

# Resettlement Framework (Update)

---

Project No.: 44167-015  
May 2021

## BAN: Flood and Riverbank Erosion Risk Management Investment Program (FRERMIP) – Project 2

Prepared by the Bangladesh Water Development Board for the People's Republic of Bangladesh and the Asian Development Bank. This is an updated version of the resettlement framework originally posted in September 2020 available on <https://www.adb.org/sites/default/files/project-documents/44167/44167-013-rf-en.pdf>.

This resettlement framework is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature. Your attention is directed to the "terms of use" section of this website.

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

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

---

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

**RESETTLEMENT FRAMEWORK (Update)**

**May 2021**

---

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.

## TABLE OF CONTENTS

I.	INTRODUCTION	1
	A. Background & Project Description	1
	B. Resettlement Plan Preparation: Sector-like Approach	4
	C. Socioeconomic information	7
II.	LEGAL FRAMEWORK AND POLICY ON SOCIAL SAFEGUARDS	8
	A. Bangladesh Legal Framework for Land Acquisition and Resettlement	8
	B. ADB Policy Statement on Social Safeguard	10
	C. Gap analysis between the Government of Bangladesh and ADB SPS	11
	D. Harmonization with ADB's Policy	12
III.	POLICY PRINCIPLES AND GUIDELINES	26
IV.	PLANNING STEPS AND PROCEDURES	28
V.	ELIGIBILITY AND ENTITLEMENTS	28
	A. Eligibility and Special Considerations	28
	B. Entitlement Matrix	28
	C. Unanticipated Impacts on Charlands	36
	D. Cut-off Date	36
VI.	VALUATION OF ASSETS	36
VII.	CONSULTATION, DISCLOSURE AND GRIEVANCE REDRESS	38
	A. Consultation and Disclosure	38
	B. Grievance Redress Mechanism	39
VIII.	COMPENSATION AND INCOME & LIVELIHOOD RESTORATION PROGRAM	42
IX.	INSTITUTIONAL ARRANGEMENTS	44
X.	RESETTLEMENT BUDGET	45
XI.	RESETTLEMENT DATABANK, MONITORING, AND EVALUATION	45

## LIST OF APPENDIXES

Appendix 1: Outline of a Resettlement Plan	47
Appendix 2: Jamuna Bridge “Best Practices” and Lessons Learned	48
Appendix 23: Resettlement questionnaire	51

---

## 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
PVAT	–	Property Valuation Advisory Team

**CURRENCY EQUIVALENTS**

(as of 15 February 2021)

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 due to physical displacement (relocation, loss of residential land, or loss of shelter) or economic displacement ((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. APs may be of three types (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. APs are entitled to receive compensation based on the entitlement matrix.

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

**Census:** A population record of all affected persons by their residence based on the census. If a census is not conducted prior to project appraisal and the resettlement plan is based on a sample survey, an updated resettlement plan will be prepared based on a census of affected persons after detailed design.

**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.

**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.

**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.

**Meaningful consultation:** A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

**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 is the rate of compensation for acquired housing, land, and other assets. Replacement cost is calculated based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued; (iv) transitional and restoration costs; and (v) other applicable payments, if any. Where market conditions are absent or in a formative stage, the borrower/client will consult with the displaced persons and host populations to obtain adequate information about recent land transactions, land value by types, land titles, land use, cropping patterns and crop production, availability of land in the project area and region, and other related information.

**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 a socially recognized claim to use/built the land, structure or property. (Non-title holders with recognized claim fall under this category).

**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) those below the poverty line; (ii) landless; (iii) the elderly, women and children, and Indigenous Peoples; and (iv) those without legal title to land.

---



## I. INTRODUCTION

### A. Background & Project Description

1. The Flood and Riverbank Erosion Risk Management Investment Program (FRERMIP) is financed by the Asian Development Bank (ADB), Government of The Netherlands (GoN), and Government of Bangladesh (GoB). The Bangladesh Water Development Board (BWDB) is the executing agency. The investment program is to be financed through a multi-tranche financing facility (MFF). The MFF provides loan amounts of up to a maximum of \$255 million; further financing is provided by the GoB and GoN. The investment program total cost is approximately \$480 million.

2. The investment program has the following individual tranche outputs contributing to the facility's outputs: (i) flood and riverbank erosion risk mitigation functioning at priority river reaches, (ii) a strengthened institutional system for FRERM, and (iii) an operational program management system. The investment program's executing agency is the Bangladesh Water Development Board (BWDB) under the Ministry of Water Resources. The Department of Disaster Management (DDM) under the Ministry of Disaster Management and Relief is the implementing agency for community-based flood risk management activities.

3. The investment program was designed to be implemented over 9 years and financed in three tranches. Project 1 was approved for a loan of \$65.0 million and a grant of \$15.3 million from the Government of the Netherlands on 3 July 2014, signed on 14 August 2014, and became effective on 17 September 2014. Due to implementation delays experienced under Project 1 and preparation of the subsequent tranches, which have been exacerbated by COVID-19 induced lockdowns, the government proposed to (i) combine the remaining tranches into a single and final tranche (hereinafter known as Project 2), and (ii) to extend the MFF availability period until 26 June 2024. Project 2 will apply the same technologies and methodologies as developed during Project 1, except for minor improvements that consider the actual site conditions, such as latest erosion and river morphology, and lessons learned from Project 1.

4. A Resettlement Framework (RF) for FRERMIP was originally formulated and adopted in 2014 following SPS 2009 and Bangladesh legal and policy framework and subsequently revised in 2018 for Tranche 1. This RF is an updated version of previous RFs and has been prepared to guide, screen, categorize, prepare and implement the respective subproject resettlement plans under Project 2 in accordance with the legal and policy framework of GoB, and ADB's Safeguard Policy Statement (2009).

5. The works under Project 2 are a continuation of those under Project 1, which will continue the actions of the road map of the Framework Financing Agreement (FFA) of the MFF by integrating the long-term stabilization approach beyond emergency response to critical erosion and introducing suitable measures for more systematic river stabilization to result in a more stable river corridor. This includes broadening the knowledge base, enlarging the suite of river training technologies with nature-based solutions, and integrating river stabilization with floodplain management.

6. Specifically, Project 2 consists of: (i) 30 km of riverbank protection with innovative technologies, combined with nature-based solutions for channel closure; (ii) 7.9 km of climate-resilient flood embankment; (iii) a distributary off take; (iv) 2 regulators and fish passes to improve drainage and river-floodplain connectivity; and (v) 40 km of strengthening of underwater riverbank protection works following the adaptive approach. Other activities include community-based flood

risk management and livelihood support training, institutional strengthening, and knowledge development.

7. Table 1 outlines the civil works proposed under Project 2, the salient features at each subproject area, and the resettlement plans addressing each section, while Figure 1 depicts the location of the subprojects and sites.

**Table 1: Scope of Works of Project 2**

Resettlement Plan	Subproject/Work Item	Scope of Work	Remarks
<b>JRB-1 – subproject</b>			
Subproject JRB-1: RP for Shahjadpur	Shahjadpur flood embankment	7.9 km realignment along the Hurasagar and Korotoya Rivers	This is an extension of the flood embankment at Kaijuri built under Project 1 and will close the remaining reach to achieve full benefits of this subproject.  LGED may build a road on the top of the embankment and held informal meetings with the BWDB field office on this.
	Regulator with fish passes	2 nos. to the Hurashagar River.	Additional to the DMF of the MFF.
Subproject JRB-1: RP for Riverbank protection works sites at Enayetpur and Benotia	Riverbank protection	3.5 km new works at Benotia in extension of the Kojjuri revetment.	1 km of Project 1 work was deferred to Project 2 due to char formation in this area. However, the bankline channel has returned and BWDB provided emergency protection that now needs to be upgraded to 3.5 km of full protection.
		7 km new works at Enayetpur	Out of the 11 km initially planned for Project 2, only 7 km will be required to stabilize the river upstream of Enayetpur.
<b>JLB-2 - subproject</b>			
Subproject JLB-2: RP for Riverbank protection works site at Upstream Chauhali	River training	15.5 km bifurcation stabilization upstream of Chauhali	This work is an extension to the 7 km Chauhali revetment built under Project 1. The works will stabilize the approach channel to the bifurcation and prevent severe bank erosion and merger of Jamuna and Dhaleswari rivers.  This is an extension of the 5 km initially planned in the FAM and was adjusted due to unfavorable morphological development.

Resettlement Plan	Subproject/Work Item	Scope of Work	Remarks
	Land recovery	Updating model study for Solimabad channel closure with recent morphology  Intelligent dredging of the Jamuna to overload the Solimabad channel with sediment and reclaim the Solimabad char	Works downstream of Chauhali as originally planned to recover lost floodplain from the river. This work is part of the river stabilization plan.  Approximately 6,000 ha of lost floodplain to be recovered. Works will free about 15 km of bankline along the left bank channels from riverbank erosion.  The approach planned in the FAM had to be adjusted to account for changed river situation and incorporate “building with nature” approach.
<b>PLB-1 - subproject</b>			
Subproject PLB-1: RP for Riverbank protection works site at Harirampur extension	Riverbank protection	4 km upstream extension work,	Per original FAM approach, 4 km extension upstream.
<b>Adaptation and emergency works</b>			
NA	Adaptation	40 km	Extended from the original approach of the FAM to incorporate previously built sites, as well as expected works at Projects 1 and 2 sites.
	Emergency	6 km	To cover for unforeseen developments.

