compensation or other assistance, i.e. they are not included in the list of APs as defined by the census.

Displaced person (DP): As per ADB Safeguard Policy Statement, 2009 (SPS), displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and or economically displaced (loss of land, assets, access to assets, income sources or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

Entitlement: The range of measures comprising cash or kind compensation, relocation cost, income restoration assistance, transfer assistance, income substitution, and relocation which are due to business restoration which are due to APs, depending on the type and degree /nature of their losses, to restore their social and economic base.

Entitled person: An entitled person (EP) is one who has lost his/her assets or income directly/indirectly due to the Project intervention and is eligible to receive compensation. There

are two types of EPs – direct and indirect. Direct EPs, who are EPs by virtue of legally recognized entitlements; and indirect EPs, who are EPs by virtue of socially recognized entitlements, as per ADB SPS and legally agreed between the ADB and the Government of Bangladesh through the Loan Agreement. The direct EPs are the titleholders recognized by the DC and confirmed through payment of CCL. The direct EPs are identified as per the final award information prepared by the DC upon payment of CCL. The indirect EPs are those without legal title to ROW land and/or structures but who were living and/or earning their livelihood within the ROW and are entitled to resettlement benefits under the RP provisions.

Head of household: One who makes major decisions within the family structure and generally lead the family as the principal provider.

Household (HH): A household includes all persons living and eating together (sharing the same kitchen and cooking food together as a single-family unit).

Host population: Community residing in or near the area to which affected people are to be relocated. Host communities should also be project beneficiaries for better host- resettlers integration

Income restoration: Refers to re-establishment of sources of income and livelihood of the affected households.

Inventory of losses (IOL): This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of-way (project area) are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of APs are determined.

Joint verification team (JVT): In an erosion- prone area and due to piecemeal acquisition, IOL prepared for a section of project may change as people move with the erosion and acquisition. The JVT will be composed of: i) representative from BWDB - Convener (SDE/AE/Equivalent Officer); ii) representative from concerned DC - Member; and iii) Sub Assistant Engineer from BWDB - Member Secretary; and iv) Member RP-INGO, and will verify the IOL established through census wherever necessary.

Land acquisition: Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.

Non-titled: People who have no recognizable rights or claims to the land that they are occupying and includes people using private or state land without permission, permit or grant i.e. those people without legal title to land and/or structures occupied or used by them. ADB's policy explicitly states that such people cannot be denied compensation.

Payment modality: The payment modality is an administrative manual that presents the guidelines to be followed for payment of resettlement benefits for various types of losses as provisioned in the Project's resettlement plans (RP)s, based on the ADB SPS and the Government of Bangladesh land acquisition laws. The objectives of the payment modality are to

assist concerned GOB officials and the RP Implementing NGO (RP-INGO) to identify EPs correctly; accurately calculate their entitlements, and effectively assist EPs.

Person(s) having usufruct rights: The right to use land belonging to others - for example, lease from government department or agency or individuals.

Poor women-headed household: Poor households where a woman decides on the access to and the use of the resources of the family. In resettlement context, women-headed households and/or widows also suffer from lack of labour for relocation purposes.

Project: Flood and Riverbank Erosion Risk Management Investment Program.

Public disclosure: Process of disclosing and sharing project impacts with affected people and disseminating amongst them information on their entitlements, compensation, R&R measures and project timeline etc.

Rehabilitation: This refers to additional support by means of restoration of income, livelihoods, and reestablishment of socio-cultural system provided to APs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life

Relocation: Moving and rebuilding housing, assets - including productive land, and public infrastructure, in a new location.

Replacement cost: Replacement cost refers to the value of assets determined as compensation to replace the loss at current market price, or its nearest equivalent, and is the amount of cash or kind needed to replace an asset in its existing condition, without deduction of transaction costs or for any material salvaged.

Resettlement: Resettlement is one measure to mitigate adverse impacts of a project; refers to rebuilding housing, assets, including productive land and public infrastructure in another location

Resettlement Framework (RF): For loss of land property, income generation opportunity and cultural assets as were adopted at the time of the Loan Agreement, the RF lays out the policy, principles procedures and entitlements, as well as the institutional responsibilities to be followed in preparing project/subproject Resettlement Plan (s).

Resettlement Plan (RP): A time bound action plan with budget setting out resettlement impact strategy, objectives, entitlement, actions, implementation responsibilities, monitoring, and evaluation.

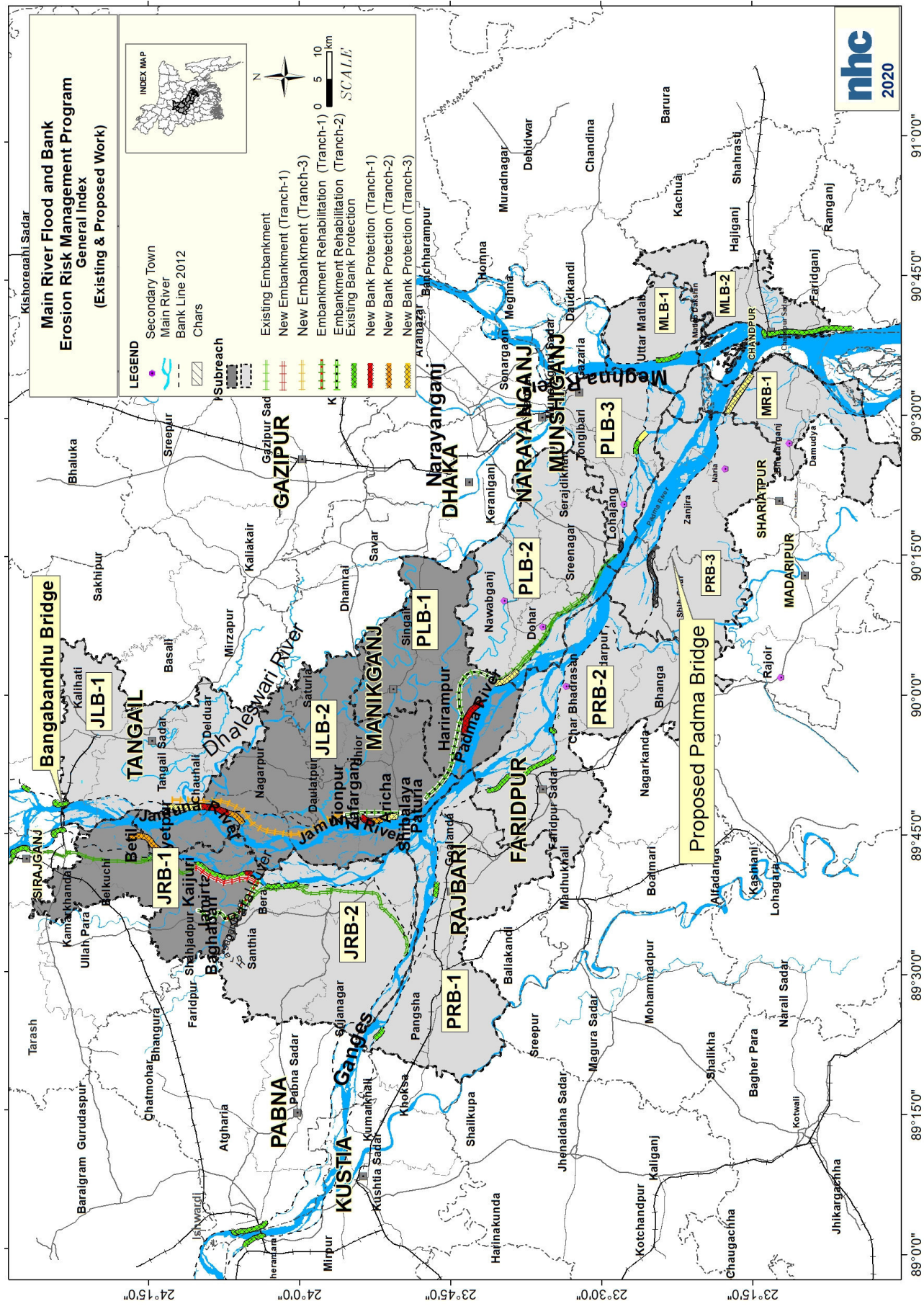
Right of Way: Demarcated land proposed for infrastructure development

Socially Recognized Owner: Socially recognized owner is a person who has no legal ownership to land, but he has socially recognize to use/built the land, structure or property.

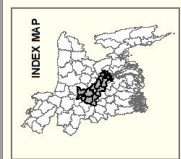
Structures: Structure include all buildings including primary and secondary structures including houses and ancillary buildings, commercial enterprises, living quarters, community facilities and infrastructures, shops, businesses, fences, and walls.

Uthuli (also called Nodibashi): People displaced by flood/erosion, who live on land provided by neighbour or relative free of cost.

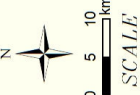
Vulnerable Groups: These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who are landless and with no other means of support, and (v) landless households, and (vi) indigenous people or ethnic minorities.



Main River Flood and Bank Erosion Risk Management Program
General Index
(Existing & Proposed Work)



- LEGEND**
- Secondary Town
 - Main River
 - Bank Line 2012
 - Chars
 - Subreach
 - Existing Embankment
 - New Embankment (Tranch-1)
 - New Embankment (Tranch-3)
 - Embankment Rehabilitation (Tranch-1)
 - Embankment Rehabilitation (Tranch-2)
 - Existing Bank Protection
 - New Bank Protection (Tranch-1)
 - New Bank Protection (Tranch-2)
 - New Bank Protection (Tranch-3)



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24°15'0" 24°0'0" 23°45'0" 23°30'0" 23°15'0"

I. INTRODUCTION

1. Background

1. The Asian Development Bank (ADB) supports the feasibility assessment of a flood and riverbank erosion risk management program covering parts of the main rivers of Bangladesh named Flood and Riverbank Erosion Risk Management Investment Program (the investment program). The main focus is to reduce the riverbank erosion and flood risks to the adjacent flood plains while maximizing economic activities in a sustainable and environmentally acceptable manner. Existing flood embankments dominantly fail from riverbank erosion, and as such the stabilization of the river pattern is a cornerstone of reducing the flood risk. The investment program builds on and extends the activities of the ADB project Jamuna-Meghna River Erosion Mitigation Project (JMREMP) (2002), implemented in different phases from January 2003 until June 2011. In addition, a similar project, the Assam Integrated Flood and Riverbank Erosion Risk Management Investment Project (ADB, 2010) provides important insight into a number of relevant project elements and processes.

2. The investment program will cover the main rivers from Bhangabandhu (Jamuna) Bridge and the proposed Ganges Barrage to Chandpur, as such covering around 60 kilometers (km) of the Jamuna, around 20 km of the Ganges, and the whole around 100 km long Padma reach. Two main confluences are included: the confluence of Ganges and Jamuna and the confluence of Padma and Upper Meghna. Importantly, for flood benefits and, of course, targeting the overarching goal of poverty reduction, the flood plains on both sides of the rivers play a fundamental role as home of a largely poor population depending on agriculture and fisheries. The project area was segregated into sub-reaches with similar river and flood plain characteristics as practical subproject areas. Each sub-reach consists of several upazilas. In total 13 sub-reaches were identified for pre-feasibility assessment: two each at the Jamuna Right and Left Bank (JRB, JLB), three each along the Padma Right and Left Bank (PRB, PLB), one at the Meghna Right Bank (MRB), and two along the Meghna Left Bank (MLB.)

