

# Resettlement Framework

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## BAN: Third Urban Governance and Infrastructure Improvement (Sector) Project (UGIIP-3)



## **CURRENCY EQUIVALENTS**

(as of December 2013)

Currency Unit	=	Tk
Tk1.00	=	\$0.0125
\$1.00	=	Tk80

## **ABBREVIATIONS**

ADB	–	Asian Development Bank
AP	–	affected person
DPHE	–	Department of Public Health Engineering
EMP	–	environmental management plan
FGD	–	focus group discussion
GRC	–	grievance redressal cell
GRM	–	grievance redress mechanism
IR	–	involuntary resettlement
LGED	–	Local Government Engineering Department
NGO	–	nongovernmental organization
PIU	–	project implementation unit
PMO	–	project management office
PPTA	–	project preparatory technical assistance
ROW	–	right of way
RF	–	resettlement framework
RP	–	resettlement plan
SPS	–	Safeguard Policy Statement
ToR	–	terms of reference

## **NOTE**

In this report, "\$" refers to US dollars.

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## I. INTRODUCTION

### A. Overview

1. After the successful implementation of Urban Governance and Infrastructure Improvement Projects (UGIIP I and II)<sup>1</sup> in the selected pourashavas, Local Government Engineering Department (LGED) with the financial assistance of Asian Development Bank (ADB) have planned to implement a similar project (UGIIP-3) in about 30 *pourashavas* (**Figure 1**) over a period of 6 years (2014 to 2020). Complete list of *pourashavas* given in **Appendix 1**.

2. The impact will be improved living environment in project towns. The outcome will be improved municipal service delivery and urban governance in project towns. Project towns are pre-selected 30 towns to be supported in an integrated manner under the project. UGIIP-3 will improve existing and provide new municipal infrastructures including (i) roads; (ii) drainages; (iii) water supply system; (iv) solid waste management facilities; (v) slaughterhouses; (vi) markets, community center/auditorium, bus and truck terminals and river *ghats*; (vii) public toilets; and (viii) others such as provision for street lighting and improvement of slums.

3. A sector-lending approach will be used for the project as it has been well established and successfully practiced in the UGIIP-1 and 2<sup>2</sup>. In accordance with ADB's Safeguard Policy Statement (SPS), 2009 requires the preparation of a Resettlement Framework (RF).

4. The Local Government Engineering Department (LGED) and the Department of Public Health Engineering (DPHE), both under the Local Government Division (LGD) of the Ministry of Local Government, Rural Development and Cooperatives (MLGRD&C) and having extensive experience in managing urban and water supply projects financed by ADB, will be the executing agencies of the project. The participating *pourashavas* are the implementing agencies.

5. During project preparation, resettlement plans (RPs) were prepared for 3 sample *pourashavas* (Lalmonirhat, Magura and Naogaon) covering the following subprojects: roads, drainage, kitchen market and solid waste management. The RPs concluded that the project will have only temporary impacts. UGIIP-3 has therefore been categorized as resettlement Category

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<sup>1</sup> The Government of Bangladesh with the assistance of ADB has introduced a system whereby funds/loans for development are disbursed in a phased manner based on the successful accomplishment by the recipient *pourashavas* of a set of performance-criteria in the area of urban governance. UGIIP I and II reflect this approach which aims to incentivize participating *pourashavas* to become well-managed and maintained towns in a sustainable way through systems of governance ensuring citizen's participation and inclusion of women, poor and the minority groups in *pourashava* activities. UGIIP I targeted for 27 and UGIIP II for 47 *pourashavas*. The subprojects were (i) water supply (ii) sanitation, (iii) solid waste management, (iv) urban drainage, (v) urban transport & communication and (vi) public use facilities.

<sup>2</sup> A rapid review of UGIIP-2 social safeguard implementation and lessons learned was conducted during project preparation stage. The summary of the report is attached as **Appendix 2** and lessons learned which are included in this RF are: (i) as local community and stakeholders acceptance of the project is high, willingness to donate land/non-land assets for the project is generally expected in UGIIP-3 participating *pourashavas* – as per ADB SPS, 2009 Appendix 2 para 25 these does not trigger the policy requirements; however an independent third party should be engaged to supervise and validate these procedures; (ii) participating *pourashavas* may opt to consider negotiated land acquisition/willing seller willing buyer approach to fulfill land requirements of the subprojects - UGIIP-3 RF should include a clear procedures on negotiated land acquisition and donation of land and/or non-land assets; (iii) screening and categorization of proposed subprojects should be conducted as part of subproject approval by PMO to ensure mitigation measures and costs due to IR impacts rehabilitation and compensation will be included in the cost estimates; (iv) participating *pourashavas* should provide written confirmation of establishment of GRC including composition of members; and (v) disclosure of project-related information in form and language understandable to local community and affected persons.

B as per ADB SPS, 2009. As a basic development principle, significant resettlement impacts (Category A type projects) should be avoided to extent possible in future subprojects. For any components defined after ADB Board approval, the social and resettlement assessments documents will be formulated and approved by ADB before any physical activities start.

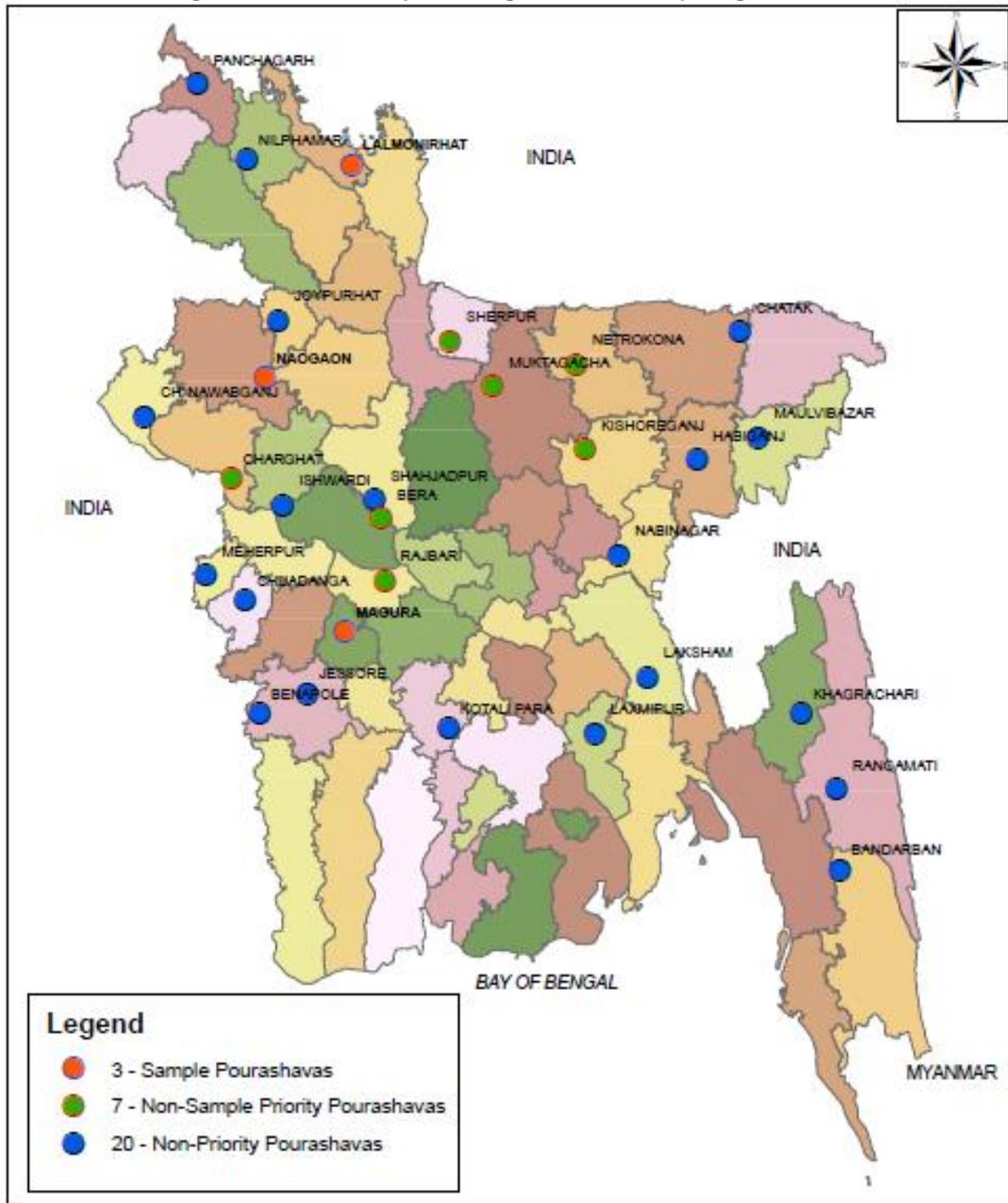
6. LGED will ensure that no physical displacement or economic displacement will occur until (i) compensation at full replacement cost<sup>3</sup> has been paid to each displaced person<sup>4</sup> for project components or sections that are ready to be constructed, where practicable; and (ii) other entitlements listed in the RPs have been provided to displaced persons.

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<sup>3</sup> Replacement cost involves replacing an asset at a cost prevailing at the time of its acquisition. This includes fair market value, transaction costs, interest accrued, transitional and restoration costs, and any other applicable payments, if any. Depreciation of assets and structures should not be taken into account for replacement cost. Where there are no active market conditions, replacement cost is equivalent to delivered cost of all building materials, labor cost for construction, and any transaction or relocation costs.

<sup>4</sup> In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihood) 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.

Figure 1: Location Map Showing UGIIP-3 Participating Pourashavas



## II. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENT

### A. Objectives

10. The basic objectives of the RF are to: (i) guide the executing agency and implementing agencies in properly compensating project-displaced persons; (ii) serve as binding document to

ensure displaced persons will be assisted and paid compensation; and (iii) provide direction in preparing, implementing, and monitoring the resettlement plans (RPs). The executing agency and the implementing agencies will be responsible for ensuring the preparation and implementation of RPs is consistent with this RF. The RF is an agreement between Government of Bangladesh and ADB. No changes shall be made to the RF without prior approval from ADB.

11. This RF is prepared based on applicable legal and policy frameworks of the government, namely the Acquisition and Requisition of Immovable Property Ordinance (ARIPO), 1982 and ADB's Safeguards Policy Statement (SPS), 2009 to:

- (i) provide guidance for LGED, participating *pourashavas*, and project consultants who will be carrying out UGIIP-3 in event of unanticipated involuntary resettlement impact during project implementation or other project activities identified after ADB Board approval;
- (ii) provide criteria for screening and selecting subprojects and/or components, including measures to avoid and minimize involuntary resettlement;
- (iii) provide methodology in determining the number of affected persons (APs) and likely categories of physically and economically displaced persons;
- (iv) specify eligibility criteria for defining displaced persons;<sup>5</sup>
- (v) provide steps to be undertaken for involuntary land acquisition and resettlement as per ADB SPS requirements; and
- (vi) provide steps to be undertaken when land donation or negotiated land purchase is used by *pourashava* to acquire the land for project activities; and
- (vi) provide guidance in preparation of resettlement plans for future subprojects and activities.

12. LGED will agree with ADB on screening and categorization, social impact assessment, preparation of resettlement plans (RPs) and implementation, monitoring, and updating of existing RPs<sup>6</sup> to facilitate compliance with the requirements specified in ADB SPS, 2009 and government rules and laws. This RF applies to:

- (i) involuntary resettlement<sup>7</sup> due to physical and economic displacement as a result of (a) involuntary acquisition of land, or (b) involuntary restrictions on land use or

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<sup>5</sup> In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihood) 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. Restrictions on land use or on access to legally designated parks and protected areas means the imposition of involuntary restrictions on the use of resources on people who live around or within such areas. Permanent livelihood IR impact is considered when AP (can be mobile hawkers/vendors, with permanent/semi-permanent structure/s, with equipment/tools) is required to move out/vacate the location during the construction phase but cannot return in the area even if the construction is declared complete. A change in livelihood is also considered a permanent IR impact. Temporary livelihood IR impact is considered when AP (can be mobile hawkers/vendors, with permanent/semi-permanent structure/s, with equipment/tools) is required to move to alternative locations during the construction phase and allowed to return once construction in the area is declared complete.

<sup>6</sup> As part of the project preparatory technical assistance (PPTA 39295-032 BAN), social impact assessment for 3 sample *pourashavas* (Lalmonirhat, Magura and Naogaon) was conducted and 3 sample RPs were prepared in accordance with requirements of ADB SPS, 2009.

<sup>7</sup> ADB SPS considers resettlement involuntary when the displaced persons have no right to refuse the land acquisition by the state that result in their displacement. This occurs when land is acquired through (i) expropriation by invoking the eminent domain power of the state, or (ii) land is acquired through negotiated settlement when the pricing is negotiated in a process where expropriation will be the consequence of a failure in the negotiation

- on access to legally designated parks and protected areas;
- (ii) permanent or temporary displacement;
- (iii) full or partial displacement;
- (iv) all APs with land to be affected permanently or temporarily due to any project activity, including purchase and temporary use during construction

13. This RF does not apply to government land that is transferred from one authority to another, or is used for the reconstruction, unless third parties are adversely affected by the transfer or use.

## **B. Policy Framework**

14. The legal and policy framework is founded on Government of Bangladesh's ARIPO, 1982 (and its subsequent amendments in 1993 and 1994) and ADB SPS, 2009. In the event the project is co-financed by other donors, the draft RPs represents a single, uniform document agreed upon by all parties to ensure compliance with respective rules and policies. In case of any discrepancy between the policies of ADB and ARIPO, ADB SPS, 2009 will prevail.

### **1. ARIPO**

15. The following are the relevant sections of ARIPO on compensation:

- (i) Section 3 provides that whatever it appears to the Deputy Commissioner that any property in the locality is needed or is likely to be needed for any public purpose or in the public interest, he shall publish a notice at convenient places on or near the property in the prescribed form and manner stating that the property is proposed for acquisition.
- (ii) Section 4 provides the occupant of the land to raise their objections in writing that should be filed to the Deputy Commissioner within 15 days after the publication. The District Commissioner will then hear the complaints and submit his report, for the decision of the Government.
- (iii) Section 8 provides for determining the amount of compensation where the Deputy Commissioner takes into consideration the market value of the property based on the average market value during the 12 months preceding the publication of notice of land acquisition plus 50% premium as cash compensation under law, the damage to standing crops and trees, the damage by severing such property from the other properties of the person occupying the land, the adverse effects to other properties, movable or immovable and/or his earning, and the cost of change of place of residence or place of business.
- (iv) Sections 27 to 34 provide for an appointment of arbitrator, the notice of hearing and the scope of proceedings.

16. Most important features of ARIPO are: (i) the District Commissioner is the sole authority to acquire property if it appears to him that the property is needed for a public purpose or the public interest, however there is room for people to object to the decision; (ii) compensation payments must be made within a period of 1 year from the date of the decision of acquisition; and (iii) there is a provision for leniency of the law if anyone is not satisfied with the monetary award or other matters related to the acquisition.

## 2. ADB SPS, 2009

17. ADB SPS, 2009 objectives regarding involuntary resettlement are (i) to avoid involuntary resettlement wherever possible; (ii) to minimize involuntary resettlement by exploring project and design alternatives; (iii) to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to the pre-project levels; and (iv) to improve the standards of living of the displaced poor and other vulnerable groups.

18. The policy objectives reflect the recognition that unless properly managed, people and communities displaced by development projects can suffer severe economic, social, and environmental distress, including the loss of their housing, productive lands, income sources and livelihoods as well as social tensions and diminished cultural identity. The vulnerable group and poor are more likely to be disproportionately affected, resulting in long-term hardship and impoverishment.

19. Resettlement impacts of each subproject will be avoided or minimized, exploring all viable alternative subproject designs. If involuntary resettlement is unavoidable, ADB SPS mandates that the project:

- (i) meet all applicable specific requirements on compensation, assistance, benefit sharing, assessment of social impacts, resettlement planning, information disclosure, consultation, grievance redress mechanism, and monitoring and reporting, as laid out in ADB SPS;
- (ii) compensate all lost assets (acquired or displaced) based on the principle of replacement cost;
- (iii) provide all displaced persons with time-bound action plan (in synchronization with civil works) and sufficient resources to re-establish their livelihoods and homes;
- (iv) inform and consult all displaced persons. Information related to the preparation and implementation of RPs will be disclosed to all stakeholders in a form and language understandable to them; and people's participation will be ensured in planning and implementation;
- (v) recognize absence of a formal title to land is not a bar to entitlements;
- (vi) identify and record as early as possible, through a census, all displaced persons to establish their eligibility;
- (vii) establish a cut-off date to prevent subsequent influx of encroachers;
- (viii) pay attention to vulnerable households<sup>8</sup> including those without legal title to land or other assets and provide assistance to help them improve their socio-economic status;
- (ix) assist all displaced persons to integrate economically and socially into host communities where physical displacement takes place, so that adverse impacts on the host communities are minimized and social harmony are promoted;
- (x) include full resettlement costs in the project costs and benefits;
- (xi) explore opportunities for negotiated land purchase and in such cases of negotiated settlement and land donation, participating *pourashava* will engage an

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<sup>8</sup> Households headed by women; the elderly or disabled; indigenous groups and those below poverty line (BPL). In the absence of both national and regional benchmark of BPL, UGIIP-3 uses the upper poverty line at Tk.1,870.60/capita per month to determine vulnerable households. This is calculated from 2010 upper poverty line determined by Bangladesh Bureau of Statistic with inflation rate added. Department of Social Service of Ministry of Social Welfare uses 65 years old for man and 62 years old for woman to define elderly people.

- independent third party<sup>9</sup> for supervising and validating these procedures as per ADB SPS, 2009 Appendix 2 paragraph 25;
- (xii) pay all compensation for loss of land, assets, structures, trees, income, common properties prior to physical or economic displacement and commencement of civil work; and
  - (xi) include a clause in the contract agreement that the construction contractor/s will be required to repair to pre-works condition or compensate any loss or damage caused by his execution of works.

#### **i. Voluntary Land and Non-land Assets Donation**

20. Voluntary donation of land involves the contribution by individuals of land for a project that has community benefits. In the case of voluntary land donation, eminent domain or other powers of the state should not be involved in the acquisition. Voluntary land donation is only possible if a project is not location-specific that can be built somewhere else if the landowner/s objects. **Appendix 4** provides a sample for voluntary donation agreement, which may be improvised for UGIP-3, and steps to be followed and measures to be taken by the participating *pourashavas* for voluntary land donation according to ADB SPS, 2009.