BWDB = Bangladesh Water Development Board, DMF = design and monitoring framework, FAM = facility administration manual, JLB = Jamuna Left Bank, JRB = Jamuna Right Bank, km = kilometer, MFF = multi-tranche financing facility, PLB = Padma Left Bank.

8. The scope of impacts for the overall involuntary resettlement, based on preliminary assessments, is expected be 67.9 hectares (ha) of land, approximately 728 households comprising 3,868 APs – 482 of whom are vulnerable – prior to COVID-19. The works will impact 14,024 trees, 2652 structures, and 296 businesses.

**Table 2: Impacts of involuntary resettlement in all project locations**

Site	Area	No. of HH	No. of APs	No. of trees	Affected structures	Vulnerable	Affected Businesses
Shahjadpur	34.1	366	1,944	7,048	1,333	242	149
Enayetpur	7.9	85	449	1,628	308	56	34
Benotia	3.9	42	224	814	154	28	17

US Chauhali	17.4	187	994	3,604	682	124	76
Harirampur ext.	4.5	48	257	930	176	32	20
<b>TOTAL</b>	<b>67.9</b>	<b>728</b>	<b>3,868</b>	<b>14,024</b>	<b>2,652</b>	<b>482</b>	<b>296</b>

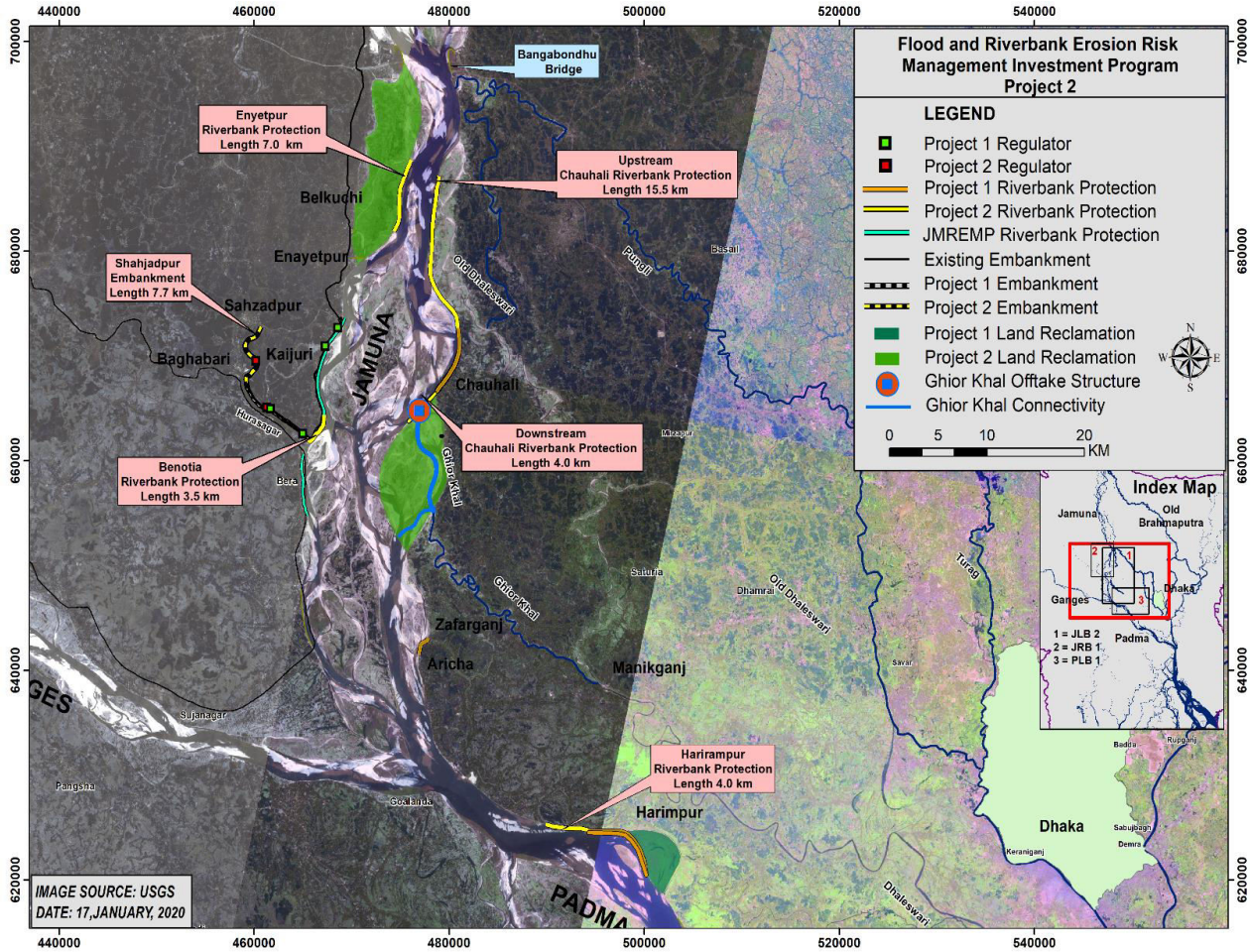


Figure 1 Project 2 locations

**B. Resettlement Plan Preparation: Sector-like Approach**

9. This Project follows a sector approach, whereby the resettlement framework provides guidance for the preparation of future resettlement plans (RPs). In addition, a sample RP has been prepared to guide the additional RPs in their lay-out and content.

10. Four different RPs will be prepared for specific subprojects and sub-components of Project 2 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 the RP is attached as Appendix 1. Based on the preliminary assessment, Table 3 establishes that the following four set of RPs will be prepared under Project 2 with specific components.

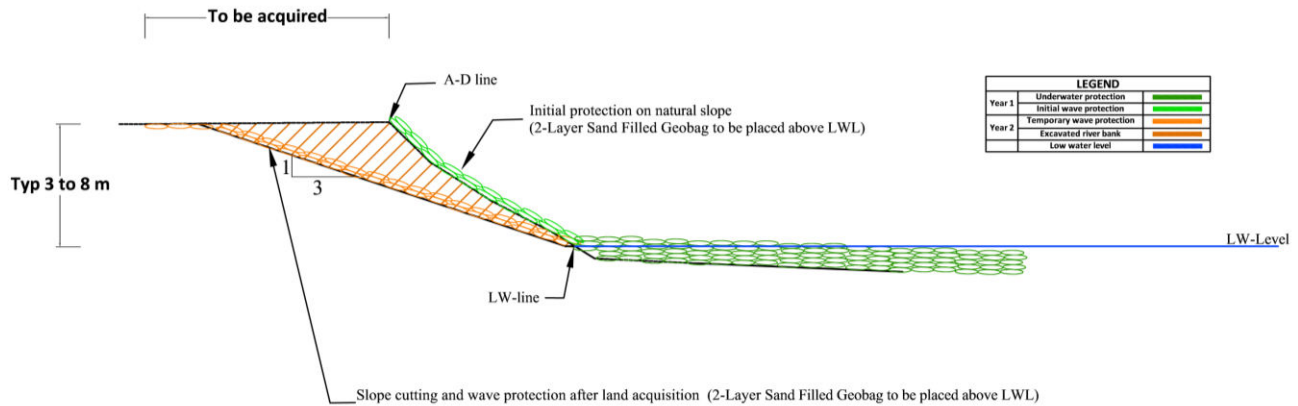
**Table 3: Details Resettlement Planning under Project 2**

RP. No.	Resettlement Plan	Components
1	Shahjadpur Embankment under JRB-1	<ul style="list-style-type: none"> <li>· 7.9 km of Shahjadpur embankment realignment along the Hurasagar and Korotoya rivers</li> <li>· Two vent regulators with fish passes at the chainage of km 18.150 and km 24.200</li> </ul>
2	Riverbank Protection work at Enayetpur Benotia under JRB-1	<ul style="list-style-type: none"> <li>· 7 km new works for the Enayetpur – Kajjuri reach</li> <li>· 3.5 km new works at Benotia</li> </ul>
3	Riverbank protection works site at Harirampur extension under PLB-1	<ul style="list-style-type: none"> <li>· 4 km of riverbank protection works extending the works at Harirampur</li> </ul>
4	Riverbank protection works site at Upstream Chauhali under JLB-2	<ul style="list-style-type: none"> <li>· 15.5 km river bank protection work upstream of Chauhali</li> <li>· Channel closure at Salimabad</li> <li>· one off-take structure in connection with riverbank protection to manage sediment inflow to the Ghior Khal</li> </ul>

11. All four will be prepared in line with the sector approach meaning they will take a phased approach to planning and implementation in line with the ADB SPS (2009). The rationale for this is that for riverbank protection, and a detailed design and alignment, in particular of the works required above the low water line (LW-line), cannot be finalized until the bankline is secured and fixed. To allow practical implementation while fulfilling all safeguard requirements, the work packages for riverbank protection are split into an underwater part and an above-water part. The phases of implementation are as follows:

- **Phase 1:** Underwater works - The first includes provision of erosion protection underwater and placement of geobags on the existing upper slope, without the slope being cut. As outlined in Figure 1, the works in year 1 (prior to land acquisition) will only be underwater and on the existing slope between LW-line and alluvial-diluvial line (AD-line) and pose no barrier to access for people.
- **Phase 2:** Above water works - Once the bankline is stabilized this will allow for the detailed design of the upper slope protection and preparation, update, and implementation of the land acquisition and resettlement plan including all surveys. Land acquisition and resettlement plans will be finalized prior to contract award. As outlined in Figure 2, the slope

will be only cut following land acquisition and before award of contract for the second year works under the second work package.