Figure I-1 Sub-reach division of project Area

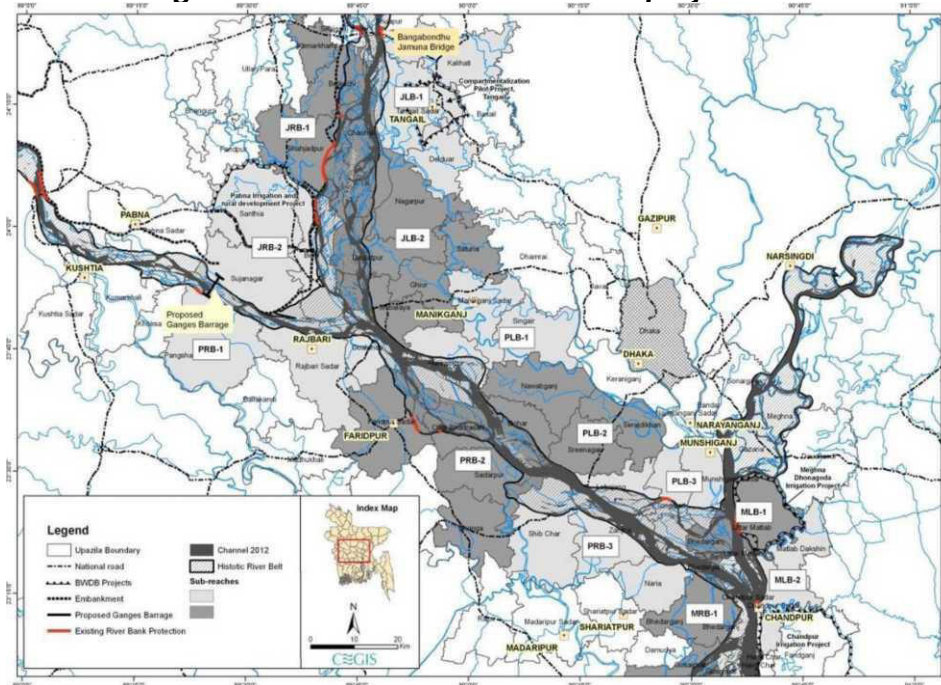


Table I-1 Sub-reaches, Rivers, Districts and Upazilas

| River | Subreaches | District | Upazila |
|----------|---------------|--------------------|----------------------|
| Jamuna | JRB-1 | I. Sirajganj | 1. Belkuchi |
| | | Sirajganj | 2. Kamarkhanda |
| | | Sirajganj | 3. Shahjadpur |
| | JRB-2 | II. Pabna | 4. Bera |
| | | Pabna | 5. Santhia |
| | | Pabna | 6. Sujanagar |
| | JLB-1 | III. Tangail | 7. Delduar |
| | | Tangail | 8. Kalihati |
| | | Tangail | 9. Tangail Sadar |
| | JLB-2 | IV. Manikganj | 10. Daulatpur |
| | | Manikganj | 11. Ghior |
| | | Manikganj | 12. Sauria |
| | | Manikganj | 13. Shibalaya |
| | | Sirajganj | 14. Chauhali |
| | | Tangail | 15. Nagarpur |
| Padma | PLB-1 | Manikganj | 16. Harirampur |
| | | Manikganj | 17. Manikganj Sadar |
| | | Manikgani | 18. Singair |
| | PLB-2 | V. Dhaka | 19. Dohar |
| | | Dhaka | 20. Nawabganj |
| | | VI. Munshiganj | 21. Serajdikhan |
| | | Munshiganj | 22. Sreenagar |
| | PLB-3 | Munshiganj | 23. Lohajang |
| | | Munshiganj | 24. Munshiganj Sadar |
| | | Munshiganj | 25. Tongibari |
| | PRB-1 | VII. Rajbari | 26. Goalanda |
| | | Rajbari | 27. Pangsha |
| | | Rajbari | 28. Rajbari Sadar |
| | PRB-2 | VIII. Faridpur | 29. Bhanga |
| | | Faridpur | 30. Char Bhadrason |
| Faridpur | | 31. Faridpur Sadar | |
| Faridpur | | 32. Sadarpur | |
| PRB-3 | IX. Madaripur | 33. Shib Char | |
| | X. Shariatpur | 34. Naria | |
| | Shariatpur | 35. Zanjira | |
| Meghna | MLB-1 | XI. Chandpur | 36. Uttar Matlab |
| | MLB-2 | Chandpur | 37. Chandpur Sadar |
| | | Chandpur | 38. Matlab Dakshin |
| | MRB-1 | Shariatpur | 39. Bhedarganj |
| | | Shariatpur | 40. Gosairhat |

3. The feasibility study covered the priority investment during the first tranche. Subsequent tranches will be identified during each previous, ongoing tranche. The implementing agency, the Bangladesh Water Development Board (BWDB) (i) has more than 10 years of experience with an adaptive or flexible flood and riverbank erosion risk management (FRERM) approach and has demonstrated successful implementation from three ADB supported project JMREMP, South-West Area Integrated Water Resources Planning and Management Project, and Secondary Towns Integrated Flood Protection Project II); (ii) has approved operation in line with the 'Guidelines for Riverbank Protection', 2010 founded on standardized design and implementation procedures; and (iii) is currently in the process of creating the post of a Chief Engineer River Management as focus point for river stabilization activities and in line with the National Water Management Plan and the panel of experts (PoE) recommendations of the JMREMP.

2. Phased Investment Program

4. After selecting three priority investment sites from the 13 sub-reaches, an investment plan was prepared. Priority sites were selected though multi-criteria assessment specifically focusing on erosion, flooding, and poverty in the individual sub-reaches, among other parameters. Three high priority sub-reaches (subsequently referred to as subprojects) were selected for immediate interventions from Tranche-1 onwards. Other sub-reaches will be considered during follow on tranches based on more detailed river background studies and the identified requirements at the time of planning. The investment plan considers a phased approach in three tranches of around 4 years each, allowing for some overlap of subsequent tranches. The first guiding principle is to build riverbank protection along critically eroding areas, in order to stabilize the river course and to provide more stable floodplain conditions for follow-on developments. The second guiding principle is to rehabilitate existing embankments and close strategic gaps in order to reduce the flood risk to the rural population and allow more consistent development in a more predictable environment. Apart from focusing on riverbank protection and flood embankments in support of stable conditions on the floodplains, the investment program can contribute to the reclamation of some of the lost floodplain land, especially where there are attached chars which were part of the historic floodplain some 30 years ago, before the river system started widening dramatically.

5. The first and second tranches investments at the three priority sub-reaches are:

- (i) Priority riverbank and embankment Work (Tranche 1):
 - (a) JLB-2: Riverbank Protection alongside the Jamuna Left Bank downstream of the new Dhaleswari offtake at Chauhali and Zaffarganj area, where active erosion threatens the existing floodplains. The protection at Chauhali helps guide the eastern Jamuna channel towards the interior of the braided belt and as such stabilizing an existing large attached char. This char is several kilometers wide and reclamation would somewhat compensate for past erosion losses. The downstream protection at Zaffarganj forms part of a more stabilized channel pattern at the confluence.
 - (b) JRB-1: Embankment construction alongside the Jamuna Right Bank, from Kaijuri to Baghabari. The area between Enayetpur and Baghabari alongside the Jamuna right bank was protected by the Brahmaputra Right Embankment (BRE) for about 30 years. However, since the embankment was lost due to riverbank erosion in the mid-1990's,¹ the area has remained unprotected from frequent flood inundation. Some morphological analyses

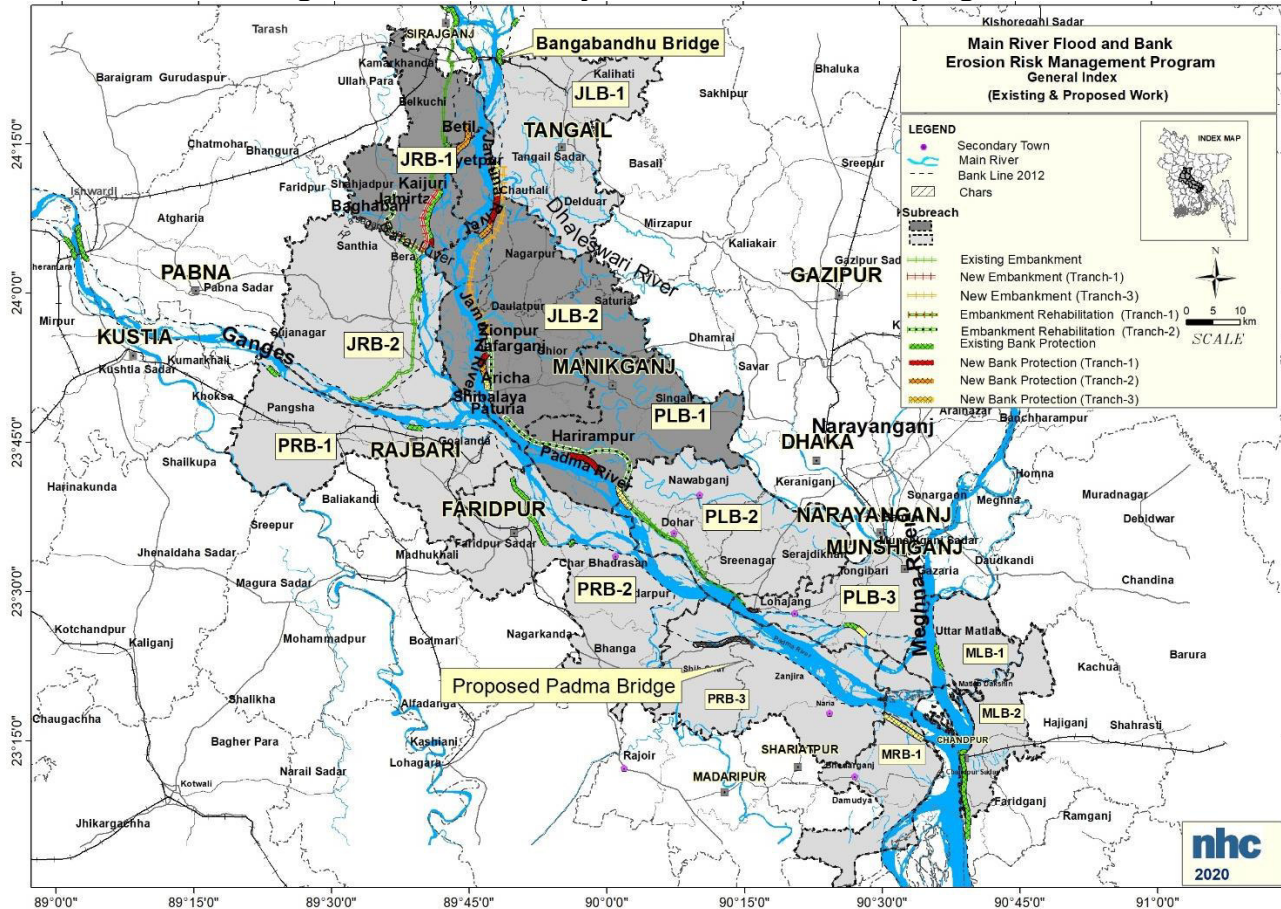
¹ Refer to Padma Multipurpose Bridge Design Project, Loan No. 2375 BAN, River Training Works, Updated Scheme Design Report, Annex F.

indicated that the riverbank erosion in this river reaches could be a consequence of Bangabandhu (Jamuna) Bridge construction, which created a fix narrow river course.¹ With 10 km of riverbank protection structures provided under the ADB financed JMREMP, the eroded embankment can now be reconstructed to revise the BRE system. In this area a flood control project was situated, and the reconstructed embankment would provide the backbone for increased agricultural outputs while again protecting valuable private and public infrastructure from flooding.

