

# Resettlement Framework (Draft)

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{Month Year} draft as of 2 April 2014

## Bangladesh: Flood and Riverbank Erosion Risk Management Investment Program



## CURRENCY EQUIVALENTS

(as of 1 April 2014)

Currency unit	–	taka (Tk)
Tk1.00	=	\$0.012887
\$1.00	=	Tk77.600

## ABBREVIATIONS

ADB	–	Asian Development Bank
ADC	–	Additional Deputy Commissioner
AIFRERMIP	–	Assam Integrated Flood and Riverbank Erosion Risk Management Investment Project
AP	–	Affected Persons
BWDB	–	Bangladesh Water Development Board
CCL	–	Cash Compensation under Law
CEGIS	–	Centre for Environmental and Geographic Information Services
CEMP	–	Community Environmental Management Plan
CPP	–	Common Property Resources
CRO-RU	–	Chief Resettlement Officer
CSC	–	Construction Supervision Consultant
DC	–	Deputy Commissioner
DD	–	Detailed Design (Team)
DD	–	Deputy Director – RU
EA	–	Executing Agency
EARP	–	Environmental Assessment And Review Procedure.
EP	–	Entitled Persons
FGD	–	Focus Group Discussions
FRERMIP	–	Flood and Riverbank Erosion Management Investment Program
FS	–	Feasibility Study
GOB	–	Government of Bangladesh
GRC	–	Grievances Redress Committee
HRD	–	Human Resources Development
ID	–	Identity Card
IOL	–	Inventory of Losses
JMREMP	–	Jamuna-Meghna River Erosion Mitigation Project
JVT	–	Joint Verification Team
LA	–	Land Acquisition
LAP	–	Land Acquisition Plan
LAR	–	Land Acquisition and Resettlement
M&E	–	Monitoring and Evaluation
MIS	–	Management Information System
MRP	–	Main River Flood and Bank Erosion Risk Management Program (ADB TA 8054-BAN)
NGO	–	Non-Government Organization
PCR	–	Physical Cultural Resources
POE	–	Panel of Experts
PPTA	–	Project Preparatory Technical Assistance
PRA	–	Participatory Rapid Appraisal

PVAT	–	Property Valuation Advisory Team
PWD	–	Public Works Department
RBP	–	River Bank Protection
RC	–	Replacement Cost
ROW	–	Right-of-Way
RP	–	Resettlement Plan
RP-INGO	–	Resettlement Plan Implementing NGO
RS	–	Resettlement Site
RU	–	Resettlement Unit
RV	–	Resettlement Village
TOR	–	Terms of Reference
UP	–	Union Parishad

## **GLOSSARY**

Refer to a table after the table of contents.

## **NOTES**

- (i) The fiscal year (FY) of the Government of Bangladesh ends on 30 June. FY before a calendar year denotes the year in which the fiscal year ends, e.g., FY2012 ends on 30 June 2012.
- (ii) In this report, "\$" refers to US dollars.

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## GLOSSARY

<b>Affected Persons (AP):</b> As per the FRERMIP’s involuntary resettlement policy, the definition of APs is: “Persons affected directly or indirectly by project-induced	<b>Gender Equity:</b> Equal recognition of both genders in the provision of entitlements, treatment and other measures under the Resettlement Plan.
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<p>changes in use of land, water, or other natural resources are called APs. In other words, a person who as a consequence of the changes sustains (a) damages by reason of severing land, or (b) loss of immovable property in any manner, or (c) experience loss of income and livelihood. Such impacts may be temporary or permanent in nature and most often occurs through land expropriation using eminent domain or direct purchases for development projects. (The FRERMIP policy is not functionally different from ADB's 2009 SPS definition)."</p> <p><b>Agricultural laborer:</b> A person who earns his/her livelihood mainly from manual labor engaged in agriculture practices. The non-agricultural laborer includes artisans and other occupational groups such as masons, potters, cobblers, barbers, etc.</p> <p><b>Census Survey:</b> A survey covering 100% households being affected by the project, irrespective of their ownership into the land.</p> <p><b>Char or Charland:</b> Char is a Bangla word which is a tract of land surrounded by waters along the river course and can be considered as a "by-product" of the hydro-morphological dynamics of rivers. In the dynamics of erosion and accretion in the rivers of Bangladesh, the emergence of island or chars within the river channel often creates new opportunities to establish settlements and pursue agricultural activities on them. Thus, charland is defined as the river island that emerges from the riverbed as a result of accretion.</p> <p><b>Community Participation and Consultation:</b> The active process of sharing information seeking inputs from community about the project, seeking community-wide inputs, and integrating those in the project design as well planning mitigation measures.</p> <p><b>Compensation:</b> Payment in cash or kind (for example land-for-land) to the APs as per LA Act.</p>	<p><b>Indirectly</b> affected people are those likely to lose subsistence or income due to project intervention without loss of any physical assets. A clear definition of indirectly affected people must be based on a careful review and assessment of indirect impacts of the project.</p> <p><b>Joint Verification Team (JVT):</b> In an erosion-prone area and due to piecemeal acquisition, Inventory of Losses (IOL) prepared for a section of project may change as people move with the erosion and acquisition. The JVT will be composed of: i) Representative from BWDB - Convener (SDE/AE/Equivalent Officer); ii) Representative from concerned DC – Member; and iii) Sub Assistant Engineer from BWDB - Member Secretary ; and iv) Member RP-INGO, and will verify the IOL established through census wherever necessary.</p> <p><b>Payment Modality:</b> The Payment Modality is an administrative manual that presents the guidelines to be followed for payment of resettlement benefits for various types of losses as provisioned in the Project's Resettlement Plans (RP)s, based on the Asian Development Bank's Safeguard Policy Statement (SPS 2009) and the Government of Bangladesh (GOB) Land Acquisition laws. The Objectives of the Payment Modality are to assist concerned GOB officials and the RP Implementing NGO (RP-INGO) to identify Entitled persons (EPs) correctly; accurately calculate their entitlements, and effectively assist EPs.</p>
<p><b>Cut-off Dates:</b> Date of notification under Section 3 of 1982 Ordinance is the cut-off date for title owners. The end date of the Census will be considered cut-off date for all others, including non-title holders for resettlement benefits.</p>	<p><b>Person(s) having usufruct rights:</b> The right to use land belonging to others – for example, lease from government department or agency or individuals.</p> <p><b>Project-Affected Area:</b> An area under the project,</p>

<p><b>Displaced Persons:</b> 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 livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. (ADB's SPS 2009)</p>	<p>declared by the Government, where land is being acquired under Acquisition and Requisition of Immovable Property Ordinance – II of 1982 or any other Act in force or an area not acquired, but affected by the project and its related activities.</p> <p><b>Poor Women-headed household:</b> Poor households where a woman decides on the access to and the use of the resources of the family. In resettlement context, women-headed households and/or widows also suffer from lack of labor for relocation purposes.</p>
<p><b>Entitled Person:</b> EP is an administrative term used in the administrative manual -- the Payment Modality – for designating benefits for APs. There are two types of EP: Direct EPs, who are EPs by virtue of legally recognized entitlements; and Indirect EPs, who are EPs by virtue of socially recognized entitlements, as per ADB Policy and legally agreed between the ADB and GOB through the Loan Agreement. The Direct EPs are the Titleholders recognized by the DC and confirmed through payment of Cash Compensation under Law (CCL). The Direct EPs are identified as per the Final Award information prepared by the DC upon payment of CCL. The list of the Direct EPs will be updated over time, with payment of the CCL. The Indirect EPs are those without legal title to ROW land and/or structures but who were living and/or earning their livelihood within the ROW, and are entitled to Resettlement Benefits under the RP provisions. The RP-INGO is responsible for all groundwork and verification for identification of EPs.</p> <p><b>Entitlements:</b> Range of measures comprising of compensation resettlement benefits, including shifting allowance, subsistence, and relocation which an AP is entitled to, depending on the nature of losses, to restore and/or improve the living standards.</p> <p><b>Eminent Domain:</b> Regulatory authority of the government to obtain land for public purpose use and/or private sector development projects under the 1982 Ordinance or other laws of the land.</p> <p><b>Head of Household:</b> One who makes major decisions within the family structure and generally lead the family as the principal provider.</p>	<p><b>Public Disclosure:</b> Process of disclosing and sharing project impacts with affected people and disseminating amongst them information on their entitlements, compensation, R&amp;R measures and project timeline etc.</p> <p><b>Rehabilitation:</b> Re-establishing incomes, livelihoods, living and social systems.</p> <p><b>Relocation:</b> Rebuilding housing, assets – including productive land, and public infrastructure, in a new location.</p> <p><b>Replacement Cost (RC)</b> The costs of replacing lost assets (e.g., land, houses/structures, trees and crops) and income, including cost of transaction.</p> <p><b>Resettlement and Rehabilitation (R&amp;R):</b> Resettlement refers to rebuilding housing, assets, including productive land and public infrastructure in another location while rehabilitation means restoration of income, livelihoods, and re-establishment of socio-cultural system.</p> <p><b>Resettlement Plan (RP):</b> A time bound action plan with budget setting out resettlement impact strategy, objectives, entitlement, actions, implementation responsibilities, monitoring and evaluation.</p> <p><b>Right-of-Way:</b> Demarcated land proposed for infrastructure development</p> <p><b>Social Preparation:</b> The process of consultation with affected people, undertaken before key resettlement decisions are made, to build their capacity to deal with resettlement.</p> <p><b>Uthuli (also called Nodibashi):</b> People displaced by flood/erosion, who live on land provided by neighbor or relative free of cost.</p>