**Figure 2 Works under year 1 (prior to land acquisition) and year 2 (following land acquisition)**

12. Note:

- A. RP 1 (Shahjadpur) does not need river stabilization work done and so will start from Phase two in June 2021. It was necessary to delay finalization of the RP due to restrictions caused by COVID-19 which blocked the implementation of a 100% census.
- B. For the offtake structure in RP 4, the exact design and location depend on the channel closure and the detailed model study of the offtake, which will influence the detailed design of the structure. The off-take structure in connection with riverbank protection to manage sediment inflow to the Ghior Khal component under JLB RBP-2 may require only a due diligence study and can be prepared separately as there will not be any land acquisition required for the same. At this point it is expected that most of the works will be implemented within the river channel but for due diligence and for related riverbank protection works, the land acquisition and resettlement plan will be finalized prior to contract award.

13. In addition to above listed RPs, supplementary due diligence documents may also need to be prepared indicating resettlement issues and a preliminary resettlement budget in the following cases:

- (i) For riverbank protection i.e., RPs 2, 3, and 4, 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



14. A nongovernmental organization (NGO)/firm will be hired by the project management office (PMO) to assess the land requirement and resettlement impacts, 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 prior to physical or economic displacement. The process for revising and updating the RPs is provided in Section IV. An external safeguard monitor will be engaged to monitor the preparation and implementation of resettlement and land acquisition.

### **C. Socioeconomic information**

#### **i. Methodology for Census, Inventory of Loss (IoL) and Socioeconomic Survey (SES)**

15. Following the detailed design of the interventions and the determination of the final alignment, a census and inventory of loss (IoL) survey will be conducted on 100% of the APs for preparation of final RP and a socioeconomic survey (SES) on 20% of the APs for preparation of draft RP. Survey of the agricultural plot users and APs with other than homestead or commercial land affected requires cooperation with the office of the DC to identify the owner of the plots required for land acquisition. A draft questionnaire to carry out social impact assessment is presented in Appendix 4.

16. During detailed measurement survey, involuntary resettlement and Indigenous Peoples' impacts will be further assessed and if required, the RIPP will be updated and shared with ADB for approval. The final document will be reviewed and disclosed on implementing agency and ADB websites.

17. No civil work will be started before the completion of final document (updated RIPP implementation) for the said package. The implementing agency is responsible to hand over the project land/site to the contractor free of encumbrance.

#### **ii. Methodology for Public Consultation**

18. Meaningful public consultation will be carried out during the preparation and implementation of all RPs under Project 2. The Project will ensure implementation of full and effective participation beginning in the planning phase of this project carried out throughout. The Project will ensure public consultation and participation is a continuous two-way process throughout project planning and implementation. Various sections of DPs and other stakeholders will be consulted through focus group discussions and individual interviews to promote public understanding and fruitful solutions of developmental problems, such as local needs and concerns, and prospects of resettlement. All displaced households will be consulted during the project census survey. Consultation meetings will be organized to get wider public input from both the primary and secondary stakeholders.

#### **iii. Methodology for valuation and replacement cost of assets**

19. The valuation of assets, as further described in section VI will be done through a market survey of typical elements such as building materials, trees, and crops in the locality of the intervention. These will be cross checked with assistance from different agencies such as Public Works Department (PWD) for structures, DoF for trees, and Department of Agricultural Extension (DAE) for crops. The following will be considered and confirmed in the establishment of rates of

---

payment: for structures, the replacement cost, without depreciation; for trees, the remaining productivity (of fruits); and, for crops, the market price of the typical crop grown.

20. The valuation of assets will then be reviewed by the Property Valuation Advisory Team (PVAT, see section XI-E Property Valuation Advisory Team to see the make-up of the team) in coordination with BWDB and DC office.

#### **iv. Methodology for valuation of land cost**

21. The value of land to be acquired will be determined by the DC office on basis of land value categories (homestead, agricultural land, fallow, pond, etc.) per mouza (village) affected. As per the provision of ARIPA-2017, the base cost will be determined by the Government on the basis of prevailing market rate and 200% will be added on the base cost. There is a provision of an additional 100% top-up in case of loss of livelihood or presence of any immovable properties or trees etc. Since the riverside land are mostly being cultivated by the owners, they will be eligible for 300% top-up. These will be verified by the implementing NGO through group discussions with APs. Property Valuation Advisory Team (PVAT) will independently assess the replacement cost of the land based on real market value. The difference between this rate and the DC rate defined as per the ARIPA Act 2017 (based on the average past 12 months rate) will be paid by the project (BWDB).

#### **v. COVID-19**

22. COVID-19 has impacted the Project and its stakeholders. The consultation process has been impacted e.g. project team access to the field has been affected, and vulnerabilities of APs may be impacted real-time through loss of livelihoods, among others. Special measures can and have been taken to address such issues. The former issue has been addressed through the distribution of questionnaires and brochures for to facilitate dialogue and consultation. Going forward, the PMO will use online platforms, brochures, questionnaires and other forms of media as applicable to provide project information updates and receive feedback from the people, beneficiaries, government agencies and other stakeholders. Enhanced surveys will be conducted to reassess vulnerabilities to understand the true impact of COVID on the APs and updated level of vulnerabilities as well as how to address those through livelihoods restoration programming. Depending on the status of COVID at the time of RP preparation, the EA will be requested to put in place adaptive management measures to manage relevant actions (e.g., surveys, consultations, resettlement) in alignment with WHO health and safety guidelines as well as to ensure the project best responds to their needs. The RPs will be updated as relevant to include the COVID adaptive management measures.

## **II. LEGAL FRAMEWORK AND POLICY ON SOCIAL SAFEGUARDS**

23. 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.

### **A. Bangladesh Legal Framework for Land Acquisition and Resettlement**

24. 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.

25. 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.

26. 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 cost” 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 payment of compensation of acquisition has been extended to 120 days instead of 60 days in the prior law.

27. 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.

28. 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.”

29. 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.

30. 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.

## B. ADB Policy Statement on Social Safeguard

31. 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 persons<sup>1</sup> (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 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 a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide

---

<sup>1</sup> 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.

them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.

- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of nonland assets.
- (viii) Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

### **C. Gap analysis between the Government of Bangladesh and ADB SPS**

32. 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 Cost" (RC). It is possible that government payment may now be more than RC, 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.
-

#### D. Harmonization with ADB's Policy

33. 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.

**Table 4: Harmonization with ADB's Policies**

Aspect	ADB SPS 2009	Harmonized Policy
<b>Objectives</b>		
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		(a) providing compensation for loss of assets at replacement cost (RC) <sup>2</sup> (b) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected
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.
<b>Core Principles</b>		

<sup>2</sup> 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
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 guide refinements of impact estimates and mitigating measures as project parameters are finalized.	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 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 <sup>3</sup> with affected persons, host communities, and	Consult project-affected persons, host communities and local nongovernmental organizations, as appropriate with consideration of and

---

<sup>3</sup> Meaningful consultation: A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

---

Aspect	ADB SPS 2009	Harmonized Policy
	<p>concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation and M&amp;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.</p>	<p>adaption to the COVID-19 situation and what it permits. 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.</p>
<p>5. Disclose and inform APs of RP and mitigation measures</p>	<p>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.</p>	<p>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.</p>
<p>6. Support existing social and cultural institutions of the affected persons</p>	<p>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.</p>	<p>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.</p> <p>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</p>



Aspect	ADB SPS 2009	Harmonized Policy
		<p>planned.</p> <p>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.</p>
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	<p>Assist in building capacity of DMCs on best practice on involuntary resettlement planning and implementation.</p> <p>Financing of technical assistance to strengthen the capacities of agencies responsible for resettlement, or of affected people to participate more effectively in resettlement operations.</p>
<b>Project Processing Benchmark</b>		
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.	<p>Categorize impacts by “significance” and define the scale of impacts - both direct and indirect - with particular attention to economic and livelihood impacts.</p> <p>Plan mitigations for all types of losses in the RP</p>
Social Assessment	The borrower/client will conduct socioeconomic surveys and a census, with appropriate socioeconomic baseline data to identify all	Social Assessment be conducted as early as possible and will specifically consider any impacts upon particularly poor and vulnerable Affected Persons.