21. Voluntary donation by beneficiary households is acceptable where:

- (i) the impacts are marginal (based on percentage of loss and minimum size of remaining assets);
- (ii) impacts do not result in displacement of households or cause loss of household's incomes and livelihood;
- (iii) the households making voluntary donations are direct beneficiary of the project;
- (iv) land thus donated is free from any dispute on ownership or any other encumbrances;
- (v) consultations with the affected households is conducted in a free and transparent manner;
- (vi) land transactions are supported by documented transfer of possession papers;
- (vii) proper documentation of consultation meetings, grievances and actions taken to address such grievances is maintained; and
- (viii) the donor's households are **not** categorized as poor/vulnerable.

22. ADB, supported by the independent third party report/certification<sup>10</sup>, will (i) conduct due diligence to avoid adverse impacts on affected persons and possible reputational risks to ADB; (ii) verify that the donation is in fact voluntary and did not result from coercion, using verbal and written records; and (iii) ensure that voluntary donations do not severely affect the living standards of affected persons and benefit them directly.

#### **ii. Negotiated Land Acquisition**

23. Negotiated land acquisition or negotiated settlement is normally achieved by providing fair and appropriate compensation and other incentives to the willing seller, negotiated through meaningful and well documented consultations. Such transactions do not trigger ADB SPS,

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<sup>9</sup> Composed of 3 representatives from the TLCC civil society members (at least 1 representative should be a female). The TOR is attached as **Appendix 3**.

<sup>10</sup> See footnote No. 9.

2009 beyond appropriate documentation of the process involving being overseen by an independent third party, and the process must openly address the risk of asymmetry of information availability and bargaining power of both parties. The key words are “adequate” and “fair price” for land and/or other assets.

24. Executing agency will develop the procedures that are transparent, consistent, and equitable manner to ensure that persons who enter into a negotiated settlement in land acquisition will maintain the same or better income and livelihood status. Executing agency will ensure that the negotiating process will not adversely affect the marginality and vulnerability of any APs due to the inherent powers of the participating *pourashavas*. The documents pertaining to the settlements, such as maps, land registries, sales records, consultation records, decision records, laws and policies pertaining to the negotiations, and development plans are to be disclosed to the APs who are involved in the negotiated settlements.

25. **Appendix 5** provides the steps to be followed and measures to be taken by the participating *pourashava* for negotiated land acquisition or negotiated settlement according to ADB SPS, 2009. The negotiation and settlement processes will be monitored and documented by the independent third party.<sup>11</sup>

26. In cases where the failure of negotiations will result in expropriation through eminent domain or the buyer (participating *pourashava*) could acquire the property regardless of its owner’s decision to sell it or not, will trigger ADB SPS, 2009 and Safeguard Requirements 2 will apply in such cases, including preparing an RP.

### iii. Involuntary Resettlement<sup>12</sup> in Anticipation of ADB Support

27. ADB SPS, 2009 also applies when the land acquisition process has begun or been completed and/or population has already been moved in anticipation of ADB support. In such cases ADB’s due diligence at an early stage of project preparation should identify if there are any outstanding grievance or resettlement actions in non-compliance with ADB’s SPS requirements. If such outstanding issues are identified, ADB will work with the executing agency and concerned *pourashava* to ensure appropriate mitigation measures are developed and implemented with an agreed timeline. It is also important for ADB’s due diligence to assess potential risks associated with the project, even if the government’s previous resettlement actions are not done in anticipation of ADB support.

## 3. Gaps between ARIPO and ADB SPS, 2009

28. A comparison of ARIPO, 1982 and ADB SPS, 2009 is given in **Appendix 6**. Gaps between ARIPO and ADB SPS, 2009 were identified and bridging measures are included in the entitlement<sup>13</sup> matrix (Table 1) for this project.

29. ARIPO (i) does not cover project-displaced persons without titles or ownership record (such as informal settler/squatters, occupiers, and informal tenants and leaseholders (without documents); (ii) does not provide for replacement cost of the property acquired; and (iii) has no

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<sup>11</sup> See footnote No. 9.

<sup>12</sup> Involuntary resettlement actions in anticipation of ADB support generally refer to actions that preceded ADB support.

<sup>13</sup>

provision for resettlement assistance to restore livelihoods of displaced persons, except for legal compensation for land and structures. Further, in most of the cases, the compensation paid does not constitute market or replacement cost replacement cost of the property acquired.

## **C. Resettlement Plan Design Criteria**

### **1. Screening and Categorization**

30. The project management office (PMO) will screen all subproject applications based on the eligibility and exclusion criteria established under the project. ADB's Involuntary Resettlement Impact Screening Checklist (**Appendix 7**) will be used for the subprojects. The following criteria for screening and categorization of subprojects will be followed:

- (i) **Category A:** as a result of the subproject, 200 or more people will experience major impacts, that is, being physically displaced from housing, or losing 10% or more of their productive (income-generating) assets;
- (ii) **Category B:** as a result of the subproject, fewer than 200 people will be physically displaced from housing or lose less than 10% of their productive (income-generating) assets;
- (iii) **Category C:** the subproject does not require temporary or permanent land acquisition, and there are no impacts involving the loss of land, structures, crops and trees, businesses or income.

31. Any Category A subproject will be automatically disallowed from loan assistance. A social impact assessment report will be prepared for Category C subprojects (outline is provided in **Appendix 8**) and submit to ADB for confirmation.

### **2. Preparation of RP**

32. If the proposed subproject will have involuntary resettlement impact, an RP is required to be prepared. The objective of the RP is to ensure that livelihoods and standards of living of displaced persons are improved, or at least restored to pre-project (physical and/or economic) levels and that the standard of living of the displaced poor and vulnerable groups are improved, not merely restored, by providing adequate housing, security of land tenure and steady income and livelihood resources. The level of detail and comprehensiveness of the RP will be commensurate with the significance of involuntary resettlement impacts.

33. The RP will be prepared in English, main content translated in local language and notified to the public (this can include posters and/or resettlement booklets). The RP will be structured in the following manner:

- (i) Executive Summary;
- (ii) Project Description;
- (iii) Scope of Land Acquisition and Resettlement;
- (iv) Socio-economic Information and Profile;
- (v) Information Disclosure, Consultation, and Participation;
- (vi) Grievance Redress Mechanisms;
- (vii) Legal Framework;
- (viii) Entitlements, Assistance and Benefits;
- (ix) Relocation of Housing and Settlements;
- (x) Income Restoration and Rehabilitation;

- (xi) Resettlement Budget and Financing Plan;
- (xii) Institutional Arrangements;
- (xiii) Implementation Schedule; and
- (xiv) Monitoring and Reporting.

34. As determined during the project preparation stage, the RP will be prepared covering all subprojects in each phase in respective *pourashava* (example: if *pourashava* will implement subprojects in Phase 1, one RP covering involuntary impacts for the Phase 1 subprojects will be prepared. If the same *pourashava* will implement subprojects in Phase 2, another RP will be prepared for Phase 2 subprojects and so on).

### 3. Updating of RPs

35. The information in an RP may be tentative until a final census of APs has been completed. Soon after the completion of engineering designs, PMO will finalize the RP by completing the census and inventories of loss of assets. PMO will ensure that the final RP (i) adequately addresses all involuntary resettlement issues pertaining to the project; (ii) describes specific mitigation measures that will be undertaken to address the issues; and (iii) ensures the availability of sufficient resources to address the issues satisfactorily. PMO will submit the final RP to ADB for confirmation.

#### D. Eligibility and Entitlement

36. APs are those who are physically relocated, or lose residential land, or shelter and/or economically displaced (with loss of structure, assets, access to assets, income sources, or means of livelihood). The absence of formal and legal title to the land should not prevent the AP to receive compensation and resettlement assistance from the project.

37. UGIIP-3 will recognize three types of displaced persons, including: (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. Lost assets considered is not only land but also non-land assets including income, both for permanent but also temporary.

#### 1. Eligibility

38. All displaced persons who are identified in the project-impacted areas on the cut-off date will be entitled to compensation for their affected assets and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels. Those who encroach into the subproject area after the cut-off date will not be entitled to compensation or any other assistance. The participating *pourashava* through its project implementation unit (PIU) will take video and photo documentation to ensure documentation of entitled persons on the cut-off date. The cut-off date shall be as follows:

- (i) **titleholders** – the cut-off date for compensation under law (Ordinance II of 1982 with amendments) is the date of service of public notice under section 3 or joint verification by the deputy commissioner (DC), whichever is earlier (the legal cut-off date); and
- (ii) **non-titleholders** – the date of census survey and inventory of losses conducted

by the PIU on completion of the detailed designs will be considered the cut-off date for eligibility for any non-titled persons and hawkers impacted.

## 2. Entitlements

39. The entitlement matrix (Table 1) summarizes the main types of losses and the corresponding nature and scope of entitlements in accordance with government and ADB policies. Where the entitlement matrix does not cover a particular impact, it can be enhanced in the RPs based on the findings of the socioeconomic assessment and detailed census. The entitlement matrix of an RP may be updated after completion of engineering design to reflect relevant changes but the standards set in the original entitlement matrix cannot be lowered when the RP is revised and finalized.<sup>14</sup>

40. The entitlement matrix specifies that any displaced person will be entitled to (i) compensation for loss of land at the replacement cost; (ii) compensation for loss of structure (residential/commercial) and other immovable assets at their replacement cost (without counting the depreciation value); (iii) compensation for loss of business/wage income; (iv) compensation for loss of crops and/or trees; (v) assistance for shifting of structure; (vi) rebuilding and/or restoration of community resources/facilities; and (vii) if vulnerable APs, livelihood/transitional cash assistance for vulnerable displaced persons (head of the affected family) at official minimum wage of the appropriate AP's occupation.

## 3. IR impacts in anticipation of ADB support

41. A tracer study will be conducted by PMO with support by MDSC national and regional resettlement specialists for any households/persons displaced in anticipation of ADB support. The principal objective of the tracer study is to locate all affected households/persons and to find out their present socioeconomic situation. A set of guide questions that focused on the following will be used:

- (i) when was the structure set up, when was it dismantled;
- (ii) was this the first time that the affected household/person dismantled its structure on orders by local authorities;
- (iii) who carried out the dismantling and rebuilding, if any of the structures;
- (iv) how much did the affected household/persons spend on the dismantling and rebuilding of its structures;
- (v) where has the affected household/person relocated;
- (vi) what are the livelihood activities and level of daily income of the affected household before and after relocation; and
- (vii) identify the economic loss and structures (or other opportunities) experiences by the affected people due to their displacement.

42. A corrective action plan will be developed to include specific assistance and timing of provision of assistance set out in the RPs will be provided to all affected households/persons. Displaced households/persons in anticipation of ADB support will also be entitled as per RF to (i) compensation for loss of land at the replacement cost; (ii) compensation for loss of structure (residential/commercial) and other immovable assets at their replacement cost (without counting the depreciation value); (iii) compensation for loss of business/wage income; (iv) assistance for

<sup>14</sup> See ADB SPS Appendix 2 para 22.

shifting of structure; (v) rebuilding and/or restoration of community resources/facilities; (vi) livelihood/ transitional cash assistance for 6 months for all physically displaced persons at official minimum wage of the appropriate AP's occupation for each head of the affected family.

**Table 1: UGIP-3 Entitlement Matrix**

Type of Loss	Specification	Eligibility	Entitlements
<b>1. LAND</b>			
Agricultural (including crop land, pastures, wasteland, ponds, etc.)	Partial loss of plot (<50%)	<p>Owner (titleholder, legalizable user)</p> <p>legalizable user means land owners/users that have traditional/customary/ rights to the land but have no formal/legal papers of the ownerships. This is commonly found among the traditional/ tribal/indigenous communities.</p>	<ul style="list-style-type: none"> <li>- Cash compensation at fair market value, including all transaction costs, such as applicable fees and taxes</li> <li>- Provision of title for remaining land to legalizable user</li> <li>- Subsistence cash allowance based on income from lost plot: (a) for a period of 6 months if residual land unviable; (b) for a period of 3 months if residual land viable.</li> </ul>
		Lessee	<ul style="list-style-type: none"> <li>- Cash refund of the lease money for the lessee for duration of remaining lease period to be deducted from the owner</li> <li>- Assistance to find alternative land</li> <li>- Subsistence cash allowance based on 3 months' income from lost plot, for a period of 3 months.</li> </ul>
		Sharecrop tenant (registered, informal)	<ul style="list-style-type: none"> <li>- Assistance to find alternative land</li> <li>- Subsistence cash allowance based on 3 months' income from lost plot, for a period of 3 months.</li> </ul>
		Non-titled user (squatter/ informal land users)	<ul style="list-style-type: none"> <li>- No compensation for land loss</li> <li>- Provision to use the remaining land</li> <li>- Subsistence cash allowance based on 3 months' income from lost plot.</li> </ul>
	Full loss of plot (≥ 50 %)	<p>Owner (titleholder, legalizable user)</p> <p>legalizable user means land owners/users that have traditional/customary/ rights to the land but have no formal/legal papers of the ownerships. This is</p>	<ul style="list-style-type: none"> <li>- Land-for-land compensation through provision of fully titled and registered replacement plot of comparable value and location as lost plot, including payment of all transaction costs, such as applicable fees and taxes</li> <li>- Cash compensation at fair market value, including all transaction costs, such as applicable fees and taxes</li> <li>- Unaffected portions of a plot that become unviable as a result of impact will also be compensated</li> <li>- Subsistence cash allowance based on income from lost plot: (a) for a period of 6 months if residual land unviable; (b) for a period of 3 months if residual land viable.</li> </ul>

Type of Loss	Specification	Eligibility	Entitlements
		commonly found among the traditional/tribal/indigenous communities.	
		Lessee	<ul style="list-style-type: none"> <li>- Cash refund at rate of rental fee proportionate to size of lost plot for 6 months</li> <li>- Cash refund of the lease money for the lessee for duration of remaining lease period, to be deducted from the owner assistance to find alternative land for rent/lease</li> </ul>
		Sharecrop tenant (registered, informal)	<ul style="list-style-type: none"> <li>- Cash compensation equal to current market value of share of 1 year of harvests for entire lost plot</li> <li>- Assistance to find alternative land</li> </ul>
		Non-titled user (squatters/ informal land users)	<ul style="list-style-type: none"> <li>- No compensation for land loss</li> <li>- Assistance for finding alternative land</li> <li>- Subsistence cash allowance based on 3 months' income from lost plot, for a period of 3 months</li> </ul>
Residential, commercial, community	Partial loss of plot (<50 %)	<p>Owner (titleholder, legalizable user)</p> <p>legalizable user means land owners/users that have traditional/customary/ rights to the land but have no formal/legal papers of the ownerships. This is commonly found among the traditional/tribal/indigenous communities.</p>	<ul style="list-style-type: none"> <li>- Cash compensation at fair market value including all transaction costs, such as applicable fees and taxes</li> <li>- Provision of title for remaining land to legalizable user</li> </ul>
		Lessee, tenant	<ul style="list-style-type: none"> <li>- Cash refund of the lease money for the lessee for duration of remaining lease period to be deducted from the owner</li> <li>- Provision of cash compensation for 6 months rental value of similar level of structure</li> </ul>
		Non-titled user (squatter, encroacher)	<ul style="list-style-type: none"> <li>- No compensation for land loss</li> <li>- Provision to use the remaining land</li> </ul>
	Full loss of plot (=>50 %)	Owner (titleholder, legalizable user)	<ul style="list-style-type: none"> <li>- The AP may choose between the following alternatives:</li> <li>- Land-for-land compensation through provision of fully titled and</li> </ul>

Type of Loss	Specification	Eligibility	Entitlements
		legalizable user means land owners/users that have traditional/customary/rights to the land but have no formal/legal papers of the ownerships. This is commonly found among the traditional/tribal/indigenous communities.	registered replacement plot of comparable value and location as lost plot (possibly at relocation site for displaced community), including payment of all transaction costs, such as applicable fees and taxes <b>OR</b> - Cash compensation at fair market value, including all transaction costs, such as applicable fees and taxes
		Lessee, tenant	- Cash refund of the lease money for the lessee for duration of remaining lease period to be deducted from the owner - Assistance to find alternative place for lease/rent
		Non-titled user (squatter, encroacher)	- No compensation for land loss - Assistance to find alternative land as titled or rental/lease land - Allowed to construct temporary structure on identified land
Temporary land acquisition	Land required temporarily during civil works	Owner, lessee, tenant	- Rental fee payment for period of occupation of land - Restoration of land to original state - Guarantee of access to land and structures located on remaining land
		Non-titled user	- Restoration of land to original state - Guarantee of access to land and structures located on remaining land
<b>2. STRUCTURES</b>			
Residential, agricultural, commercial, community	Partial loss (<30 %) and alteration of structure	Owner (including non-titled land user)	- Cash compensation for lost parts of structure at replacement cost and repair of remaining structure at market rate for materials, labor, transport, and other incidental costs, without deduction of depreciation for age - Right to salvage materials from lost structure - Allowed to construct temporary structure on unused part of project land after completion of civil work, through some lease/rent system - In case of loss of toilet rendering structure unlivable, replacement with safe sanitation facilities at adjacent or nearby location, or, compensation for the entire structure at the discretion of the owner.
		Lessee, tenant	- Cash refund of the lease money for the lessee for duration of remaining lease period (to be deducted from the owner)
	Full loss of structure (=>30 %) and relocation	Owner (including non-titled)	- The AP may choose between the following alternatives: - Compensation through provision of fully titled and registered

Type of Loss	Specification	Eligibility	Entitlements
		land user)	replacement structure of comparable quality and value, including payment of all transaction costs, materials, labor, transport, and other incidental costs, at a relocation site or a location agreeable to the AP <b>OR</b> - Cash compensation for the affected structure at replacement cost, including all transaction costs, materials, labor, transport, and other incidental costs, without deduction of depreciation for age - In case of the remaining structure become unlivable the compensation will be calculated for the entire structure without deduction of depreciation and self-relocation <b>IN EITHER CASE</b> - Right to salvage materials from lost structure
		Lessee, tenant	- Cash refund at rate of rental fee proportionate to size of lost plot for 6 months - The lease money for the lessee for duration of remaining lease period will be deducted from the owner
	Moving of minor structures (fences, sheds, kitchens, latrines, etc.)	Owner, lessee, tenant	- The AP may choose between the following alternatives: - Cash compensation for self-reconstruction of structure at market rate (labor, materials, transport, and other incidental costs) <b>OR</b> - Relocation/reconstruction of the structure by the project <b>IN EITHER CASE</b> - Access to the affected facility should be to be restored
	Stalls, kiosks	Vendors (including titled and non-titled land users)	- Assistance for finding alternative land to continue business - Allowed to construct temporary structure/continue business through some lease/rent system as vendor, at alternative location comparable to lost location <b>AND</b> - Cash compensation for self-relocation of stall/kiosk at market rate (labor, materials, transport, and other incidental costs)
	Fixed assets attached to affected structures (water supply, telephone lines)	Owner, lessee, tenant	- Cash compensation for reinstallation and connection charges
<b>3. INCOME RESTORATION<sup>15</sup></b>			
Crops	Affected crops	Cultivator	- Department of Agriculture will determine the valuation of seasonal crops. Cash compensation at current market rate proportionate to size of lost plot for 1 year's future harvests, based on crop type and highest average yield over past 3 years. - For seasonal crops: if notice for harvest of standing seasonal crops cannot be given then value of lost standing crop at market value will be

<sup>15</sup> Re-establishing productive livelihood of the displaced persons to enable income generation equal to or, if possible, better than that earned by the displaced persons before the resettlement.