- (c) PLB-1: Riverbank Protection alongside the Padma Left Bank between Paturia and Harirampur, where a formerly large meander that periodically erodes has silted up and riverbank protection along the more favorable present river course has saved around 30 km² (3,000 ha) of valuable floodplain from future erosion.
- (ii) Follow-up riverbank and embankment works (Project 2 - subject to further monitoring and background studies):
 - (a) JRB-1: Extension of embankment along the Jamuna right bank from Tranche 1 which could not be completed due to fund constraints
 - (b) JRB-1: Riverbank Protection alongside the Jamuna Right Bank from around Enayetpur to Kaijuri. The offtake of the western channel in this area is currently declining due to an unfavorable offtake angle. Building a guiding revetment under a smooth alignment means attracting more flow to the western channel and keeping this important navigation route open.
 - (c) JRB-1: Riverbank protection work alongside the Jamuna Right Bank at Benotia. The protection at Benotia is to prevent further erosion and to protect the newly constructed embankment under Tranche-1.
 - (d) JLB-2: Extending the riverbank protection at Chauhali to provide a more stable river environment along the Jamuna Left Bank. Riverbank protection in this area will be designed exploring the possibility of reclaiming some of the floodplain lost during the widening process of the Jamuna since the 1970s through measures following a building-with-nature concept.
 - (e) JLB-2: Precautionary slope protection works at Solimabad to address the erosion.
 - (f) JLB-1: Embankment along the left bank of Jamuna from Aricha to Chauhali to protect from flooding.
 - (g) Permanent wave protection including cutting back riverbank slopes at Harirampur where underwater riverbank protection has been implemented under Tranche-1.

6. Natural river developments in some areas are expected to support investments in future, due to a current development towards generally more favorable alignments. The confluence of Upper Meghna and Padma is a critical area depending on the Chandpur town protection as cornerstone for the stability of the whole Lower Meghna. While the Chandpur Town Protection is currently considered to be less critical and substantial riverbank protection has been built downstream (Haimchar), the right bank is largely unprotected. This bank, consisting in parts of more recently deposited soils is highly unstable and requires stabilization in the context of the overall confluence. Any stabilization measure in this area depends on a better understanding of the confluence processes and must consider the influence of Padma Bridge on the downstream confluence geometry.

Figure I-2 Summary of current investment program



3. Project Rationale and Objectives

7. The investment program is the follow-on project of the JMREMP. It aims to sustain incomes and livelihoods of people living along the three main rivers of Bangladesh—the Jamuna, the Ganges, and the Padma. It will enhance resilience to flood and riverbank erosion risks through strengthening the flood and riverbank erosion management system, including the knowledge base and underlying institutions; and by establishing integrated non- structural and structural risk management measures at priority erosion sites and addressing their sustainability.

8. The investment program may take a sector-type approach to applying the multitranchise financing facility modality, to allow for (i) the flexible, adaptive, phased interventions that are technically most appropriate given the dynamic river morphology, (ii) strategic longer-term FRERM planning, and (iii) longer-term and more effective support for institutional capacity enhancement in the sector.

4. Purpose of the Resettlement Framework

9. The scope of works defined in the terms of reference for the Institutional Strengthening Project Management Consultant (ISPMC) includes the preparation of a number of social safeguards documents/action plans. This Resettlement Framework (RF) is updated to reflect Bangladesh legal framework on land acquisition “Acquisition and Requisition of Immovable Property Act of 2017” (ARIPA 2017) and update the entitlement matrix.

10. The primary objective of this RF is to guide resettlement planning activities for the project. This is a primary document for the project which outlines the policy and procedures to be adopted by the BWDB to comply with ADB safeguard requirements on involuntary resettlement, followed by preparation of RPs for implementation of the project.

5. Resettlement Plan Preparation

11. A Resettlement Plan (RP) for each sub-component of the project will be prepared by BWDB with the assistance of the project consultants and submitted to the ADB for approval based on the approved RF's policy and principles. An outline of RP is attached as Appendix 1.

12. An NGO/firm will be hired by the PMO to assess the land requirement and resettlement impacts and prepare the necessary RP implementation activities. The NGO/firm supported by the PMO will prepare the additional required RP and assist in the implementation of the resettlement activities and develop a monitoring information system to follow and ensure the payment of compensation are duly disbursed to the affected people before the civil works start at the river bank areas. The process for revising and updating RPs is provided in Section IV.

13. However, a supplementary due diligence document may also need to be prepared indicating resettlement issues and a preliminary resettlement budget in the following cases:

- (i) For riverbank protection because riverbank locations are highly likely to change (through erosion or accretion) before the implementation of the project. In Bangladesh, riverbank erosion is a perennial problem and the large rivers have quite an unpredictable behaviour with the permanent risk of riverbank erosion.
- (ii) If construction of a temporary dam is required depending on the riverine condition
- (iii) If works are required on chars
- (iv) If land reclamation works within the river channel are required

II. LEGAL FRAMEWORK AND POLICY ON SOCIAL SAFEGUARDS

14. The project policy on social safeguards is based on land acquisition law in Bangladesh and the ADB policy on Involuntary Resettlement as embedded in the ADB Safeguard Policy Statement, 2009 (SPS). Where differences exist between local law and ADB practices, the resettlement policy of the project will be resolved in favour of the latter.

1. Bangladesh Legal Framework for Land Acquisition and Resettlement

15. The principal legal instrument governing land acquisition in Bangladesh is the "Acquisition and Requisition of Immovable Property Act of 2017" (ARIPA 2017). Before enacting this law, the principal legal instrument governing land acquisition and compensation in Bangladesh was "Acquisition and Requisition of Immovable Property Ordinance 1982" (ARIPO) and its subsequent amendments in 1993 and 1994.

16. The ARIPA 2017 is better than Ordinance 1982 from the social safeguard viewpoint, however it is still short to fulfill the requirements of guidelines of ADB, the World Bank, JICA and other development partners. For example, the legislation does not cover the compensation provision for relocation and resettlement of the affected and displaced people without title or ownership record, and also has no provisions for income and livelihood support and restoration.

17. The government, under ARIPA 2017, has increased the compensation rate from 1.5 times to 3 times the value of the land. The philosophy underlying the newly enacted legislation is that the

persons whose lands are compulsorily acquired should be compensated at “replacement value” for their loss of lands including other assets such as houses, trees, standing crops, and any other impact and damages caused by such acquisition. Here the value of land is calculated as the average of transfer deed value over last 12 months for similar land types in that particular area. This definition is the same as earlier legislation.–Following are the most significant changes in ARIPA 2017:

- (i) The affected persons (APs) will get additional 200% compensation over and above the market value of land in case of acquiring it for any public purpose or in the public interest.
- (ii) The APs will get additional 300% compensation in case of acquiring land for any private organization.
- (iii) The lands of religious worship places such as mosque, temple, pagoda, and graveyards and crematories are located, can be acquired if necessary.
- (iv) The time period for the compensation of acquisition has been extended to 120 days instead of 60 days.

18. In accordance with the present (and earlier) law, the legal process of land acquisition is initiated by an application by the requiring agency or department to the Deputy Commissioner (DC) of the concerned Districts with a detailed map of the proposed area. The DC determines the amount of Cash Compensation under Law (CCL) of affected assets based on the approved government procedure.

19. One important activity in the acquisition process under ARIPA 2017 is that, “prior to publication of preliminary notice of acquisition, the DC shall take the measure to carry out video filming and still photographing of all the areas of the project Right of Way (ROW) to display the existing structures, crops, trees and other physical features likely to be affected under the proposed acquisition.”

20. Another major change is that under ARIPA 2017, there is a provision to acquire Common Resource Properties (CRP) like mosque, school, market, etc., though it was mentioned that such acquisition should be discouraged.

21. In cases of lands of such facilities such as mosque, temple, pagoda, graveyards and crematories, the government needs to compensate the owner by relocating or reconstructing the structure. For example, if a mosque is situated in the middle of a proposed road alignment, it is possible to relocate it and free the alignment.

2. ADB Policy Statement on Social Safeguard

22. The ADB SPS requires ADB-assisted projects to (i) avoid resettlement impacts wherever possible; (ii) minimize impacts by exploring project and design alternatives; (iii) enhance, or at least restore, the livelihoods of all displaced persons² (DP) in real terms relative to pre-project levels; and (iv) improve the standards of living of the affected poor and other vulnerable. It covers both physical displacement and economic displacement. The key principles of the ADB safeguard policy on resettlement are as follows:

- (i) Screen early the project’s resettlement impacts and risks

² The term AP is increasingly being replaced by the term “Displaced Person (DP)” following ADB Safeguard Policy Statement, 2009 but is still in common use in the field. The terms of APs and DPs are used interchangeably in this document.

- (ii) Carry out meaningful consultations with and participation of DPs, inform all DPs of their entitlements and resettlement options. Pay particular attention to the needs of vulnerable groups. Establish a grievance redress mechanism.
- (iii) Improve, or at least restore, the livelihoods of all DPs through (i) land-based resettlement or cash compensation at replacement cost, as relevant, (ii) prompt replacement of assets, (iii) prompt compensation at full replacement cost, and (iv) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide DPs with needed assistance, including: (a) if there is relocation, secured tenure to relocation and, better housing; (b) transitional support and development assistance; and (c) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and other vulnerable groups to at least national minimum standards.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement.
- (vii) Ensure that DPs without titles are eligible for resettlement assistance and compensation for loss of non-land assets.
- (viii) Prepare a RP elaborating on DPs' entitlements, income and livelihood restoration strategy and so on.
- (ix) Disclose a RP in an accessible place and a form and language(s) understandable to DPs and other stakeholders.
- (x) Conceive and execute resettlement as part of a development project or program.
- (xi) Provide compensation and other entitlements before physical or economic displacement.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of DPs.

3. Gap analysis between the Government of Bangladesh and ADB SPS

23. The major differences between ARIPA 2017 and ADB SPS are:

- (i) The ARIPA 2017 calls for 3 times compensation on official land price, while ADB advocates to pay at "Replacement Value" (RV). It is possible that government payment may now be more than RV, but there is no way to confirm this in ARIPA 2017.
- (ii) The ARIPA 2017 does not recognize the entitlement of persons without land ownership title, which is not endorsed by ADB policy.
- (iii) Land can be handed over to requiring body once payment of awards has initiated as per the Government of Bangladesh law, however, ADB policy says that no physical or economical displacement can occur prior to full compensation payment.
- (iv) In the ARIPA 2017, there is no direct provision for relocation assistance, assistance to vulnerable groups or income loss, however, it is indirectly mentioned that such provision can be arranged without any elaboration. ADB policy kept provision for such entitlement.
- (v) Stakeholders consultation is still not a requirement in new Bangladesh law, while it is an indispensable part of the ADB SPS.

4. Harmonization with ADB's Policies

24. The ADB has its own integrated SPS to minimize displacement and require time-bound action plans with measures to restore or improve livelihood and income of those affected by development projects. The harmonization and gap analysis between ARIPA 2017 and the ADB SPS is necessary to ensure full compliance with ADB's policies .