Aspect	ADB SPS 2009	Harmonized Policy
	<p>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.</p>	
Resettlement Plan	<p>The borrower will prepare a resettlement plan, if the proposed project, will have involuntary resettlement impacts. The objective of the Resettlement plans will elaborate on displaced persons entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring &amp; reporting framework, budget and a time-bound implementation schedule.</p>	<p>For all interventions that involve resettlement or physical or economic displacement, a resettlement plan will be 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.</p>
Supervision		<p>Regular supervision on resettlement implementation to determine compliance with the resettlement instrument.</p>
Monitoring	<p>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</p>	<p>The borrower is responsible for adequate monitoring &amp; 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</p>

Aspect	ADB SPS 2009	Harmonized Policy
	implementation of the resettlement activities and any compliance issues and corrective actions.	public and additional steps to be taken, if required.
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.

34. The harmonization has also benefited from the Jamuna Bridge and the JMREMP “best practices” in resettlement. The best practices - for example, include photo ID cards with descriptions 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) to generate more accurate data regarding land acquisition and resettlement of structures and trees in Project 2. The harmonized policy forms the basis for preparation of social safeguard plans for various components of the project. Concrete harmonization and gap-filling measures are listed below in Table 5 and it is ensured through the Project entitlement matrix presented in this RF and will be followed in subproject RPs.

**Table 5: 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
<b>Objectives</b>				
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 involuntary resettlement	If displacement is unavoidable, minimize involuntary resettlement by - exploring alternative project designs; effective	The law only implicitly discourages unnecessary and excess land acquisition, as excess land remains idle and	Section 4 of ARIPA-2017 requires notification only; no consultation is required	Minimize displacement of people as much as possible by exploring all viable design alternatives. If unavoidable,

Aspect	Harmonized Policy	GOB's ARIPA 2017	Gaps between Harmonized Policy and GOB	Safeguard Measures Adopted in the Project
	measures to minimize impact in consultation with the people who are affected.	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).		provide for prompt payment of just compensation, replacement cost <sup>4</sup> (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 (RV5); (b) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed	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

<sup>4</sup> 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	Harmonized Policy	GOB's ARIPA 2017	Gaps between Harmonized Policy and GOB	Safeguard Measures Adopted in the Project
	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 Jamuna Bridge and JMREMP resettlement "models."
<b>Core Principles</b>				
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	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	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.

Aspect	Harmonized Policy	GOB's ARIPA 2017	Gaps between Harmonized Policy and GOB	Safeguard Measures Adopted in the Project
		<p>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.</p>	<p>identification of indigenous people to recognize their particular problem and inconveniences due to a project.</p>	
<p>2. Prepare mitigation plans for affected persons</p>	<p>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 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>The Deputy Commissioners (DCs) have the mandate in their respective jurisdiction as per law to acquire land for any requiring person (public agency or 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</p>	<p>2. Prepare mitigation plans for affected persons</p>	<p>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 extent of total population affected and establish entitlements of all categories of affected persons (including host communities), with particular attention paid to</p>

Aspect	Harmonized Policy	GOB's ARIPA 2017	Gaps between Harmonized Policy and GOB	Safeguard Measures Adopted in the Project
		<p>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>the needs of the poor and the vulnerable.</p>
3. Consider alternative project design	Multiple alternative proposals must be examined to avoid or minimize involuntary resettlement and physical, or	Feasibility studies including social, political, cultural and environmental impact assessments,	No specific laws for considering project design to avoid or minimize involuntary resettlement. Feasibility study	RF considers feasible alternative project design to avoid or at least minimize physical or economic

Aspect	Harmonized Policy	GOB's ARIPA 2017	Gaps between Harmonized Policy and GOB	Safeguard Measures Adopted in the Project
	economic displacement and to choose a better project option while balancing environmental social and financial costs and benefits.	detailed engineering surveys as basis for acquisition of private property or rights.	considers cost benefit more from technical than sociocultural considerations.	displacement, while balancing environmental, social, technical 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	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.



Aspect	Harmonized Policy	GOB's ARIPA 2017	Gaps between Harmonized Policy and GOB	Safeguard Measures Adopted in the Project
	displaces, 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 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.	The ARIPA-2017 requires a "notice" to be published at convenient places on or near the property in a prescribed form and manner stating that the property is proposed to be acquired (u/section 4).	Disclosure takes place in case of donor-funded projects.	RF requires disclosure of Draft RPs to the affected communities in a 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		No provision in any existing laws.	The Jamuna Bridge and the follow-up JMREMP established this as "good

Aspect	Harmonized Policy	GOB's ARIPA 2017	Gaps between Harmonized Policy and GOB	Safeguard Measures Adopted in the Project
	<p>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.</p>			<p>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.</p>
Supervision	<p>For all interventions that involve resettlement or physical or economic displacement, a resettlement plan will be prepared. The RP bound actions and budgets, and the</p>	<p>No provision in the ARIPA-2017.</p>	<p>There is no law or directives on the supervision of the land acquisition process by Deputy Commissioner.</p>	<p>Resettlement supervision in the Project will follow the Jamuna and JMREMP models with ADB's periodic "milestone" meeting, supervision by specialist, midterm review of</p>

Aspect	Harmonized Policy	GOB's ARIPA 2017	Gaps between Harmonized Policy and GOB	Safeguard Measures Adopted in the Project
	full costs of resettlement, compensation, and rehabilitation will be included in the presentation of the costs and benefits of the development intervention.			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	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

Aspect	Harmonized Policy	GOB's ARIPA 2017	Gaps between Harmonized Policy and GOB	Safeguard Measures Adopted in the Project
	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.			evaluations to reflect broadly on the success or weaknesses in RP implementation and "lessons learned."

### III. POLICY PRINCIPLES AND GUIDELINES

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

- (i) 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 a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost

- for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
  - (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
  - (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
  - (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of nonland assets.
  - (viii) Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
  - (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
  - (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
  - (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
  - (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

36. 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**

37. To revise and update any RP, after detailed design, the following procedures and steps will be followed. First, the updating process will need to undertake detailed measurement survey consisting of 100% census survey, community consultations, and any other tools and techniques necessary to understand the impacts, including any new/additional 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 100% census survey. Third, updating entitlement matrix ensuring all new impacts and related losses are covered; the entitlement in the entitlement matrix may only be upgraded and not downgraded. 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. Sixth, an impact assessment on livelihood and related activities such as fishing in the river, access restriction due to embankment, impact on irrigation facilities and such others will also be conducted and the outcomes included in the final RP. Finally, the updated RPs will be disclosed on the ADB's website as well as to APs in local language. The updated RPs will be finalized prior to any contract awards.

#### **V. ELIGIBILITY AND ENTITLEMENTS**

##### **A. Eligibility and Special Considerations**

38. 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 replacement cost (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: (i) those below the poverty line; (ii) landless; (iii) households headed by the elderly, women, and Indigenous Peoples; (iv) those without legal title to land; and (v) 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 classrooms 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.

##### **B. Entitlement Matrix**

39. 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. 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., RC for land, dislocation allowance, transfer grant, 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 6.

**Table 6: Entitlement Matrix**

<b>General Implementation Issues and application Guidelines</b>	
1.	<p><b>Property Valuation Advisory Team (PVAT)</b></p> <p>BWDB will setup a PVAT at each locality. The tasks of this PVAT are:</p> <ol style="list-style-type: none"> <li>i. Recommend replacement cost (RC) based on current market price (CMP) analysis for land, structures, trees and standing crops</li> <li>ii. Current Market Price (CMP) will be assessed for every affected mouza</li> <li>iii. The land acquisition price will be determined by the standard procedure according to the land acquisition law. Updated in September 2017.</li> <li>iv. For all private land, the market price will be enhanced by 200% for compensation under law (CCL). For <i>khas</i> land (government land, DC is the owner at respective districts on behalf of the government), CCL will be the assessed market price without enhancement.</li> <li>v. RC for structure considering the cost of materials, labour inputs and land development cost at current market rates.</li> <li>vi. RC /CMP will be approved by the Project Director.</li> </ol>
2.	<p><b>Implementing NGO (INGO)</b></p> <p>BWDB will engage a local NGO 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 Implementing NGO (INGO) which will</p> <ol style="list-style-type: none"> <li>i. Identify all persons who have interest in the lands that will be acquired under the project (owner, tenants, operators etc.;</li> <li>ii. Identify all informal occupier/ settler on the right of way of new embankment, rehabilitation embankment and RBP works;</li> <li>iii. Make the landowners / tenants / informal occupiers aware about details of land acquisition process, compensation entitlement, payment procedure/ mechanism, resettlement benefit offered by the project.</li> <li>iv. Legal owners will be assisted by INGO to organize legal documents in support of their ownership</li> <li>v. The 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</li> <li>vi. The INGO will inform the APs of the details of the land acquisition and compensation process, resettlement package and payment procedure.</li> <li>vii. The INGO shall encourage APs to consider purchasing land or investing the money in productive/income generating activities.</li> <li>viii. In addition, the INGO shall support APs in purchasing low-cost, low-lying land by bundling resettlement benefits. The land will then be filled by the project with dredged material to be built up to homestead land level.</li> </ol>
3.	<p><b>JVT</b></p> <ol style="list-style-type: none"> <li>i. The loss inventory items and quantities as well as the displaced persons</li> </ol>

(DPs) shall be verified in the field through joint verification team (JVT) formed by DC. The members of PVAT (as outlined in section XI-E) will attend field verification by JVT.