Type of Loss	Specification	Eligibility	Entitlements
			made. <ul style="list-style-type: none"> <li>- For perennial crops: value will be calculated as annual net product value multiplied by number of productive years remaining.</li> <li>- Residual harvest can be taken away without any deduction</li> <li>- If land is permanently lost add another year of loss income from crops (net income) to cover the loss during the preparation of new agricultural land.</li> </ul>
		Parties to sharecrop arrangement	- Same as above and distributed between land owner and tenant according to legally stipulated or traditionally/informally agreed share
Trees	Affected trees	Cultivator	<ul style="list-style-type: none"> <li>- Value of timber bearing trees will be based on the market price of timber and will be determined by the Forest Department. Cash compensation for timber trees at current market rate of timber value, plus cost of purchase of seedlings/sapling and required inputs to replace trees</li> <li>- Value of fruit-bearing trees will be based on value of products multiplied by number of productive years remaining. Cash compensation for fruit bearing trees at current market rate of crop type and average yield multiplied, (i) for immature non-bearing trees, by the years required to grow tree to productivity, or (ii) for mature crop-bearing trees, by 5 years average crops (the grafted/tissue cultured plant usually starts fruiting within 2-3 years), plus cost of purchase of grafted/tissue cultured plant and required inputs to replace trees. Department of Horticulture will determine the valuation of fruit-bearing trees.</li> </ul>
		Parties to sharecrop arrangement	- Same as above and distributed between land owner and tenant according to legally stipulated or traditionally/informally agreed share
Permanent loss of agriculture-based livelihood	Partial loss of agricultural land with viable land remaining	Owner, lessee, sharecrop tenant, non-titled land user	<ul style="list-style-type: none"> <li>- Provision of support for investments in productivity enhancing inputs, such as land levelling, terracing, erosion control, and agricultural extension, as feasible and applicable</li> <li>- Additional financial supports/grants if land/crop compensation is insufficient for additional income-generating investments to maintain livelihood at BDT 70,000 per household (the provided sum is given to the entitled AP for one time allowance/ income generating assistance).</li> </ul>
	Full loss of viable agricultural land without availability of alternative land	Owner, lessee, sharecrop tenant, non-titled land user	<ul style="list-style-type: none"> <li>- Provision of retraining, job placement</li> <li>- Included in the project livelihood restoration and rehabilitation program</li> <li>- Financial grants and/or microcredit access for livelihood investment as well as organizational/logistical support to establish an alternative income generation activity BDT 90,000 per household (the provided sum is given to the entitled AP for one time allowance/ income generating assistance).</li> </ul>
Loss of income from agricultural labor		Wage laborers in any affected agricultural land	- Cash assistance for loss of income up to 7 days at actual income loss as per census or Government of Bangladesh registered minimum wage, whichever is higher

Type of Loss	Specification	Eligibility	Entitlements
Maintenance of access to means of livelihood	obstruction by subproject facilities	All APs	<ul style="list-style-type: none"> <li>- Preferential selection for work at project site during civil works</li> <li>- Accessibility of agricultural fields, community/social facilities, business premises, and residences of persons in the project area ensured</li> <li>- Accessibility to the original/alternative fishing ground</li> </ul>
Businesses	Temporary business loss due to land acquisition and/or resettlement or construction activities of project	Owner of business (registered, informal)	<ul style="list-style-type: none"> <li>- Cash compensation equal to lost income during period of business interruption based on tax record or, in its absence, comparable rates from registered businesses of the same type with tax records or Government of Bangladesh registered minimum wage, whichever is higher</li> <li>- Assistance to re-establish business. APs will be provided 7 days advance notice, followed by a reminder 1 days before construction</li> <li>- If required, they will be assisted to temporarily shift for continued economic activity and then assisted to shift back, post construction.</li> </ul>
	Permanent business loss due to land acquisition and/or resettlement without possibility of establishing alternative business	Owner of business (registered, informal)	<ul style="list-style-type: none"> <li>- Cash assistance for lost income based on 3 months' minimum wage rates to permanently displaced vendors will be paid, , based on tax record or, in its absence, comparable rates from registered businesses of the same type with tax records or Government of Bangladesh registered minimum wage, whichever is higher</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>- Provision of retraining, job placement, additional financial grants and microcredit for equipment and buildings, as well as organizational/logistical support to establish AP in alternative income generation activity</li> <li>- Included in the project livelihood restoration and rehabilitation program</li> </ul>
Employment	Temporary employment loss due to land acquisition and/or resettlement or construction activities	All laid-off employees of affected businesses	<ul style="list-style-type: none"> <li>- Cash compensation equal to lost wages during period of employment interruption up to 6 months, based on tax record or registered wage, or, in its absence, comparable rates for employment of the same type</li> <li>- As applicable by labor code, compensation will be paid to the employer to enable him/her to fulfil legal obligations to provide compensation payments to laid-off employees, to be verified by government labor inspector</li> </ul>
	Permanent employment loss due to land acquisition and/or resettlement without possibility of re-employment in similar sector and position in or near area of lost employment/ daily wage	All laid-off employees of affected businesses	<ul style="list-style-type: none"> <li>- Cash compensation equal to lost wages for 6 months, based on tax record or registered wage, or, in its absence, comparable rates for employment of the same type</li> <li>- If required by the applicable labor code, compensation will be paid to employer to enable him/her to fulfil legal obligations to provide severance payments to laid-off employees, to be verified by government labor inspector</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>- Provision of retraining, job placement, additional financial grants,</li> </ul>

Type of Loss	Specification	Eligibility	Entitlements
			and microcredit for equipment and buildings, as well as organizational/logistical support to establish AP in alternative income generation activity - Included in the project livelihood restoration and rehabilitation program
<b>4. COMMON RESOURCES, PUBLIC SERVICES AND FACILITIES</b>			
Loss of common resources, public services and facilities	footbridges, roads, footpaths, culverts, places of worship, classrooms in educational institutions, canal water by downstream users, common water points/connections, public/community toilets, community spaces, playgrounds etc.	Service provider	- Full restoration at original site or reestablishment at relocation site of lost common resources, public services and facilities, including replacement of related land and relocation of structures - One time grant fund for the common public resources committee and management
<b>5. SPECIAL PROVISIONS</b>			
Vulnerable APs	Loss of land, structure, and/or employment	All vulnerable APs	- Assistance in identification and purchase or rental of new plot/structure - Assistance with administrative process of land transfer, property title, cadastral mapping, and preparation of compensation agreements - Provision of livelihood training, job placement - Included in the project livelihood restoration and rehabilitation program - Financial grants and/or microcredit access for livelihood investment as well as organizational/logistical support to establish an alternative income generation activity - Subsistence allowance of minimum of 2 months of official minimum wage - Preferential selection for project-related employment
Women, social/religious minorities, elderly-headed household*, poor households	Loss of land and structures	Titled or recognized owners of land and structures	- Titling of replacement land and structures in female owner's/minority/ elderly household head's name (as applicable) - Cash compensation paid directly to female owners and head of minority households
Tribal people affected, if any	Loss of land, community assets and structures	Affected tribal people/ community	- Compensation packages as determine by the government valuation team and consultation with the affected community - Full restoration and renovation of affected assets - Special assistance for livelihood restoration as required - In case of major impacts, specific assistance and benefits will be specify under Indigenous People Development Plan
Other impacts	Unanticipated impacts and negotiated changes to entitlements	All APs	- To be determined in accordance with the IR safeguards requirements of the ADB SPS and project resettlement framework - Project RP to be updated and disclosed on ADB website - Standards of the entitlement matrix of the RP not to be lowered

The eligibility will follow the Department of Social Service of Ministry of Social Welfare that uses 65 years old for man and 62 years old for woman to define elderly people.

### III. SOCIOECONOMIC INFORMATION AND IMPACT ASSESSMENT

#### A. Surveys and Census

43. The PIU (participating *pourashava*), with assistance from the consultant teams, will conduct a detailed census and inventory of all losses based on detailed engineering design.

- (i) **Census of affected persons.** 100% enumeration of all affected households using questionnaire in **Appendix 9** to prepare a complete list of APs, to identify entitled and non-entitled persons, and vulnerable households. Strip maps to be prepared as part of documentation.
- (ii) **Review of land records and ownership deeds.** 100% enumeration of APs and land for negotiated settlement, donation and acquisition to prepare land compensation award papers in consultation with APs.
- (iii) **Inventory of land and non-land assets.** 100% inventory and detailed measurement of all affected assets (land and non-land) and remaining fixed assets of APs.
- (iv) **Independent assessment of market value of affected assets.** This activity will be done by independent valuation experts and the reports provided to the Government Valuation Committee. The independent valuation experts are: (i) for land, Ministry of Land; (ii) for trees, Forest Department; (iii) for crops, Department of Agriculture; and (iv) immovable properties, LGED and Public Works Department.
- (v) **Census of vendors/hawkers temporarily impacted during civil works.** 100% enumeration of mobile vendors and hawkers upon availability of subproject detailed design, to record data on the nature and extent of possible loss of income/livelihood. Information to be collected includes: (a) businesses: number and type of businesses; type of ownership; average monthly income; (b) number of persons in the affected households; (c) affected structures; (d) affected employees; (e) type of merchandise; and (f) any other social and economic impacts (both permanent and temporary) including its nature and size of the impact.

#### B. Gender Considerations

44. Additional assistance will also be provided for all female-headed household, who will be considered a vulnerable group. During disbursement of assistance and compensation, priority will be given to female-headed households. In addition to measures provided for addressing the gender concerns of the affected households, the RP will be implemented in consonance with the gender action plan for the project.

#### C. Indigenous People's Considerations

45. In the event of indigenous/tribal people issues are identified as either AP in land acquisition and resettlement or affected in any other way, preparation of an Indigenous Peoples Plan (IPP) is required as per Indigenous Peoples Planning Framework (IPPF) following ADB SPS, 2009 Safeguard Requirement 3: Indigenous People. The IPP will outline measures to minimize, mitigate and compensate for the adverse impacts due to the proposed project/subproject activities. The level of details and comprehensiveness of the IPP will depend on the specific project/subproject activities and the nature of impacts to be addressed. Depending on the nature of the impacts, the IPP can be integrated into the subproject RP or to

be prepared as stand-alone document for the subproject.

#### **D. Methods of Determining Compensation and Replacement Costs**

46. **Replacement value of land.** All lands proposed to be acquired under this project will be compensated as per government and ADB SPS, 2009 (i.e., replacement cost). The calculation of full replacement cost will be 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.

47. The MDS will prepare site plan overlays on the cadastral map to define the area and parcels to be acquired and PMO will send application to the Ministry of Land (MOL).<sup>16</sup> The MOL will then assign the task to the concerned deputy commissioner in the district level in the project area. The district commissioner will then decide the cost of land in consultation with the displaced person. The land valuation process will consist of two different values: (i) the sale deed record, and (ii) the expected price. The deputy commissioner will generate the sale deed record based on the past 12 months' transactions, and will also attempt to consult with some willing buyers or sellers in the area to collect the expected price of land. The findings of these processes are to be fully disclosed to the displaced person. Based on these rates, the deputy commissioner will derive a price which will be the current market rate. The deputy commissioner will also add a 50% premium to this rate as per the provisions of ARIPO. Additionally, the cost for tax and stamp duties will be added as derived in consultation with the displaced person, which will finally be considered as the replacement cost.

48. If the compensation rate under ARIPO as established by the government is lower than the replacement cost, the people who have legal titles of the affected properties will be compensated in two steps:

- (i) first, they are entitled to receive compensation according to ARIPO based on their legal documents.
- (ii) after compensation as per ARIPO is received, additional compensation from the project to make it equal to the market rate/replacement cost.

49. Non-titleholders who are not covered by ARIPO will receive compensation from the project directly.

50. If the displaced person is not satisfied with this rate, he/she can raise a grievance through the project grievance redress mechanism (GRM).

51. All compensation and resettlement assistances will be paid to the entitled displaced persons prior to commencement of civil works and the land/structures which will be acquired after payment in full, shall be handed over to the *pourashavas* free of all encumbrances, such as debt, mortgage, etc. If any loan taken on such land/properties remains unadjusted, the balance amount of loan will be deducted from the total compensation. The displaced persons will be given right to take all movable assets attached with land, such as irrigation pump sets, etc.

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<sup>16</sup> The application to MOL includes a detailed statement specifying whether the land mentioned in the application is needed for public or private purpose, the area of the land, sketch map, and purpose for which it could be used.

**Replacement value of immovable properties/structures.** The replacement cost of immovable properties (houses, buildings and other immovable structures) shall include the cost of labor and transfer of the construction materials. The compensation for immovable properties will be determined on the basis of replacement cost as on date without depreciation, based on the most updated Schedule of Rates issued by LGED.<sup>17</sup>

52. **Trees and crops.** The PIU, in coordination with the deputy commissioner, will conduct the survey on unit prices of trees and crops in consultation with agriculture, horticulture, or forest department. The compensation for crops will be calculated based on the projected yield and current market rate. The unit prices for compensation of different species of fruit trees will be based on the market values of their fruits, and for trees producing timber, this will be based on their species, age, and quality, and the cost will be collected after consultation with the divisional forest office. The following will be used:

- (i) **timber bearing trees**– value will be based on the market price of timber and will be determined by the Forest Department;
- (ii) **fruit bearing trees**– value of products multiplied by number of productive years remaining. If the trees are yet to reach age of maturity, the cost of seedlings, saplings, and agricultural inputs will be added to the compensation valuation. Department of Horticulture will determine the valuation of fruit-bearing trees;
- (iii) **crops** – for seasonal crops, if notice for harvest of standing seasonal crops cannot be given then value of lost standing crop at market value will be made. For perennial crops, value will be calculated as annual net product value multiplied by number of productive years remaining. Residual harvest can be taken away without any deduction. If land is permanently lost add another year of loss income from crops (net income) to cover the loss during the preparation of new agricultural land. Department of Agriculture will determine the valuation of perennial crops.

53. **Livelihood and sources of income.** The detailed measurement census survey will gather information on actual monthly income of the displaced persons, followed by a verification of the income data based on the tax payment. In the absence of authentic income statements as proof, the unit price will be decided during the survey based on correlation of income, expenditure, and savings data and rates of comparable livelihoods/businesses.

#### IV. CONSULTATION, PARTICIPATION AND DISCLOSURE

##### A. Consultation and Participation

54. The PIUs (participating *pourashavas*) with assistance of the consultant teams will conduct meaningful consultation<sup>18</sup> with APs, their host communities, and civil society for every

<sup>17</sup>LGED issues region-based Schedule of Rates to provide field offices of LGED with unit prices of different construction items of various types of infrastructures. All unit rates are inclusive of carriage of all materials and have been worked out so as to cover the full compensation of all materials, labor, equipment and machinery, tools and plant, overhead/incidentals, etc, necessary to complete the work in all respect under the respective item.

<sup>18</sup>Meaningful consultation is 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

subproject identified as having involuntary resettlement impacts. Consultation with APs will be done at various levels (i) subproject design; (ii) draft RP preparation; (iii) final RP endorsement; and (iv) RP implementation.

55. With assistance from the MDSC national and regional resettlement specialists, the PIUs will continue to arrange public consultations, and take the following steps:

- (i) PIUs will organize public meetings and will appraise the communities about the progress in the implementation of resettlement, social, and environmental activities;
- (ii) PIUs will organize public meetings to inform the community about the compensation and assistance to be paid;
- (iii) all monitoring and evaluation reports of the resettlement components of the project will be disclosed in the same manner as that of the RP; and
- (iv) attempts will be made to ensure that vulnerable groups understand the process, and to take their specific needs into account.

56. Both formal and informal meetings will be documented and results will be disclosed to ensure transparency. Particular emphasis will be on the vulnerable people and the discussion mode will be informal so as not to be intimidating to them. Small groups of each category will be invited according to their convenience and the project design including the risks and benefits will be explained to them. The details of the consultations and their responses will be recorded.

## **B. Disclosure**

57. To provide for more transparency in planning and for further active involvement of displaced persons and other stakeholders, the project information will be disseminated through disclosure of resettlement planning documents. A summary RP will be translated and disclosed in publicly accessible locations shortly after government endorsement of the full draft RP. During implementation, a resettlement information leaflet<sup>19</sup> (sample is attached as **Appendix 10**) will be made available in local language (Bangla), and the same will be distributed to displaced persons.

58. The project management office (PMO) and PIUs will keep the displaced persons informed about the impacts and the compensation and assistances proposed for them, and facilitate grievance redressal.

59. The RPs will also be made available at a convenient place, especially the offices of the participating *pourashavas*, offices of the union *parishads*, and at other key accessible locations (such as marketplaces) convenient to the displaced persons. The RPs will be disclosed on the ADB website.

60. During implementation phase, the PIU with assistance of the MDSC regional resettlement specialist will (i) disclose to APs the detailed procedural formalities for access to

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opportunities, and implementation issues. Consultation will be carried out in a manner commensurate with the impacts on affected communities.

<sup>19</sup> A resettlement leaflet is a two to three-page document containing information on the cutoff date, compensation, entitlements, and resettlement management adopted for the project. A summarizing the RP, IR impacts, entitlements and GRM contact details leaflet will be produced for dissemination to APs and other stakeholders.

the entitlement benefits as per RP; (ii) if physical displacement occurs, inform APs of the relocation sites along with all infrastructural facilities; and (iii) in case of income restoration, disclosure skill development trainings and feedback on market survey of the products.

61. LGED will submit the following documents to ADB for disclosure on ADB's website:

- (i) the final RP endorsed by the executing agency after the census of affected persons has been completed;
- (ii) new RP or an updated RP, and a corrective action plan prepared during project implementation, if any; and
- (iii) the resettlement monitoring reports.