25. The harmonization has also benefited from the Jamuna Bridge and the JMREMP “best practices” in resettlement (given in Appendix 2). The best practices - for example, include photo ID card with description of losses and entitlements, geo-reference photos of affected structures on ROW to control fraudulent claims, resettlement villages (RVs) with civic amenities, multiple relocation options, including “self-managed” resettlement. There is also an option to use unmanned aerial vehicle (UAV) for having more accurate data regarding land acquisition and resettlement of structures and trees during Tranche-2. The harmonized policy forms the basis for preparation of social safeguard plans for various components of the project. The harmonization and gap-filling measures are in Appendix 3.

III. POLICY PRINCIPLES AND GUIDELINES

26. In view of the harmonization, the project will apply the following policy guidelines and procedures to comply with co-financiers’ safeguard compliance requirements:

- (i) Avoid or minimize impact as much as possible through alternative design options;
- (ii) Consult affected people and their communities adequately;
- (iii) Make resettlement plans and other related documents available at the project sites;
- (iv) full disclosure will be ensured through distribution of a summary RP in Bangla to the affected households and other stakeholders;
- (v) Determine replacement cost (RC) of assets acquired and compensate at full replacement costs determined by PVAT;
- (vi) Provide Resettlement assistance to all APs, irrespective of their titles to land;
- (vii) Establish GRC at the local level for speedy resolutions of disputes;
- (viii) Provide additional assistance to poor women-headed AHs and vulnerable groups;
- (ix) Establish income restoration assistance for alternative income sources and restoration of livelihoods for assisting affected people to restore and/or improve upon their pre-project levels or standards;
- (x) Carryout internal/external, including third party monitoring to assess outcome of resettlement operations and evaluate outcomes and;
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement.

27. All affected households and persons, as per the above policy/principles and guidelines, will be eligible for compensation and assistance to be provided by the project. In case of land acquisition the date of notification of section-3 for acquisition will be treated as the cut-off date while people without titles such as nodibhashis (erosion displaced households squatting on others’ land, also called uthuli) or informal settlers/squatters living in the acquired area, the date of census or similar designated date by the BWDB will be considered as the cut-off date. Any persons moving into the project area after the cut-off date will not be entitled to any assistance.

IV. PLANNING STEPS AND PROCEDURES

28. To revise and update any RP, the following procedures and steps will be followed. First any additional new impacts will be identified through proper census survey, community consultations, and any other tools and techniques necessary to understand the impacts. In such cases a new cut-off date(s) will be established. Second an inventory of losses (IOL) will be established based on the census survey. Third, updating entitlement matrix ensuring all new impacts and related losses are covered. Fourth, disclosure of impacts and entitlements including incorporation of any suggestions from affected groups and communities. Fifth, the valuation of all affected assets will be undertaken,

and a budget will be prepared for payments of compensation. Finally, the updated RPs will be posted on the ADB's website.

V. ELIGIBILITY AND ENTITLEMENTS

1. Eligibility and Special Considerations

29. The land acquisition and resettlement policy for the project will cover all APs irrespective of their title to land. Lack of legal documents for customary rights of occupancy/titles shall not affect eligibility for compensation. The RF stipulates payments of compensation as per the assessed value of the land and structure to the APs. In addition to compensation paid by the concerned DC, the APs will receive additional assistance in cash or kind to match RC, which is the difference between the market value and the assessed value for lost assets (land, houses and trees), transaction costs such as stamps/registration costs (in case of purchase of replacement land) and other cash grants and resettlement assistance such as shifting and reconstruction grant, resettlement benefit for loss of workdays/income due to dislocation. Socio-economically vulnerable households namely: female-headed households, households below poverty line, households headed by disabled, elderly people and those losing more than 10% of income from acquisition will be given additional cash assistance for relocation. Measures such as "host" area benefits - for example, additional class rooms in the existing educational institutions, access roads, improved water supply and sanitation etc.- to enhance the carrying capacity will be undertaken so that project benefits are enjoyed both by the host and resettled families, and host-resettlers' are integrated socially and economically.

2. Entitlement Matrix

30. Entitlement matrix is a compilation of eligibility and entitlement for each type of identified loss category. The matrix describes major types of losses attached to land acquisition and resettlement. The Project will assist the APs in clustered relocations with community facilities or, alternatively, in self-relocation. APs may be relocated to BWDB land (if available) or to plots purchased (by the APs) for which assistance is provided in the form of homestead land development. In addition to the CCL, resettlement benefits as per the entitlement matrix will be provided to the APs. The matrix also includes provisions for any unanticipated impacts arising during or post project implementation. The mitigation measures in the matrix are consistent with co-financiers' safeguard requirements. They also reflect "good practice" for examples (e.g., replacement cost (RC) for land, dislocation allowance, transfer grant, relocation at project-sponsored resettlement village (RV), grievance redressal, income and livelihood restoration, third party monitoring etc.) from the Jamuna Bridge Project. Compensation and other assistance will be paid to APs prior to dislocation and dispossession from acquired assets to construction activities. The eligibility for entitlement is limited by a cut-off date. The entitlement matrix for the project is given in Table 5.1.

Table V-1: Entitlement Matrix

| General Implementation Issues and application Guidelines |
|---|
| <p>1. PVAT</p> <p>BWDB will setup a PVAT at each locality. The tasks of this PVAT are:</p> <ol style="list-style-type: none"> a) Recommend RC based on current market price analysis for land, structures, trees and standing crops b) CMP will be assessed for every affected mauza c) The land acquisition price will be determined by the standard procedure according to the land |

acquisition law. Updated in September 2017.

- d) For all private land, the market price will be enhanced by 200% for compensation under law (CCL). For *khas* land (DC is the owner at respective districts on behalf of the government), CCL will be the assessed market price without enhancement.
- e) RC for structure considering the cost of materials, labour inputs and land development cost at current market rates.
- f) RC /CMV will be approved by the Project Director.

2. Implementing nongovernment organization (INGO)

BWDB will engage a local nongovernment organization to support implementation of resettlement plan i.e. to support the implementation of all land acquisition and resettlement activities. The recruited NGO for implementation of RP is called INGO which will

- a) Identify all persons who have interest in the lands that will be acquired under the project (owner, tenants, operators etc.);
- b) identify all informal occupier/ settler on the right of way of new embankment, rehabilitation embankment and RBP works;
- c) Make the landowners / tenant / informal occupier aware about details of land acquisition process, compensation entitlement, payment procedure/ mechanism, resettlement benefit offered by the project.
- d) Legal owners will be assisted by INGO to organize legal documents in support of their ownership
- e) INGO will identify loss and entitlement of female owners and co-sharers through share determination at the field upon receipt of payment data from the DC office
- f) The INGO will inform the APs of the details of the land acquisition and compensation process, resettlement package and payment procedure.
- g) The INGO shall encourage EPs to consider purchasing land or investing the money in productive/income generating activities.

3. JVT

- a) The loss inventory items and quantities as well as the EP shall be verified in the field through JVT formed by DC. The members of PVAT will attend field verification by JVT.
- b) The JVT will verify the socially recognized User as identified by the Census

4. BWDB field office (Executive Engineer) will do title updating for usufruct and other rights before issuance of notice with assistance from INGO

5. DC will pay CCL for the loss items. If RC is higher than CCL, the difference will be paid by BWDB with assistance from INGO.

6. Compensation for Structures:

- a) Joint verification (DC and BWDB) and/or census will identify (record floor areas and category) of structure
- b) Compensation must be paid before DP dismantle and remove the structures as per civil works requirement
- c) The date of service of notice will be recognized as the cut-off date for structures not recognized by DC. In case of major differences identified between databases, BWDB will verify the data through the Joint Verification Team.
- d) The owner is allowed to take all salvageable material
- e) The RC will be the cost of the structures at market price

| 7. In case of any conflict between Government Act/Rules & ADB SPS, later will prevail. | | | |
|--|---|--|---|
| Unit of Entitlement | Entitlements | Applicable Laws | Additional Services |
| Loss Item 1: LOSS OF AGRICULTURAL LAND | | | |
| Legal owner(s) as identified by DC in the process of CCL payment. | 1. RC ³ or CMV of agricultural land. | ARIPA 2017 ADB SPS 2009 | |
| Loss Item 2: LOSS OF HOMESTEAD, COMMERCIAL, INDUSTRIAL LAND AND COMMON PROPERTY RESOURCES | | | |
| Legal owner(s) as identified by DC in the process of CCL payment. | 1. RC or CMV of land. 2. 10% of CMV as transaction allowance such as stamp duty and registration cost, VAT etc. No matter whether she/he purchase land or not | ARIPA 2017 ADB SPS 2009 | BWDB will assist to purchase of above land(s) jointly with INGO on negotiated price and homestead land development (earth filling, if needed) with internal road links. |
| Loss Item 3: LOSS OF WATER BODIES (PONDS, BOTH CULTIVATED AND NON-CULTIVATED) | | | |
| Legal owner(s) as identified by DC in the process of CCL payment. | 1. RC or CMV of the water body (private land). 2. Allowance of one-year fish harvest to be recommended by PVAT. | ARIPA 2017 ADB SPS | . |
| Loss Item 4: LOSS OF RESIDENTIAL STRUCTURES WITH TITLE TO LAND | | | |
| Legal owner(s) as identified by DC in the process of CCL payment. | 1. RC or CMV of residential structure 2. Transfer Grant @ Tk. 15 per square feet of affected structure but not exceeding Tk. 5,000.00. 3. Reconstruction and Homestead Development Grant Tk. 10,000.00. | ARIPA 2017 ADB SPS | Assistance in relocation and reconstruction. |
| Loss Item 5: LOSS OF COMMERCIAL/INDUSTRIAL/COMMON RESOURCE PROPERTY STRUCTURES WITH TITLE TO LAND | | | |
| Legal owners as identified by DC in the process of CCL | 1. RC or CMV of commercial, industrial, CPR structure 2. Transfer Grant @ Tk. 15 per square | ARIPA 2017 ADB SPS 2009 | Assistance in relocation and reconstruction. |