- ii. 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:**

- i. Joint verification (DC and BWDB) and/or census will identify (record floor areas and category) of structure
- ii. Compensation must be paid before AP dismantle and remove the structures as per civil works requirement
- iii. 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 JVT.
- iv. The owner is allowed to take all salvageable material
- v. The RC will be the cost of the structures at market price without depreciation

**7. In case of conflict between government rules and ADB SPS, ADB SPS will prevail.**

Unit of Entitlement	Entitlements	Applicable Laws	Additional Services
<b>Loss Item 1: LOSS OF AGRICULTURAL LAND</b>			
Legal owner(s) as identified by Deputy Commissioner (DC) in the process of CCL payment and non-titled holders with recognizable claims. <sup>6</sup>	1. Replacement Cost (RC) <sup>1</sup> of agricultural land.	<b>ARIPA 2017</b> <b>ADB SPS 2009</b>	
<b>Loss Item 2: LOSS OF HOMESTEAD, COMMERCIAL, INDUSTRIAL LAND AND COMMON PROPERTY RESOURCES</b>			
Legal owner(s) as identified by DC in	1. Replacement Cost (RC).	<b>ARIPA 2017</b>	BWDB will assist to purchase of above

<sup>6</sup> Recognizable claims are those having (i) customary ownership or (ii) possess any other legal document to establish ownership.



the process of CCL payment and non-titled holders with recognizable claims.	2. 10% of CMP as transaction allowance such as stamp duty and registration cost, VAT etc. No matter whether she/he purchase land or not	<b>ADB SPS 2009</b>	land(s) jointly with INGO on negotiated price and homestead land development (earth filling, if needed) with internal road links.
<b>Loss Item 3: LOSS OF WATER BODIES (PONDS, BOTH CULTIVATED AND NON-CULTIVATED)</b>			
Legal owner(s) as identified by DC in the process of CCL payment and non-titled holders with recognizable claims.	1. Replacement Cost (RC) of the water body (private land). 2. Allowance of one-year fish harvest to be recommended by PVAT.	<b>ARIPA 2017</b> <b>ADB SPS 2009</b>	.
<b>Loss Item 4: LOSS OF RESIDENTIAL STRUCTURES</b>			
Legal owner(s) as identified by DC in the process of CCL payment and non-titled holders with recognizable claims.	1. Replacement Cost (RC) of residential structure 2. Transfer Grant @ Tk. 15 per sq. ft. of affected structure 3. Reconstruction and Homestead Development Grant (RHDG) Tk. 10,000.00. 4. Transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities. <sup>7</sup>	<b>ARIPA 2017</b> <b>ADB SPS 2009</b>	Non-cash assistance in relocation and reconstruction, such as consultation and facilitation of documentation.
<b>Loss Item 5: LOSS OF COMMERCIAL/INDUSTRIAL/COMMON RESOURCE PROPERTY (CPR) STRUCTURES</b>			
Legal owners as identified by DC in the process of CCL payment and non-titled holders with recognizable	1. Replacement Cost (RC) of commercial, industrial, CPR structure 2. Transfer Grant @ Tk. 15 per sft of affected structure	<b>ARIPA 2017</b> <b>ADB SPS 2009</b>	Non-cash assistance in relocation and reconstruction, such as consultation and facilitation of documentation.

<sup>7</sup> There is no physical relocation in-kind (e.g. housing) provided under the resettlement framework as in the consultation process APs expressed preference for cash compensation.

claims.	3. Reconstruction Grant of TK12,000.00.  4. Transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities		
<b>Loss Item 6: LOSS OF RESIDENTIAL, COMMERCIAL AND OTHER PHYSICAL STRUCTURES</b>			
1. Non-titled but with recognizable claims &  2. Non-titled without recognizable claims  both built structures on the ROW	1. Replacement cost structures as determined by PVAT  2. Structure Transfer Grant (STG) @ Tk. 15 per sft of affected structure  3. Reconstruction and Homestead Development Grant (RHDG) Tk. 15,000.00.  4. Transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities	<b>ARIPA 2017</b>  <b>ADB SPS 2009</b>	Non-cash assistance in relocation and reconstruction, such as consultation and facilitation of documentation.
<b>Special Implementation Issues and application Guidelines:</b>			
<p>1. The Non-title holder (with recognizable claims and without recognizable claim) structure losers are entitled to replacement cost of affected structure provided they are in the impact area prior to the cut of date. The Non-title holder (with recognizable claims and without recognizable claim) structure losers are entitled to replacement cost of affected structure provided they are in the impact area prior to the cut of date. A document to verify landlessness will be presented to JVT to establish vulnerability. A document to verify landlessness will be presented to JVT to establish vulnerability.</p> <p>2. The INGO will assist the APs with self-relocation by undertaking a market assessment and assisting them in identification of land, linking them with available government housing schemes and supporting them to avail of credit facilities from financial institutions.</p> <p>3. In the case of physical displacement, the DPs will be given advance notice of at least 3 months (90 days) from the date of receipt of compensation to relocate themselves.</p>			
<b>Loss Item 7: LOSS OF TIMBER AND FRUIT BEARING TREES, BAMBOO AND BANANA GROVES</b>			
1. Legal owner(s) as identified by the DC in the process of CCL payment.	1. Timber trees and bamboo: CMP of trees and bamboo.  2. Fruit-bearing trees without timber: if the tree is at or near fruit-bearing stage, the estimated current market	<b>ARIPA 2017</b>  <b>ADB SPS 2009</b>	INGO to explain RP policies regarding compensation for the trees of different categories and size and make the APs aware that they could

2. Socially recognized owners of trees grown on public or other land	<p>value of the fruit.</p> <p>3. Fruit-bearing trees with timber: CMP for the timber, and estimated current market value of fruit and the market value of the fruit of the remaining estimated productive life of the fruit trees.</p> <p>4. Banana groves: CMP of all trees</p> <p>5. Owners will be allowed to fell trees and take the timber, free of cost after payment of CCL or RC as applicable.</p>		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 payment	1. RC of standing crops/fish stock.	<b>ARIPA 2017</b>	INGO will assist APs in the process of claiming compensation from DC offices for organizing necessary documents.
2. Socially recognized owners	2. Owners will be allowed to harvest crops and fish stock.	<b>ADB SPS 2009</b>	

**Loss Item 9: LOSS OF LEASED /MORTGAGED IN LAND/PONDS**

1. Leaseholder with legal papers.	1. CMP of crops/ fish stock for one year as compensation.	<b>ARIPA 2017</b>	1. INGO will assist in ensuring that the lessee receives all eligible payments.
2. Socially recognized lessee or sharecropper, in case of customary informal tenancy arrangements, including socially recognized agreements.	2. Outstanding lease money back to the lessee by the owner as per agreement.	<b>ADB SPS 2009</b>	
	3. The leaseholder will be allowed to take the crops/fishes free of cost within the date declared by BWDB		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.			
<b>Loss Item 10: LOSS OF INCOME FROM DISPLACED COMMERCIAL/ INDUSTRIAL PREMISES</b>			
Any proprietor or businessperson 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 2009	DPs will be brought under income and livelihood regenerating program (ILRP).
<b>Special Implementation Issues and application Guidelines:</b>			
1. All the business operators will be entitled for grant against loss of wages. The one-time moving assistance will be provided to the tenants only.			
<b>Loss Item 11: TEMPORARY LOSS OF INCOME (WAGE EARNERS IN AGRICULTURE, COMMERCE &amp; SMALL BUSINESS AND INDUSTRY)</b>			
Regular wage earners affected by the acquisition.	Allowance of Tk 4,000.00 Per HH Allowance of Tk 5,000.00 per FHH  DPs to be included in the Income and Livelihood Restoration Program (ILRP)	ADB SPS 2009	1. APs will be brought under the ILRP.
<b>Special Implementation Issues and application Guidelines:</b>			
DP 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.			
<b>Loss Item 12: LOSS OF INCOME FROM RENTED -OUT AND ACCESS TO RENTED IN RESIDENTIAL/COMMERCIAL PREMISES</b>			
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 2009	DPs will be brought under the ILRP.
<b>Special Implementation Issues and application Guidelines:</b> Guidelines: In case of any conflict between Government Act/Rules & ADB SPS 2009, later will prevail.			
<b>Loss Item 13: VULNERABLE AHs SPECIAL ASSISTANCE</b>			
Vulnerable Assistance	AH One-Time Special Assistance Grant of  Tk 18,000  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 2009	APs will be brought under the ILRP.
<b>Special Implementation Issues and application Guidelines:</b>			
1. <i>Vulnerable AHs are those (i) below the poverty line, (ii) the landless, (iii) the elderly,</i>			

<u>(iv) women and children, (v) Indigenous Peoples, and (vi) those without legal title to land.</u>			
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 AHs.			
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.			
<b>Loss Item 14: ADVERSE IMPACT ON HOST POPULATION DUE TO RELOCATION OF APs</b>			
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 2009	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.			
<b>Loss Item 15: LOSS OF SUBMERGED LAND (ERODED LAND)</b>			
1. Legal owner(s) of land (DC's khas land after established AD Line) and non-titled holders with recognizable claims.  2. Previous private owners of land below alluvial and diluvial (AD) Line.	1. In absence of legally established AD line, all entitlements as provisioned for Loss Item 1.  In case of khas land, CCL to respective DCs.  RC of khas land to previous owner(s).	ARIPA-2017 ADB SPS 2009	
<b>Loss Item 16: UNFORESEEN ADVERSE IMPACTS</b>			
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; APs = affected persons; BWDB = Bangladesh Water Development Board; CCL = cash compensation under the law; CMP = current market value; DC = deputy commissioner; 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;

### **C. Unanticipated Impacts on Charlands**

40. 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.