<p><b>Household:</b> A household unit includes family members who share food from the same kitchen. In the project area, it consists of parents with children living together as an economic and production unit.</p> <p><b>Host population:</b> Community residing in or near the area to which affected people are to be relocated. Host communities should also be project beneficiaries for better host-resettlers integration.</p>	<p><b>Vulnerable Person:</b> The vulnerable group/persons may include (i) persons below nationally defined poverty line; (ii) indigenous people or adibasis; (iii) poor women-headed households; (iv) landless and marginal farmers; (v) people with disability (vi) elderly; (vii) people without legal title to land; (viii) any other groups or persons found to be disproportionately affected by project impacts.</p>
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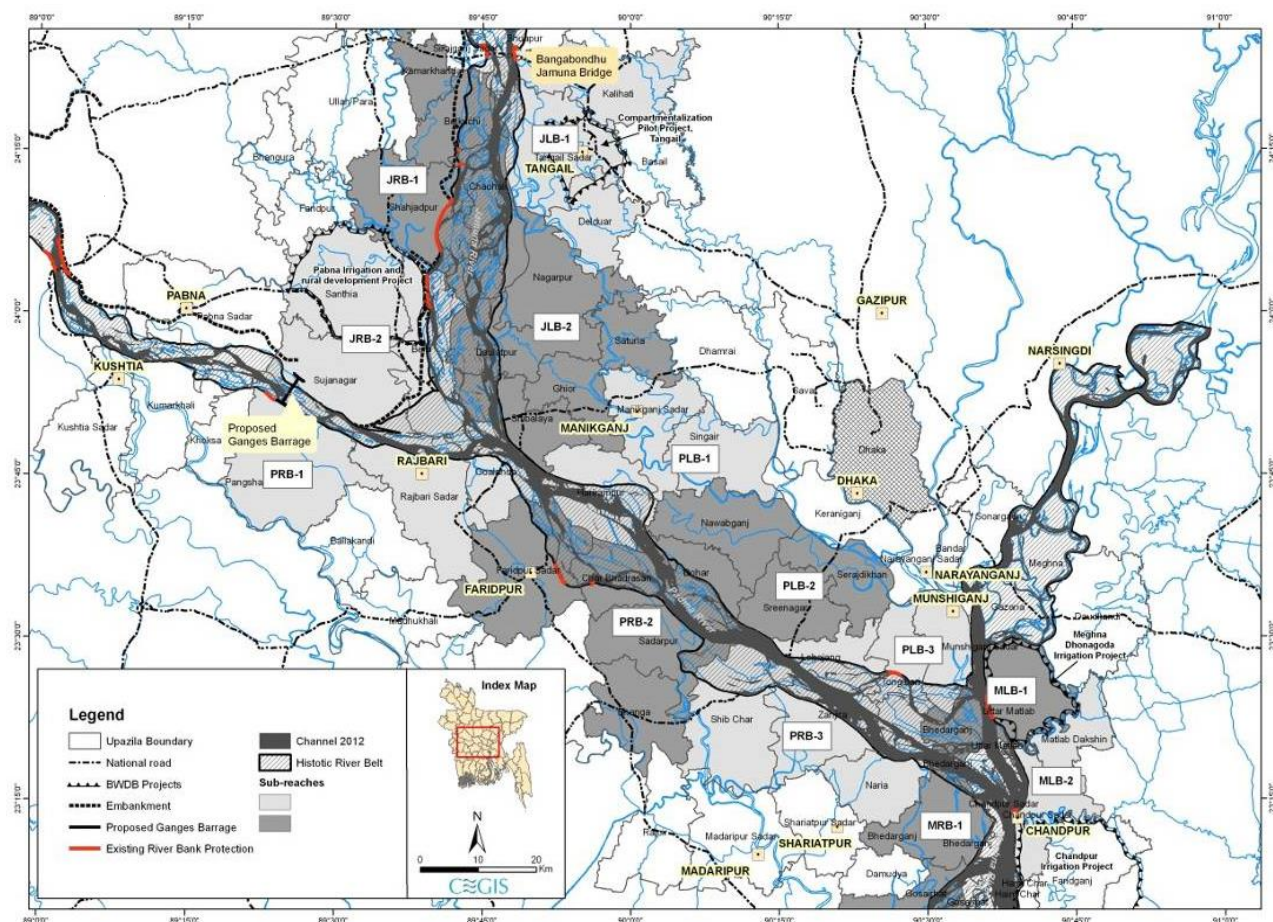


## **I. INTRODUCTION**

### **A. Background**

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

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



**Figure 1: Sub-reach division of project Area**

**Table 1: Sub-reaches, Rivers, Districts and Upazilas**

River	Subreaches	District	Upazila
Jamuna	JRB-1	I. Sirajganj	1. Belkuchi
		Sirajganj	2. Kamarkhanda
		Sirajganj	3. Shahjadpur
	JRB-2	II. Pabna	4. Bera
		Pabna	5. Santhia
		Pabna	6. Sujanagar
	JLB-1	III. Tangail	7. Delduar
		Tangail	8. Kalihati
		Tangail	9. Tangail Sadar
	JLB-2	IV. Manikganj	10. Daulatpur
		Manikganj	11. Ghior
		Manikganj	12. Saturia
		Manikganj	13. Shibalaya

River	Subreaches	District	Upazila
Padma		Sirajganj	14. Chauhali
		Tangail	15. Nagarpur
	PLB-1	Manikganj	16. Harirampur
		Manikganj	17. Manikganj Sadar
		Manikganj	18. Singair
	PLB-2	V. Dhaka	19. Dohar
		Dhaka	20. Nawabganj
		VI. Munshiganj	21. Serajdikhan
		Munshiganj	22. Sreenagar
	PLB-3	Munshiganj	23. Lohajang
		Munshiganj	24. Munshiganj Sadar
		Munshiganj	25. Tongibari
	PRB-1	VII. Rajbari	26. Goalanda
		Rajbari	27. Pangsha
		Rajbari	28. Rajbari Sadar
	PRB-2	VIII. Faridpur	29. Bhanga
		Faridpur	30. Char Bhadrasan
		Faridpur	31. Faridpur Sadar
		Faridpur	32. Sadarpur
	PRB-3	IX. Madaripur	33. Shib Char
		X. Shariatpur	34. Naria
		Shariatpur	35. Zanjira
Meghna	MLB-1	XI. Chandpur	36. Uttar Matlab
	MLB-2	Chandpur	37. Chandpur Sadar
		Chandpur	38. Matlab Dakshin
	MRB-1	Shariatpur	39. Bhedarganj
		Shariatpur	40. Gosairhat

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

### 1. Phased Investment Program

4. After selecting three priority investment sites from the 13 sub-reaches, an investment plan was prepared. Priority sites were selected though multi-criteria assessment specifically

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

5. Consequently, the first and second tranche investments at the three priority sub-reaches (shown in red and orange color in **Figure 1**) are:

(i) Priority riverbank and embankment Work (Tranche 1 – red color):

- a. JLB-2: Riverbank Protection alongside the Jamuna Left Bank downstream of the new Dhaleswari offtake at Chouhali and Zafferganj area, where active erosion threatens the existing floodplains. The protection at Chouhali is planned to help guiding the eastern Jamuna channel towards the interior of the braided belt and as such stabilizing an existing large attached char. This char is several kilometers wide and reclamation would somewhat compensate for past erosion losses. The downstream protection at Zafferganj would form part of a more stabilized channel pattern at the confluence.
- b. JRB-2: Embankment construction alongside the Jamuna Right Bank, from Kaijuri to Baghabari. The area between Enayetpur and Baghabari alongside the Jamuna right bank was protected by the Brahmaputra Right Embankment (BRE) for about 30 years. However, since the embankment was lost due to riverbank erosion in the mid-1990s, the area has remained unprotected from frequent flood inundation. Some morphological analyses indicated that the riverbank erosion in this river reaches could be a consequence of Bangabandhu (Jamuna) Bridge construction, which created a fix narrow river course<sup>1</sup> With 10 km of riverbank protection structures provided under the ADB financed JMREMP, the eroded embankment can now be reconstructed to revise the BRE system. In this area a flood control project was situated and the reconstructed embankment would provide the backbone for increased agricultural outputs while again protecting valuable private and public infrastructure from flooding.
- c. PLB-2: Riverbank Protection alongside the Padma Left Bank between Paturia and Harirampur , where a formerly large meander that periodically erodes has silted up and riverbank protection along the more favorable present river course would save around 30 km<sup>2</sup> (3,000 ha) of valuable floodplain from future erosion.

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

- d. JRB-2: Riverbank protection from Kaijuri to the Hurashagar River. This short stretch will close the gap between the existing 17 km long protection built upstream and downstream under JMREMP.
- (ii) Follow-up riverbank and embankment works (Tranche 2 and subject to further investigations and background studies as well as detailed designs during Tranche 1 – orange color in **Figure 2**):
- a. Riverbank Protection alongside the Jamuna Right Bank from around Enayetpur to Kaijuri. The offtake of the western channel in this area is currently declining due to an unfavorable offtake angle. Building a guiding revetment under a smooth alignment means attracting more flow to the western channel and keeping this important navigation route open.
  - b. Extending the riverbank protection at Chouhali and Zafferganj to provide a more stable river environment along the Jamuna Left Bank. Riverbank protection in this area will be designed exploring the possibility of reclaiming some of the floodplain lost during the widening process of the Jamuna since the 1970s through measures following a building-with-nature concept.
  - c. Embankment construction alongside the Jamuna Left Bank from Dhaleswari to Paturia. The flood plain along the left bank of the Brahmaputra/Jamuna was never provided with a long linear embankment. An embankment, similar to the BRE, has the potential to reduce flood levels in low lying areas and as a consequence reduce future flood damages and trigger more development in the “backyard” of Dhaka.
  - d. Embankment rehabilitation alongside the Padma Left Bank from Paturia to Dohar, in continuation of above embankment works.