³ The costs of replacing lost assets (e.g., land, houses/structures, trees and crops) and income, including cost of transaction

| | | | |
|---|---|--|---|
| payment. | feet of affected structure but not exceeding Tk. 5,000.00. 3. Reconstruction Grant of TK12,000.00. | | |
| Loss Item 6: LOSS OF RESIDENTIAL, COMMERCIAL AND OTHER PHYSICAL STRUCTURES (WITHOUT TITLE TO LAND) | | | |
| 1.Non-titled but with recognizable claims & 2.Non-titled without recognizable claims both built structures on the ROW | 1. Replacement cost or CMV of structures as determined by PVAT 2. Structure transfer grant @ Tk. 15 (ten) per square feet of affected structure but not exceeding Tk. 5,000.00. 3. Reconstruction and Homestead Development Grant Tk. 10,000.00. | ARIPA 2017 ADB SPS | |
| Special Implementation Issues and application Guidelines: | | | |
| <p>1. The non-title holder (with recognizable claims) structure losers will produce document to JVT, who will cross verify the landlessness, while non-title holder without recognizable claims structure losers will produce landlessness certificate of local UP chairman/ member/ local school teacher for provide replacement cost of structure or allocation of an RV plot for free.</p> <p>2. The RP-INGO will assist the APs to move to clustered relocations (resettlement villages) with community facilities or, alternatively, in self-relocation. The APs may be relocated to BWDB land (if available) or plots purchased (by the APs) for which assistance will be provided in the form of homestead land development.</p> | | | |
| Loss Item 7: LOSS OF TIMBER AND FRUIT BEARING TREES, BAMBOO AND BANANA GROVES | | | |
| 1. Legal owner(s) as identified by the DC in the process of CCL payment. 2. Socially recognized owners of trees grown on public or other land | 1. Timber trees and bamboo: CMV of trees and bamboo. 2. Fruit-bearing trees without timber: if the tree is at or near fruit-bearing stage, the estimated current market value of the fruit. 3. Fruit-bearing trees with timber: CMV for the timber, and estimated current market value of fruit. 4. Banana groves: CMV of all trees 5. Owners will be allowed to fell trees and take the timber, free of cost after payment of CCL or RC as applicable. | ARIPA 2017 ADB SPS | INGO to explain RP policies regarding compensation for the trees of different categories and size and make the EPs aware that they could take the timber and fruits free of cost. |
| Special Implementation Issues and application Guidelines: | | | |
| 1. The INGO will provide guidance in plantation and post-plantation care. | | | |
| Loss Item 8: LOSS OF STANDING CROPS/FISH STOCK | | | |
| 1. Legal owners identified by the DC in progress of CCL | 1. RC of standing crops/fish stock. 2. Owners will be allowed to harvest | ARIPA 2017 ADB SPS 2009 | INGO will assist APs in the process of claiming |

| | | | |
|--|--|--|--|
| payment 2. Socially recognized owners | crops and fish stock. | | compensation from DC offices for organizing necessary documents. |
| Special Implementation Issues and application Guidelines: Guidelines: In case of any conflict between Government Act/Rules and ADB SPS, later will prevail. | | | |
| Loss Item 9: LOSS OF LEASED /MORTGAGED IN LAND/PONDS | | | |
| 1. Leaseholder with legal papers. 2. Socially recognized lessee or sharecropper, in case of customary informal tenancy arrangements, including socially recognized agreements. | 1. CMV of crops/ fish stock for one year as compensation. 2. Outstanding lease money back to the lessee by the owner as per agreement. 3. The leaseholder will be allowed to take the crops/fishes free of cost within the date declared by BWDB | ARIPA 2017 ADB SPS 2009 | 1. INGO will assist in ensuring that the lessee receives all eligible payments. 2. INGO will mediate refund of outstanding lease money by the owner to the lessees. |
| Special Implementation Issues and application Guidelines: | | | |
| 1. With legal agreement: DC will pay CCL to legal owner and mortgagee/leaseholder in accordance by the law. With customary tenancy agreements, including socially-recognized verbal agreements: Legal owner will receive CCL from DC. The legal owner will pay the outstanding liabilities to the lessee/mortgagee. Under the following conditions: (i) all contractual liabilities are already paid up; (ii) if not, the legal owner will get the residual payment after all liabilities are paid up. (iii) BWDB will ensure RC of crops to the cultivator with direct payment of the difference, if CCL is less than RC, with assistance from INGO. (iv) Dislocation Allowance will be paid to the actual cultivator of the acquired land by BWDB with assistance from INGO. | | | |
| Loss Item 10: LOSS OF INCOME FROM DISPLACED COMMERCIAL/ INDUSTRIAL PREMISES | | | |
| Any proprietor or businessman or artisan operating in premises | Employment in the Project construction work, if possible Moving assistance (one time) for tenant. Tk 5000.00 | ARIPA 2017 ADB SPS | EPs will be brought under ILRP. |
| Special Implementation Issues and application Guidelines: | | | |
| 1. All the business operators will be entitled for grant against loss of wages. The onetime moving assistance will be provided to the tenants only. | | | |
| Loss Item 11: TEMPORARY LOSS OF INCOME (WAGE EARNERS IN AGRICULTURE, COMMERCE & SMALL BUSINESS AND INDUSTRY) | | | |
| Regular wage earners affected by the acquisition. | Allowance of Tk4,000.00 Per HH Allowance of Tk 5,000.00 per FHH EPs to be included in the ILRP | ADB SPS | 1. EPs will be brought under the ILRP. |
| Special Implementation Issues and application Guidelines: | | | |

| | | | |
|---|---|-------------------------------------|---|
| EP must have been an employee of landowner or business located in the acquired lands for at least twelve months, as identified by Joint Verification and/or a contracted institution or a consulting company's census. | | | |
| Loss Item 12: LOSS OF INCOME FROM RENTED -OUT AND ACCESS TO RENTED-IN RESIDENTIAL/COMMERCIAL PREMISES | | | |
| 1. Owner of the rented-out premises 2. AH/person rented-in any such structure | Dislocation Allowance of Tk.5,000.00 for each unit of premises to both the renter and the rentees. | ARIPA 2017 ADB SPS | EPs will be brought under the ILRP. |
| Special Implementation Issues and application Guidelines: Guidelines: In case of any conflict between Government Act/Rules & ADB SPS, later will prevail. | | | |
| Loss Item 13: VULNERABLE AHs SPECIAL ASSISTANCE | | | |
| <i>Vulnerable Assistance:</i> Female-headed households, disabled, elderly/child, extremely poor and those losing more than 10% of their income to acquisition of land or business. | One-Time Special Assistance Grant of Tk 8,000 per AHH and Tk 10,000 per female headed household, elderly/child headed household, extremely poor & who losing more than 10% of their income to acquisition of land or business. Skill training and credit support under ILRP. No AH will get the grant if their family members do not participate to the proposed skill training | ADB SPS | EPs will be brought under the ILRP. |
| Special Implementation Issues and application Guidelines: | | | |
| <ol style="list-style-type: none"> 1. <i>Vulnerable AHHs yearly income must be below in the National poverty line.</i> 2. Extremely poor means whose yearly income Tk.0.00 to Tk30,000.00. 3. Loss of income will be assessed as per actual loss of productive resources (land and businesses) to the project and the total income of the affected households from all sources through Census of all AHHs. 4. JVT will verify the percentage of loss comparing the actual loss and the total income from all sources of the affected households. 5. Households turning into landless due to acquisition of agricultural land will be eligible for larger credit from the ILRP for longer duration. | | | |
| Loss Item 14: ADVERSE IMPACT ON HOST POPULATION DUE TO RELOCATION OF Aps | | | |
| Households self relocated to the host villages | Enhancement of carrying capacity of common civic amenities/utilities of the host communities as per assessment by BWDB. | ARIPA 2017 ADB SPS | 1.Investment in the host area to improve health, education, and other public services. 2.Forestation in the host area. |
| Special Implementation Issues and application Guidelines: Community needs for enhancement of common facilities in host areas will be assessed through a needs assessment survey. | | | |

| Loss Item 15: LOSS OF SUBMERGED LAND (ERODED LAND) | | | |
|---|--|----------------------------|----------------|
| 1. Legal owner(s) of land (DC's khas land after legally established AD Line). | 1. In absence of legally established AD line, all entitlements as provisioned for Loss Item 1. | ARIPA-2017 ADB SPS 2009 | |
| 2. Previous private owners of land below AD Line. | In case of khas land, CCL to respective DCs. RC of khas land to previous owner(s). | | |
| Loss Item 16: UNFORESEEN ADVERSE IMPACTS | | | |
| Households/persons affected by any unforeseen impact identified during RP implementation | Entitlements will be determined as per the resettlement policy | | As appropriate |
| The unforeseen impacts and affected persons will be identified with due care as per policy framework and proposed to the MoWR and the ADB for approval including quantity of losses, their owners and the entitlements. | | | |

AD = alluvial and diluvial; AHH = affected household; BWDB = Bangladesh Water Development Board; CCL = cash compensation under the law; CMV = current market value; DC = deputy commissioner; EPs = entitled persons; FHH = female-headed household; HH = household; ILRP = income and livelihood regenerating program; INGO = implementing nongovernment organization; JVT = Joint Verification Team; MOWR = Ministry of Water Resources; PVAT = Property Valuation Advisory Team; RP = resettlement plan; RC = replacement cost; SPS = Safeguard Policy Statement, 2009;

3. Unanticipated Impacts on Charlands

31. Although there are no anticipated negative impacts on char lands, the project will monitor the river behavior to assess all unanticipated impacts on chars and char people through the Project's environmental assessment and review framework. In case of any impacts such as induced flood or erosion caused due to the construction of sub-reach interventions, the impacts on chars and char people will be assessed and mitigation undertaken to address any losses. The ADB will be kept updated on any impact on chars and char people.

VI. VALUATION OF ASSETS

32. DC follows the rules laid down in the ARIPA 2017 to determine market prices for assets like land, structures and trees/crops, with assistance from other departments such as Public Works Department (PWD) for structures, Forest Department for trees, and Department of Agricultural Extension for crops. The assessed value is typically lower than the replacement value. Indeed, there exists confusion over statutory "market value" and compensation at replacement value.

33. Where (i) markets provide reliable information about process and (ii) comparable assets or acceptable substitutes are available for purchase, replacement cost (RC) is equivalent to "market value" of the replacement land, plus any transaction costs (such as preparation, transfer, and registration fees and taxes).

34. In Bangladesh's rural setting, the conditions noted above are not present. Therefore, to ensure that APs can replace the lost property, a replacement cost will be provided as determined by a Property Valuation Advisory Team (PVAT), which will be constituted by BWDB at each SMO with (i) Convener - Representative from BWDB (SDE/AE/Equivalent officer); ii) Member - Representative from concerned District Commissioner's (DC) office; iii) Member Secretary - Sub Assistant Engineer from BWDB concerned branch -, and iv) Member, RP-INGO representative

(DTL, Area Manager or Equivalent Officer/Specialist). The RP INGO will provide all technical support to the PVAT to assess the market price through an independent agency and recommend the RC of assets to the Project Director of the PMO for approval. BWDB will pay the difference between the approved RC and the DC payments under the ARIPA 2017. In addition, APs will be allowed to take away reusable materials from their dismantled houses and shops at no cost, despite compensation paid by the DC which will NOT be deducted from the RC.

VII. CONSULTATION, DISCLOSURE AND GRIEVANCE REDRESS

1. Consultation and Disclosure

35. Consultations and disclosure were initiated at the project preparation stage. At the detailed design stage, an RP for each of the subproject having involuntary resettlement impacts will be prepared, updated and implemented in close consultation with the stakeholders and will involve focus group discussions (FGDs) and meetings, particularly with the affected households (AHHs). In addition, a resettlement information brochure containing information on compensation and resettlement benefits will be made available in Bangla and distributed among the APs. Project design, impact and policies for mitigation of adverse social and environmental impacts will be disclosed to the influence area people particularly the APs. All APs will be provided with information regarding specific entitlements. This framework will be made available in local language(s) during the public meetings at the community level. Summary of draft RPs will be translated in Bangla and will also be made available at the district/upazila office and union parishad (local council). The RPs will be disclosed on the ADB's website, and the consultation will continue throughout the project implementation period.

2. Grievance Redress

36. Each RP will outline a grievance redress procedure to deal with various issues, community complaint and grievance that may arise during preparation and implementation of the resettlement activities. BWDB will set up grievance redress committees (GRCs) to deal effectively with APs concerns pertaining to land acquisition and resettlement issues, particularly on any aspects of compensation and resettlement benefits, delays in payment or on any other related grievance. GRCs will try to resolve the issues amicably by bringing together the contestants. The GRCs shall review and resolve grievances within one month of receiving any complaints and will maintain written records of all the appeals received. Minutes of all the meetings will also be duly recorded and maintained and will also include dated photos of the consultations. Irrespective of the GRC decisions, an aggrieved person will be free to access the country's legal system at any stage of the grievance redress mechanism. In case of any discrepancies regarding quantities and/or quality of affected properties, the Joint Verification Team (JVT) will make an assessment.