### **D. Cut-off Date**

41. Compensation eligibility is limited by a cut-off date. The cut-off date is the date after which eligibility for compensation or resettlement assistance will no longer be considered. For legal titleholders, the date of publication of the notice by the Deputy Commissioner under Section 4 of ARIPA, 2017 will be considered as the cut-off date. While for affected non-titleholders, the date of the updated Detail Measurement Survey (DMS) will be the cut-off-date. Any persons moving into the project area after the cut-off date will not be entitled for compensation or assistance under the project.

42. All APs who are identified within the project area on the cut-off date will be entitled to receive compensation for their affected assets, and rehabilitation measures (as outlined in the entitlement matrix) sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels. BWDB will inform the APs and other stakeholders about the cut-off date. The written notices will be provided to the APs detailing information about the cut-off; eligibility for compensation, and process paying compensation. This cut-off date will be adequately shared with the affected people during acquisition process through formal notice. For non-titled APs the date of census survey conducted under the Project will be the cut-off date and they will be informed during the consultation process. Further it will be disclosed to all APs through disclosure of RP along with the list of affected persons attached to each RP.

## **VI. VALUATION OF ASSETS**

43. 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. The market value will be verified by market surveys in the locality of the intervention and evaluated by

the independent PVAT. The replacement cost will be determined by considering the market value, transaction costs and interest to arrive at the real cost for APs.

44. 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).

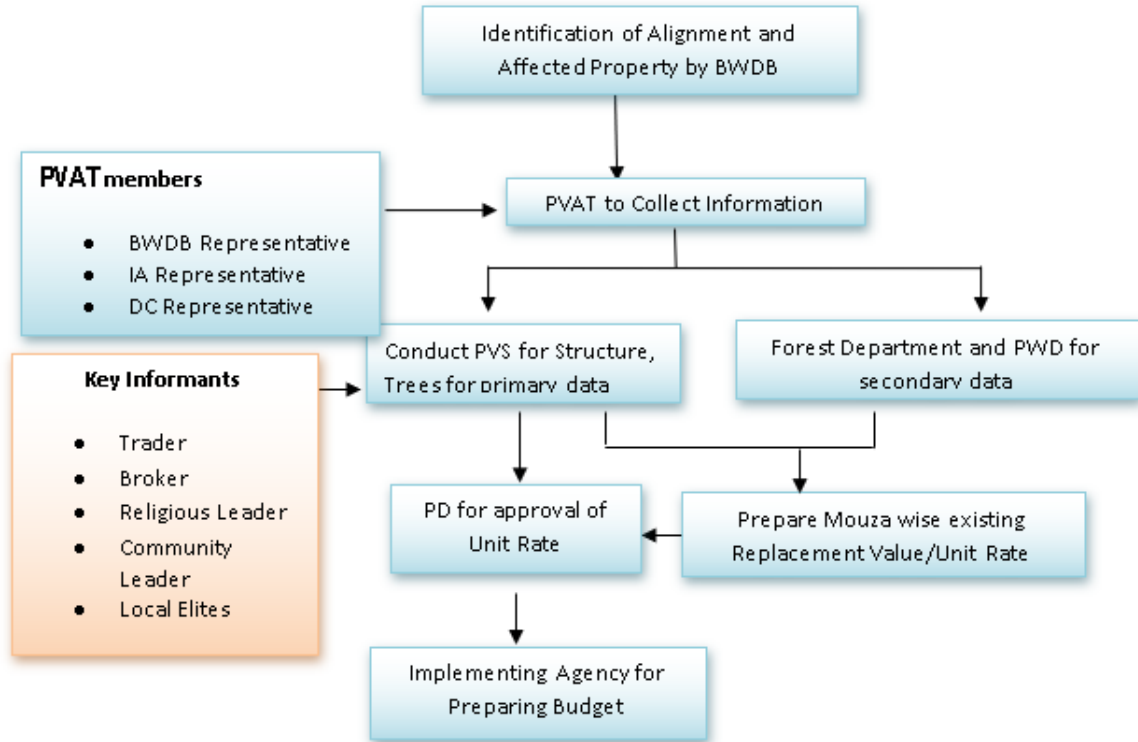
45. In Bangladesh's rural setting, the conditions noted above are not present. Therefore, to ensure that APs can replace the lost property, a replacement cost will be provided as determined by a Property Valuation Advisory Team (PVAT), which will be constituted by BWDB at each SMO with (i) Convener - 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.

46. The PVAT will review the assessment of the implementing agency on the market price of the property affected by the project at their replacement cost. The implementing agency will process the entitlements of the project-affected persons using the PVAT data as one of the determinants. The PVAT will be formed as follows:

**Table 7: PVAT Composition**

Representative of BWDB (Sub-divisional Engineer or equivalent officer)	Convener
Representative of concerned Deputy Commissioner	Member
Sub-Assistant Engineer, concerned SMO, BWDB	Member
Representative of INGO recruited by BWDB (DTL, Area Manager or equivalent Officer of INGO/Specialist)	Member-Secretary

Procedure of determining replacement value is described in the Figure below:



**Figure 3 Procedure of Determining Valuation of Property**

## **VII. CONSULTATION, DISCLOSURE AND GRIEVANCE REDRESS**

### **A. Consultation and Disclosure**

47. Consultations and disclosure were initiated at the project preparation stage. A questionnaire was distributed to just under 10% of the APs to both collect and provide information with the aim to ensure people are aware of the resettlement impacts, land acquisition mechanisms and the compensations. 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, including from vulnerable groups and women, and will involve focus group discussions (FGDs), meetings, particularly with the affected households (AHHs), and transect walks. During consultation, APs will be encouraged to raise their concerns to ensure that all concerns are taken into consideration on an ongoing basis and responded to through project design. The aim of this is to minimize the chances of grievances arising during RP implementation. 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.



## B. Grievance Redress Mechanism

48. BWDB will constitute necessary RP implementation committees such as Joint Verification Team (JVT),<sup>8</sup> Property Valuation Advisory Team (PVAT) and a grievance redress committee (GRC) for the various resettlement plan implementation activities ensuring stakeholder participation. A local GRC, gazetted by the government, will be composed of: (i) representative from BWDB–Convener (Executive Engineer (Field)/Equivalent); (ii) Chairman concerned Union Parishad–Member; (iii) Representative from APs—Member; (iv) Sub Assistant Engineer from BWDB–Member Secretary; and (v) resettlement specialist. The local GRC will be meeting all the aggrieved parties informally, as well as formally, to ensure speedy and out of court settlement of as many disputes as possible.

49. The fundamental objectives of the GRC will resolve any resettlement-related grievances locally in consultation with the aggrieved party to facilitate smooth implementation of the resettlement plan. Another important objective is to democratize the development process at the local level and to establish accountability to the affected people. Grievances will be redressed within 10 days from the date of lodging the complaints. The GRC is a project level mechanism for receiving and resolving project-related grievances. The costs associated with the GRC will be appropriately budgeted in the resettlement plan. 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.

50. The functions of the GRCs will be to:

- (i) Receive applications and hold hearings on AP's grievances concerning the Project resettlement issues.
- (ii) Refer APs to the concerned authority/Deputy Commissioner if the grievance can be dealt through conventional law or by arbitration.
- (iii) Make decisions to resolve AP grievances following resettlement plan policy if outside conventional law and if the grievance does not lend itself to arbitration.
- (iv) Prepare recommendations according to the procedure described by the GRC in resolving AP complaints.

51. The GRCs will receive AP grievances and resolve grievances in the following manner:

- (i) The GRC will meet to resolve the AP grievance within 10 days of its receipt and will preserve the records and procedure of the meeting. The GRC will mention the basis of its resolutions in the written record of its meetings.
- (v) The GRC will publicize its decisions regarding AP grievances through local community meetings and through the distribution of leaflets to the public.
- (vi) All the GRC activities will take place in the office of the GRC chairperson.

---

<sup>8</sup> JVT will be constituted 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.

---

52. The GRCs will be formed and activated during RP implementation process to allow APs sufficient time to lodge complaints and safeguard their recognized interests. Where land acquisition will not be involved but relocation of structures or vacating land from cultivation will be required, the GRCs will facilitate resolution of complaints regarding categorization of vulnerable affected persons, types of structures and eligibility for compensation and assistance within the set guidelines and provisions of RP. Any complaints of ownership or other suits, to be resolved by judiciary system, will not be resolved in GRCs.