In addition to the work at priority sites, further studies under Tranche 1 will prepare more investment for other sub-reaches under Tranche 2. The same study procedure can be followed under Tranche 2 for the extension of sub-reaches during Tranche 3 investment. Natural river developments in some areas are expected to support investments in future, due to a current development towards generally more favorable alignments. The confluence of Upper Meghna and Padma is a critical area depending on the Chandpur town protection as cornerstone for the stability of the whole Lower Meghna. While the Chandpur Town Protection is currently considered to be less critical and substantial riverbank protection has been built downstream (Haimchar), the right bank is largely unprotected. This bank, consisting in parts of more recently deposited soils is highly unstable and requires stabilization in the context of the overall confluence. Any stabilization measure in this area depends on a better understanding of the confluence processes and must consider the influence of Padma Bridge on the downstream confluence geometry.



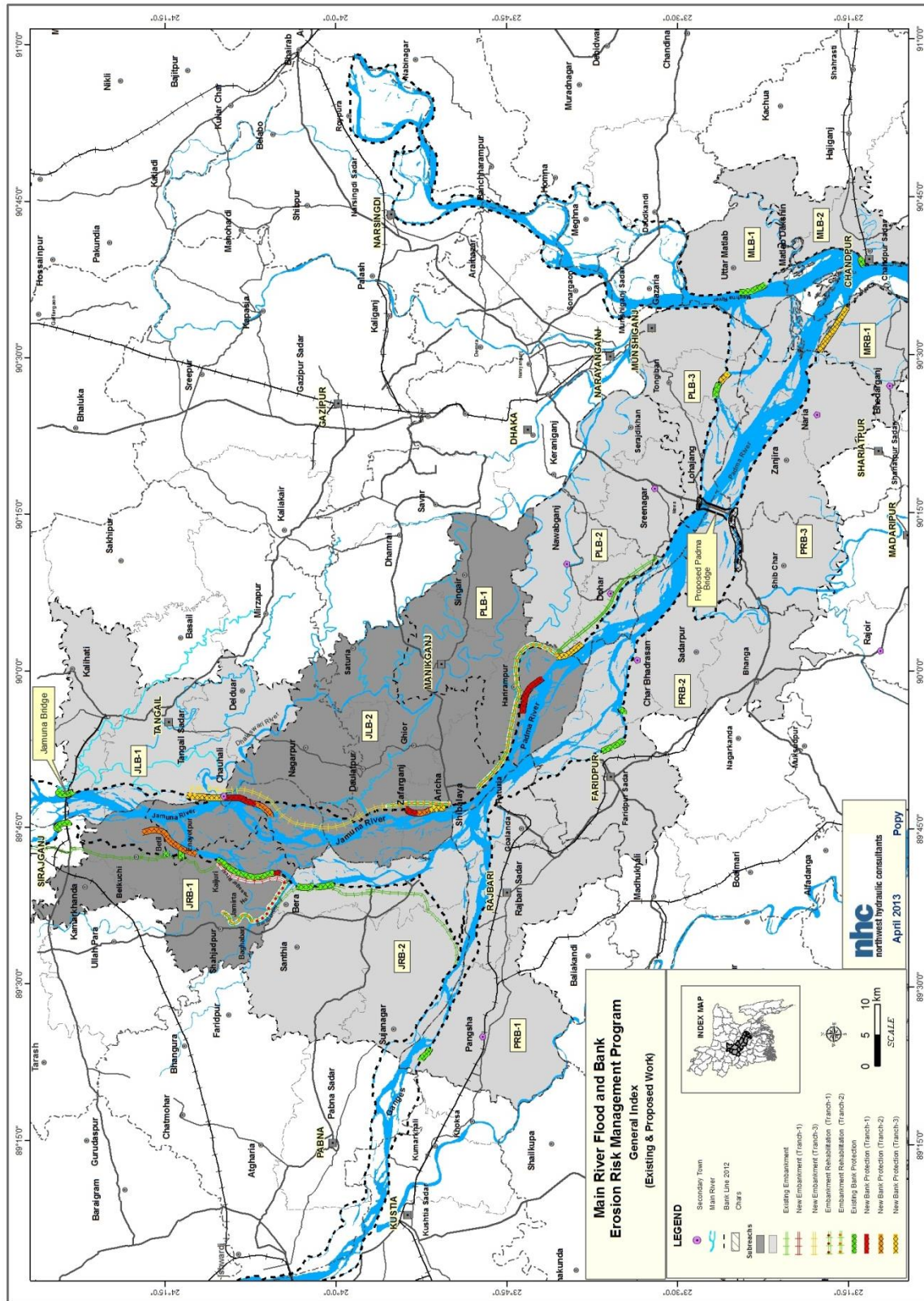


Figure 2: Summary Initial investment program

## B. Project Rationale and Objectives

6. The Flood and Riverbank Erosion Risk Management Investment Program (FRERMIP) is the follow-on project of the Jamuna-Meghna River Erosion Mitigation Project (JMREMP). It aims to sustain incomes and livelihoods of people living along the three main rivers of Bangladesh – the Jamuna, the Ganges, and the Padma. It will enhance resilience to flood and riverbank erosion risks through strengthening the flood and riverbank erosion management system, including the knowledge base and underlying institutions; and by establishing integrated non-structural and structural risk management measures at priority erosion sites and addressing their sustainability.

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

## II. SCOPE AND OBJECTIVES OF THE RF

8. The primary objective of the Resettlement Framework (RF) is to provide guidance in i) project resettlement planning on policy and entitlements, ii) resettlement planning for possible project impacts that cannot be determined at this stage during preparation, iii) resettlement planning for any unanticipated impacts, particularly during project construction. It sets out the policy and procedures to be adopted by the Bangladesh Water Development Board (BWDB) for revising and updating any RPs during project implementation. The revised RPs, if any, will be submitted to the ADB for review and approval. One resettlement plan has been prepared for Tranche 1. Around two additional resettlement plans are envisaged to be prepared and implemented for Tranche 1 for the riverbank protection works after the Board approval and just prior to construction, as riverbank alignments may significantly change before the commencement of Tranche 1 due to the dynamic morphology of the Jamuna and Padma rivers.

## C. Legal and Policy Framework

### 2. GOB Laws on Land Acquisition

9. The principal legal instrument governing land acquisition in Bangladesh is the Acquisition and Requisition of Immovable Property Ordinance II (1982) and subsequent amendments of the Ordinance II (1989/93/94) and other land laws and administrative manuals relevant to alluvion/deluvion land, *char* and *khas* land administration in Bangladesh.<sup>2</sup> The 1982 Ordinance requires that compensation be paid for (i) land and assets permanently acquired (including standing crops, trees, houses); and (ii) any other damages caused by such acquisition. The Deputy Commissioner (DC) determines (a) market value of acquired assets on the date of notice of acquisition (based on the registered value of similar property bought and/or sold in the area over the preceding 12 months), and (b) 50% premium on the assessed value (other than crops) due to compulsory acquisition. However, it is well known in Bangladesh that people devalue land during transactions to pay lower registration fees. As a result, compensation for land paid by DC including premium remains less than the real market price or

<sup>2</sup> Alluvial, deluvial and *char* land survey and settlement ( No. 2-2/87/90(1060)/1987; Settlement of *char* land (No. 2L-3/73/86(19)-R.L/1973; Settlement of Deluviated Lands Reformed in Situ (Memo No. 196(36)-V-177/77-L.S /1978), State Acquisition and Tenancy (Amendment) Act, 1994; Transfer of *Khas* Land between GOB departments (M:/Sha-10/HUD/general-1/94/345(64)/1994 (source: Land Administration Manual, Vol. 1, Ministry of Land, GOB).

‘replacement value’ (RV). The 1994 amendment made provisions for payment of crop compensation to tenant cultivators.

10. In addition to the Ordinance, another relevant law that applies to the Project due to acquisition of bankline for river bank protection (RBP), is the State Acquisition and Tenancy Act 1951 (Section 7) that defines the ownership and use right of alluvion (*payosti*) and diluvion land (*sikosti*) in the country. Legally, GOB owns the bankline and eroded land in the river. However, the “original” owner(s) can claim the land if it re-emerges in a natural process within 30 years from the date of erosion.

### **3. Inadequacies of 1982 Ordinance**

11. The Ordinance, however, does not cover project-affected persons without title or ownership record, such as informal settler/squatters, occupiers, and informal tenants and leaseholders (without registration document) and does not ensure replacement market value of the property acquired. The act has no provisions for resettlement of the affected households/businesses or any assistance for restoration of livelihoods of the affected persons. As a result, land acquisition potentially diminishes productive base of farm families and those affected and displaced by development projects.

### **4. Harmonization with ADB’s Policies**

12. The ADB has its own integrated safeguard policy statement (SPS) to minimize displacement and require time-bound action plans with measures to restore or improve livelihood and income of those affected by development projects. Since the 1982 Ordinance falls short of the requirements of the ADB’s safeguard policies on many grounds, the project land acquisition and resettlement policy has been harmonized with ADB’s SPS.<sup>3</sup> The harmonization was carried out through a gap analysis involving the 1982 Ordinance II and the ADB’s safeguard policies and gap-filling measures. The harmonization has also benefited from the Jamuna Bridge and Jamuna-Meghna River Erosion Mitigation Project (JMREMP) “best practices” in resettlement. The best practices – for example, include Photo ID Card with description of losses and entitlements, geo-reference photos of affected structures on ROW to control fraudulent claims, Resettlement villages (RVs) with civic amenities, multiple relocation options, including “self-managed” resettlement.

13. The harmonized policy forms the basis for preparation of social safeguard plans for various components of the project. The harmonization and gap-filling measures are in Annex I and Annex II, respectively.