37. A 7-member GRCs are proposed to be established at local level to work for any grievances involving resettlement benefits and issues. GRCs will be composed of representatives from BWDB, local representatives, representative from APs, and at least one female member to participate in the hearings if the aggrieved person is a female. However, at least 5 members should execute a session for grievance resolution. The composition of a GRC is proposed as follows:

- (i) Executive Engineer (Field/Equivalent) - Convener
 - (ii) Sub Assistant Engineer from BWDB concerned branch – Member Secretary
 - (iii) Chairman of concerned Union Parishad – Member
 - (iv) Concerned Ward Commissioner- Member.
-

- (v) One Woman Ward Councilor - Member
- (vi) Representative of APs – Member
- (vii) Resettlement Specialist, Supervision Consultant - Member

VIII. INCOME AND LIVELIHOOD RESTORATION PROGRAM

38. The investment program recognizes diminishing income and dislocation of livelihoods during and after relocation. As a result, in addition to providing compensation and resettlement benefits, appropriate supporting measures will be included for income and livelihood restoration of APs. APs will be given preferences for project-related employment - whenever possible. BWDB will make provision in the contract with the contractors for employment of APs (with ID cards) or their dependents/women on a priority basis. Employment in the project construction will be an added source of income in the income restoration processes of APs.

39. The sub-reach RPs will budget an income and livelihood restoration program (ILRP) particularly targeting the poor and the vulnerable groups, including poor female-headed households. The ILRP will include human resource development and occupational skill development trainings and subsequent credit support for undertaking suitable business. The main objective of the ILRP will be to improve or, at least restore, the income and livelihood of all APs. The project will adopt two-fold approach for ILRP. ILRP will be designed, based on needs assessment surveys and available skills, for implementation in post relocation period. Income and livelihood restoration efforts will be extended to APs in the form of both short-term support and long-term program to achieve sustainable livelihood for AHHs.

40. A gender action plan will focus on income and livelihoods issues, including provisions for training, credit and marketing support for income generating activities and enhanced organizational and leadership/advocacy among the poor women for sustainable social development.

41. Further, the RPs will have provisions to provide assistance to affected businesses to restore their businesses. All businessmen, including renters, will receive a cash grant for loss of access to business premises, including shifting or moving allowance, and one-time cash grant against loss of income. This assistance is intended to supplement the income loss during transitional period to re-establish businesses at new sites. Long-term ILRP for post-relocation activities will be designed and implemented over a period of 4 years.

42. A national level livelihood development NGO will be involved for fostering the ILRP activities among the entitled APs. The ILRP will be designed through identification of target group beneficiaries and assessing the needs and feasibility of potential income generating activities.

IX. INSTITUTIONAL ARRANGEMENTS

43. BWDB is the project owner and executing agency of the Project. A Project Management Office (PMO), headed by a Project Director (PD), will be set up within BWDB for execution of the Project. One of Executive Engineers under the PMO will serve as Chief Resettlement Officer (CRO), which will be responsible for implementation of the RP - disbursement of compensation through DC and resettlement benefit through its own staff with assistance from INGO and concerned BWDB field division. CRO and his staffs in PMO will work as a resettlement unit (RU) under the PMO in dual charge. The RU responsibility will include implementation of an ILRP with the help of a national livelihood development NGO and a gender action plan during and after resettlement of APs. The RU will be manned by staff with past work experience in land acquisition and resettlement. The concerned field offices of BWDB, headed by Executive Engineers, will act as

field offices of RU. The principal functions of the field offices will be to facilitate land acquisition and implement the resettlement program with assistance from a resettlement plan implementing NGO (INGO). CRO at RU with the help of field offices will perform Monitoring and Evaluation (M&E) of the implementation of RPs. He/she will create and manage resettlement databank, progress monitoring arrangement and MIS.

44. CRO-RU and his/her team will carry out the following specific tasks related to land acquisition and resettlement: (i) liaison with district administration with the help of concerned field offices to support land acquisition; (ii) day-to-day management, supervision, monitoring of resettlement work; (iii) ensure timely availability of budget for all activities; (iv) synchronize resettlement activity and handover land as per the construction schedule; (v) develop RP implementation tools and form necessary committees such as property valuation advisory team (PVAT), JVT, and GRC; and (vi) monitor the effectiveness of entitlement packages and payment modality. In sum, the CRO-RU through the field offices, LA Office and the INGO will execute and monitor the progress of the LA and Resettlement implementation. Capacity building of BWDB staff will be carried out on an ongoing basis and dedicated resources will be allocated for it.

45. The principal task of the INGO is to identify the project affected households/business enterprises and individuals, processing their payment based on an inventory of losses (IOL), established by DC and BWDB, and to assist BWDB in making payments to the APs for their resettlement-related benefits. The INGO will carry out an information campaign and involve APs, including women in the resettlement implementation processes. The INGO will also collect, collate, computerize and process data for identification of eligible persons correctly for resettlement benefits and assess their entitlements as per resettlement policy. Further, the INGO will assist or work with a variety of committees, such as, PVAT, JVT and the local GRCs. Finally, the INGO will also play an important role in ensuring that vulnerable groups, including female-headed households and persons with disabilities (PWDs), are given special attention.

46. BWDB will form a JVT for the each sub-project through a gazette notification to compare and review the physical verification data collected, comprising i) a representative from BWDB - Convener (SDE/AE/Equivalent officer); ii) a representative from concerned District Commissioner's (DC) Office - Member; and iii) a representative from the INGO - Member secretary. The JVT will be approved by the Ministry of Water Resources. The JVT will determine the loss items and their owners, the Entitled Persons (EPs). These include users with title to the land as well as non-titled but socially recognized user. The scope and responsibility of the JVT will be clearly defined in the gazette. The INGO will process the entitlements of the project APs using the JVT data as one of the determinants.

47. The capacity-building activities for the PMO staff may involve on-the-job training, training workshops, and visiting other successful resettlement projects in the countries in the region for practical orientation in RP implementation. The scope of training will include ADB resettlement policy and principles. The training would specifically focus on the differences between the provisions of the ADB policy and Bangladesh country laws. The awareness of these differences and the need to follow the provisions of the ADB policy are critical for successful implementation of the RP. This will be mentioned in the resettlement plans that will follow this RF.

X. RESETTLEMENT BUDGET

48. Detailed budget estimates for each RP will be prepared considering ADB's principle of replacement cost. In all, the implementation of all RPs for the three tranches including land acquisition and other social development programs is estimated to cost close to dollars at current

costs. The budgets will include: (i) detailed costs of land acquisition, relocation, resettlement and the ILRP, public consultations, and grievance redress; (ii) source of funding; (iii) administrative costs; (iv) monitoring cost; (v) cost of hiring consultants; and (vi) arrangement for approval, and the flow of funds and contingency arrangements. The land acquisition, compensation, relocation and rehabilitation, administrative, monitoring and consultant cost, income and livelihood restoration value will be considered as an integral component of project costs. If there is any other additional cost, the same will be included in the project budget so to ensure timely disbursement of funds for payment to the affected households and individuals.

XI. RESETTLEMENT DATABANK, MONITORING, AND EVALUATION

49. Computerization of all data related to land acquisition and requisition will be done by a contracted institution, Census data by a contracted institution or consulting company for CCL and resettlement benefits payment data by the implementing NGO and will be made available to BWDB-RU. All the databases together will form LA&R Databank. The data bank will act as the key source of information for implementation, monitoring and evaluation purposes. An automated EP files, covering all the losses of individual households, will be prepared for using it as an input towards preparation of entitlement cards and payment statement. These automated files will reflect all the identified losses, all the entitlement, the entitlements paid and the amount pending. There will be a computerized resettlement management information system (MIS) which will enhance the institutional capacity of both BWDB and the INGO in land acquisition and resettlement management for the project.

50. GIS to be established will be used to combat policy abuse establishing geo-referencing of the LA information with plots acquired on the digitized mauza maps as of the cut-off date. The MIS and payment processing tools such as an automated EP file, Payment statement, RC calculation software, stamp duty calculation software, information brochure, administrative manual/payment modality, developed by the INGO will be used with necessary modifications in day-to-day monitoring and evaluation. Use of the MIS will establish transparency, detect manipulation of information, if any, accuracy in payment processing and efficiency in resettlement management and GIS will provide digitized mauza maps and readily available LA information at all levels of management, enhance the capacity to detect fraud, if any, ensure quality and efficiency of resettlement operation and management. All the updated information will be supplied to the databank and fed into the MIS regularly so that BWDB, the external monitoring and evaluation agencies, the co-financiers and the POE will have readily available information at hand,

51. RP implementation will be supervised and monitored by the CRO in coordination with concerned field divisions and staff of INGO.

52. The monitoring will be done both internally and externally to provide feedback to BWDB and to assess the effectiveness of the resettlement policy and implementation. The Construction Supervision Consultant (CSC) will conduct regular monitoring of the RP implementation and submit reports to the EA (BWDB) for the executing agency's required semi-annual monitoring reports to the ADB. Finally, external monitoring will be carried out through an appropriate agency.

Appendix 1: Outline of a Resettlement Plan

Executive Summary

1. Project Description
2. Scope of Land Acquisition and Resettlement
3. Socioeconomic Information and Profile
4. Information Disclosure, Consultation, and Participation
5. Grievance Redress Mechanisms
6. Legal Framework
7. Entitlements, Assistance and Benefits
8. Income Restoration and Rehabilitation
9. Resettlement Budget and Financing Plan
10. Institutional Arrangements
11. Implementation Schedule
12. Monitoring and Reporting

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Appendix 2: Jamuna Bridge “Best Practices” and Lessons Learned

Introduction

1. In Bangladesh, the 1982 Ordinance provides the basis for acquisition and compensation for acquired assets (e.g., land, structure, trees and crops). The Ordinance recognizes titled owners only. Informal settlers/squatters are not legally eligible for compensation or any assistance for resettlement. Compensation paid to APs for lost assets are less than replacement cost (RC). Furthermore, the consequences of dislocation and relocation are not considered and no provision or assistance for resettlement and income restore.

2. The Jamuna Bridge Project, completed in 1998, was the first multi-donor (ADB, JBIC and World Bank) financed project with a detailed resettlement plan. Project-specific additional measures were adopted to deal with the impacts of the project, which affected over 16, 000 families (100,000 persons), of which 4,000 families were required relocation. The Jamuna is now considered a "landmark" project and a "model" in resettlement management. Since the Jamuna Bridge Project, many donor-funded projects in Bangladesh followed the Jamuna lessons and "best practices" in resettlement project planning and implementation.

3. The Jamuna-Meghna River Erosion Mitigation Project (JMREMP) October 2002) and the Padma Multipurpose Bridge Project (PMBP) September 2010 Resettlement Frameworks (RF) were highly reliant on the best practices established in the Jamuna Bridge Project.⁴ The JMREMP will resettlement experience is also a model for the FRERMIP's RF.

1.1 Jamuna Bridge “Best Practices” and Lessons Learned

4. This brief note summarizes the "best practice" in resettlement in the Jamuna Bridge Project, the experience gained and the "lessons learned" from Jamuna implementation. The "best practices" and lessons from Jamuna have influenced the Padma project resettlement in a major and significantly way and presented in the below Matrix 1.