**i. Grievance Redress Committee (GRC)**

53. The GRC will be formed at two levels for any grievances involving resettlement benefits, relocation, and other assistance: SMO level and PMO level.

54. **SMO level:** The local GRC shall review and resolve grievances within 10 days of receiving any complaints at each level and will maintain written records of all the appeals received. The GRC at SMO level constitutes the following members:

- (i) Executive Engineer (Field/Equivalent)–Convener
- (ii) Sub Assistant Engineer from BWDB–Member Secretary
- (iii) Chairman of concerned Union Parishad–Member
- (iv) Representative of DPs–Member
- (v) Representative of Implementing NGO–Member
- (vi) The committee can co-opt any members (like concerned ward members, ward women members etc.) for assisting to comply its responsibilities.

55. **At PMO level,** the GRC will constitute the following members headed by Project Director to deal with any grievances accelerated from the SMO level.

- (i) Project Director (PD) – Convener
- (ii) Chief Resettlement Officer (CRO) - Member Secretary
- (iii) Resettlement Specialist, Supervision Consultant–Member

**ii. Grievance Redress Steps**

56. Procedures of resolving grievances are described in Table 8.

**Table 8: Grievance Redress Steps**

Step 1	The implementing agency informs the displaced persons (APs) about their losses and entitlements. If satisfied, the displaced person (AP) claims resettlement payments from the executing agency. If not resolved:
Step 2	The AP approaches the implementing agency field level officials for clarification. The implementing agency will clarify the APs about their losses and entitlements as per the resettlement plan. If resolved, the AP claims resettlement payments to the EA. If not resolved:
Step 3	The AP approaches the grievance redress committee (GRC). The implementing agency staff assists the APs producing the complaints and organize hearing within 21 days of receiving the complaints.
Step 4	GRC to scrutinize applications, cases referred to DC through executing agency if beyond their mandate as per scope of work
Step 5	If within the mandate, GRC sessions held with aggrieved APs, minutes recorded. If resolved, the Project Director approves. If not resolved:
Step 6	The grievances, which are not resolved at the SMO level, will be accelerated to the PMO level for resolution. APs are also free to appeal at PMO level GRC if not satisfied with the decision of SMO level GRC.
Step 7	The decision of GRC is optional to the APs to accept and he/she can have access to the court of law at any time regardless of their interaction with the GRC.
Step 7	The GRC minutes, approved by the Project Director, received at Conveners' office back. The approved verdict is communicated to the complainant AP in writing. The AP then claims resettlement payments to executing agency.

57. Aps will be able to submit their grievance/complaint about any aspects of RP implementation and compensation. Grievances can be shared with the BWDB verbally or in written form, but in case of the verbal form, the INGO representatives in the GRC will write it down in the first instance during the meeting at no cost to DPs. The Aps will sign and formally produce to the GRCs at respective office of the INGO assisting BWDB implementing the resettlement plan. During consultation meetings, the INGO will disseminate information on how to access and the availability of GRM to ensure Aps are aware of the GRC entry points and have ease of access thereto. Signboards with contact office details will be publicly displayed and a complaints box will be placed at each construction site to ensure accessibility to the GRM.

58. The GRCs will be activated with power to resolve resettlement and compensation issues not to be addressed under legal suit in the courts. The GRCs will receive grievance cases from the affected persons through INGO. The INGO will assist the Aps in lodging their resettlement complaints in a proper format acceptable to the GRCs after they get ID cards from BWDB or informed about their entitlements and losses.

59. The appeal procedure and conflict resolution will be as follows:

- (i) All complaints from the Aps will be received at the field office of INGO, the member secretary of the GRCs with a copy to the concerned Local Government Institution representatives.
  - (a) The representative of the INGO in the GRCs upon receipt of complaints will inform the convener (BWDB representative) of the GRC and the convener will organize a hearing session from the complainants in concerned UP Chairman's office from where the complaint was receipt.

- (b) The GRC will review the proceedings and pass verdicts to convey to the concerned AP through the INGO.
  - (c) If there are such matters relating to arbitration through the courts, the matter will be referred to the court.
  - (d) The GRC will settle the disputes within maximum 10 days of receiving the complaints from the Aps at each level.
- (ii) Resolution of the GRCs will be adopted in the process of resettlement for issuance of ID cards, determination of loss and entitlements and payment.
  - (iii) Aps may seek grievance redress through appropriate judicial or administrative systems of the State at any stage of the GRC process. Aps may also submit complaints to ADB's Accountability Mechanism after good faith effort to resolve complaints through the GRC and concerned ADB operations departments.<sup>9</sup>

### **VIII. COMPENSATION AND INCOME & LIVELIHOOD RESTORATION PROGRAM**

60. 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.

61. The sub-reach RPs will budget an income and livelihood restoration program (ILRP) particularly targeting the poor and the vulnerable groups, including: (i) those below the poverty line; (ii) landless; (iii) households headed by the elderly, women, and Indigenous Peoples; (iv) those without legal title to land; and (v) those losing more than 10% of their productive assets/income. The ILRP, which will be based on APs preference, capabilities, and impacts, 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.

62. 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.

63. Further, the RPs will have provisions to provide transitional support and development assistance in line with the ADB SPS Policy principles including, where relevant, will assist as far as feasible (depending on location and budget availability) raising individual plots with sand dredging, a common technique in Bangladesh for re-claiming, low-lying flooded lands, and other activities

---

<sup>9</sup> ADB Accountability Mechanism: <https://www.adb.org/who-we-are/accountability-mechanism/how-file-complaint>

such as assessment of land market, assistance from INGO to locate alternate lands, land development, credit facilities, training, or employment opportunities. Assistance will be provided to affected businesses to restore their businesses and incomes. All businesspeople, including renters, will receive a cash grant for loss of access to business premises, in form of a one-time cash grant against loss of income. This assistance is intended to supplement the income loss during the 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.

64. 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.

65. The option for clustered re-location of APs was evaluated during initial surveys and it was found that the vast majority of APs is interested in cash compensation and self-relocation so the implementation of resettlement villages appears not to be feasible and has been excluded from the project.

66. **Lessons from previous projects.** This resettlement plan has been developed on the background of similar project prepared and implemented by the BWDB in the proximity of the planned project. These are mainly the Jamuna-Meghna Riverbank Erosion Mitigation Project (JMREMP) and FRERMIP Project-1. These are summarized in Table 9.

**Table 9: Lessons from previous projects**

Lesson learnt	Description	Project	Addressed in RP through
Timeliness of land acquisition	Untimely land acquisition can lead to significant delays resulting in reformulation and redesigning of infrastructural mitigation measures in many project implementation sites.	FRERMIP Project-1	Preparation and provision of detailed land acquisition plan.
Resettlement village	Relocation and voluntary resettlement of the Affected Persons (APs), whose lands of original settlement on the Jamuna riverbanks areas were acquired for erosion mitigation measures, in two Resettlement Villages (RVs) inside the embankment on the purchased low-lying private lands, raised with earth-filling and developed with internal pedestrian narrow road constructions with brick soling, out of Entitlement Benefits (EAs) of the APs. The lands in these RVs were distributed to each AP household equally (0.3 dec.) for low-cost house constructions and	JMREMP	In initial surveys, the majority of APs has opted for cash compensation and self-relocation. Hence, no clustered relocation to resettlement villages is planned for the project.

	other facilities, also with the remaining EAs delivered to each AP.		
Restoration of livelihood	Livelihood skills training on various trades for gainful income generation for the APs resettled in the RVs based on promotional grants under JFPR component in line with the income restoration policy ensuring better or at least pre-project level income for each PAP. In addition to supporting the APs in the RVs the above livelihood development supports were also provided to the extreme poor vulnerable households living as squatters on and around the flood embankments.	JMREMP	Dedicated livelihood development supports for the APs as well as other extreme poor households living on and around the flood embankments under JMREMP non-structural component based on JFPR grant, and implemented by a NGO, engaged for the above entitled 'Social Development of Erosion-Affected Population in the Jamuna-Meghna Flood Plains'.

## IX. INSTITUTIONAL ARRANGEMENTS

67. 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.

68. 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.

69. 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.

70. BWDB will form a JVT for 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 APs. 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.

71. 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**

72. Detailed budget estimates for each RP will be prepared considering ADB's principle of replacement cost, livelihood restoration, and physical relocation of APs. In all, the implementation of all RPs for the Project 2, 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**

73. 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.

74. 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,

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

76. 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

List of Figures

List of Tables

Annexes

---

## 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.<sup>10</sup> The JMREMP will resettlement experience is also a model for the FRERMIP's RF.

### 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
--------	--

<sup>10</sup> Bangabandhu Bridge, also called the Jamuna Multi-purpose Bridge (Bengali: □□□□□ □□□□□□□ □□□□ 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](http://en.wikipedia.org/wiki/Jamuna_Bridge)

Sl 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
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</u>	A 20-year charland monitoring, management and development framework will be established

SI No.	A. Best Practices in Resettlement Management	
	<u>(Erosion and Flood Affected Persons) Plan [1]</u>	
	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 for only 3 years with very limited assistance; one-third of displaced families reported "worse-off" than pre-project level	A 10-year income and livelihood restoration plan (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

### 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."

### Appendix 23: Resettlement questionnaire

The sample Census, IoL and SES were conducted using tablets. Following are screenshots of the entry forms as used in the field.