## **III. POLICY PRINCIPLES AND GUIDELINES**

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

- (i) Avoid or minimize impact as much as possible through alternative design options;
- (ii) Consult affected people and their communities adequately;<sup>4</sup>
- (iii) Make resettlement plans and other related documents available at the project sites;

<sup>3</sup> ADB, Safeguard Policy Statement (SPS 2009). <http://www.adb.org/documents/safeguard-policy-statement>

<sup>4</sup> Adequacy is defined by number of persons covered (minimum 50 in each consultation), attendance of women and vulnerable groups in each consultation, separate consultation on target group like poor and vulnerable and broad community based understanding of project impacts, mitigation and policies.



- (iv) full disclosure will be ensured through distribution of a summary RP in Bangla to the affected households and other stakeholders;
- (v) Determine replacement cost (RC) of assets acquired and compensate at full replacement costs determined by PVAT;
- (vi) Provide Resettlement assistance to all APs, irrespective of their titles to land;
- (vii) Establish GRC at the local level for speedy resolutions of disputes;
- (viii) Provide additional assistance to poor women-headed AHs and vulnerable groups;
- (ix) Establish income restoration assistance for alternative income sources and restoration of livelihoods for assisting affected people to restore and/or improve upon their pre-project levels or standards; and
- (x) Carryout internal/external, including third party monitoring to assess outcome of resettlement operations and evaluate outcomes.

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

#### IV. PLANNING STEPS AND PROCEDURES

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

#### V. ELIGIBILITY AND ENTITLEMENTS

17. Lack of legal documents for customary rights of occupancy/titles shall not affect eligibility for compensation. The RF stipulates payments of compensation as per the assessed value of the land and structure to the affected persons (APs). In addition to compensation paid by the concerned Deputy Commissioner (DC), the APs will receive additional assistance in cash or kind to match replacement cost (RC), which is the difference between the market value and the assessed value for lost assets (land, houses and trees), transaction costs such as stamps/registration costs (in case of purchase of replacement land) and other cash grants and resettlement assistance such as shifting and reconstruction grant, resettlement benefit for loss of workdays/income due to dislocation. Socio-economically vulnerable households namely - female-headed households without grown up male in the household, households below poverty line<sup>5</sup>, households headed by disabled, elderly people and those losing more than 10% of income from acquisition will be given additional cash assistance for relocation. Measures such as "host" area benefits – for example, additional class rooms in the existing educational institutions, access roads, improved water supply and sanitation etc– to enhance the carrying

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<sup>5</sup> While the poverty line in Bangladesh is measured in terms of nutrition intake, when translated into money terms, generally a combined household income below Tk. 60000 annually is considered the poverty line.

capacity will be undertaken so that project benefits are enjoyed both by the host and resettled families, and host-resettlers' are integrated socially and economically.

18. Annex III provides the entitlement matrix for different types of losses and dislocation established through Inventory of Losses (IOL). The matrix also includes provisions for any unanticipated impacts arising during or post project implementation. The mitigation measures in the matrix are consistent with co-financiers' safeguard requirements. They also reflect "good practice" for examples (e.g., replacement cost (RC) for land, dislocation allowance, transfer grant, relocation at project-sponsored resettlement village (RV), grievance redressal, income and livelihood restoration, third party monitoring etc.) from the Jamuna Bridge Project. Compensation and other assistance will be paid to APs prior to dislocation and dispossession from acquired assets to construction activities. The eligibility for entitlement is limited by a cut-off date, as mentioned in paragraph 16.

## **VI. UNANTICIPATED IMPACTS ON CHARLANDS**

19. Although there are no anticipated negative impacts on charlands, the project will, in case of impacts such as induced flood or erosion caused due to the construction of sub-reach interventions, carry out an assessment of the impacts on chars and char people adjacent to the embankments through socio-economic surveys and mitigate losses using the entitlement matrix in this framework.

## **VII. VALUATION OF ASSETS**

20. DC follows the rules laid down in the 1982 Ordinance to determine market prices for assets like land, structures and trees/crops, with assistance from other departments such as Public Works

21. Department (PWD) for structures, Forest Department for trees, and Department of Agricultural Extension for crops. The assessed value is typically lower than the replacement value.<sup>6</sup> Indeed, there exists confusion over statutory "market value" and compensation at replacement value.

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

23. In Bangladesh's rural setting, the conditions noted above are not present. Therefore, to ensure that APs can replace the lost property, a replacement cost will be provided as determined by a Property Valuation Advisory Team (PVAT), which will be constituted by BWDB with (i) Representative from BWDB - Convener (SDE/AE/Equivalent officer); ii) Representative from concerned Upazila (Upazila Nirbahi Officer) – Member; iii) Sub Assistant Engineer from BWDB - Member Secretary), and iv) Member, RP-INGO. The RP implementing NGO will provide all technical support to the PVAT to assess the market price through an independent agency and recommend the RC of assets to the Project Director of the PMO for approval. BWDB will pay the difference between the approved RC and the DC payments under the 1982 Ordinance II. In addition, APs will be allowed to take away reusable materials from their dismantled houses and shops which will be deducted from the RC.

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<sup>6</sup> This is replacement 'cost' in ADB's SPS.

## VIII. CONSULTATION, DISCLOSURE AND GRIEVANCES

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

25. Each RP will also outline a detailed procedure for community complaints and grievance redresses. The local GRC will be composed of: a) Representative from BWDB - Convener (Executive Engineer (Field)/Equivalent); b) Chairman of concerned Union Parishad – Member; c) Representative from APs – Member; d) Sub Assistant Engineer From BWDB - Member Secretary. The local GRC will, by meeting all the aforementioned participants informally, as well as formally, ensure speedy and out of court settlement of as many disputes as possible. The local GRC shall review and resolve grievances within one month of receiving any complaints and will maintain written records of all the appeals received. Minutes of all the meetings will also be duly recorded and maintained and will also include dated photos of the consultations. Irrespective of the GRC decisions, an aggrieved person will be free to access the country's legal system at any stage of the grievance redress mechanism. In case of any discrepancies regarding quantities and/or quality of affected properties, the Joint Verification Team (JVT) will make an assessment.

## IX. INCOME AND LIVELIHOOD RESTORATION PROGRAM (ILRP)

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

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

28. A gender action plan (GAP) will focus on income and livelihoods issues, including provisions for training, credit and marketing support for income generating activities and

enhanced organizational and leadership/advocacy among the poor women for sustainable social development.

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

30. A national level Livelihood Development NGO (LD-NGO) will be involved for fostering the ILRP activities among the entitled APs. The ILRP will be designed through identification of target group beneficiaries (TGBs) and assessing the needs and feasibility of potential income generating activities.

## **X. INSTITUTIONAL ARRANGEMENTS**

31. BWDB is the project owner and executing agency (EA) of the Project. A Project Management Office (PMO), headed by a Project Director (PD), will be set up within BWDB for execution of the Project. One of Executive Engineers under the PMO will serve as Chief Resettlement Officer (CRO), which will be responsible for implementation of the RP – disbursement of compensation through DC and resettlement benefit through its own staff with assistance from Resettlement Implementing NGO and concerned BWDB field division. CRO and his staffs in PMO will work as a Resettlement Unit (RM) under the PMO in dual charge. The RU responsibility will include implementation of an Income and Livelihood Restoration Program (ILRP) with the help of a national Livelihood Development NGO (LD-NGO) and a gender action plan during and after resettlement of APs. The RU will be manned by staff with past work experience in land acquisition and resettlement. The concerned field offices of BWDB, headed by Executive Engineers, will act as field offices of RU. The principal functions of the Field Offices will be to facilitate land acquisition and implement the resettlement program with assistance from a resettlement plan implementing NGO (RP-INGO). CRO at RU with the help of field offices will perform Monitoring and Evaluation (M&E) of the implementation of RPs. He/she will create and manage resettlement databank, progress monitoring arrangement and MIS.

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

33. The principal task of the RP-INGO is to identify the project affected households/business enterprises and individuals, processing their payment based on an inventory of losses (IOL), established by DC and BWDB, and to assist BWDB in making payments to the APs for their resettlement-related benefits. The RP-INGO will carry out an information campaign and involve APs, including women in the resettlement implementation processes. The RP-INGO will also

collect, collate, computerize and process data for identification of eligible persons correctly for resettlement benefits and assess their entitlements as per resettlement policy. Further, the RP-INGO will assist or work with a variety of committees, such as, PVAT, JVT and the local GRCs. Finally, the RP-INGO will also play an important role in ensuring that vulnerable groups, including female-headed households and persons with disabilities (PWDs), are given special attention.

34. BWDB will form a JVT for the project through a gazette notification to compare and review the physical verification data collected, comprising a representative from BWDB – Convener (SDE/AE/Equivalent officer); a representative from concerned Upazila – Member; and a representative from the INGO – Member secretary. The JVT will be approved by MoWR. The JVT will determine the loss items and their owners, the Entitled Persons (EPs). These include users with title to the land as well as non-titled but socially recognized user. The scope and responsibility of the JVT will be clearly defined in the gazette. The INGO will process the entitlements of the project affected persons using the JVT data as one of the determinants

35. The capacity-building activities for the PMO staff may involve on-the-job training, training workshops, and visiting other successful resettlement projects in the countries in the region for practical orientation in RP implementation.<sup>7</sup> The scope of training will include ADB resettlement policy and principles. The training would specifically focus on the differences between the provisions of the ADB policy and Bangladesh country laws. The awareness of these differences and the need to follow the provisions of the ADB policy are critical for successful implementation of the RP. This will be mentioned in the resettlement plans that will follow this RF.