Matrix 1 - Jamuna “Best Practices” and Lessons Learned

| SI No. | A. Best Practices in Resettlement Management | |
|--------|--|---|
| | Jamuna Best Practices | Incorporated in the FRERMIP |
| 1 | All affected persons - titled and non-titled - were covered by the project | FRERMIP resettlement policy cover all affected persons, titled and non-titled, direct and indirectly affected persons |

⁴ Bangabandhu Bridge, also called the Jamuna Multi-purpose Bridge (Bengali: যমুনা বহুমুখী সেতু Jomuna Bohumukhi Shetu), is a bridge opened in Bangladesh in June 1998. It connects Bhuapur on the Jamuna River's east bank to Sirajganj on its west bank. It was the 11th longest bridge in the world when constructed in 1998[1] and currently the 6th longest bridge in South Asia. It was constructed over the Jamuna River, one of the three major rivers of Bangladesh, and fifth largest in the world in terms of volumetric discharge. The bridge established a strategic link between the eastern and western parts of Bangladesh. It generates multifarious benefits for the people and especially, promotes inter-regional trade in the country. Apart from quick movement of goods and passenger traffic by road and rail, it facilitated transmission of electricity and natural gas, and integration of telecommunication links. The bridge is located on the Asian Highway and the Trans-Asian Railway which, when fully developed, will provide uninterrupted international road and railway links from South-east Asia through Central Asia to North-west Europe. http://en.wikipedia.org/wiki/Jamuna_Bridge

| Sl No. | A. Best Practices in Resettlement Management | |
|----------------------------|---|---|
| 2 | All types of losses were identified through full census and surveys | All previous data were updated through fresh census/surveys so that everyone affected is covered |
| 3 | Detailed entitlement matrix established to compensate for losses, dislocation and resettlement | The FRERMIP entitlement matrix has made improvements on the Jamuna on many respects, particularly on additional payments and grants |
| 4 | Photo ID Card with description of losses and entitlements | ID Card for all affected persons |
| 5 | Video filming of ROW to control fraudulent claims | Video filming and satellite images of the project boundary to control any fraudulent claims |
| 6 | Resettlement sites with civic amenities | resettlement sites will be developed for relocation of the affected households, as necessary, including "self managed" resettlement Affected persons given choices |
| 7 | Multiple relocation options, including "self-managed" resettlement | Affected persons will be given choices to decide on relocation to project-sponsored sites to self-managed resettlement with assistance from the project |
| 8 | Public amenities in host villages | Provision for public amenities in host villages following the Jamuna model |
| 9 | Special assistance to vulnerable groups | Special attention to and assistance for vulnerable groups, including female-headed poor households, disabled family members |
| 10 | Income restoration and skill training | 10-year income restoration and livelihood plan to be implemented by NGOs |
| 11 | GRC for dispute resolution | GRCs will be established through gazette notification |
| 12 | Public participation in resettlement management | Major initiative undertaken for public consultation, disclosure and participation of the affected persons |
| 13 | Field offices in Project site | BWDB will open Field Offices in FRERMIP sites |
| 14 | Nine NGOs involved in resettlement operations | Lead NGOs and many local and smaller NGOs will be involved in income restoration, skill training, gender plans, public health, AIDS/HIV awareness and prevention activities |
| 15 | MIS software for monitoring and management | MIS to be used for project monitoring purposes |
| 16 | <u>Assistance to char villagers for post construction impacts (Erosion and Flood Affected Persons) Plan [1]</u> | A 20-year charland monitoring, management and development framework will be established |
| B. Lessons from the Jamuna | | |
| 1 | Jamuna Experience and Lessons | Improvements in FRERMIP Project |
| 2 | Excessive land acquisition (3,000 ha) for the 4.58 km long project, including approach roads and RBP | Minimization of land acquisition to extent possible |
| 3 | Income restoration was planned | A 10-year income and livelihood restoration plan |

| SI No. | A. Best Practices in Resettlement Management | |
|--------|--|---|
| | for only 3 years with very limited assistance; one-third of displaced families reported "worse-off" than pre-project level | (both short and long-term plan) has been undertaken beyond the project construction period to be implemented by a separate and experienced NGO in collaboration with local NGOs |
| 4 | Lack of concrete plans for "transfer" of the resettlement sites to the resettlers | Resettlement NGO will prepare a plan to transfer any resettlement sites to resettlers after 5 years |
| 5 | No external monitoring and evaluation of resettlement during project operations | Provision for third party monitoring arrangements |

1.2 Beyond Jamuna Bridge Model

5. The Jamuna "model" of resettlement has been adopted as a "standard" for large and complex projects in Bangladesh. The draft National Policy on Involuntary Resettlement and Rehabilitation (NPIRR) has been very much influenced by the practices and experience of the Jamuna Project.

6. The Government of Bangladesh is gradually becoming more committed to good resettlement practices and progressive improvements have been noticed in all large projects since the Jamuna Bridge Project. Today, the approach is more towards "development-oriented." The implementation of the Padma resettlement and social action plan (SAP) will set "new standards" in resettlement management locally and internationally as well.

Appendix 3: Harmonization with ADB's Policies

| Aspect | ADB SPS 2009 | Harmonized Policy |
|---|--|--|
| Objectives | | |
| 1. Avoid involuntary resettlement | Avoid involuntary resettlement wherever possible | Avoid involuntary resettlement and adverse impacts on people and communities, wherever feasible |
| 2. Minimize involuntary resettlement | Minimize involuntary resettlement by exploring project and design alternatives | If displacement is unavoidable, minimize involuntary resettlement by: (i) exploring alternative project designs; (ii) Effective measures to minimize impact in consultation with the people who are affected. |
| 3. Mitigate adverse | To enhance, or at least restore, the livelihoods of all affected persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor other vulnerable groups. | Where IR is unavoidable, effective measures to mitigate adverse social and economic impacts on affected persons by: |
| social | | <u>(a) providing compensation for loss of assets at replacement cost (RC)⁵ (b) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected</u> |
| impacts | | (c) improve or at least restore the livelihoods and standards of living of displaced persons, and (d) improve living conditions among displaced persons through provision of adequate housing with security of tenure at resettlement sites. |
| Core Principles | | |
| 1. Identify, assess and address the potential social and economic impacts | Screen the project early on to identify past, present and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including gender analysis, specifically related to resettlement impacts and risks | Assess at an early stage of the project cycle the potential social and economic impacts caused by involuntary taking of land (e.g. relocation or loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood, whether or not the affected person must move to another location) or involuntary restriction of access to legally designated parks and protected areas and to determine who will be eligible for compensation and assistance. |
| 2. Prepare mitigation plans for affected persons | Develop resettlement plan on the basis of assessment during project processing, with the intent that plan will | Preparation of Resettlement Plan or Resettlement Framework (RF) during Project processing to mitigate the negative impacts of displacement. |

⁵ The costs of replacing lost assets (e.g., land, houses/structures, trees and crops) and income, including cost of transaction, equivalent to ADB's SPS definition of replacement cost

| Aspect | ADB SPS 2009 | Harmonized Policy |
|--|--|--|
| | guide refinements of impact estimates and mitigating measures as project parameters are finalized. | The plan will provide estimate of the extent of total population affected and establish entitlements of all categories of affected persons (including host communities), with particular attention paid to the needs of the poor and the vulnerable. |
| 3. Consider alternative project design | Explore viable alternative project designs to avoid and/or minimize involuntary resettlement. | Multiple alternative proposals must be examined to avoid or minimize involuntary resettlement and physical, or economic displacement and to choose a better project option while balancing environmental social and financial costs and benefits. |
| 4. Involve and consult with stakeholders | Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation and M&E of resettlement programs. Pay particular attention to the needs of the vulnerable groups, especially those below poverty line, the landless, the elderly, women and children and Indigenous people, and those without title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the APs concerns. Support the social and cultural institutions of displaced persons and their host population. | Consult project-affected persons, host communities and local nongovernmental organizations, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms. Pay particular attention to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, Indigenous Peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation. |
| 5. Disclose and inform APs of RP and mitigation measures | Disclose the resettlement plan and other relevant information in a form and language(s) accessible to key stakeholders, civil society, particularly affected groups and the general public. | Disclose the resettlement plan including documentation of the consultation process, in a form and language(s) accessible to key stakeholders, civil society, particularly affected groups and the general public in an accessible place for a reasonable minimum period. |
| 6. Support existing social and cultural institutions of the affected persons | Ensure that the existing social and cultural institutions are supported and used to the extent possible, including legal, policy and institutional framework of the country to the extent that the intent and spirit of the IR policy is maintained. | Ensure that the existing social and cultural institutions of the resettlers and any host communities are supported and used to the extent possible, including legal, policy and institutional framework of the country to the extent that the intent and spirit of the IR policy is maintained. Projects must be adequately coordinated so that they are accepted in manner that is socially appropriate to the country and locality in which the Project is planned. |

| Aspect | ADB SPS 2009 | Harmonized Policy |
|---|---|---|
| | | The SEA should include an assessment of compliance with applicable host country laws, regulations, and permits, and relevant social and environmental impacts and risks of the project. |
| 7. Build capacity of the borrower(s) in IR implementation | Assist in building capacity of DMCs on best practice on involuntary resettlement planning and implementation | Assist in building capacity of DMCs on best practice on involuntary resettlement planning and implementation. Financing of technical assistance to strengthen the capacities of agencies responsible for resettlement, or of affected people to participate more effectively in resettlement operations. |
| Project Processing Benchmark | | |
| Screening | Every development intervention will be screened, as early as possible in the project cycle, to identify the people who may be beneficially and adversely affected, and to determine the scope of a social assessment to assess those affects and impacts. | Every development intervention will be screened, as early as possible in the project cycle, to identify the people who may be beneficially and adversely affected, and to determine the scope of a social assessment to assess those affects and impacts. |
| Categorization | The ADB IR requirements apply to full or partial, permanent or temporary physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets access to assets, income sources, or means of livelihoods) resulting from (i) involuntary restrictions on land use or on access to legally designated parks and protected areas. | Categorize impacts by “significance” and define the scale of impacts - both direct and indirect - with particular attention to economic and livelihood impacts. Plan mitigations for all types of losses in the RP |
| Social Assessment | The borrower/client will conduct socioeconomic surveys and a census, with appropriate socioeconomic baseline data to identify all persons who will be displaced by the project and to assess the project’s socioeconomic impacts on them. As part of the social impact assessment, the borrower will identify individuals and groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status. | Social Assessment be conducted as early as possible and will specifically consider any impacts upon particularly poor and vulnerable Affected Persons. |
| Resettlement Plan | The borrower will prepare a resettlement plan, if the proposed project, will have | For all interventions that involve resettlement or physical or economic displacement, a resettlement plan will be |

| Aspect | ADB SPS 2009 | Harmonized Policy |
|-------------|---|---|
| | involuntary resettlement impacts. The objective of the Resettlement plans will elaborate on displaced persons entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring & reporting framework, budget and a time-bound implementation schedule. | prepared which will establish the entitlements of all categories of affected persons (including host communities), with particular attention paid to the needs of the poor and the vulnerable. The RP will lay down appropriate time-bound actions and budgets, and the full costs of resettlement, compensation, and rehabilitation will be included in the presentation of the costs and benefits of the development intervention. |
| Supervision | | Regular supervision on resettlement implementation to determine compliance with the resettlement instrument. |
| Monitoring | The borrower will monitor and measure the progress of implementation of the resettlement plan. For projects with significant involuntary resettlement impacts, the borrower will retain qualified and experienced external experts or qualified NGOs to verify the borrowers monitoring information. The borrower will prepare semi-annual monitoring reports that describe the progress of the implementation of the resettlement activities and any compliance issues and corrective actions. | <p>The borrower is responsible for adequate monitoring & evaluation of the activities set forth in the resettlement instrument.</p> <p>It is desirable that the project proponents monitor: (i) whether any situations that were unforeseeable before the project began have arisen; (ii) the implementation situation and the effectiveness of the mitigation measures prepared in advance, and that they then take appropriate measures based on the results of such monitoring (iii) involve external experts for resettlement monitoring (iv) monitoring reports must be made public and additional steps to be taken, if required.</p> |
| Evaluation | | Mid-term evaluation to assess performance of RP implementation Assess whether the objectives of the resettlement instrument have been achieved, upon completion of the project, taking account of the baseline conditions and the results of resettlement monitoring. |