Questionnaire Entry    Upazila     Union     Village     Unique ID Code

Mouza

#### General Data

1. Subproject

2. Component

3. SES\_Surveyed     Random No.

4. Location    Lat     Long     Accur(m)    

5. FRERMIP Structure No.

6. Date     Time Start     Finish     Go to Rec     

Key Questions

7. Are you being Affected by Subproject?

8. Are your Structures being Affected?

9. Selected for Market Price Survey?

Forms

Respondent

10. Name

11. Father Name

12. Occupation     Other

13. National ID

14. DAG No.

15. Mobile No.

16. Is Respondent Household Head?

Household Head

17. Name

18. Father/Husband

19. Occupation     Other

20. National ID

21. Mother

22. Gender

23. Age

   Go to Form

Mouza\_Label

Questionnaire Entry    Upazila     Union     Village     Unique ID Code

**I. Census**    Mouza

1. General Household Data    Vulnerability

**1. General Household Data**

1.1 Household Head Marital Status?	<input type="text"/>	1.5 Number of Household Members Working for Money?	Males <input type="text"/>	Females <input type="text"/>
1.2 Household Head Educational Level?	<input type="text"/>	1.6 Household Head Income (Tk/Year)?	<input type="text"/>	
1.3 Household Head Hereditary Home?	<input type="text"/>	1.7 Household Income without Head (Tk/Year)?	<input type="text"/>	
1.4 How long have you lived on land?	<input type="text"/>	1.8 Household Expenditure Total (Tk/Month)?	<input type="text"/>	
		1.9 Would you rate your Household as:	<input type="text"/>	
		1.10 Number of Household Families:	<input type="text"/>	

Go to Form    <    >

Questionnaire Entry    Upazila     Union     Village     Unique ID Code

Mouza

## I. Census

1. General Household Data    **Vulnerability**

### Vulnerability

1. Are you an erosion refugee?

2 How many times have you been forced to move due to erosion?

3. Number of Household Members Disabled:    Males   
Females

Household Head

4. Religion

Hindu Caste

5. Ethnic\_Group

6. Receives Government Support?

7. Number of Household Members by Age Group:

Years:	0 - 4	5 - 14	15 - 24	25 - 45	46 - 59	>60
Males:	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Females:	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

8. Total Number of Household Members:    Males:   
Females:   
Total:

9. Household Total Annual Income

10. Is the Household a Vulnerable Household?

Go to Form

Questionnaire Entry    Upazila     Union     Village     Unique ID Code

**II. IOL Form**    Mouza

Land Use or Ownership    2.3    2.5    3. Affected Structures    4. Other Livelihood Impacts    4.3    5. Resettlement Options

Land Use or Ownership   

Khatian	Mauza No.	DAG No.	Coordinates			Ownership			Land Use Class	Land Area (Dec)		Normal Flood Land Elevation	Land Rate (Tk Lac/Dec)
			Lat	Long	Coord	Type	Who Owner	Duration		Total	Affected		

2.1 Household in Possession of Legal Title Documents?

2.2 Do you Need Assistance to Organize new Legal Documents?

Go to Form



Questionnaire Entry    Upazila     Union     Village     Unique ID Code

**II. IOL Form**    Mouza

Land Use or Ownership    2.3    2.5    3. Affected Structures    4. Other Livelihood Impacts    4.3    5. Resettlement Options

**2.3 Affected Crops/Garden**   

Crop/Garden Type	Area (Dec)

**2.4 Affected Trees**   

Tree Type	Tree Type	No.

Go to Form    <    >

Questionnaire Entry    Upazila     Union     Village     Unique ID Code

**II. IOL Form**    Mouza

Land Use or Ownership    2.3    2.5    3. Affected Structures    4. Other Livelihood Impacts    4.3    5. Resettlement Options

2.5 Do you Rent or Lease Out the Affected Land?

2.6 Rented or Leased Land Details   

DAG No.	Renter Name	Father-Husband Name	Address
<input type="text"/>			

Go to Form

Questionnaire Entry    Upazila     Union     Village     Unique ID Code

**II. IOL Form**    Mouza

Land Use or Ownership    2.3    2.5    **3. Affected Structures**    4. Other Livelihood Impacts    4.3    5. Resettlement Options

3.1 Affected Structures   

Structure Class Type	Other Structure & Size Unit	Structure Size		Can Structure be Rebuilt on Same Land?	Days to Rebuild Structure
		Total	Affected		

Go to Form

Questionnaire Entry    Upazila     Union     Village     Unique ID Code

**II. IOL Form**    Mouza

Land Use or Ownership    2.3    2.5    3. Affected Structures    **4. Other Livelihood Impacts**    4.3    5. Resettlement Options

4.1 Household Businesses Affected by Project?

4.2 Affected Businesses   

Business Class	Other Business Class	Business Type	Area (sqft)

Go to Form

Questionnaire Entry    Upazila     Union     Village     Unique ID Code

**II. IOL Form**    Mouza

Land Use or Ownership    2.3    2.5    3. Affected Structures    4. Other Livelihood Impacts    4.3    5. Resettlement Options

4.3 Gender of Business Head?

4.4 Household Members Involved in Business?    Male     Female

4.5 Does Business Employ People Outside Household?

4.6 People Outside Household Involved in Business?    Male     Female

4.7 Do People Working in Business Earn Wages?

4.8 Total Average Monthly Wages Paid (Tk)?

4.9 Average Monthly Earnings from Business (Tk)?

4.10 Is Business Registered?

4.11 Business Hours of Operation?    Hours/Day     Days/Week

Go to Form    <    >

Questionnaire Entry    Upazila     Union     Village     Unique ID Code

**II. IOL Form**    Mouza

Land Use or Ownership    2.3    2.5    3. Affected Structures    4. Other Livelihood Impacts    4.3    **5. Resettlement Options**

5.1 If Household Land affected, what Type of Compensation Acceptable?   

5.2 If Household Structure affected, what Type of Compensation Acceptable?   

5.3 Most acceptable Resettlement Site?   

5.4 Most acceptable Relocation Option?   

Go to Form    <    >

Questionnaire Entry    Upazila     Union     Village     Unique ID Code

Mouza

### III. SES Form

6. Detailed Household Data    6.7    6.9    6.20    6.28

6.1 Respondent Born in Village?

6.2 When did Respondent Move to Village?

6.3 Where Respondent lived before?

6.4 Household Head Literate?

6.5 Household Head Spouse Literate?

6.6 Household Education

Education Level	Gender	Nos.
-----------------	--------	------

Go to Form    <    >

Questionnaire Entry    Upazila     Union     Village     Unique ID Code

Mouza

### III. SES Form

6. Detailed Household Data    6.7    6.9    6.20    6.28

**6.7 Household Occupation**   

Occupation	Gender	Nos.

**6.8 Household Income**   

Income Sector	Household Member	Annual Income (Tk)

Go to Form



Questionnaire Entry    Upazila     Union     Village     Unique ID Code

Mouza

### III. SES Form

6. Detailed Household Data    6.7    **6.9**    6.20    6.28

6.9 Household Member taken a Loan?

6.10 How many Loans have they taken?

6.11 What is the Loan Interest Rate?

6.12 Where did you get the Loan?

6.13 In what Sector did you use the Loan?

6.14 Total Value of all current Loans (Tk)?

6.15 Household Food Consumption?

6.15 Most Profitable Occupation?

1st

2nd

3rd

6.16 Most Suitable Occupation for Women?

1st

2nd

3rd

6.17 Most Suitable Occupation for Men?

1st

2nd

3rd

6.18 Most Common Illness?

1st

2nd

3rd

4th

6.19 If Sick who Contact First?

Go to Form

Questionnaire Entry    Upazila     Union     Village     Unique ID Code

Mouza

### III. SES Form

6. Detailed Household Data    6.7    6.9    **6.20**    6.28

**6.20 What is your source of Water for?**

Cooking

Drinking

Bathing

**6.21 Who is the Owner of source of Water for?**

Cooking

Drinking

Bathing

**6.22 If water source is a Tubewell, do you know the quality in respect of Arsenic?**

**6.23 Latrine Type?**

**6.24 Latrine Owner?**

**6.25 What are the three biggest NGOs working in the area?**

	Name	Work Area	Activity	Other
1st	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2nd	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
3rd	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**6.26 Are you a NGO Member?**

**6.27 NGO Name and Activity**

NGO	Activity

Go to Form

Questionnaire Entry    Upazila     Union     Village     Unique ID Code

Mouza

### III. SES Form

6. Detailed Household Data    6.7    6.9    6.20    **6.28**

**6.28 NGO Assistance Required**   

Assistance Type	Other
<input type="text"/>	<input type="text"/>

**6.29 Govt Assistance Required**   

Assistance Type	Other
<input type="text"/>	<input type="text"/>

**6.30 Does your Household use Electricity?**   

**6.31 What is the source of Electricity?**   

Go to Form