## **XI. RESETTLEMENT BUDGET**

36. Detailed budget estimates for each RP will be prepared considering ADB's principle of replacement cost. In all, the implementation of all RPs for the three tranches including land acquisition and other social development programs is estimated to cost close to 41.5 million dollars at current costs. The budgets will include: (i) detailed costs of land acquisition, relocation, resettlement and the ILRP, public consultations, and grievance redress; (ii) source of funding; (iii) administrative costs; (iv) monitoring cost; (v) cost of hiring consultants; and (vi) arrangement for approval, and the flow of funds and contingency arrangements. The land acquisition, compensation, relocation and rehabilitation, administrative, monitoring and consultant cost, income and livelihood restoration value will be considered as an integral component of project costs. If there is any other additional cost, the same will be included in the project budget so to ensure timely disbursement of funds for payment to the affected households and individuals.

37. The following resettlement compensation and assistance payment procedure will be followed. The money for compensation under the law will be transferred to the concerned Deputy Commissioner's account. For resettlement costs (topping up amount, relocation cost, livelihood restoration, consultation, grievance redress, monitoring and evaluation, etc.), the resettlement plan implementation NGO will estimate the resettlement cost for the displaced

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<sup>7</sup> For example, during the project preparation phase for ADB-supported Southern Transport Development Project in Sri Lanka, senior project staff from the Road Development Authority and Land Acquisition and Resettlement Division of Sri Lanka visited the Jamuna Bridge resettlement sites in Bangladesh for firsthand experience of the resettlement operations.

households on the basis of the approved entitlement matrix (Resettlement Framework). Funds from ADB will be sent to an imprest account for the project in Bangladesh Bank in US Dollars. From the imprest account funds in Taka will be transferred to the project account operated by the Project Director (PD). The PD will release funds from the project account to the concerned Regional Accounting Centre (RAC). The Deputy Director or Assistant Director of the concerned RAC will pay the assistance amount directly to the displaced persons upon approval of the estimate by the PD. The concerned RAC will deliver cheques to the displaced persons. The implementing NGO will assist the displaced persons in receiving the cheques, including assisting with opening of bank accounts. The cheques will be given to the displaced persons before their shifting.

## **XII. RESETTLEMENT DATABANK, MONITORING AND EVALUATION**

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

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

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

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

## Annex I: Jamuna Bridge “Best Practices” and Lessons Learned

### Introduction

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

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

The Jamuna-Meghna River Erosion Mitigation Project (JMREMP) October 2002) and the Padma Multipurpose Bridge Project (PMBP) September 2010 Resettlement Frameworks (RF) were highly reliant on the best practices established in the Jamuna Bridge Project.<sup>8</sup> The JMREMP will resettlement experience is also a model for the FRERMIP’s RF.

### Jamuna Bridge “Best Practices” and Lessons Learned

This brief note summarizes the “best practice” in resettlement in the Jamuna Bridge Project, the experience gained and the “lessons learned” from Jamuna implementation. The “best practices” and lessons from Jamuna have influenced the Padma project resettlement in a major and significantly way. These are highlighted in the matrix.

**Matrix 1 – Jamuna “Best Practices” and Lessons Learned**

Sl No	A. Best Practices in Resettlement Management	
	Jamuna Best Practices	Incorporated in the FRERMIP
1	All affected persons – titled and non-titled – were covered by the project	FRERMIP resettlement policy cover all affected persons, titled and non-titled , direct and indirectly affected persons
2	All types of losses were identified through full census and surveys	All previous data were updated through fresh census/surveys so that everyone affected is covered
3	Detailed entitlement matrix established	The FRERMIP entitlement matrix has made

<sup>8</sup> Bangabandhu Bridge, also called the Jamuna Multi-purpose Bridge (Bengali: যমুনা বহুমুখী সেতু Jomuna Bohumukhi Shetu), is a bridge opened in Bangladesh in June 1998. It connects Bhuapur on the Jamuna River's east bank to Sirajganj on its west bank. It was the 11th longest bridge in the world when constructed in 1998[1] and currently the 6th longest bridge in South Asia. It was constructed over the Jamuna River, one of the three major rivers of Bangladesh, and fifth largest in the world in terms of volumetric discharge. The bridge established a strategic link between the eastern and western parts of Bangladesh. It generates multifarious benefits for the people and especially, promotes inter-regional trade in the country. Apart from quick movement of goods and passenger traffic by road and rail, it facilitated transmission of electricity and natural gas, and integration of telecommunication links. The bridge is located on the Asian Highway and the Trans-Asian Railway which, when fully developed, will provide uninterrupted international road and railway links from South-east Asia through Central Asia to North-west Europe. [http://en.wikipedia.org/wiki/Jamuna\\_Bridge](http://en.wikipedia.org/wiki/Jamuna_Bridge)

	to compensate for losses, dislocation and resettlement	improvements on the Jamuna on many respects, particularly on additional payments and grants
4	Photo ID Card with description of losses and entitlements	ID Card for all affected persons
5	Video filming of ROW to control fraudulent claims	Video filming and satellite images of the project boundary to control any fraudulent claims
6	Resettlement sites with civic amenities	resettlement sites will be developed for relocation of the affected households, as necessary, including “self managed” resettlement Affected persons given choices
7	Multiple relocation options, including “self managed” resettlement	Affected persons will be given choices to decide on relocation to project-sponsored sites to self-managed resettlement with assistance from the project
8	Public amenities in host villages	Provision for public amenities in host villages following the Jamuna model
9	Special assistance to vulnerable groups	Special attention to and assistance for vulnerable groups, including female-headed poor households, disabled family members
10	Income restoration and skill training	10-year income restoration and livelihood plan to be implemented by NGOs
11	GRC for dispute resolution	GRCs will be established through gazette notification
12	Public participation in resettlement management	Major initiative undertaken for public consultation, disclosure and participation of the affected persons
13	Field offices in Project site	BWDB will open Field Offices in FRERMIP sites
14	Nine NGOs involved in resettlement operations	Lead NGOs and many local and smaller NGOs will be involved in income restoration, skill training, gender plans, public health, AIDS/HIV awareness and prevention activities
15	MIS software for monitoring and management	MIS to be used for project monitoring purposes
16	Assistance to char villagers for post construction impacts (Erosion and Flood Affected Persons) Plan <sup>9</sup>	A 20-year charland monitoring, management and development framework will be established
B. Lessons from the Jamuna		
1	Jamuna Experience and Lessons	Improvements in FRERMIP Project
2	Excessive land acquisition (3,000 ha) for the 4.58 km long project, including approach roads and RBP	Minimization of land acquisition to extent possible
3	Income restoration was planned for only 3 years with very limited assistance; one-third of displaced families reported “worse-off” than pre-project level	A 10-year income and livelihood restoration plan (both short and long-term plan) has been undertaken beyond the project construction period to be implementation by a separate and experienced NGO in collaboration with local NGOs
4	Lack of concrete plans for “transfer” of the resettlement sites to the resettlers	Resettlement NGO will prepare a plan to transfer any resettlement sites to resettlers after 5 years
5	No external monitoring and evaluation of resettlement during project operations	Provision for third party monitoring arrangements

<sup>9</sup> Impacts on char dwellers were noted on Jamuna Bridge POE reports, and a management's response is found at: <http://siteresources.worldbank.org/EXTINSPECTIONPANEL/Resources/JamunaManagementRespons.pdf>.



**Beyond Jamuna Bridge Model**

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

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

## Annex II: Harmonization with ADB's Safeguard Policy<sup>10</sup>

Aspect	ADB SPS 2009	Harmonized Policy
<b>Objectives</b>		
1. Avoid involuntary resettlement	Avoid involuntary resettlement wherever possible	Avoid involuntary resettlement and adverse impacts on people and communities, wherever feasible
2. Minimize involuntary resettlement	Minimize involuntary resettlement by exploring project and design alternatives	If displacement is unavoidable, minimize involuntary resettlement by: (i) exploring alternative project designs; (ii) Effective measures to minimize impact in consultation with the people who are affected.
3. Mitigate adverse social impacts	To enhance, or at least restore, the livelihoods of all affected persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor other vulnerable groups.	Where IR is unavoidable, effective measures to mitigate adverse social and economic impacts on affected persons by:  (a) providing compensation for loss of assets at replacement cost (RC); <sup>11</sup> (b) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected  (c) improve or at least restore the livelihoods and standards of living of displaced persons, and (d) improve living conditions among displaced persons through provision of adequate housing with security of tenure at resettlement sites.
<b>Core Principles</b>		
1. Identify, assess and address the potential social and economic impacts	Screen the project early on to identify past, present and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including gender analysis, specifically related to resettlement impacts and risks	Assess at an early stage of the project cycle the potential social and economic impacts caused by involuntary taking of land (e.g. relocation or loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood, whether or not the affected person must move to another location) or involuntary restriction of access to legally designated parks and protected areas and to determine who will be eligible for compensation and assistance.
2. Prepare mitigation plans for affected persons	Develop resettlement plan on the basis of assessment during project processing, with the intent that plan will guide refinements of impact estimates and mitigating measures as project parameters are finalized.	Preparation of Resettlement Plan or Resettlement Framework (RF) during Project processing to mitigate the negative impacts of displacement. The plan will provide estimate of the extent of total population affected and establish entitlements of all categories of affected persons (including host communities), with

<sup>10</sup> ADB, Safeguard Policy Statement (SPS 2009). <http://www.adb.org/documents/safeguard-policy-statement>

<sup>11</sup> The costs of replacing lost assets (e.g., land, houses/structures, trees and crops) and income, including cost of transaction.