## **V. COMPENSATION, INCOME RESTORATION AND RELOCATION**

62. Income restoration assistance to the displaced persons includes both short and medium term strategies. The entitlement<sup>20</sup> matrix (**Table 1**) contains provisions for alternative income generating/skill development and other enabling strategies through which displaced persons can either continue their previous occupation, start new ventures, or undertake an alternative occupation. The basic objective behind the income and livelihood restoration activities and schemes is to restore the economic status of the affected persons enjoyed prior to the project, in line with the requirements of ADB SPS, 2009. As a result, in addition to providing compensation and resettlement benefits, appropriate support measures have been included for income and livelihood restoration of those affected.

63. Compensation and assistance to APs will be provided prior to start of civil works.

### **A. Income and Livelihood Restoration Measures**

64. All persons losing their livelihood or places of generating income as a result of the project will be supported with short-term income restoration assistance for subsistence. These short-term income and livelihood restoration measures will be for immediate assistance, and include the following measures:

- (i) compensation for land and other lost assets paid in full prior to relocation;
- (ii) temporary or short-term employment in construction activities at the resettlement or project construction sites; and
- (iii) special assistance, appropriate to vulnerable groups such as women, IP/minority communities, the elderly, and the disabled.

65. In addition to the above, the RP will provide the following short-term assistance for income and livelihood restoration with assistance from the implementing PIU:

#### **1. Cash Allowance to Support Lost Income**

66. Displaced persons will be eligible for assistance for loss of employment/workdays (in the case of wage earners) owing to dislocation and relocation. Assistance for lost income based on 3 months' minimum wage rates to permanently displaced vendors will be paid. For temporary

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<sup>20</sup> Resettlement entitlements with respect to a particular eligibility category are the sum total of compensation and other forms of assistance provided to displaced persons in the respective eligibility category.

disruption to income during the demolition and reconstruction of the partially affected commercial structure, the owners as well as the workers will receive one-time assistance for lost income for the actual period of disruption at income/tax statement, minimum wage rates, or based on actual income (whichever is higher), verified through incomes of comparable businesses in the area.

## **2. Assistance to Re-establish Businesses**

67. Commercial spaces will be allotted to vendors in project-sponsored market/vendor relocation sites on rental basis to re-establish affected businesses. The rent for the relocation site shall be worked out by the PIU.

68. APs will be provided 7 days advance notice, followed by a reminder 1 day before construction to ensure none or minimal disruption in livelihood. If required, they will be assisted to temporarily shift for continued economic activity; for example, they will be assisted to shift to the other side of the road where there is no construction and then assisted to shift back, post-construction. Special care will be taken to ensure that these temporarily affected SBE owners will set up their business once again either in the same location or elsewhere of their own choice.

69. Ensuring there is no income or access loss during civil works is the responsibility of contractors. Consistent with the environmental management plan prepared for each subproject, contractors will ensure access is maintained by making sure that space is left for access between mounds of soil, walkways and metal sheets provided to maintain access across trenches for people and vehicles where required, increased workforce is available to finish work in areas with impacts on access, timing of works is such that it reduces disruption during business hours and periods of peak business activities e.g. festivals, phased construction schedule is followed and work undertaken on one segment at a time and one side of a road at a time.

## **3. Additional Assistance to Vulnerable Groups**

70. The following categories of displaced persons have been identified as vulnerable groups in the project: female-headed, elderly-headed, disabled-headed, as well as IP/ minorities and BPL households. In addition to the provisions in the entitlement matrix for compensation of loss of assets and livelihood, additional allowance equivalent to 2 months' income at minimum wages to each of these vulnerable groups households affected is included towards enabling improvement of their socioeconomic status. Vulnerable persons will be given priority in unskilled labor opportunities under the project. ID cards will verify vulnerability status, and the PIU will present the list of vulnerable persons to contractors.

## **4. Steps for Compensation of Temporary Affected Persons**

71. Paying compensation to the temporarily affected persons will take the following steps:

**Step 1.** MDSC regional resettlement specialist is to conduct public awareness and information dissemination prior to construction works.

**Step 2.** MDSC regional resettlement specialist is to identify the alignments and sites in collaboration with contractor. Identify roads to be fully closed. Two types of disturbance anticipated from full closure of roads: (i) partial disturbance, where there is no vehicular access but pedestrian access is maintained or (ii) full disturbance, where there is no

vehicular and no pedestrian access.

**Step 3.** MDSC regional resettlement specialist will (a) conduct an income survey<sup>21</sup> of shops along sections of road identified for full closure, (b) update the RP (identifying income and potential loss based on actual income losses), and (c) send the updated RP to ADB for review and approval.

**Step 4.** After ADB approval of the revised Resettlement Plan, the MDSC regional resettlement specialist will distribute identity cards with compensation amount to the APs.

**Step 5.** AP can then collect payment at the office of PIU or at site.

**Step 6.** PIU to issue a cheque to affected persons based on survey record and identity card prior to construction works (if feasible). All payments to be recorded for accounting purposes with signature of AP to verify payment made. The PD is to closely monitor payments.

## 5. Steps for Mobile Vendors/Hawkers Assistance

72. Vendors requiring temporary shifting during construction period will be notified in advance and allowed to salvage all materials for temporary shifting to alternative location. They will be allowed to return to the original location after construction is declared complete. Vendor assistance will take the following steps:

**Step 1.** MDSC regional resettlement specialist will (i) identify impacted vendors based on detailed design; (ii) conduct survey of affected mobile vendors/hawkers

**Step 2.** PIU with assistance from MDSC regional resettlement specialist will notify mobile vendors/hawkers at least 1 week, and again 2 days in advance prior to commencement of civil works.

**Step 3.** PIU to identify alternative location nearby for affected mobile vendors/hawkers to continue their business. MDSC regional resettlement specialist to inform mobile vendors/hawkers of relocation site and schedule of civil works.

**Step 4.** Contractors, with close supervision of PIU and MDSC regional resettlement specialist, will provide assistance to mobile vendors/hawkers in shifting to relocation site.

**Step 5.** Contractors, with close supervision of PIU and MDSC regional resettlement specialist, will provide assistance to mobile vendors/hawkers in shifting to original location after completion of civil works.

## B. Relocation

73. The entitlement matrix of this resettlement framework (Table 1) provides for compensation at replacement cost, where feasible, to legal titleholders, non-titleholders, and to vulnerable households, if signified by the affected person. Materials, labor, transport, and other incidental costs related to replacement land (applicable to all parcels of replacement land, which totals the equivalent area of land acquired, if parcels of non-contiguous land are bought due to the unavailability of one contiguous parcel) are also payable to the affected person.

74. In accordance with ADB's SPS, should there be any physical displacement or

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<sup>21</sup>Compensation is based on lost income based on the tax record or, in its absence, comparable rates from registered businesses of the same type with tax records, or for shops not qualifying under these categories (hawkers, vendors, etc.), the option of using the actual income based on survey followed by a verification of the income data based on comparable incomes in the project area

resettlement, the existing social and cultural institutions of affected persons (resettled populations) and host populations will be supported to the maximum extent possible. Resettled population will be economically and socially integrated into host communities so that adverse impacts on the latter are minimized. Concerns of affected persons and host communities will be understood through consultations and systematically recorded and addressed in the resettlement plan. In addition, benefits of the Project will be extended to host communities to ensure integration; the resettlement plan will explain how integration with host populations will be achieved.

75. The project will ensure the relocated displaced persons will be fully consulted for their relocation options and will receive all the assistance as detailed in the entitlement matrix of this RF. No demolition of affected assets will be permitted before the relocation sites are ready for occupation. The PMO and PIUs will assist the relocation process and monitor the relocated displaced persons in their new relocation areas to ensure their livelihood condition will not be worse off.

## VI. GRIEVANCE REDRESS MECHANISM

76. A project-specific grievance redress mechanism (GRM) will be established to receive, evaluate, and facilitate the resolution of AP's concerns, complaints, and grievances about the social and environmental performance at the level of the project. The GRM will aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project.

77. **Common GRM.** A common GRM will be in place for social, environmental, or any other grievances related to the project; the RPs and IEEs will follow the GRM described below, which is developed in consultation with key stakeholders. The GRM will provide an accessible and trusted platform for receiving and facilitating resolution of affected persons' grievances related to the project. The multi-tier GRM for the project is outlined below, each tier having time-bound schedules and with responsible persons identified to address grievances and seek appropriate persons' advice at each stage, as required.

78. *Pourashava*-wide public awareness campaigns will ensure that awareness on grievance redress procedures is generated through the campaign. The PIU designated safeguard focal person and governance improvement and capacity development consultants (GICDC) will conduct *pourashava*-wide awareness campaigns to ensure that poor and vulnerable households are made aware of grievance redress procedures and entitlements, and will work with the PMO and MDSC to help ensure that their grievances are addressed.

79. Affected persons (APs) will have the flexibility of conveying grievances/suggestions by dropping grievance redress/suggestion forms in complaints/suggestion boxes that have already been installed by project *pourashavas* or through telephone hotlines at accessible locations, by e-mail, by post, or by writing in a complaints register in *pourashava* offices. **Appendix 11** has the sample grievance registration form. Careful documentation of the name of the complainant, date of receipt of the complaint, address/contact details of the person, location of the problem area, and how the problem was resolved will be undertaken. The project management office (PMO) safeguard officer will have the overall responsibility for timely grievance redressal on environmental and social safeguards issues and for registration of grievances, related disclosure, and communication with the aggrieved party through the PIU designated safeguard focal person.

80. **Grievance redress process.** In case of grievances that are immediate and urgent in the perception of the complainant, the contractor and MDSC on-site personnel will provide the most easily accessible or first level of contact for quick resolution of grievances. Contact phone numbers and names of the concerned PIU safeguard focal person and contractors, will be posted at all construction sites at visible locations.

- a. **1<sup>st</sup> Level Grievance.** The phone number of the PIU office should be made available at the construction site signboards. The contractors and PIU safeguard focal person can immediately resolve on-site in consultation with each other, and will be required to do so within 7 days of receipt of a complaint/grievance.
- b. **2<sup>nd</sup> Level Grievance.** All grievances that cannot be redressed within 7 days at field/ward level will be reviewed by the grievance redress cell (GRC) headed by Panel Mayor of the pourashava with support from PIU designated safeguard focal person and MDSC regional environment and resettlement specialists. GRC will attempt to resolve them within 15 days.<sup>22</sup> The PIU designated safeguard focal person will be responsible to see through the process of redressal of each grievance.
- c. **3<sup>rd</sup> Level Grievance.** The PIU designated safeguard focal person will refer any unresolved or major issues to the PMO safeguard officer and MDSC national environmental and resettlement specialists. The PMO in consultation with these officers/specialists will resolve them within 30 days.

81. Despite the project GRM, an aggrieved person shall have access to the country's legal system at any stage, and accessing the country's legal system can run parallel to accessing the GRM and is not dependent on the negative outcome of the GRM.

82. In the event that the established GRM is not in a position to resolve the issue, the affected person also can use the ADB Accountability Mechanism (AM) through directly contacting (in writing) the Complaint Receiving Officer (CRO) at ADB headquarters or the ADB Bangladesh Resident Mission (BRM). The complaint can be submitted in any of the official languages of ADB's DMCs. The ADB Accountability Mechanism information will be included in the PID to be distributed to the affected communities, as part of the project GRM.

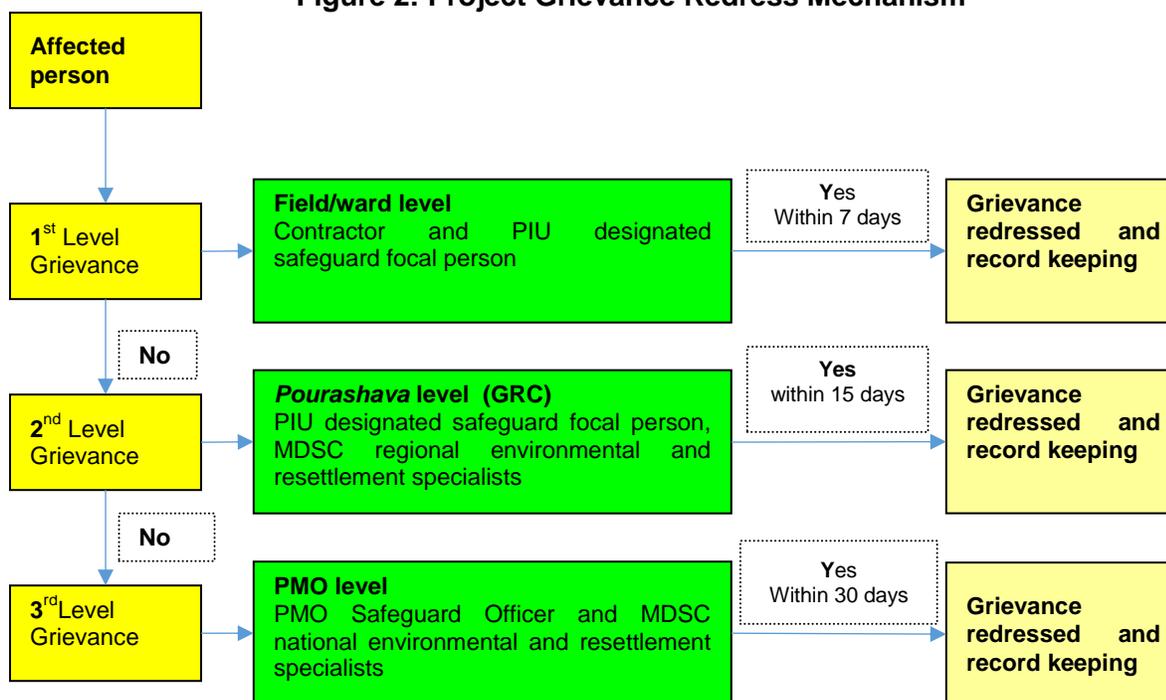
83. **Recordkeeping.** Records of all grievances received, including contact details of complainant, date the complaint was received, nature of grievance, agreed corrective actions and the date these were effected and final outcome will be kept by PIU. The number of grievances recorded and resolved and the outcomes will be displayed/disclosed in the PMO office, *pourashava* office, and on the web, as well as reported in monitoring reports submitted to ADB on a semi-annual basis.

84. **Periodic review and documentation of lessons learned.** The PMO safeguard officer will periodically review the functioning of the GRM in each *pourashava* and record information on the effectiveness of the mechanism, especially on the project's ability to prevent and address grievances.

<sup>22</sup> Grievance redress cell (GRC) will have been formed at Pourashava-level. For example in Lalmonirhat pourashava, the GRC comprises Panel Mayor as Chairperson, and 1 councilor, the pourashava Executive Engineer, Secretary *pourashava* and *pourashava* administrative officer, as members. All *pourashava*-level GRCs shall have at least one-woman member/chairperson and AP representative or independent NGO as committee member. In addition, for project-related grievances, representatives of APs, community-based organizations (CBOs), and eminent citizens must be invited as observers in GRC meetings.

85. **Costs.** All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the concerned PIU at *pourashava*-level; while costs related to escalated grievances will be met by the PMO. Cost estimates for grievance redress are included in resettlement cost estimates.

**Figure 2: Project Grievance Redress Mechanism**



Note: GRC = Grievance Redressal Cell; GICDC = Governance Improvement and capacity Development Consultants; PIU = Project Implementation Unit; MDSC = Management, Design and Supervision Consultants; PMO = Project Management Office

## VII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

### A. Institutional Arrangement

86. **Executing agencies.** LGED and DPHE will be the executing agencies for the project.

87. **Project management office.** A PMO will be established in LGED headed by a Project Director from LGED. The PMO will be staffed by a safeguard (social and gender) officer to oversee safeguards implementation and monitoring of the project. The PMO will be responsible for implementing and monitoring safeguards compliance activities, public relations activities, gender mainstreaming activities, and community participation activities. The PMO social safeguard officer will receive assistance from the national resettlement specialist in the following areas:

- (i) confirm and review final RPs and new RPs prepared by detailed design consultants and that new RPs are prepared in accordance with the RF and submit them to ADB for approval and disclosure;

- (ii) provide oversight on social safeguards aspects (avoidance and mitigation of impacts) of subprojects and ensure RPs are timely implemented by PIUs and contractors;
- (iii) establish a system to monitor social safeguards of the project including monitoring the indicators set out in the monitoring plan of the RP;
- (iv) establish and implement the project GRM;
- (v) facilitate and confirm overall compliance with project policy related to entitlements and compensation, as relevant;
- (vi) supervise and provide guidance to the PIUs to properly carry out the social safeguards monitoring and assessments as per the RF;
- (vii) review, monitor and evaluate the effectiveness with which the RPs are implemented, and recommend necessary corrective actions to be taken as necessary;
- (viii) consolidate monthly social safeguards monitoring reports from PIUs and submit semi-annual safeguards monitoring reports to ADB;
- (ix) ensure consultations with the affected people and timely disclosure of final RPs in locations and form accessible to the public;
- (x) ensure the timely availability of compensation fund prior RPs implementation; and
- (xi) address any grievances brought about through the GRM in a timely manner

**88. Implementing agencies and project implementation units.** The participating pourashavas will be the implementing agencies, and will establish a PIU within the pourashava structure. The PIUs will (i) be responsible for land acquisition; (ii) take necessary action for obtaining ROWs; (iii) plan, implement and monitor public relations activities, gender mainstreaming initiatives and community participation activities at pourashava level; (iv) disseminate information related to the project to the public and media; (v) ensure compliance with loan covenants concerning safeguards measures; and (vi) facilitate implementation of safeguards plans. The PIUs will each designate a safeguard focal person and will receive assistance from the assigned MDSC regional resettlement specialist in the following areas:

- (i) facilitate and assist detailed design consultants and regional resettlement specialist for updating draft RP and preparation of new safeguards documents for future subprojects;
- (ii) disclose the updated/finalized safeguards documents to the APs;
- (iii) implement final RPs and ensure timely payment of compensation and other assistance prior the dispossession of the affected assets or start of civil works;
- (iv) support the detailed design consultants in assessing and reviewing the land availability and ownership status of the proposed subproject areas;
- (v) conduct social safeguards monitoring during civil works and submit monthly report to PMO;
- (vi) conduct briefings on project GRM and safeguards policy principles to contractors' resettlement supervisors;
- (vii) take corrective actions when necessary to ensure avoidance/minimization of IR impacts;
- (viii) establish the GRC, disclose the project GRM to the affected communities and coordinate with other local government agencies for the preparation and implementation of the RP;
- (ix) Ensure availability of required compensation fund for disbursement to the entitled persons before the starts of civil works; and
- (x) address any grievances brought about through the GRM in a timely manner.