Gaps and Gap Filling Measures to comply with ADB's Safeguard Policies

| Aspect | Harmonized Policy | GOB's ARIPA 2017 | Gaps between Harmonized Policy and GOB | Safeguard Measures Adopted in the Project |
|-----------------------------------|--|---|--|--|
| Objectives | | | | |
| 1. Avoid involuntary resettlement | Avoid involuntary resettlement and adverse impacts on people and communities, wherever feasible. | Avoidance of resettlement is not specifically mentioned in the ARIPA 2017 - focus on mitigation than avoidance. | Gaps with regard to this principle to avoid resettlement impact through alternative options. | RF adheres to this principle - i.e., avoid resettlement impacts where feasible |
| 2. Minimize | If displacement is | The law only | Section 4 of | Minimize |

| | | | | |
|------------------------------------|---|---|---|---|
| involuntary resettlement | unavoidable, minimize involuntary resettlement by - exploring alternative project designs; effective measures to minimize impact in consultation with the people who are affected. | implicitly discourages unnecessary and excess land acquisition, as excess land remains idle and unused and lands acquired for one purpose cannot be used for a different purpose. Land that remains unused should be returned to the original owner(s). | ARIPA-2017 requires notification only; no consultation is required | displacement of people as much as possible by exploring all viable design alternatives. If unavoidable, provide for prompt payment of just compensation, replacement cost ⁶ (for lost assets and income) rehabilitation and livelihood assistance, towards better condition than before relocation for all displaced |
| 3. Mitigate adverse social impacts | Where IR is unavoidable, effective measures to mitigate adverse social and economic impacts on affected persons by: (a) providing compensation for loss of assets at replacement value (RV7); (b) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected improve or at least restore the livelihoods and standards of living of displaced persons, and improve living conditions among displaced persons through provision of adequate housing with security of tenure at resettlement sites. | The mitigation measures are cash compensation only for lost assets. The complexities of resettlement are not addressed by the Act. | Only cash-based compensation for acquired assets. The impacts of loss of land, houses and the need for resettlement are not considered. | Provision for replacement cost (RC) for assets lost (i.e., land, structures, trees etc.) at replacement cost. Resettlement in project sponsored sites with civic amenities. Separate Livelihood and Income Restoration Plan RPs to be disclosed to the community and available in Bangla. The “good practices” are derived from the Jamuna Bridge and JMREMP resettlement “models.” |

⁶ The costs of replacing lost assets (e.g., land, houses/structures, trees and crops) and income, including cost of transaction, equivalent to ADB’s SPS definition of replacement cost

| Core Principles | | | | |
|---|---|--|--|--|
| 1. Identify, assess and address the potential social and economic impacts | Assess at an early stage of the project cycle the potential social and economic impacts caused by involuntarily taking of land (e.g. relocation or loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood). | The ARIPA-2017 requires preparation of a Land Acquisition Plan (LAP) for land acquisition and compensation purposes. However, GOB environmental rules/guidelines (1997) synchronize various applicable laws and policy frameworks of the country for early identification of impacts on biophysical, Socioeconomic and cultural environment of a project intervention and their mitigation. Requires the assessment of technical alternatives, including the no action alternative to minimize adverse environmental impacts, include impact on human health and safety. EIA identifies measures to minimize the problems and recommends ways to improve the project's sustainability. | Impact assessments are typically done in the case of externally funded projects; otherwise, a land acquisition plan is prepared for acquisition purposes. Project impacts on properties, livelihoods and employment, health and environment are discussed in IEE/EIA reports, but do not provide enough information to determine losses and basis for compensation. Existing laws do not have provision for identification of indigenous people to recognize their particular problem and inconveniences due to a project. | RF requires identification of impacts caused by displacement whether or not through land acquisition (maintaining the principle that lack of formal title to land should not be a bar to compensation and resettlement assistance), including number of affected persons. The Framework also addresses both direct and indirect impacts. |
| 2. Prepare mitigation plans for affected persons | Preparation of Resettlement Plan or Resettlement Framework (RF) during Project processing to mitigate the negative impacts of displacement. The plan will provide estimate of | The Deputy Commissioners (DCs) have the mandate in their respective jurisdiction as per law to acquire land for any requiring person (public agency or | 2. Prepare mitigation plans for affected persons | Preparation of Resettlement Plan or Resettlement Framework (RF) during Project processing to mitigate the negative impacts of displacement. The plan will |

| | | | | |
|--|---|--|---|---|
| | <p>the extent of total population affected and establish entitlements of all categories of affected persons (including host communities), with particular attention paid to the needs of the poor and the vulnerable.</p> | <p>private person). The requiring body requests the Deputy Commissioners for acquisition of land for their project/scheme. DCs investigate physically the requirement of land and carry out Joint Verifications of assets and type of land for assessing the quantity of losses (u/s 8(1) of the law). Affected titled holders receive the assessed value and 200% on that for compulsory land acquisition. Fair compensation is required for acquisition of land which is dependent on recorded data with relevant government agencies (sub registrar's office for land, PWD for structure, DAE for crops, DOF for trees Etc.). Affected owners have the right to appeal on acquisition or on the compensation amounts determined as per law.</p> | | <p>provide estimate of the extent of total population affected and establish entitlements of all categories of affected persons (including host communities), with particular attention paid to the needs of the poor and the vulnerable.</p> |
| 3. Consider alternative project design | <p>Multiple alternative proposals must be examined to avoid or minimize involuntary resettlement and physical, or economic displacement and to choose a better project option while</p> | <p>Feasibility studies including social, political, cultural and environmental impact assessments, detailed engineering surveys as basis for acquisition of</p> | <p>No specific laws for considering project design to avoid or minimize involuntary resettlement. Feasibility study considers cost benefit more from technical than sociocultural</p> | <p>RF considers feasible alternative project design to avoid or at least minimize physical or economic displacement, while balancing environmental, social, technical</p> |

| | | | | |
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| | balancing environmental social and financial costs and benefits. | private property or rights. | considerations. | and financial costs and benefits. |
| 4. Involve and consult with stakeholders | Consult project affected persons, host communities and local nongovernmental organizations, as appropriate. Provide them opportunities to participate in the planning, implementation and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining the eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms. Pay particular attention to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, Indigenous Peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation. | The ARIPA-2017 have provisions (Section 4) to notify the owners of property to be acquired. Any party having any objections can appear to DC for a hearing with 15 days of notification. | There is no provision in the law for consulting the stakeholders but the land allocation committees at district, division and central government level. People have limited scope to negotiate with the government on the price of land but have no right to refuse acquisition. | RF has provisions for community consultation and public disclosure of impacts as well as mitigation measures, including disclosure of Resettlement Plan. Further, grievances redressal procedures involving cross-section of people, including representative of affected persons, have been established for accountability and democratization of the development process. |
| 5. Disclose and inform APs of RP and Mitigation measures | Disclose the resettlement plan including documentation of the consultation | The ARIPA-2017 requires a "notice" to be published at convenient | Disclosure takes place in case of donor-funded projects. | RF requires disclosure of Draft RPs to the affected communities in a |

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| | process, in a form and language(s) accessible to key stakeholders, civil society, particularly affected groups and the general public in an accessible place for a reasonable minimum period. | places on or near the property in a prescribed form and manner stating that the property is proposed to be acquired (u/section 4). | | form or language(s) that are understandable to key stakeholders, civil society, particularly affected groups and the general public in a national workshop. Further, updated RPs will be disclosed based on material changes as a result of the concerns of affected families. |
| 6. Support existing social and cultural institutions of the affected persons | Ensure that the existing social and cultural institutions of the resettlers and any host communities are supported and used to the extent possible, including legal, policy and institutional framework of the country to the extent that the intent and spirit of the IR policy is maintained. Projects must be adequately coordinated so that they are accepted in manner that is socially appropriate to the country and locality in which the Project is planned. The SEA should include an assessment of compliance with applicable host country laws, regulations, and permits, and relevant social and environmental impacts and risks of the project. | | No provision in any existing laws. | The Jamuna Bridge and the follow-up JMREMP established this as "good practice" in resettlement operations. Affected households were given options for relocation in accordance with their choices and support available from existing social networks. Host-resettlers' relation was enhanced by providing civic amenities and infrastructure services to the host villages. The RF has similar provisions to enhance carrying capacity of the host villages in post relocation period. |
| Supervision | For all interventions that involve resettlement or | No provision in the ARIPA-2017. | There is no law or directives on the supervision of the land acquisition | Resettlement supervision in the Project will follow the Jamuna and |

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| | physical or economic displacement, a resettlement plan will be prepared. The RP bound actions and budgets, and the full costs of resettlement, compensation, and rehabilitation will be included in the presentation of the costs and benefits of the development intervention. | | process by Deputy Commissioner. | JMREMP models with ADB's periodic "milestone" meeting, supervision by specialist, midterm review of resettlement performance and regular supervision of resettlement operations by the Resettlement Unit of BWDB. |
| Monitoring | Regular supervision on resettlement implementation to determine compliance with the resettlement instrument. | The ARIPA-2017 has provision that the DC will monitor and submit a statement to the Government annually about the properties acquired for different requiring bodies and mode of utilization of the land. | Existing laws not have any provision for rehabilitation of project affected persons and therefore, no monitoring is done. | RF has provision for internal, external monitoring, plus periodic monitoring by a POE to be hired by ADB's fund. Monitoring results will be shared, and findings will be used for enhancement, if needed. |
| Evaluation | The borrower is responsible for adequate monitoring & evaluation of the activities set forth in the resettlement instrument. It is desirable that the project proponents monitor: (i) whether any situations that were unforeseeable before the project began have arisen; (ii) the implementation situation and the effectiveness of the mitigation measures prepared in advance, and that they then take appropriate measures based on the results of such monitoring (iii) involve | No provision for evaluations of the post-displaced lives of the affected households and communities | | CSC Safeguard Specialist will conduct annual evaluation of the performance of resettlement operations as well as impacts of resettlement during and after implementation of resettlement plans to assess resettlement efficiency, effectiveness, impacts, and sustainability. POE will also conduct evaluations to reflect broadly on the success or weaknesses in RP implementation and "lessons learned." |

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| | external experts for resettlement monitoring (iv) Monitoring reports must be made public and additional steps to be taken, if required. | | | |
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