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

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

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

### Annex III : Gaps and Gap-filling Measures to comply with ADB's Safeguard Policies

Aspect	Harmonized Policy	GOB 1982 Ordinance II and other applicable laws/Guidelines	Gaps between Harmonized Policy and GOB	Safeguard Measures Adopted in the Project
<b>Objectives</b>				
1. Avoid involuntary resettlement	Avoid involuntary resettlement and adverse impacts on people and communities, wherever feasible.	Avoidance of resettlement is not specifically mentioned in the 1982 Ordinance – focus on mitigation than avoidance.	Gaps with regard to this principle to avoid resettlement impact thru alternative options.	RF adheres to this principle - i.e., avoid resettlement impacts where feasible
2. Minimize involuntary resettlement	If displacement is unavoidable, minimize involuntary resettlement by – (i) exploring alternative project designs; (ii) effective measures to minimize impact in consultation with the people who are affected.	The law only implicitly discourages unnecessary and excess land acquisition, as excess land remains idle and unused and lands acquired for one purpose cannot be used for a different purpose. Land that remains unused should be returned to the original owner(s).	Section 3/under 1982 Ordinance requires notification only; no consultation is required	- Minimize displacement of people as much as possible by exploring all viable design alternatives. - If unavoidable, provide for prompt payment of just compensation, replacement cost <sup>12</sup> (for lost assets and income) and rehabilitation and livelihood assistance, towards better condition than before relocation for all displaced households, regardless of (land) tenure. Unused land be returned back to the original owners through de-acquisition.
3. Mitigate adverse social impacts	Where IR is unavoidable, effective measures to mitigate adverse social and economic impacts on affected persons by: (a) providing compensation for	The mitigation measures are cash compensation only for lost assets. The complexities of resettlement is not addressed by the Ordinance	Only cash-based compensation for acquired assets. The impacts of loss of land, houses and the need for resettlement are not considered.	Provision for replacement cost (RC) for assets lost (i.e., land, structures, trees etc.) at replacement cost. Resettlement in project sponsored sites with civic

<sup>12</sup> The costs of replacing lost assets (e.g., land, houses/structures, trees and crops) and income, including cost of transaction.

Aspect	Harmonized Policy	GOB 1982 Ordinance II and other applicable laws/Guidelines	Gaps between Harmonized Policy and GOB	Safeguard Measures Adopted in the Project
	loss of assets at replacement value (RV); <sup>13</sup> (b) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected (c) improve or at least restore the livelihoods and standards of living of displaced persons, and (d) improve living conditions among displaced persons through provision of adequate housing with security of tenure at resettlement sites.			amenities. Separate Livelihood and Income Restoration Plan RPs to be disclosed to the community and available in <i>Bangla</i> . The “good practices” are derived from the Jamuna Bridge and JMREMP resettlement “models.”
<b>Core Principles</b>				
1. Identify, assess and address the potential social and economic impacts	Assess at an early stage of the project cycle the potential social and economic impacts caused by involuntarily taking of land (e.g. relocation or loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood	The 1982 Ordinance requires preparation of a Land Acquisition Plan (LAP) for land acquisition and compensation purposes. However GOB environmental rules/guidelines (1997) synchronize various applicable laws and policy frameworks of the country for early identification of impacts on biophysical, Socioeconomic and cultural environment of a project intervention and their	Impact assessments are typically done in the case of externally funded projects; otherwise, a land acquisition plan is prepared for acquisition purposes. Project impacts on properties, livelihoods and employment, health and environment are discussed in IEE/EIA reports, but do not provide enough	RF requires identification of impacts caused by displacement whether or not through land acquisition (maintaining the principle that lack of formal title to land should not be a bar to compensation and resettlement assistance), including number of affected persons. The Framework also addresses both direct and indirect impacts.

<sup>13</sup> The costs of replacing lost assets (e.g., land, houses/structures, trees and crops) and income, including cost of transaction, equivalent to ADB's SPS definition of replacement cost.

Aspect	Harmonized Policy	GOB 1982 Ordinance II and other applicable laws/Guidelines	Gaps between Harmonized Policy and GOB	Safeguard Measures Adopted in the Project
		mitigation. Requires the assessment of technical alternatives, including the no action alternative to minimize adverse environmental impacts, include impact on human health and safety. EIA identifies measures to minimize the problems and recommends ways to improve the project's sustainability.	information to determine losses and basis for compensation. Existing laws do not have provision for identification of indigenous people to recognize their particular problem and inconveniences due to a project.	
2. Prepare mitigation plans for affected persons	Preparation of Resettlement Plan or Resettlement Framework (RF) during Project processing to mitigate the negative impacts of displacement. The plan will provide estimate of the extent of total population affected and establish entitlements of all categories of affected persons (including host communities), with particular attention paid to the needs of the poor and the vulnerable.	The Deputy Commissioners (DCs) have the mandate in their respective jurisdiction as per law to acquire land for any requiring person (public agency or private person). The requiring body requests the Deputy Commissioners for acquisition of land for their project/scheme. DCs investigate physically the requirement of land and carry out Joint Verifications of assets and type of land for assessing the quantity of losses (u/s 8(1) of the law). Affected titled holders receive the assessed value and 50% on that for	Existing law and methods of assessment do not ensure full replacement cost (RC) <sup>14</sup> of property at current market price. The law does not consider resettlement or rehabilitation of affected persons or their loss of income or livelihood resources. "Market Value" of property is often found low in respect of current market price, it can be raised, if appealed, by a maximum of 10 percent each time which in most case is not sufficient to match with real	RF requires full census and/or updating, where possible, for up-to-date database. RPs will be developed on the updated survey data. Provide guidelines to ensure displaced persons and communities' compensation for lost assets at full replacement costs and other assistance to help them improve or at least restore their standard of living at pre-project level. Includes special attention to gender and preparation of gender action plan.

<sup>14</sup> The costs of replacing lost assets (e.g., land, houses/structures, trees and crops) and income, including cost of transaction.



Aspect	Harmonized Policy	GOB 1982 Ordinance II and other applicable laws/Guidelines	Gaps between Harmonized Policy and GOB	Safeguard Measures Adopted in the Project
		compulsory acquisition Fair compensation is required for acquisition of land which is dependent on recorded data with relevant government agencies (sub registrar's office for land, PWD for structure, DAE for crops, DOF for trees Etc.). Affected owners have the right to appeal on acquisition or on the compensation amounts determined as per law.	market price.	
3. Consider alternative project design	Multiple alternative proposals must be examined to avoid or minimize involuntary resettlement and physical, or economic displacement and to choose a better project option while balancing environmental social and financial costs and benefits.	Feasibility studies including social, political, cultural and environmental impact assessments, detailed engineering surveys as basis for acquisition of private property or rights.	No specific laws for considering project design to avoid or minimize involuntary resettlement. Feasibility study considers cost benefit more from technical than socio-cultural considerations.	RF considers feasible alternative project design to avoid or at least minimize physical or economic displacement, while balancing environmental, social, technical and financial costs and benefits.
4. Involve and consult with stakeholders	Consult project affected persons, host communities and local nongovernmental organizations, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of	The 1982 Ordinance have provisions (Section 3 and 3/2 ) to notify the owners of property to be acquired. Any party having any objections can appear to DC for a hearing with 15 days of notification.	There is no provision in the law for consulting the stakeholders but the land allocation committees at district, division and central government level. People have limited scope to negotiate with the government on the price of	RF has provisions for community consultation and public disclosure of impacts as well as mitigation measures, including disclosure of Resettlement Plan. Further, grievances redressal procedures involving cross-section of people, including representative of affected persons, have been

Aspect	Harmonized Policy	GOB 1982 Ordinance II and other applicable laws/Guidelines	Gaps between Harmonized Policy and GOB	Safeguard Measures Adopted in the Project
	developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms. Pay particular attention to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, Indigenous Peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.		land, but have no right to refuse acquisition.	established for accountability and democratization of the development process.
5. Disclose and inform APs of RP and mitigation measures	Disclose the resettlement plan including documentation of the consultation process, in a form and language(s) accessible to key stakeholders, civil society, particularly affected groups and the general public in an accessible place for a reasonable minimum period.	The 1982 Ordinance requires a “notice” to be published at convenient places on or near the property in a prescribed form and manner stating that the property is proposed to be acquired (u/section 3).	Disclosure takes place in case of donor-funded projects.	RF requires disclosure of Draft RPs to the affected communities in a form or language(s) that are understandable to key stakeholders, civil society, particularly affected groups and the general public in a national workshop. Further, updated RPs will be disclosed based on material changes

Aspect	Harmonized Policy	GOB 1982 Ordinance II and other applicable laws/Guidelines	Gaps between Harmonized Policy and GOB	Safeguard Measures Adopted in the Project
				as a result of the concerns of affected families.
6. Support existing social and cultural institutions of the affected persons	Ensure that the existing social and cultural institutions of the resettlers and any host communities are supported and used to the extent possible, including legal, policy and institutional framework of the country to the extent that the intent and spirit of the IR policy is maintained. Projects must be adequately coordinated so that they are accepted in manner that is socially appropriate to the country and locality in which the Project is planned. The SEA should include an assessment of compliance with applicable host country laws, regulations, and permits, and relevant social and environmental impacts and risks of the project.		No provision in any existing laws.	The Jamuna Bridge and the follow-up JMREMP established this as “good practice” in resettlement operations. Affected households were given options for relocation in accordance with their choices and support available from existing social networks. Host–resettlers’ relation was enhanced by providing civic amenities and infrastructure services to the host villages. The RF has similar provisions to enhance carrying capacity of the host villages in post-relocation period.
Supervision	For all interventions that involve resettlement or physical or economic displacement, a resettlement plan will be prepared. The RP will lay down appropriate time	No provision in the 1982 Ordinance.	There is no law or directives on the supervision of the land acquisition process by Deputy Commissioner.	Resettlement supervision in the Project will follow the Jamuna and JMREMP models with ADB’s periodic “milestone” meeting, supervision by CSC safeguard