89. **Project Management, Design and Supervision Consultants (MDSC).** MDSC will be engaged to work closely with and advise the PMO and PIUs. The MDSC will have one national resettlement specialist and three regional resettlement specialist. The MDSC national resettlement specialist will, but not limited to:

- (i) work under the general supervision and guidance of MDSC team leader and deputy team leader;
- (ii) provide technical support to PMO and PIUs including review and update the RF and guidelines for specific types of the subprojects
- (iii) assist PMO in preparing terms of reference (TOR) for RP preparation, finalize RPs in accordance with the RF and submit to PMO for approval and submission to ADB;
- (iv) coordinate all IR issues and ensure that all subprojects comply with safeguards requirements of ADB and Government of Bangladesh;
- (v) train PIU officials regarding resettlement issues;
- (vi) assist PMO in all activities related to preparation, screening and finalization of RPs including budget allocation, approval and internal monitoring, etc.; and
- (vii) perform any other task assigned by the MDSC team leader and deputy team leader and the project director
- (viii) prepare the draft semi-annual monitoring reports for review and submission to PMO and ADB
- (ix) update, review and finalize the draft and new RPs prepared by the regional of the project for submission and approval to PMO and ADB

90. The MDSC regional resettlement specialists will, but not limited to:

- (i) work with PIU to update the RP during in detailed design stage;
  - (ii) update the draft RPs and prepare new RPs for subprojects in the subsequent phase with the guidance of national resettlement specialist;
  - (iii) assist PIU in screening and categorization of subprojects;
  - (iv) prepare Project Information Documents (PIDs) for disclosure to stakeholders and APs;
  - (v) conduct socio-economic survey and census of 100% APs;
  - (vi) screen out vulnerable APs;
  - (vii) calculate compensation and entitlement as per RF;
  - (viii) hold consultation on RPs and entitlement with APs, incorporate comments and suggestions to RPs, finalize RPs and submit to PMO;
  - (ix) train PIU official regarding resettlement issues and contractor's resettlement supervisor
  - (x) assist the PIU safeguard focal person in the preparation of monthly safeguards monitoring report for submission to PMO safeguard officer;
- perform any other task assigned by MDSC team leader, deputy team leader and national resettlement specialist, and the project director.

91. Independent third party will be engaged to monitor land and non-land donation and negotiate land acquisition. The 3 representatives will come from civil society members of the TLCC. Detailed TOR is given in **Appendix 3**.

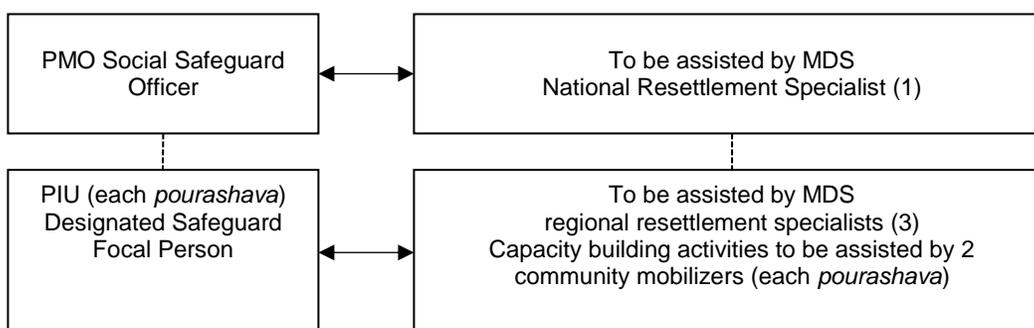
92. **Civil works contracts and contractors.** The contractor will be required to designate a resettlement supervisor to (i) ensure compliance with RP and RF during civil works, and to (ii)

carry out all mitigation and monitoring measures outlined in the EMP and their contract. Contractors will be required to repair/rehabilitate damaged properties to pre-work condition or compensate properties which cannot repaired/rehabilitated.

93. PMO will ensure that bidding and contract documents include specific provisions requiring contractors to comply with:

- (i) all applicable labor laws and core labor standards on (a) prohibition of child labor as defined in national legislation for construction and maintenance activities, on (b) equal pay for equal work of equal value regardless of gender, ethnicity or caste, and on (c) elimination of forced labor; and
- (ii) requirement to disseminate information on sexually transmitted diseases including HIV/AIDS to employees and local communities surrounding the project sites.

**Figure 3: Safeguards Implementation Arrangement**



**Table 2: Institutional Roles and Responsibilities for Safeguards Implementation**

Activities	Agency Responsible
<b>1. Updating of RPs</b>	
Update RP based on detailed design, field inspections, consultations, census of AP, entitlements and resettlement costs	PIU with assistance of MDSC regional resettlement specialist (once detailed design is completed prior to tender of bid documents)
Review of updated safeguard documents and send to ADB for approval	PMO with assistance of MDSC national resettlement specialist
Clearance and disclosure of updated safeguard documents on website	ADB
Disclosure of relevant information of updated safeguard documents in language and form understandable to APs	PMO (website, offices, and public places) PIUs (public places, APs, stakeholders, worksites)
<b>2. Preparation of New RPs</b>	
Based on detailed design prepare TOR including checklists and forms (IR assessment checklist, socio-economic surveys, census forms, and other required documentation) for RP preparation.	MDSC design engineers (provide detailed design including maps, layouts, sites/alignments, and other relevant information as may be required) MDSC national resettlement specialist (assist PMO in preparation of TOR for RP preparation) PMO safeguard officer (provide TOR for RP preparation)
Transect walks through identified alignments and site visits as per detailed design to identify potential IR impacts, completion and submission of IR assessment checklist	PIU and MDSC regional resettlement specialist
Review of IR assessment checklist, coordination with design engineers to avoid and minimize IR impacts, and design of detailed measurement surveys	MDSC national resettlement specialist
Socio-economic survey and full census of APs and	PIU and MDSC regional resettlement specialist

<b>Activities</b>	<b>Agency Responsible</b>
inventory of affected assets (including strip maps). <b>Appendix 9</b> provides a template for inventory of losses.	
Conduct meetings, consultations, and FGDs	PIU and MDSC regional resettlement specialist
Computation of entitlements	PIU and MDSC regional resettlement specialist
Finalization of entitlements and rehabilitation packages for all APs	PIU and MDSC regional resettlement specialist PMO and MDSC national resettlement specialist (provide support)
Preparation of RP	PIU and MDSC regional resettlement specialist
Review of RP and send to ADB for approval	PMO with assistance of MDSC national resettlement specialist
Clearance and disclosure of RP on website	ADB
Disclosure of relevant information of RP in language and form understandable to APs	PMO (website, offices, and public places) PIUs (public places, APs, stakeholders, worksites) GICDC may be requested to assist in information dissemination at <i>pourashava</i> level
<b>C. RP Implementation and Other Recurring Activities</b>	
Delivery of entitlements	PIU and MDSC regional resettlement specialist PMO and MDSC national resettlement specialist (close supervision)
Implementation of mitigation and rehabilitation measures	PIU and MDSC regional resettlement specialist PMO and MDSC national resettlement specialist (close supervision)
Consultations with APs during construction and/or rehabilitation activities	PIU and MDSC regional resettlement specialist Contractors
Grievance redressal (see section on GRM)	1 <sup>st</sup> level – WLCC, PIU, MDSC regional resettlement specialist, and contractors 2 <sup>nd</sup> level – TLCC, PIU and MDSC regional resettlement specialist 3 <sup>rd</sup> level – PMO and MDSC national resettlement specialist 4 <sup>th</sup> level – Project Steering Committee
Preparation and submission of monthly monitoring report	PIU and MDSC regional resettlement specialist
Preparation and submission of semi-annual monitoring report to ADB. <b>Appendix 12</b> provides a template for semi-annual social monitoring report.	PMO and MDSC national resettlement specialist
Clearance and disclosure of semi-annual monitoring report on website	ADB
Disclosure of semi-annual monitoring report	PMO (website, offices, and public places) PIUs (public places, APs, stakeholders, worksites)
Capacity Building	MDSC national resettlement specialist
Induction course to contractors prior to mobilization of workers	PMO and MDSC national resettlement specialist PIU and MDSC regional resettlement specialist

## **B. Capacity Building**

94. MDSC national resettlement specialist will be responsible for development of a training program based on a capacity assessment of target participants (PMO, PIUs, contractor/s, and other stakeholders). The training program will aim to build capabilities on resettlement policy, planning, mitigation measures and safeguards. Typical modules include (i) sensitisation to social safeguards, gender and vulnerability issues, (ii) introduction to social safeguards policy, planning and implementation issues, monitoring methods and tools; (iii) review of RP; and (iv) monitoring and reporting on RP implementation. The suggested outline of the training program is presented in **Table 4**.

95. PMO, PIUs, and MDSC will also organize an induction course for contractors preparing them on RP implementation including ADB policy, GRM, and social safeguards monitoring requirements and mitigation measures. This will be conducted prior to mobilization of workers to

construction sites.

96. The Governance Improvement and Capacity Development Consultants (GICDC) will support PMO and PIUs in implementing urban governance improvement action plan (UGIAP). GICDC will provide capacity development, community mobilization and other facilitation services. There will be 1 regional coordinators at each regional office<sup>23</sup> and 2 community mobilizers in each project *pourashava*:

- (i) regional coordinators will assist *pourashavas* and the local capacity development experts in the activities related to community participation and inclusive development.
- (ii) local capacity development expert will be posted at the *pourashava* and will (a) have to work maintaining close liaison with the mayor, councilors, *pourashava* staffs and communities, (b) provide assistance and support to PIU regarding planning and implementation of community and participation plan, equity and inclusiveness of women and urban poor.

**Table 3: Indicative Capacity Building and Training Program**

Description	Contents	Schedule	Participants
Program 1 Orientation Workshop	<p>Module 1</p> <ul style="list-style-type: none"> <li>- Orientation on ADB SPS and applicable Government of Bangladesh laws and policies</li> </ul> <p>Module 2</p> <ul style="list-style-type: none"> <li>- Identification and assessment of environmental and social impacts</li> <li>- Avoidance and mitigation measures</li> <li>- IEE and RP preparation</li> <li>- Incorporation of EMPs and social safeguards into bid documents and contracts</li> <li>- Implementation of EMPs and RPs</li> <li>- Monitoring requirements</li> </ul>	<p>1 day for Module 1</p> <p>At least 2 days for Module 2 (1 day for lectures and 1 hands-on)</p>	<p>LGED and DPHE officials involved in project implementation</p> <p>PIUs</p>
Program 2 Induction Course for Contractors and Supervisory staff	<ul style="list-style-type: none"> <li>- Environmental and social issues during construction</li> <li>- Applicable environmental laws</li> <li>- Applicable labor laws</li> <li>- EMP requirements as per IEE and contracts</li> <li>- Avoidance of impacts and implementation of mitigation measures</li> <li>- Monitoring and reporting requirements</li> <li>- Grievance redressal</li> </ul>	1 day	<p>PIUs</p> <p>Contractors</p>
Program 3	Experiences on	Towards end of Phase 1	PMO

<sup>23</sup> There will be 4 GICDC regional offices.

<b>Description</b>	<b>Contents</b>	<b>Schedule</b>	<b>Participants</b>
Experiences and Best Practices Sharing	safeguards implementation – Issues and Challenges - Best practices followed - Way forward	implementation  Towards end of Phase 2 implementation  Additional sessions to be determined during UGIIP-3 implementation stage	PIUs MDSC GICDC Contractors  Other government agencies involved in the project implementation (example Department of Environment)

Note: The above sessions will cover both environmental and social safeguards. Costs are included in MDSC costs.

## **VII. BUDGET AND FINANCING**

97. Where involuntary resettlement will be unavoidable, detailed budget estimates for each subproject will be prepared and included in the RP. The budget shall include: (i) detailed costs of land acquisition (i.e. compensation of all affected assets, and if applicable, relocation and transitional allowance), as well as (ii) livelihood and income restoration (this includes compensation of current and future loss of income); (iii) administrative costs; (iv) monitoring cost; (v) GRM establishment; (vi) source of funding; and (vii) the flow of funds and contingency arrangements.

98. All land acquisition, compensation, relocation and rehabilitation, administrative, monitoring, and consultant costs as well as income and livelihood restoration costs will be borne by the Government, which will ensure timely disbursement of funds to the district commissioner's office for land acquisition and PIU for disbursement of resettlement assistances.

## **VIII. MONITORING AND REPORTING**

### **A. Internal Monitoring**

99. The PD will carry out internal monitoring through the PMO and PIUs with the support of the MDSC. Internal monitoring will comprise monitoring the process indicators and the output indicators. The internal monitoring mechanism is as follows:

- (i) PIUs with assistance of MDSC regional resettlement specialists will monitor RP implementation in respective pourashavas and will submit monthly progress reports to PMO;
- (ii) PMO with assistance of MDSC national resettlement specialist will develop progress and performance monitoring software to get monitoring output on a regular basis;
- (iii) an information system containing the database on resettlement planning and implementation will be established and updated periodically by PMO and MDSC national resettlement specialist. The database will include but not limited negotiated settlements, land donations, land acquisition, socio-economic data, census results, inventory of affected assets, compensations/benefits payments, etc.
- (iv) PMO and PIUs will monitor progress and evaluate intended outcomes of RP implementation.

100. The internal monitoring by PMO and PIUs will include: (i) administrative monitoring to ensure that all compensation as per RP is paid, implementation is on schedule, and

problems/grievances are dealt with on a timely basis; (ii) socioeconomic monitoring during and after the relocation process to ensure that people are settled and are better off at the new locations; and (iii) overall monitoring as to whether recovery has taken place successfully and on time.

101. The indicators for achievement of objectives during RP implementation include (i) process indicators, indicating project inputs, expenditure, staff deployment, etc.; and (ii) output indicators, indicating displaced persons compensated, number of displaced persons provided with skills training, etc.

102. Monitoring and evaluation of RP implementation will be taken up at all stages of the project. Some of the key indicators at different stages of RP implementation are as follows:

### **1. Preparatory Stage**

- (i) baseline survey, including 100% in-depth baseline and needs assessment study of displaced persons;
- (ii) established inventory of losses, including private assets, government land and buildings, and common property resources impacted;
- (iii) consultations with displaced persons, stakeholders;
- (iv) identification of entitlements for displaced persons;
- (v) collection of gender disaggregated data and preferences of women;
- (vi) identification of resettlement sites and finalization in consultation with displaced persons;
- (vii) identification of locations for temporary relocation, especially for mobile vendors and hawkers;
- (viii) interactions with government agencies, including the Deputy Commissioner office, union *parishads*;
- (ix) preparation/updating of RP based on changes in project design;
- (x) information dissemination and disclosure of final RP, after approval from ADB;
- (xi) institutional capacity assessment and staffing of PIUs;
- (xii) implementation schedule and items of expenditure; and
- (xiii) operating the GRMs in the project.

### **2. Resettlement Plan Implementation Stage**

- (i) payment of compensation;
- (ii) delivery of entitlement;
- (iii) grievance redressing;
- (iv) preparation of resettlement site, including civic amenities (water, sanitation, drainage, paved streets, electricity supply);
- (v) consultations with the displaced persons and facilitating grievance redressal;
- (vi) relocation of businesses and residential squatters;
- (vii) payment of resettlement benefits;
- (viii) income and livelihood restoration assistance, including training and capacity building;
- (ix) support towards initiation of income generation activities; and
- (x) restoration of public utilities and common property resources impacted in the project.

### **3. Resettlement Plan Evaluation Stage**

- (i) once displaced persons have settled down at the new sites, the focus of monitoring shifts to issues of economic recovery programs, including whether the displaced persons have been benefitted by the income generating schemes, whether they have established their businesses at the new location, impact of the resettlement plan entitlements and schemes on living standards, and the sustainability of the new livelihood patterns.

#### **4. Construction Stage**

- (i) monitoring during the construction stage shall ensure ongoing monitoring of displaced persons and resettlement activities; and
- (ii) other focus will be on labor issues, including child labor, equal opportunities for men and women, and priority of displaced persons in the project construction activities, apart from implementation of all statutory provisions on labor, including workers' health, welfare, sanitation, and safe working conditions.

### **B. External Monitoring**

103. ADB requires that the borrower retain qualified and experienced external experts to verify monitoring information for projects with significant impacts and risks IR impacts on single subproject is considered significant (category A); or accumulated IR impacts in subprojects towns of subsequent phase is meeting category A project (more than 200 APs will be relocated/ physically displaced or loss more than 10% of their income generating assets).

104. An external resettlement monitoring expert<sup>24</sup> will be engaged by the PMO to undertake resettlement monitoring and evaluation during RP implementation. The key responsibilities of the external monitor shall include the following: (i) verifying resettlement monitoring information for the project; (ii) monitoring the resettlement safeguard compliance issues in RP implementation; and (iii) assessing the overall implementation approach, process, and outcome of the resettlement plan, and providing inputs to the PMO for taking corrective actions to resolve any issues. Suggested terms of reference for the external monitoring expert is attached as **Appendix 13**.

### **C. Reporting**

105. The PIUs will submit monthly progress reports to PMO. The PMO will review and send semi-annual monitoring reports to ADB for review and disclosure during the project implementation period. The suggested outline for semi-annual monitoring report is attached as **Appendix 12** and will contain: (i) accomplishment to date; (ii) objectives attained and not attained during the period; (iii) problems encountered; (iv) suggested options for corrective measures; (v) GRM status; (vi) RP progress; and (vii) unanticipated IR impacts.

106. LGED and DPHE will document monitoring results, identify the necessary corrective

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<sup>25</sup>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.

actions, reflect them in a corrective action plan, and for each quarter, will study the compliance with the action plan developed in the previous quarter. Compliance with loan covenants will be screened by ADB.

107. ADB will review project performance against the commitments as agreed in the legal documents. The extent of ADB's monitoring and supervision activities will be commensurate with the project's risks and impacts. Monitoring and supervising of social safeguards will be integrated into the project performance management system. ADB will monitor the project on an ongoing basis until a project completion report is issued. ADB will carry out the following monitoring actions to supervise project implementation:

- (i) conduct periodic site visits for projects with adverse environmental or social impacts;
- (ii) conduct supervision missions with detailed review by ADB's safeguard specialists/officers or consultants for projects with significant adverse social impacts;
- (iii) review the periodic monitoring reports submitted by PMO to ensure that adverse impacts and risks are mitigated, as planned and as agreed with ADB;
- (iv) work with PMO to rectify to the extent possible any failures to comply with their safeguard commitments, as covenanted in the legal agreements, and exercise remedies to re-establish compliance as appropriate; and
- (v) prepare a project completion report that assesses whether the objective and desired outcomes of the safeguard plans have been achieved, taking into account the baseline conditions and the results of monitoring.