Aspect	Harmonized Policy	GOB 1982 Ordinance II and other applicable laws/Guidelines	Gaps between Harmonized Policy and GOB	Safeguard Measures Adopted in the Project
	bound actions and budgets, and the full costs of resettlement, compensation, and rehabilitation will be included in the presentation of the costs and benefits of the development intervention.			specialist, midterm review of resettlement performance and regular supervision of resettlement operations by the Resettlement Unit of BWDB.
Monitoring	Regular supervision on resettlement implementation to determine compliance with the resettlement instrument.	The 1982 Ordinance II has provision that the DC will monitor and submit a statement to the Government annually about the properties acquired for different requiring bodies and mode of utilization of the land.	Existing laws not have any provision for rehabilitation of project affected persons and therefore, no monitoring is done.	RF has provision for internal, external monitoring, plus periodic monitoring by a POE to be hired by ADB's fund. Monitoring results will be shared and findings will be used for enhancement, if needed.
Evaluation	The borrower is responsible for adequate monitoring & evaluation of the activities set forth in the resettlement instrument. It is desirable that the project proponents monitor: (i) whether any situations that were unforeseeable before the project began have arisen; (ii) the implementation situation and the effectiveness of the mitigation measures prepared in advance, and that they then take appropriate measures based on the results of such monitoring (iii) involve external experts for resettlement	No provision for evaluations of the post-displaced lives of the affected households and communities		CSC Safeguard Specialist will conduct annual evaluation of the performance of resettlement operations as well as impacts of resettlement during and after implementation of resettlement plans to assess resettlement efficiency, effectiveness, impacts, and sustainability. POE will also conduct evaluations to reflect broadly on the success or weaknesses in RP implementation and "lessons learned."

Aspect	Harmonized Policy	GOB 1982 Ordinance II and other applicable laws/Guidelines	Gaps between Harmonized Policy and GOB	Safeguard Measures Adopted in the Project
	monitoring (iv) Monitoring reports must be made public and additional steps to be taken, if required.			

### Annex IV: Project Entitlement Matrix

The entitlement matrix describes major types of losses attached to land acquisition and resettlement. The Project will assist the APs in clustered relocations with community facilities or, alternatively, in self-relocation. APs may be relocated to BWDB land (if available) or to plots purchased (by the APs) for which assistance is provided in the form of homestead land development. In addition to the CCL, Resettlement Benefits as per the entitlement matrix will be provided to the APs.

General Implementation Issues and application Guidelines
<p><b>1. PVAT</b></p> <p>BWDB will setup a Property Valuation Advisory Team (PVAT) at the BWDB Division level. The tasks of this PVAT are:</p> <ul style="list-style-type: none"> <li>a) Recommend Resettlement Cost (RC) based on Current Market price (CMP) analysis for Land, Structures, Trees and standing Crops</li> <li>b) CMP will be assessed for every affected mauza</li> <li>c) In case of Land averaging (i) minimum approved price of land available at respective Sub-registrars' offices, (ii) reported price, and (iii) transacted price of land at those <i>mouzas</i> (CMP should not be less than minimum approved price of land). RC will be obtained by adding the titling cost prorated on the CMP thus obtained (<math>RC = CMP + CMP \times a\%</math>, where 'a' is the rate of applicable registration cost for purchasing the land for CMP equivalent amount of money).</li> <li>d) For all private land, the market price will be enhanced by 50% for compensation under law (CCL). For <i>khas</i> land (DC is the owner at respective districts on behalf of the government), CCL will be the assessed market price without 50% enhancement.</li> <li>e) RC for structure considering the cost of materials, labor inputs and land development cost at current market rates.</li> <li>f) RC will be approved by the Project Director.</li> </ul> <p><b>2. INGO</b></p> <p>BWDB will engage a NGO to support implementation of resettlement plan i.e. to support the implementation of all land acquisition and resettlement activities. The NGO (INGO) will</p> <ul style="list-style-type: none"> <li>a) Identify all persons who have interest in the lands that will be acquired under the project (owner, tenants, operators etc.;</li> <li>b) identify all informal occupier/ settler on the right of way of new embankment, rehabilitation embankment and RBP works;</li> <li>c) Make the landowners / tenant/ informal occupier aware about details of land acquisition process, compensation entitlement, payment procedure/ mechanism, resettlement benefit offered by the project.</li> <li>d) Legal owners will be assisted by INGO to organize legal documents in support of their ownership</li> <li>e) INGO will identify loss and entitlement of female owners and co-sharers through share determination at the field upon receipt of payment data from the DC office</li> <li>f) The INGO will inform the APs of the details of the land acquisition and compensation process, resettlement package and payment procedure.</li> <li>g) The INGO shall encourage Entitled Persons (EPs) to consider purchasing land or</li> </ul>

investing the money in productive/income generating activities.

### 3. JVT

- a) The loss inventory items and quantities as well as the Entitled Persons (EP) shall be verified in the field through Joint Verification Team (JVT) formed by BWDB. The members of PVAT will attend field verification by JVT.
- b) The JVT will verify the socially recognized User as identified by the Census
4. BWDB field office (Executive Engineer) will do Title updating for usufruct and other rights before issuance of notice with assistance from INGO
5. DC will pay CCL for the Loss Items. If RC is higher than CCL, the difference will be paid by BWDB with assistance from INGO.
6. Compensation for Structures:
  - a) Joint Verification (DC and BWDB) and/or Census will identify (record floor areas and category) of structure
  - b) Compensation must be paid before AP dismantle and remove the structures as per civil works requirement
  - c) The date of service of notice will be recognized as the cut-off date for structures not recognized by DC. In case of major differences identified between databases, BWDB will verify the data through the Joint Verification Team (JVT).
  - d) The owner is allowed to take all salvageable material
  - e) The RC will be paid minus the Cost for reusable material

Unit of Entitlement	Entitlements	Applicable Law	Additional Services
<b>Loss Item 1: LOSS OF AGRICULTURAL LAND</b>			
Legal owner(s) as identified by Deputy Commissioner (DC) in the process of CCL payment.	1. Replacement Cost (RC) <sup>15</sup> of agricultural land.	LA Act 1982 Sec 8(1)(a), Sec 8(2)	
<b>Special Implementation Issues and application Guidelines: None</b>			

<b>Loss Item 2: LOSS OF HOMESTEAD, COMMERCIAL, INDUSTRIAL LAND AND COMMON PROPERTY RESOURCES</b>			
Legal owner(s) as identified by DC in the process of CCL payment.	1. RC of land. 2. A plot in the residential or commercial area of the resettlement village (RV), if required, for the homestead or commercial land losers	LA Act 1982 Sec 8(1)(a), Sec 8(2)	1. RVs for the APs of entitled land-owners will be developed on privately-owned purchased land(s) inside the

<sup>15</sup>The costs of replacing lost assets (e.g., land, houses/structures, trees and crops) and income, including cost of transaction.

Unit of Entitlement	Entitlements	Applicable Law	Additional Services
	respectively.		<p>embankment in close proximity to AH population.</p> <p>2. BWDB will assist purchase of above land(s) jointly with INGO on negotiated price and homestead land development (earth filling, if needed.) with internal road links.</p>
<b>Special Implementation Issues and application Guidelines: None</b>			

<b>Loss Item 3: LOSS OF WATER BODIES (PONDS, BOTH CULTIVATED AND NON-CULTIVATED)</b>			
Legal owner(s) as identified by DC in the process of CCL payment.	1. RC of the water body (private land).	LA Act 1982 Sec 8(1)(a), Sec 8(2)	.
<b>Special Implementation Issues and application Guidelines: None</b>			

<b>Loss Item 4: LOSS OF RESIDENTIAL STRUCTURES WITH TITLE TO LAND</b>			
Legal owner(s) as identified by DC in the process of CCL payment.	1. RC of residential structure 2. Transfer Grant @ Tk. 10 per sft of affected structure but not exceeding Tk. 3,000. 3. Reconstruction and Homestead Development Grant (RHDG) of Tk. 8,000.	LA Act 1982 Sec 8(1)(d) Sec 8(2)	Assistance in relocation and reconstruction.
<b>Special Implementation Issues and application Guidelines:</b>			

<b>Loss Item 5: LOSS OF COMMERCIAL/INDUSTRIAL/COMMON RESOURCE PROPERTY (CPR) STRUCTURES WITH TITLE TO LAND</b>			
Legal owners as identified by DC in the process of CCL payment.	1. RC of commercial, industrial, CPR structure 2. Transfer Grant @ Tk. 10 per sft of affected structure but not exceeding Tk. 3,000. 3. Reconstruction Grant of	LA Act 1982 Sec 8(1)(d) Sec 8(2)	Assistance in relocation and reconstruction.



Unit of Entitlement	Entitlements	Applicable Law	Additional Services
	TK10,000.		
<b>Special Implementation Issues and application Guidelines: None</b>			

<b>Loss Item 6: LOSS OF RESIDENTIAL AND OTHER PHYSICAL STRUCTURES (WITHOUT TITLE TO LAND)</b>			
Socially recognized owners of structures built on the ROW	1. RC of structure 2. Transfer Grant @ Tk. 10 (ten) per sft of affected structure but not exceeding Tk. 3,000 3. Reconstruction and Homestead Development Grant (RHDG) of Tk. 8,000 plus a provisional option of obtaining a free land, if available, from BWDB in an RV on the ROW with community facilities.	LA Act1982 Sec 8(1)(d) Sec 8(2)	
<b>Special Implementation Issues and application Guidelines: None</b>			
1. The homestead losers will produce documentary evidence and the BWDB through JVT will cross verify the landlessness of the homestead losers for allocation of an RV plot for free. 2. The RP-INGO will assist the APs to move to clustered relocations (resettlement villages) with community facilities or, alternatively, in self-relocation. The APs may be relocated to BWDB land (if available) or plots purchased (by the APs) for which assistance will be provided in the form of homestead land development.			