**Appendix 1: Complete List of UGIP-3 Pourashavas (as per Project Preparation Stage)**

1	Chapai Nawabganj	16	Rangamati
2	Kishorgonj	17	Ishwardi
3	Habiganj	18	Bera
4	Moulvibazar	19	Meherpur
5	Netrokona	20	Nabinagar
6	Laxmipur	21	Lalmonirhat
7	Naogaon	22	Panchagarh
8	Shahazadpur	23	Bandarban
9	Sherpur	24	Khagrachari
10	Rajbari	25	Jessore
11	Magura	26	Benapole
12	Joypurhat	27	Nilphalmari and
13	Muktagacha	28	Chuadanga
14	Laksham	29	Kotalipara
15	Chatak	30	Charghat

## Appendix 2: Report on Rapid Review of UGIIIP-2 Social Safeguards Implementation

Highlight of the rapid review (complete report included in PPTA Final Report:

- (i) No Category-A subproject considered in UGIIIP-2;
- (ii) IR impacts are generally due to demolition/removal of structures encroaching ROWs, cutting of trees, and temporary livelihood impacts;
- (iii) Short Resettlement Plans (SRPs) were prepared as per ARIPO and ADB Involuntary Resettlement Policy, 1995 (pre-SPS, 2009) for category-B IR impacts;
- (iv) subprojects that were considered category C and those that involved land/non-land donations and voluntary resettlement were not required to have SRPs but were monitored closely by PMO;
- (iv) no independent third party involved in any of land/non-land donations, voluntary resettlement, and negotiated land acquisition;
- (v) information on formal establishment of Grievance Redressal Committee at each participating pourashava is not available;
- (vi) need for logistical and administrative support for social safeguard team to conduct subproject social assessment prior to final design, census of affected persons and consultations prior to commencement of civil works; and regular monitoring including consultations during civil works; and
- (vii) need to further improve information dissemination about the project and disclosure of relevant information to affected persons.

The lessons learned include:

- (i) as local community and stakeholders acceptance of the project is high, willingness to donate land/non-land assets for the project is generally expected in UGIIIP-3 participating *pourashavas* – as per ADB SPS, 2009 Appendix 2 para 25 these does not trigger the policy requirements; however an independent third party should be engaged to supervise and validate these procedures;
- (ii) participating *pourashavas* may opt to consider negotiated land acquisition/willing seller willing buyer approach to fulfil land requirements of the subprojects - UGIIIP-3 RF should include a clear procedures on negotiated land acquisition and donation of land and/or non-land assets;
- (iii) screening and categorization of proposed subprojects should be conducted as part of subproject approval by PMO to ensure mitigation measures and costs due to IR impacts rehabilitation and compensation will be included in the cost estimates;
- (iv) participating *pourashavas* should provide written confirmation of establishment of GRC including composition of members; and
- (v) disclosure of project-related information in form and language understandable to local community and affected persons.

### **Appendix 3: Terms of Reference of Independent External Party**

As per ADP SPS, 2009 Appendix 2 para 25, an independent external party will be engaged to document the negotiation and resettlement process.

The indicative TOR are as follows:

- (i) the independent third party will be composed of 3 members;
- (ii) they should be members of the TLCC and representing civil society
- (iii) the independent third party should be composed of at least one female member;
- (iv) for land and non-land donations, the party will review the process by checking the criteria as specified in Appendix 4 and form signed between the land/non-land owner and pourashava, and keep a record of the consultation
- (v) for negotiated land acquisition and negotiated resettlement, the party will review the process by checking the criteria as specified in Appendix 5 and form signed between the land owner and pourashava, and keep a record of the consultation
- (vi) the party will keep records of meetings, prepare minutes of meetings, and be prepared to submit these if required. The minutes of all the meetings will be recorded for transparency, and will be sent along with a note on negotiated land price to the PMO.
- (vii) the independent third party should ensure balanced information is provided to both parties on the value of the affected land and assets. An agreement stating intent to sell/purchase will be entered into by pourashava and landowner.

### Appendix 4: Voluntary Land Donation

#### A. Criteria for Voluntary Land and/or Non Land Donations

Voluntary donation of land by beneficiary households is acceptable where:

- (a) the impacts are marginal (based on percentage of loss and minimum size of remaining assets);
- (b) impacts do not result in displacement of households or cause loss of household's incomes and livelihood;
- (c) the households making voluntary donations are direct beneficiary of the project;
- (d) land thus donated is free from any dispute on ownership or any other encumbrances;
- (e) consultations with the affected households is conducted in a free and transparent manner;
- (f) land transactions are supported by transfer of titles; and
- (g) proper documentation of consultation meetings, grievances and actions taken to address such grievances is maintained
- (h) Donor families are not categorized as poor or vulnerable families

#### B. Steps to be followed and measures to be taken by the participating *pourashavas* for voluntary land donation according to ADB SPS, 2009:

- (i) **Step 1:** The land requirement will be explained by the executing and implementing agencies to the interested donor/s. ADB SPS, 2009 Safeguard Requirements 2: Involuntary Resettlement will also be explained to the interested donor/s. An independent third party (such as an NGO or legal authority will be engaged who will confirm and assess that the donated land/s will not bring any significant impact/impoverishment to the donor/s and/or displace tenants.
- (ii) **Step 2:** The *pourashava* will initiate formalization of land donation by issuing one letter to the interested donor(s) with details of public purpose for which land is required. The donor(s) will then reciprocate by responding to the intent of donation for the said specific purpose. Then the *pourashava* will take necessary legal steps to formalizing the donation of land.
- (iii) **Step 3:** The Deed of Gift/Donation will be registered in the name of the *pourashava* and all necessary fees, stamp duties will be borne by the *pourashava*. Henceforth the land ownership will be transferred to the *pourashava* and the land record will be revised/amended with Record of Rights showing the changed ownership.

#### C. Sample Voluntary Donation of Land Agreement (can be modified as relevant)

The following agreement has been made on.....day of ..... between Mr./Ms. ...., aged....., resident of ..... zone, district ..... (the owner) and ..... (the recipient/subproject proponent).

1. That the land with certificate no.....is a part of ....., is surrounded from eastern side by....., western side by....., northern side by ....., and southern side by..... .

2. That the Owner testifies that the land/structure is free of squatters or encroachers and not subject to any other claims.

3.1 That the Owner hereby grants to the..... (name of the recipient) this asset for the construction and development of the .....for the benefit of the community.

3.2 That the Owner will not claim any compensation against the grant of this asset nor obstruct the construction process on the land in case of which he/she would be subject to sanctions according to law and regulations.

3.3 That the .....(name of the project proponent) agrees to accept this grant of asset for the purposes mentioned.

4. That the recipient shall construct and develop the .....and take all possible precautions to avoid damage to adjacent land/structure/other assets.

5. That the provisions of this agreement will come into force from the date of signing of this deed.

.....  
Name and Signature of the Owner

.....  
Signature of subproject proponent/representative

Witnesses:

1.....

2.....  
(Signature, name and address)

Include record of any complaint raised by the owners; .....  
Attach map of the area showing location of affected land.

## Appendix 5: Negotiated Land Acquisition or Negotiated Settlement

### A. Steps to be followed and measures to be taken by the participating pourashavas for negotiated settlement according to ADB SPS, 2009:

- (i) **Step 1:** Pourashava will start identifying required land portions for proposed infrastructure, preferably a suitable government-owned plot. If such land is not available, identification of private land owned by individuals, families, or organizations willing to sell that piece of land will be carried out, and preliminary negotiation started with the legal titleholders. Pourashava will also search for the land title, if there are any legal or other critical issues involved (such as, jointly owned land, land under legal dispute, etc.).
- (ii) **Step 2:** If legal title is clear, a detailed measurement survey (DMS) survey of the land parcel proposed for negotiation will be conducted by government surveyor, supervised by pourashava engineer, and monitored by the project management unit (PMU), or, local staff of LGED, in the event that the PMU is not yet set up. The survey will cover detailed measurement of the land parcel and inventory and status/condition of all other assets on the land e.g. trees, irrigation infrastructure etc.
- (iii) **Step 3:** The valuation committee will arrive at the current value of the land and structures or assets, if any based on the market price. This process helps define the amount that can be offered to the landowner.
- (iv) **Step 4:** Negotiated settlement process will start between the willing landowners and other partners (in case of joint ownership) and the pourashava to arrive at a consensus. During negotiation, the requirements, the purpose for which the land is sought, provisions under Government of Bangladesh policy (ARIPO) and ADB policy will be explained to the landowner. Prior to the negotiation meeting, pourashava will engage an independent third party in consultation with the concerned District Commissioner. The independent third party will keep records of meetings, prepare minutes of meetings, and be prepared to submit these if required. The minutes of all the meetings will be recorded for transparency, and will be sent along with a note on negotiated land price to the PMU. The independent third party should ensure balanced information is provided to both parties on the value of the affected land and assets. An agreement stating intent to sell/purchase will be entered into by pourashava and landowner.
- (v) **Step 5:** If negotiated price for sale of land is not accepted by the land owner(s) or fails to lead to an agreement within 2 months from date of initiation of negotiation, the pourashava will seek at least two alternative plot(s) of land and follow the steps / process described above. In the event that negotiations for these fail in the subsequent 2 months as well, pourashava will adopt the involuntary land acquisition approach/route, which will require resettlement plan preparation/updation.

### B. Sample Negotiated Settlement Agreement

The following agreement has been made on.....day of ..... between Mr./Ms. ...., aged....., resident of ..... zone, district ..... (the owner) and ..... (the recipient/subproject proponent).

1. That the land with certificate no.....is a part of ....., is surrounded from eastern side by....., western side by....., northern side by ....., and

southern side by..... .

2. That the owner holds the transferable rights of land .....(area in sqm), with plot No..... at the above location (include a copy of the certified map, if available) .

3. That the Owner testifies that the land/structure is free of squatters or encroachers and not subject to any other claims.

3.1 That the owner(s) agree to sell above assets for the negotiated price in accordance with the attached schedule.

3.2 That the project owners agree to pay the agreed price for the land and other assets within two weeks from the date of getting approval for the project from the Government of ...../ PMU.

3.3. In case of any delay in payment within the stipulated time, this agreement will become null and void and the recipient will no longer have any claim over the land and assets.

4. That the recipient shall construct and develop the .....and take all possible precautions to avoid damage to adjacent land/structure/other assets.

5. That the provisions of this agreement will come into force from the date of signing of this deed.

.....  
Name and Signature of the Owner

.....  
Signature of subproject proponent/representative

Witnesses:

1.....

2.....  
(Signature, name and address)

**Schedule of Assets and Price/Compensation in the Case of Negotiated Settlement**

Summary of Affected Units/Item	Units to be Purchased	Agreed Price
1. Land - agricultural, residential, etc. (sqm)		
2. House/structure to be Demolished (unit/sqm)		
3. Description of structures (type of material etc.)		Not applicable
4. Trees or crops affected		
5. Other fixed assets affected (well, electric meter, other structures)		

.....  
(signature of owner)

.....  
(signature of subproject proponent)

.....  
(signature of village head)

.....  
(signature of NGO/CBO representative)

Include record of any complaint raised by the owners; .....  
Attach map of the area showing location of affected land.

## Appendix 6: Comparison between Government of Bangladesh Laws and ADB Safeguard Policies on Land Acquisition and Resettlement

	ADB SPS, 2009 Policy Principle	ARIPO, 1982 and amendments	Gap/s between ARIPO and ADB SPS	Action taken to Bridge the Gap/s
1	Involuntary resettlement should be avoided wherever possible.	Not defined in the ARIPO	ARIPO does not meet ADB SPS policy principle.	Like with other donor-funded projects in Bangladesh the approach of avoiding involuntary resettlement has already been considered during project preparation. This will be further practiced during design and implementation.
2	Minimize involuntary resettlement by exploring project and design alternatives	Not so clearly defined in the ARIPO - Sections 3 and 18 exempt the acquisition of property used by the public for religious worship, public or educational institutions, graveyards, and cremation grounds.	Minimization of involuntary resettlement not defined in ARIPO	Resettlement plans (RPs) will clearly define procedures on how to minimize the involuntary resettlement (through proper alternate engineering design and adequate consultation with stakeholders).
3	Conducting census of displaced persons and resettlement planning	ARIPO spells out that upon approval of the request for land by the office of the deputy commissioner, its own staff will conduct the physical inventory of assets and properties found on the land. The inventory form consists of the name of person, area of land, the list of assets affected, and the materials used in the construction of the house. The cut-off date is the date of publication of notice that land is subject to acquisition, and that any alteration or improvement thereon will not be considered for compensation.	ARIPO does not specify requirements for conduct of census survey. It only reflects the inventory of losses (IOL), which is more in physical terms and only includes the names of the owners, etc. ADB SPS spells out a detailed census through household surveys of displaced persons in order to assess the vulnerability and other entitlements.	RPs will be prepared based on the data collected through socio-economic survey, 100% census of affected persons (APs), and inventory of losses. The end of the census will be considered the cut-off date, and APs listed before the cut-off date will be eligible for assistance.
4	Carry out meaningful consultation <sup>25</sup> with displaced persons and ensure their participation in planning,	Section 3 provides that whenever it appears to the deputy commissioner that any property is needed or is	ARIPO does not directly meet ADB SPS policy principle. ARIPO establishes an indirect form of public	This RF (i) identifies project stakeholders; (ii) outlines the mechanisms that will be adopted for conducting meaningful

<sup>25</sup>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.

	<b>ADB SPS, 2009 Policy Principle</b>	<b>ARIPO, 1982 and amendments</b>	<b>Gap/s between ARIPO and ADB SPS</b>	<b>Action taken to Bridge the Gap/s</b>
	implementation, and monitoring of resettlement plans.	likely to be needed for any public purpose or in the public interest, he will publish a notice at convenient places on or near the property in the prescribed form and manner, stating that the property is proposed for acquisition.	consultation. However, it does not provide for public meetings and project disclosure, so stakeholders are not informed about the purpose of land acquisition, its proposed use, or compensation, entitlements, or special assistance measures.	consultation with APs and for enabling their informed participation in preparing, implementing, and monitoring RPs; and (ii) describes disclosure arrangements, such as information to be disseminated and method of dissemination.
5	Establish grievance redress mechanism (GRM)	Section 4 allows the occupant of the land to raise objections in writing. These should be filed with the deputy commissioner within 15 days after the publication. The deputy commissioner will then hear the complaints and prepare a report and record of proceedings within 30 days following expiry of the 15-day period given to APs to file their objections.	ARIPO provision is consistent with ADB SPS policy principle on GRM.	This RF incorporates ARIPO into the measures to establish GRM at <i>pourashava</i> level and outlines the composition, areas of jurisdiction, consultation arrangements, record keeping, and information dissemination methods of the mechanism.
6	Improve or at least restore the livelihoods of all displaced persons.	ARIPO only deals with compensation for loss of land, structures, buildings, crops and trees, etc. for the legal titleholders. ARIPO does not cover loss of property and/or, livelihood of non-titleholders.	ARIPO provision does not meet ADB SPS policy principle to include all displaced people.	This RF specifies an entitlement matrix to improve, or at least restore, the livelihoods of all displaced persons.
7	Land-based resettlement strategy	The ARIPO does not address these issues.	ARIPO does not meet ADB SPS policy principle.	Though this option may be a difficult proposition, given the lack of government land and the difficulties associated with the acquisition of private lands, this RF proposes (i) land-for-land compensation as priority, if feasible; and/or (ii) attempt will be made to find alternate land for the loss of land, in case it is available and if it is feasible, looking at the concurrence of host community and land value.
8	All compensation should be based on the principle of replacement	ARIPO states that the deputy commissioner determines the amount	ARIPO is largely consistent with ADB SPS policy principle.	This RF addresses all these issues, and spells out a mechanism to fix

	<b>ADB SPS, 2009 Policy Principle</b>	<b>ARIPO, 1982 and amendments</b>	<b>Gap/s between ARIPO and ADB SPS</b>	<b>Action taken to Bridge the Gap/s</b>
	cost.	of compensation by considering: (i) the market value of the property based on the average value during the 12 months preceding the publication of notice of acquisition; (ii) the damage to standing crops and trees; (iii) damage by severing such property from the other properties of the person occupying the land; (iv) adverse effects on other properties, immovable or movable, and/or earnings; and (v) the cost of change of place of residence or place of business. The deputy commissioner also awards a sum of 50% on the market value of the property to be acquired.	However, there are differences in the valuation of land and prices of affected assets, where ADB prescribes the use of current market rates/replacement cost in the project area. ARIPO does not ensure replacement cost or restoration of pre-project incomes of the affected persons.	the replacement cost by having an independent evaluator (committee) who will be responsible for deciding the replacement costs.
9	Provide relocation assistance <sup>26</sup> to displaced persons.	ARIPO does not mention relocation assistance to APs	ARIPO does not meet ADB SPS policy principle.	This RF provides for the eligibility and entitlement for relocation of APs, in the form of (i) relocation assistance which includes shifting allowances, (ii) right to salvage materials, and (iii) additional transitional assistance for loss of business and employment.
10	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 non-land assets.	ARIPO does not have this provision. ARIPO only takes into consideration the legal titleholders and ignores the non-titleholders.	ARIPO does not meet ADB SPS policy principle. This is a major drawback of the national law/policy compared to that of ADB.	This RF ensures compensation and assistance to all APs, whether physically displaced or economically displaced, irrespective of their legal status.
11	Disclose the resettlement plan, including documentation of the consultation in an accessible place and a form and language understandable to	ARIPO only specifies initial notification for the acquisition of a particular property. RP is not required.	ARIPO does not meet ADB SPS policy principle.	This RF ensures that RPs and necessary eligibility and entitlement will be disclosed to APs in a form and language understandable to them. This RF and RPs will be

<sup>26</sup>Support provided to persons who are physically displaced by a project. Relocation assistance may include transportation, food, shelter, and social services that are provided to the displaced persons during their relocation. It may also include cash allowances that compensate displaced persons for the inconvenience associated with resettlement and defray the expenses of a transition to a new locale, such as moving expenses and lost work days.

	<b>ADB SPS, 2009 Policy Principle</b>	<b>ARIPO, 1982 and amendments</b>	<b>Gap/s between ARIPO and ADB SPS</b>	<b>Action taken to Bridge the Gap/s</b>
	affected persons and other stakeholders.			posted in relevant project locations (LGED, DPHE and pourashava <i>offices</i> ), and disclosed in LGED and ADB websites.
12	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.	ARIPO has a provision to include all the costs related to land acquisition and compensation of legal property and assets. However, it does not take into account the cost related to other assistance and involuntary resettlement.	ARIPO partially meets ADB SPS policy principle, as it only deals with costs pertaining to land acquisition.	This RF provides eligibility to both titleholders and non-titleholders. The entitlement matrix specifies compensation and various kinds of assistances as part of the resettlement packages, and the entire cost will be part of the project cost.
13	Pay compensation and provide other resettlement entitlements before physical or economic displacement.	ARIPO has a provision that all the compensation will be paid prior to possession of the acquired land.	ARIPO meets ADB SPS policy principle	This RF incorporates ARIPO provisions in income restoration and rehabilitation.
14	Monitor and assess resettlement outcomes, and their impacts on the standards of living of displaced persons.	This is not clearly defined in the ARIPO.	ARIPO does not meet ADB SPS policy principle.	This RF specifies (i) mechanisms for internal and external monitoring and evaluation of resettlement; and (ii) provides monitoring indicators for internal monitoring and external monitoring.

## Appendix 7: Involuntary Resettlement Impacts Assessment Checklist

Note: This is an expanded checklist based on ADB IR Impact Assessment Checklist. The modifications are indented to facilitate quick IR assessment by PIUs of a proposed subproject. The checklist may be modified as deemed necessary during project implementation

### A. Introduction

Each subproject/component needs to be screened for any involuntary resettlement impacts which will occur or have already occurred. This screening determines the necessary action to be taken by the project team/design consultants.

### B. Information on proposed scheme/subproject:

- a. District/administrative name: \_\_\_\_\_
- b. Location: \_\_\_\_\_
- c. Proposed scheme considered in this checklist: (check one)
- |   |  |
|---|--|
| <input type="checkbox"/> roads<br><input type="checkbox"/> drainages<br><input type="checkbox"/> water supply<br><input type="checkbox"/> solid waste management<br><input type="checkbox"/> sanitation<br><input type="checkbox"/> (toilets, septage management, etc.)<br><input type="checkbox"/> street lighting | <input type="checkbox"/> slaughterhouse<br><input type="checkbox"/> market<br><input type="checkbox"/> community center/auditorium<br><input type="checkbox"/> bus and truck terminals<br><input type="checkbox"/> river <i>ghats</i><br><input type="checkbox"/> Others ( <i>please specify</i> ) _____ |
|---|--|

### C. Screening Questions for Involuntary Resettlement Impact

Involuntary Resettlement Impacts	Yes	No	Not Known	Remarks
Will the project include any physical construction work?				
Does the proposed activity include upgrading or rehabilitation of existing physical facilities?				
<b>A. Land (not applicable for public ROWs)</b>				
1. Ownership of land known?				(if yes, check appropriate) <input type="checkbox"/> government <input type="checkbox"/> private <input type="checkbox"/> trust/community <input type="checkbox"/> traditional (IPs/tribal) <input type="checkbox"/> Others (specify) _____
2. Land purchase/acquisition (answer required even for land donation and/or negotiated land purchase)				
a. permanent (owner/s required to transfer ownership/rights to pourashava)				(if yes, provide purpose)
b. temporary (owner/s retain rights/ownership)				(if yes, provide purpose)
c. not required				(check appropriate) <input type="checkbox"/> land owned by pourashava <input type="checkbox"/> land owned by other government agency <input type="checkbox"/> proposal will not require land (scheme will be along right of way or existing facility)
3. Current usage of the land known?				if yes, check as appropriate: <input type="checkbox"/> agricultural

Involuntary Resettlement Impacts	Yes	No	Not Known	Remarks
				___ residential ___ commercial/business ___ community use ___ vacant/not used ___ private access road ___ others (specify) _____
4. Are there any non-titled people who live or earn their livelihood at the site/land?				(if yes, provide description)
5. Are there any existing structures on land? (if yes, complete the following information)				
- Residential				(if yes, provide number)
- Business/shops/stalls				(if yes, provide number)
- Fences				(if yes, provide description – brick, bamboo, wired, etc.)
- Water wells				(if yes, provide number)
- Sanitation facility				(if yes, provide description)
- Others (specify) _____				(if yes, provide description)
6. Are there any trees on land?				(if yes, provide number)
7. Are there any crops on land?				(if yes, provide if perennial or seasonal)
8. Will people lose access to:				
- any facility				(if yes, provide description)
- services				(if yes, provide description)
- natural resources				(if yes, provide description)
9. Will any social or economic activities be affected by land use-related changes?				
10. Are any of the affected persons (AP) from indigenous or ethnic minority groups?				(if yes, provide description)
<b>B. Linear Works</b>				
1. Within public RoW?				(if no, provide description and ensure answer questions on land)
2. Structures on RoW? (applicable to full or partial parts, applicable to permanent/semi-permanent structures)				(if yes, provide description)
- Residential				
- Commercial/business/stalls				
- Fence/boundary walls				
- Sanitation facility				
- Community facility				
- School/educational facility				
- Religious structure				
- Service provision (light poles, water wells, etc.)				
- Others (specify) _____				
3. Any mobile vendors/hawkers using RoW?				
4. Will there be loss of agricultural plots?				(if yes, provide description)
5. Will there be loss of trees?				(if yes, provide description)
6. Will there be loss of crops?				(if yes, provide description)
5. Will people lose access to:				
- any facility				(if yes, provide description)

Involuntary Resettlement Impacts	Yes	No	Not Known	Remarks
- services				<i>(if yes, provide description)</i>
- natural resources				<i>(if yes, provide description)</i>
6. Are any of the affected persons (AP) from indigenous or ethnic minority groups?				<i>(if yes, provide description)</i>

**D. Attachments**

**1. Subproject with land requirement:**

- a. Photograph/s of site/s
- b. Photograph/s of existing structure/s (permanent/semi-permanent)

**2. Subproject along ROWs:**

- a. Photograph/s of each alignment (chainage-wise at least 200 meters)
- b. Photograph/s of existing structure/s (permanent/semi-permanent)
- c. Photograph/s of trees/crops

Prepared by:	Verified by:
Signature:	Signature:
Name:	Name:
Position:	Position:
Date:	Date:

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**THIS PORTION IS FOR PMO AND MDSCSAFEGUARD TEAM USE ONLY**

Date Checklist Received:	
Database/Record Number:	
Assigned category and further actions	<input type="checkbox"/> Category C <input type="checkbox"/> Category B (tentative) _____ for verification of land purchase/acquisition _____ for verification of land donation _____ for verification of non-land donation _____ for verification of voluntary resettlement <input type="checkbox"/> Category B

Assessed by:	Noted by:
Signature:	Signature:
Name:	Name:
Position:	Position:
Date:	Date:

**Appendix 8: Suggested Outline of Social Impact Assessment Report (Category C)**

- I. Project Description
- II. Map showing alignment and location of sites as per Detailed Engineering Design
- III. Completed IR Checklist (see Appendix 7 of this RF)
- IV. Findings
- V. Conclusion

## Appendix 9: Suggested Form for Census of Affected Persons and Inventory of Assets

The purpose of this census is to record the losses on your properties, income and any kind of loss due to the proposed subprojects implementation of UGIIIP-3.

This will assess and measure loss to determine the amount of compensation that you will receive. The project will be financed by Asian Development Bank (ADB) and the Executing Agency is the Local Government and Engineering Department (LGED).

We will greatly appreciate your cooperation in this census and we will consult you again after the plan has been completed. (If there are two families living in the house or employees working in affected business shop that would be affected, use separate questionnaire for each).

Reference number: \_\_\_\_\_

Pourashava: \_\_\_\_\_

District: \_\_\_\_\_

Village: \_\_\_\_\_ Union/Ward: \_\_\_\_\_ Mouza: \_\_\_\_\_

Thana: \_\_\_\_\_

### I. PROJECT COMPONENT (Cross the appropriate box).

<input type="checkbox"/>	road
<input type="checkbox"/>	town centre development
<input type="checkbox"/>	bridge
<input type="checkbox"/>	public market
<input type="checkbox"/>	water supply
<input type="checkbox"/>	upgrading of low income community
<input type="checkbox"/>	low cost sanitation
<input type="checkbox"/>	solid waste management
<input type="checkbox"/>	drainage
<input type="checkbox"/>	others (please specify: _____)

### II. SOCIO-DEMOGRAPHIC CHARACTERISTICS

1. Name of the respondent: \_\_\_\_\_

2. Relation to household head: [ ] self [ ] son [ ] daughter [ ] relative [ ] other

3. Household Profile (fill up the appropriate column and cross the appropriate box)

	Household Head	Spouse
Name		
Age		
Occupation		
Sex	[ ] Male [ ] Female	[ ] Male [ ] Female
Head of the Family	[ ] Yes [ ] No	[ ] Yes [ ] No
Ethnicity		
Civil Status	[ ] Single [ ] Married [ ] Widow [ ] Separated/Divorced	
Education	[ ] none [ ] elementary [ ] high school [ ] college [ ] others (please specify _____)	[ ] none [ ] elementary [ ] high school [ ] college [ ] others (please specify _____)
Monthly Income		
Monthly Expenses		
Religion	[ ] Muslim [ ] Hindu [ ] Buddhism [ ] Christian [ ] Others (specify _____)	



Total				
-------	--	--	--	--

**5. Water and Sanitation Practice**

1. In general what is the source of the drinking water that your household uses?	<input type="checkbox"/> Tube well/ Deep Tube well <input type="checkbox"/> Piped water <input type="checkbox"/> Supplied jar water <input type="checkbox"/> Pond <input type="checkbox"/> River <input type="checkbox"/> Surface water <input type="checkbox"/> Other (specify) _____
2. Do you share drinking water source with others?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, Number of Households _____
3. What are the sources of water used by your household for other purposes such as cooking, bathing cleaning, utensil, washing, etc.?	<input type="checkbox"/> Tube well/ Deep Tube well <input type="checkbox"/> Piped water <input type="checkbox"/> Supplied jar water <input type="checkbox"/> Cart with small tank/drum <input type="checkbox"/> Surface water (river, stream, dam, lake, Pond, canal, irrigation channel) <input type="checkbox"/> Other (specify) _____
4. Do you share that source water with others?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, Number of Households _____
5. What kind of toilet facility is available for your household use?	<input type="checkbox"/> Flush to septic tank <input type="checkbox"/> Pit latrine with slab and water seal <input type="checkbox"/> Pit latrines with no water seal <input type="checkbox"/> Hanging toilet/hanging latrine <input type="checkbox"/> No facilities or bush or field <input type="checkbox"/> Other (specify) _____
6. Do you share latrine with others?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please specify _____

**III. THE AFFECTED LAND**

1. Ownership of Affected Land (cross the appropriate box)

- owned by occupant
- under lease
- khas*
- government land
- private owner (other than relative)
- Pourashava land
- owned by a relative
- others (please specify: \_\_\_\_\_)

2. Use of Land, Total Area and Area to be Acquired

Use of the Land	Total Size of the land (in sq. meters)	To be taken	
		In Sq. meters	% of the total size of the land
Residential			
Commercial			
Industrial			
Others, please specify _____			
Total			

- (i) If owned, with legal title?  Yes (attach certificate/records of ownership)
- (ii) If owned by other private person, do you have the permission from the owner to use or occupy this land?  Yes  None
- (iii) If occupier with permission, attach contract of lease
- (iv) How long have you been living in or using this land? \_\_\_\_\_

3. Structures, trees, crops on land to be acquired

- house structure
- commercial business
- shop
- gate or frontage
- boundary fence
- common property structure
- fruit trees
- wood trees
- crops
- loss of business
- loss of livelihood (rent)
- loss of income
- others (please specify: \_\_\_\_\_)

**IV. INVENTORY OF AFFECTED IMMOVABLE ASSETS (cross the appropriate box)**

- house structure
- commercial business
- shop
- gate or frontage
- boundary fence
- common property structure
- fruit trees
- wood trees
- crops
- others (please specify: \_\_\_\_\_)

**1. Affected house or business**

Affected house and/or Business Shop	Total Area (in sq.m.)	Affected Area (in sq.m.)	% of Affected Area to Total Area
House			
Business Shop			

(i) Cross the appropriate column opposite each statement as to the nature of occupancy by the AP:

- Owned by the Affected Person
- Not leased but with permission from the owner
- Without permission from the owner
- On lease or rental arrangement
- If lease or rent, indicate the monthly payment.

(ii) Cross the appropriate box that indicate the types of materials used in building the affected structure.

- wood and bamboo
- bricks and concrete
- MS (mild steel)
- straw
- other light materials

(iii) Indicate the estimated number of days needed for the dismantling and reconstruction of affected house and/or business shop

Number of days to dismantle: \_\_\_\_\_  
 Number of days to reconstruct: \_\_\_\_\_  
 No. of persons needed for dismantling: \_\_\_\_\_  
 No. of persons needed for reconstruction: \_\_\_\_\_  
 What is the daily rate of skilled carpenter? Tk \_\_\_\_\_  
 The daily rate of helper or unskilled laborer? Tk \_\_\_\_\_



	<b>Answer</b>
Nature of business:	
Number of helpers:	
Average monthly sales	
Average monthly expenses	

### 6. Loss of Livelihood

*The following questions should only be asked to AP whose house shall be relocated or who are employed in affected business shop*

	<b>Answer</b>
How many members of your family, including yourself, would lose jobs if the project is implemented?	
How many are dependent on employment?	
How many are self-employed?	
How many are engaged in agriculture?	
Is there any member of your household who works elsewhere or relative that provides financial assistance to your family?	[ ] Yes [ ] No

### 7. Options on Resettlement

*The following questions should only be asked if the house or business shop of the AP will be fully or greatly affected that would be transferred elsewhere. However, this should not be asked to AP whose losses are only trees.*

	<b>Answer</b>
Willing to relocate voluntarily	[ ] Yes [ ] No
Not willing to relocate	[ ] Yes [ ] No

### V. ASSESSMENT OF THE AFFECTED PERSON

(i) Vulnerability (cross the appropriate boxes that apply to AP)

<input type="checkbox"/>	Elderly (62 years old for female and 65 years old for male)
<input type="checkbox"/>	Heads a very poor family
<input type="checkbox"/>	Physically disabled person who heads the family
<input type="checkbox"/>	A woman who heads her family
<input type="checkbox"/>	A widowed/separated woman who heads the family
<input type="checkbox"/>	An indigenous person within the IP community
<input type="checkbox"/>	A young orphan who tends for her young siblings
<input type="checkbox"/>	None of the above

(ii) Socio-economic status

	<b>Answer</b>
Do you have existing debts	[ ] Yes [ ] No
From whom do you borrow money	[ ] relatives [ ] bank [ ] cooperative [ ] usurers
What social services do you need most?	[ ] water connection [ ] artesian well [ ] sanitary latrine [ ] public school [ ] road [ ] solid waste disposal [ ] medical services
How many school children do you have?	
How many of your school children have stopped schooling?	
Where do you get your drinking water?	
Do you have own toilet in your house?	[ ] Yes [ ] No
If no toilet in the house, what toilets do you use?	
Which of the following are the roles of women in your household?	[ ] fetching of drinking water [ ] taking care of children [ ] gathering of wood for fuel [ ] vending [ ] domestic help [ ] work in construction [ ] work in grocery shops [ ] work in office [ ] practice profession (teachers, doctors, nurses,

	dentist, etc.) [ ] others, please specify _____
Are women in your house contribute to household income?	[ ] primary [ ] secondary/high school [ ] college [ ] technical course [ ] none [ ] others, please specify _____
Are women given roles in decision making in your household?	[ ] Yes [ ] No
What are the education levels achieved by women member of your household?	[ ] Yes [ ] No

(iii) Details of other assets

1. Do you possess any other assets elsewhere? [ ] Yes [ ] No

If 'Yes', please give details

Land	Measurement	Use (sale/consumption/ Both	Income from the asset (Tk.)	Apprx. replacement cost/ Market value (Tk.)
Irrigated				
Non-irrigated				
Barren				
Orchards				
Trees				
Well				
Tube/Bore well				
Any other				

2. Details of household assets

a) Do you have following items in your house?

Items		Items	
Television	[ ] Yes [ ] No	Washing machine	[ ] Yes [ ] No
Refrigerator	[ ] Yes [ ] No	Motorcycle / Scooter	[ ] Yes [ ] No
Computer	[ ] Yes [ ] No	Car/Jeep	[ ] Yes [ ] No

3 Do you receive any benefits from government (under social welfare programs, food security programs, BPL benefits etc.)? [ ] Yes [ ] No

If yes, please specify program and benefit received

**VII. OPTIONS FOR RESETTLEMENT AND REHABILITATION**

The following question should be asked to vulnerable APs who will be relocated elsewhere, but not to APs whose only losses are trees)

	Any Need of Relocation or Reorganization Yes/No	Mode of Compensation for Affected land [USE CODE]	Mode of Compensation for Structure [USE CODE]	Preference type of assistance for income rehabilitation [USE CODE]	Remarks
01.					
02.					

Do you want to acquire skills other than what you have now?	[ ] Yes [ ] No
What skills do you want to be trained?	

What is your opinion(priority wise) about resettlement and rehabilitation option:

In case of Structure Loss		Priority No	In case of Land Loss		Priority No.
1.	Constructed structure		1.	Land for land	
2.	Land for structure		2.	Cash compensation	

3.	Cash compensation		3.	Assistance for allied activities	
4.	Others (specify) :		4.	Others (specify) :	

**THANK YOU VERY MUCH!**

Name of Interviewer/Enumerator:

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Date of Census:

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Noted by:  
(name and signature of MDS  
regional specialist)

Date:

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Noted by:  
(name and signature of PIU  
representative)

Date:

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## Appendix 10: Suggested Resettlement Information Leaflet

### I. Background

Local Government Engineering Department (LGED) with the financial assistance of Asian Development Bank (ADB) have planned to implement UGIIP-3 in selected 30 *pourashavas* over a period of 6 years (2014 to 2020).

UGIIP-3 outcomes are improved access to municipal services and strengthened pro-poor and gender-responsive urban governance in target *pourashavas*. UGIIP-3 outputs are municipal infrastructure improved and made sustainable in target *pourashavas*, community participation, accountability, and financial management systems strengthened with emphasis on gender equity and social inclusion and project management. UGIIP-3 will improve existing and provide new municipal infrastructures including (i) roads; (ii) drainages; (iii) water supply system; (iv) solid waste management facilities; (v) slaughterhouses; (vi) markets, community center/auditorium, bus and truck terminals and river *ghats*; (vii) public toilets; and (viii) others such as provision for street lighting and improvement of slums.

### II. Executing and implementing agencies

LGED and the Department of Public Health Engineering (DPHE) will be the executing agencies of the project. The participating *pourashavas* are the implementing agencies.

### III. Project safeguard category as per ADB SPS, 2009

During project preparation stage, alignment and sites of proposed subprojects were assessed and results indicate that UGIIP-3 is considered to be a low risk category project with safeguard category B (environment and involuntary resettlement) and C (indigenous people). This assessment comes from the due diligence of 3 sample *pourashavas* (Lalmonirhat, Magura and Naogaon).

Involuntary resettlement impacts due to the subproject are addressed in the resettlement plans (RPs) prepared for each *pourashava* as per Government of Bangladesh's ARIPO and ADB SPS, 2009. These RPs will be updated during detailed design stage and will be disclosed to affected persons. In case of any discrepancy between the policies of ADB and the government, ADB SPS, 2009 will prevail.

A Resettlement Framework (RF) has been prepared to provide guidance in the updating the RPs, and for preparation of new RPs for subprojects to be identified after ADB board approval. The basic objectives of the RF are to: (i) guide the executing agency and implementing agencies in properly compensating project-displaced persons; (ii) serve as binding document to ensure displaced persons will be assisted and paid compensation; and (iii) provide direction in preparing, implementing, and monitoring the RPs. The executing agency and the implementing agencies will be responsible for ensuring the preparation and implementation of RPs is consistent with this RF. The RF is a formally agreed document between Government of Bangladesh and ADB.

It has been noted during project preparation that 3 *pourashavas* are located in the Chittagong Hill Tract areas. An Indigenous People Planning Framework (IIPF) has been prepared to meet ADB SPS, 2009 Safeguard Requirement 3: Indigenous People. The IPPF will provide guidance to *pourashavas* in the preparation of indigenous people plans as per ADB SPS, 2009.

#### **IV. Involuntary resettlement impacts**

UGIIP-3 considers involuntary resettlement<sup>27</sup> due to physical and economic displacement as a result of (a) involuntary acquisition of land, or (b) involuntary restrictions on land use or on access to legally designated parks and protected areas; (ii) permanent or temporary displacement; (iii) full or partial displacement; (iv) all affected persons (APs) with land to be affected permanently or temporarily due to any project activity, including purchase and temporary use during construction.

#### **V. Eligibility**

APs are those who are physically relocated, or lose residential land, or shelter and/or economically displaced (with loss of structure, assets, access to assets, income sources, or means of livelihood). The absence of formal and legal title to the land should not prevent the AP to receive compensation and resettlement assistance from the project.

UGIIP-3 will recognize three types of displaced persons, including: (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. The budgetary provision of will be specified in each RP.

#### **VI. Entitlement**

The entitlement matrix (Table 1 of the RF and also included in each RP) summarizes the main types of losses and the corresponding nature and scope of entitlements in accordance with government and ADB policies. Where the entitlement matrix does not cover a particular impact, it can be enhanced in the RPs based on the findings of the socioeconomic assessment and detailed census survey. Standards described will not be lowered, but can be enhanced in the subproject RPs as required.

The entitlement matrix specifies that any displaced person will be entitled to (i) compensation for loss of land at the replacement cost; (ii) compensation for loss of structure (residential/commercial) and other immovable assets at their replacement cost (without counting the depreciation value); (iii) compensation for loss of business/wage income; (iv) assistance for shifting of structure; (v) rebuilding and/or restoration of community resources/facilities; (vi) livelihood/ transitional cash assistance for 6 months for all physically displaced persons at official minimum wage of the appropriate AP's occupation for each head of the affected family.

#### **VII. Institutional Arrangement**

A PMO will be established in LGED headed by a Project Director from LGED. The PMO will be staffed by a safeguard officer to oversee safeguards implementation and monitoring of the

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<sup>27</sup>ADB SPS considers resettlement involuntary when the displaced persons have no right to refuse the land acquisition by the state that result in their displacement. This occurs when land is acquired through (i) expropriation by invoking the eminent domain power of the state, or (ii) land is acquired through negotiated settlement when the pricing is negotiated in a process where expropriation will be the consequence of a failure in the negotiation

project. The PMO will be responsible for implementing and monitoring safeguards compliance activities, public relations activities, gender mainstreaming activities, and community participation activities. The participating *pourashavas* will establish a PIU within the *pourashava* structure. The PIUs will each designate a safeguard focal person. Consultant teams (management, design and supervision consultants [MDSC] and governance improvement and capacity development consultants [GICDC]) will be engaged to provide assistance to PMO and PIUs. MDSC will have one national resettlement specialist and three regional resettlement specialists. GICDC will support PMO and PIUs in implementing urban government improvement action plan (UGIAP). GICDC will provide capacity development, community mobilization and other facilitation services.

The contractor/s will be required to designate a resettlement supervisor to (i) ensure compliance with RP and RF during civil works, and to (ii) carry out all mitigation and monitoring measures outlined in the environmental management plan and their contract. Contractor/s will be required to repair/rehabilitate damaged properties to pre-work condition or compensate properties which cannot be repaired/rehabilitated.

### **VIII. Grievance Redress Mechanism**

A project-specific grievance redress mechanism (GRM) will be established in each PIU to receive, evaluate, and facilitate the resolution of AP's concerns, complaints, and grievances about the social and environmental performance at the level of the project. The GRM will aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project.

*Pourashava*-wide public awareness campaigns will ensure that awareness on grievance redress procedures is generated through the campaign. The PIU designated safeguard focal person and governance improvement and capacity development consultants (GICDC) will conduct *pourashava*-wide awareness campaigns to ensure that poor and vulnerable households are made aware of grievance redress procedures and entitlements, and will work with the PMO and MDSC to help ensure that their grievances are addressed.

APs will have the flexibility of conveying grievances/suggestions by dropping grievance redress/suggestion forms in complaints/suggestion boxes that have already been installed by project *pourashavas* or through telephone hotlines at accessible locations, by e-mail, by post, or by writing in a complaints register in *pourashava* offices. **Figure 1** shows the grievance redress process and further explained in the RF and RPs:

In the event that the established GRM is not in a position to resolve the issue, the affected person also can use the ADB Accountability Mechanism (AM) through directly contacting (in writing) the Complaint Receiving Officer (CRO) at ADB headquarters or the ADB Bangladesh Resident Mission (BRM). The complaint can be submitted in any of the official languages of ADB's DMCs. The ADB Accountability Mechanism information will be included in the PID to be distributed to the affected communities, as part of the project GRM.

### **IX. Disclosure**

The project RF and other relevant documents will be made available at public locations in the *pourashava* and posted on the websites of LGED and ADB. The consultation process will be continued and expanded during the project implementation to ensure stakeholders participate fully in project execution, as well as to implement comprehensive information, education, and

communication plan.

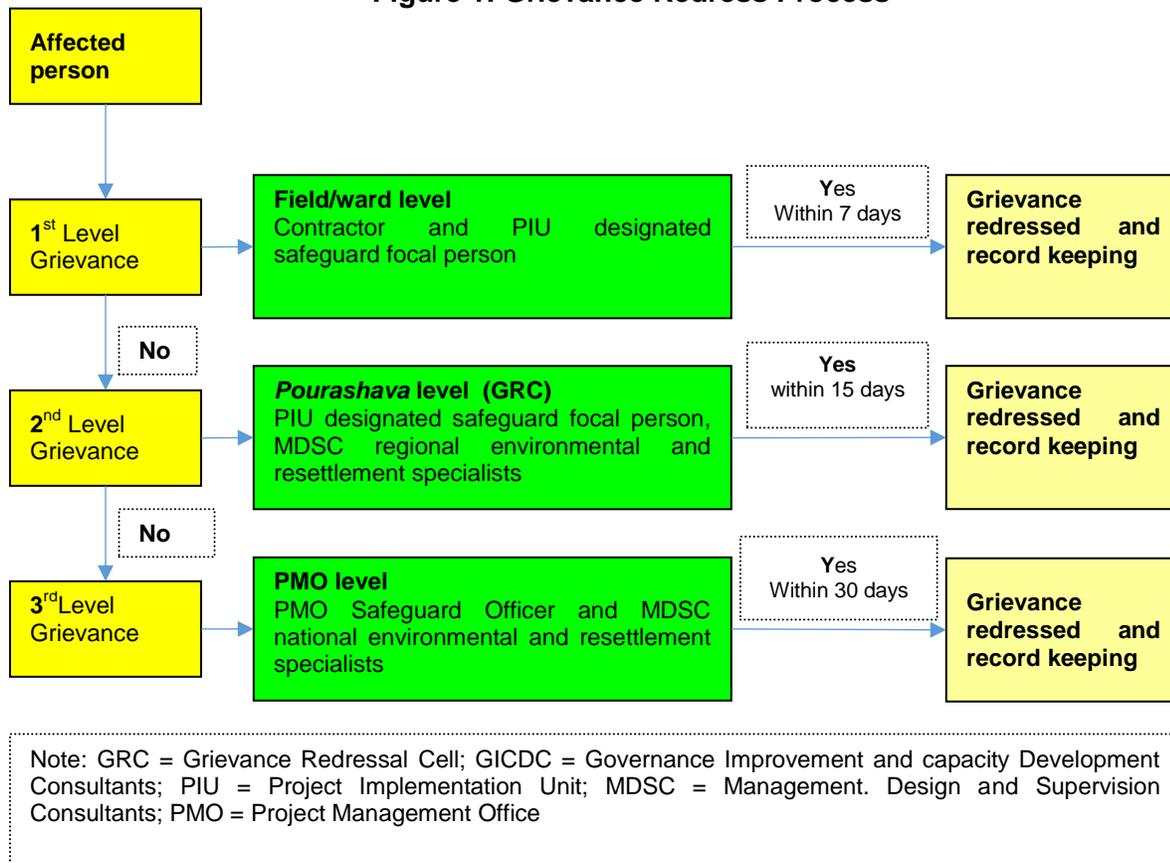
Public consultation and disclosure with all interested and affected parties will remain a continuous process throughout the project implementation, and shall include the following:

- (i) consultations during detailed design stage: (a) public meetings with affected communities to present final design and alignment of the components; (b) smaller-scale meetings with APs to discuss IR impacts and RP implementation.
- (ii) consultations during construction phase: (a) public meetings with affected communities to discuss and plan work programs and allow issues to be raised and addressed once construction has started; and (b) smaller-scale meetings to discuss and plan construction work with individual communities to reduce disturbance and other impacts, and to provide a mechanism through which stakeholders can participate in project monitoring and evaluation; and
- (ii) project disclosure: (a) public information campaigns (via flyers, billboards, and local media) to explain the project to the wider city population and prepare them for disruptions they may experience once construction is underway; (b) public disclosure meetings at key project stages to inform the public of progress and future plans, and to provide copies of summary documents in local language; (c) formal disclosure of completed project reports by making copies available at convenient locations in the study areas, and informing the public of their availability; and (d) providing a mechanism through which comments can be made.

A consultation and participation plan is prepared for UGIIP-3; consultation activities will be coordinated by the PMO, PIU and consultant teams to ensure that the communities are fully aware of the activities at all stages of the project implementation.

To provide for more transparency in planning and for further active involvement of APs and other stakeholders, relevant information from this RP will be translated to Bangla made available at (i) offices of LGED and pourashava, (ii) area offices, (iii) consultant teams' offices and (iv) contractor's campsites. It will be ensured that the hard copies of this RP are kept at places which are conveniently accessible to people, as a means to disclose the document and at the same time creating wider public awareness. An electronic version of this RP will be placed in the official website of LGED and pourashava, and ADB's website after approval of the RP by ADB.

Figure 1: Grievance Redress Process



## IX. Monitoring and Reporting

**Internal monitoring.** The internal monitoring by PMO and PIUs will include: (i) administrative monitoring to ensure that all compensation as per RP is paid, implementation is on schedule, and problems/grievances are dealt with on a timely basis; (ii) socioeconomic monitoring during and after the relocation process to ensure that people are settled and are better off at the new locations; and (iii) overall monitoring as to whether recovery has taken place successfully and on time.

**External monitoring.** ADB requires that the borrower retain qualified and experienced external experts to verify monitoring information for projects with significant impacts and risks. An external resettlement monitoring expert<sup>28</sup> will be engaged by the PMO to undertake resettlement monitoring and evaluation during RP implementation.

**Reporting.** The PIUs will submit monthly progress reports to PMO. The PMO will review and send semi-annual monitoring reports to ADB during the project implementation period.



**Appendix 11: Sample Grievance Redress Form**  
(To be available in Bangla and English)

The Project welcomes complaints, suggestions, queries and comments regarding project implementation. We encourage persons with grievance to provide their name and contact information to enable us to get in touch with you for clarification and feedback. Should you choose to include your personal details but want that information to remain confidential, please inform us by writing/typing \*(CONFIDENTIAL)\* above your name. Thank you.

<b>Date</b>		<b>Place of registration</b>			
<b>Contact Information/Personal Details</b>					
<b>Name</b>		<b>Gender</b>	* Male * Female	<b>Age</b>	
<b>Home Address</b>					
<b>Place</b>					
<b>Phone no.</b>					
<b>E-mail</b>					
<b>Complaint/Suggestion/Comment/Question</b> Please provide the details (who, what, where and how) of your grievance below:					
If included as attachment/note/letter, please tick here:					
<b>How do you want us to reach you for feedback or update on your comment/grievance?</b>					

**FOR OFFICIAL USE ONLY**

<b>Registered by:</b> (Name of Official registering grievance)	
<b>Mode of communication:</b> 59. Note/Letter 60. E-mail 61. Verbal/Telephonic	
<b>Reviewed by:</b> (Names/Positions of Official(s) reviewing grievance)	
<b>Action Taken:</b>	
<b>Whether Action Taken Disclosed:</b> 62.	Yes No
<b>Means of Disclosure:</b>	

## Appendix 12: Suggested Outline for Semi-Annual Social Monitoring Report

A semi-annual monitoring report shall be prepared on Resettlement Plan implementation and submitted to ADB by the PMO.

It will include: (1) **the list of APs**, with compensation, if any due to each and details of compensation paid with signed receipts annexed to the report, socio-economic status and satisfaction levels of APs with the RP implementation process, compensation and mitigation measures; (2) **the list of vulnerable APs** and additional compensation / special protection measures planned/implemented for them; socio-economic status and satisfaction levels of vulnerable APs with the RP implementation process, compensation and mitigation measures; (3) **list of affected common facilities** affected, plan to restore access and/or actions taken to restore access to the same or facilities of equal quality elsewhere; (4) **list of roads for closure** and actions planned / taken to minimize disturbance; (5) **details of consultations held with APs** (with number of participants by gender, issues raised, conclusion / agreement reached, actions required/taken; (6) **details of grievances** registered, redressed, outstanding complaints, minutes of GRM meetings held; (7) **details of information disclosure** and awareness generation activities, levels of awareness among target population and behavior change, if any; and (8) **any other relevant information** showing RP implementation progress.

The following checklist may be used for overall monitoring of RP implementation.

S. N.	Resettlement Plan Activities	Completed Y/N	Remarks
<b>A. Pre-Construction Activities and Resettlement Plan Activities</b>			
1	Approval of final Resettlement Plan by ADB and BMGF prior to contract award		
2	Disclosure of final Resettlement Plan on ADB, BMGF and EA websites		
3	Circulation of summary RP in two local languages to all stakeholders		
<b>A. Resettlement Plan Implementation</b>			
1	Grievance Redress Committee and telephone hotlines established		
2	Entitlements and grievance redress procedure disclosed		
3	Finalization of list of APs, vulnerable APs and compensation/assistance/allowances due		
4	Finalization of list of affected common facilities and roads for closure; mitigation measures proposed		
5	Affected persons received entitlements as per amounts and program specified in RP		
6	Payment of compensation, allowances and assistance (No. of APs)		
7	Additional assistance for vulnerable households given (No. of vulnerable APs)		
8	Livelihood arrangements provided to vulnerable APs		
9	Reinstallation of affected common facilities		
10	Grievances No. of grievances registered No. of grievances redressed Outstanding complaints Disclosure of grievance redress statistics		
11	Consultation, participation and disclosure as per Plan		
<b>C. Monitoring</b>			
1	Survey on socio-economic status of APs (including vulnerable APs) completed and compared with baseline survey results		
2	Survey on satisfaction levels of APs with RP implementation completed		
<b>D. Labor</b>			
1	Implementation of all statutory provisions on labor like health, safety, welfare, sanitation, and working conditions by Contractors		
2	Equal pay for equal work for men and women		

NOTE: Where applicable, the information provided in the table should be supported by detailed explanatory report, receipts and other details

## **Appendix 13: Suggested Terms of Reference for External Resettlement Monitoring Expert**

### **A. Objective of Monitoring**

Monitoring and Evaluation are important activities of resettlement plan (RP) implementation as that can address to compliance of the agreement outlined in the Plan and particularly fulfilment of objective of ADB SPS, 2009 Safeguard Requirement 2: Involuntary Resettlement.

The main task of the External Resettlement Monitoring Expert will be to (i) carry out impact assessment of RP implementation and accordingly lay down process documentation; (ii) ensure the achievement of the resettlement goal, livelihood and living standards of the physically displaced households pre- and post-relocation; (iii) also ensure recording of affected person/s view on resettlement, compensation, and grievance redress procedure; (iv) evaluate the progress of the rehabilitation process; and (v) in case of economical displacement, critically appraise post-resettlement economic standard of the displaced households, particularly of the vulnerable groups.

The expert shall also identify the best practices and factors responsible for the success of the implementation of RP, and simultaneously, the factors responsible where matters related to rehabilitation and restoration are not been successfully implemented.

### **B. Scope of Work**

The key activities to be focused during external monitoring are:

- (i) Verify and review internal monitoring reports prepared by the project.
- (ii) Comparative study between pre and post relocation.
- (iii) Identification and selection of impact indicators.
- (iv) Impact assessment through methods discussed in the next section.
- (v) Assess the efficiency, effectiveness, impact and sustainability of the resettlement procedures.
- (vi) To help in future resettlement policy formulation and planning.

### **C. Methods**

- (i) Key informant interviews: with select local leaders, community representatives, pourashava officials about resettlement activities and implementation.
- (ii) Focus group discussion: on specific topics on compensation, services at resettlement areas, income restoration, gender to be discussed in groups of displaced persons.
- (iii) Structured direct observations: field observations on status of resettlement implementation, individual and group interviews.
- (iv) Case studies: on displaced persons or communities from various social classes to assess impact of resettlement.

### **D. Reporting**

An inception report describing the work plan, time frame and resettlement site visit must be provided within a fortnight after the contract is signed. The external monitoring agency will submit half yearly reports during project implementation. External monitoring will verify the results of internal monitoring, and evaluate whether the objectives of the plan are being met.

He/she will submit reports to ADB and the PMO. One completion report will be prepared after RP implementation is complete. The completion report will consist of evaluation of RP implementation, its efficacy and whether resettlement objectives are met with. The report will advise on improvement means of RP implementation.

**Minimum Necessary Qualifications**

- (i) with prior experience in the field of resettlement and rehabilitation; and
- (ii) must have the ability to hold discussions both with the decision-makers and at the grass-root level.