<b>Loss Item 7: LOSS OF TIMBER AND FRUIT BEARING TREES, BAMBOO AND BANANA GROVES</b>			
1. Legal owner(s) as identified by the DC in the process of CCL payment. 2. Socially recognized owners of trees grown on public or other land	1. Timber trees and bamboo: RC of trees and bamboo. 2. Fruit-bearing trees without timber: if the tree is at or near fruit-bearing stage, the estimated current market value of the fruit. 3. Fruit-bearing trees with timber: RC for the timber, and estimated current market value of fruit. 4. Banana groves: RC of all trees	LA Act1982 Sec 8(1)(b) Sec 8(2)	INGO to explain RP policies regarding compensation for the trees of different categories and size and make the EPs aware that they could take the timber and fruits free of cost.

Unit of Entitlement	Entitlements	Applicable Law	Additional Services
	5. Owners will be allowed to fell trees and take the timber, free of cost after payment of CCL or RC as applicable.		
<b>Special Implementation Issues and application Guidelines:</b>			
1. The INGO will provide guidance in plantation and post-plantation care.			

<b>Loss Item 8: LOSS OF STANDING CROPS/FISH STOCK</b>			
1. Legal owners identified by the DC in progress of CCL payment  2. Socially recognized owners	1. RC of standing crops/fish stock.  2. Owners will be allowed to harvest crops and fish stock.	LA Act1982 Sec 8(1)(b) Sec 8(2)	INGO will assist APs in the process of claiming compensation from DC offices for organizing necessary documents.
<b>Special Implementation Issues and application Guidelines: None</b>			

<b>Loss Item 9: LOSS OF LEASED /MORTGAGED IN LAND/PONDS</b>			
1. Leaseholder with legal papers.  2. Socially recognized lessee or sharecropper, in case of customary informal tenancy arrangements, including socially recognized agreements.	1. RC of crops/fish stock.  2. Outstanding lease money back to the lessee by the owner as per agreement.		1. INGO will assist in ensuring that the lessee receives all eligible payments.  2. INGO will mediate refund of outstanding lease money by the owner to the lessees.
<b>Special Implementation Issues and application Guidelines:</b>			
1. With legal agreement: legal owner and mortgagee/leaseholder will be paid CCL by DC in accordance by the law 2. With customary tenancy agreements, including socially-recognized verbal agreements: Legal owner will receive CCL from DC. The legal owner will pay the outstanding liabilities to the lessee/mortgagee. Under the following conditions: (i) all contractual liabilities are already paid up; (ii) if not, the legal owner will get the residual payment after all liabilities are paid up. 3. BWDB will ensure RC of crops to the cultivator with direct payment of the difference, if CCL is less than RC, with			

Unit of Entitlement	Entitlements	Applicable Law	Additional Services
assistance from INGO. 4. Dislocation Allowance will be paid to the actual cultivator of the acquired land by BWDB with assistance from INGO.			

<b>Loss Item 10: LOSS OF INCOME FROM DISPLACED COMMERCIAL/ INDUSTRIAL PREMISES (OWNER OPERATED)</b>			
Any proprietor or businessman or artisan operating in premises	1. Grant for Loss of Business @ 5% of DC's payment for the structure. 2. One time Moving Assistance of Tk. 5,000 for tenants. 3. Option to purchase a plot in the RV, with the assistance of the INGO	LA Act1982 Sec 8(1)(d) Sec 8(2)	EPs will be brought under income and livelihood regenerating program (ILRP).
<b>Special Implementation Issues and application Guidelines:</b>			
1. All the business operators will be entitled for grant against loss of The onetime moving assistance will be provided to only the tenants.			

<b>Loss Item 11: TEMPORARY LOSS OF INCOME (WAGE EARNERS IN AGRICULTURE, COMMERCE &amp; SMALL BUSINESS AND INDUSTRY)</b>			
Regular wage earners affected by the acquisition.	1. Tk. 2,500 per affected household (AH) 2. Or Tk. 3,500 for AH headed by women 3. Employment in the Project construction work, if possible		1. EPs will be brought under the ILRP.
<b>Special Implementation Issues and application Guidelines:</b>			
EP must have been an employee of landowner or business located in the acquired lands for at least twelve months, as identified by Joint Verification and/or a contracted institution or a consulting company's census.			

<b>Loss Item 12: LOSS OF INCOME FROM RENTED -OUT AND ACCESS TO RENTED-IN</b>
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Unit of Entitlement	Entitlements	Applicable Law	Additional Services
<b>RESIDENTIAL/ COMMERCIAL PREMISES</b>			
1. Owner of the rented-out premises 2. AH/person rented-in any such structure	Dislocation Allowance of Tk. 4,000 for each unit of premises to both the renter and the rentees.	LA Act1982 Sec 8(1)(d) Sec 8(2)	EPs will be brought under the ILRP.
<b>Special Implementation Issues and application Guidelines: None</b>			

<b>Loss Item 13: ADVERSE IMPACT ON HOST POPULATION DUE TO RELOCATION OF APs</b>			
Households self-relocated to the host villages	Enhancement of carrying capacity of common civic amenities/utilities of the host communities as per assessment by BWDB.		1. Investment in the host area to improve health, education, and other public services.  2. Forestation in the host area.
<b>Special Implementation Issues and application Guidelines:</b>			
Community needs for enhancement of common facilities in host areas will be assessed through a needs assessment survey.			

<b>Loss Item 14: VULNERABLE AHs SPECIAL ASSISTANCE</b>			
<i>Vulnerable AH Assistance:</i> Female-headed households, disabled, elderly, extremely poor and those losing more than 10% of their income to acquisition of land or business.	One-Time Special Assistance Grant of Tk 5,000  Skill training and credit support under ILRP.		EPs will be brought under the ILRP.
<b>Special Implementation Issues and application Guidelines:</b>			
1. Loss of income will be assessed as per actual loss of productive resources (land and businesses) to the project and the total income of the affected households from all sources through Census of all AHs.			
2. JVT will verify the percentage of loss comparing the actual loss and the total income from all sources			

Unit of Entitlement	Entitlements	Applicable Law	Additional Services
of the affected households.			
3. Households turning into landless due to acquisition of agricultural land will be eligible for larger credit from the ILRP for longer duration.			

Loss Item 15: LOSS OF SUBMERGED LAND (ERODED LAND)			
1. Legal owner(s) of land (DC's khas land after legally established AD Line).	1. In absence of legally established AD line, all entitlements as provisioned for Loss Item 1.	LA Act 1982 Sec 8(1)(a), Sec 8(2)	
2. Previous private owners of land below AD Line.	2. In case of <i>khas</i> land, CCL to respective DCs.		
	3. RC of <i>khas</i> land to previous owner(s).		
Special Implementation Issues and application Guidelines: None			

Loss Item 16: UNFORESEEN ADVERSE IMPACTS			
Households/persons affected by any unforeseen impact identified during RP implementation	Entitlements will be determined as per the resettlement policy framework		As appropriate
Special Implementation Issues and application Guidelines:			
The unforeseen impacts and affected persons will be identified with due care as per policy framework and proposed to the MoWR and the ADB for approval including quantity of losses, their owners and the entitlements.			

## DEFINITIONS OF TERMS

*Affected Persons (APs):* Affected persons shall include (a) persons whose houses, land, structure, business, income/employment or productive assets are affected by the Project.

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

*Entitled Person:* An entitled person (EP) is one who has lost his/her assets or income directly/indirectly due to the Project intervention and is eligible to receive compensation from the DC office and/or cash grant from BWDB.

*Structures - Houses and Commercial Enterprises:* All structures affected by Project acquisition -- living quarters, community infrastructures/roadside shops/businesses -- will be compensated for.

*Assistance/Compensation:* Compensation for lost assets refers to legal compensation provided through the Land Acquisition section of the Deputy Commissioner's office. Assistance refers to resettlement assistance extended in cash and/or kind over and above the compensation under law as per independent assessment of replacement price of land and physical assets concurred by a Property Valuation Advisory Team (PVAT).<sup>16</sup>

*Relocation/Resettlement:* Relocation refers to physically moving of the APs from the affected area to a new area/site and rebuilding homes, assets, including productive land/employment while resettlement means re-establishing income, livelihoods, living and social system.

*Replacement Land:* Those affected by the RoW alignment will receive alternative land, if available, or cash compensation at the replacement price. NGO will assess the market value of land to determine the Maximum Allowable Replacement Value (MARV) and be approved by PVAT.

*Project Affected Communities/Host Villages::* Project-affected communities are local villages, markets or townships that may be affected by Project impacts such as loss/dislocation/capacity inadequacy of common property resources, school, mosques etc. Host communities are recipients where APs are to be relocated.

*Vulnerable Households:* For this Project, vulnerable groups are defined as APs who suffer more - economically and socially - from relocation than other affected population. Based on past experiences from similar projects, the vulnerable groups include (i) women-headed HHs; (ii) landless HHs (those without agricultural land, and depend largely on wage labor for survival); (iii) disabled HHs heads and (iv) HHs having residual agricultural land less than 1 acre or losing more than 10% of their income from agriculture due to acquisition.

*Cut-Off Date.* The Cut-Off Date is the date after which eligibility for Resettlement Benefits will not be considered. Because of the vagaries of river bank erosion, there are two Cut-Off Dates: **[Month/Day/Year] for Physical Losses** and **[Month/Day/Year] for Income Losses**, subject to verification and clearances as described below.

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<sup>16</sup> The PVAT will be composed of: i) Representative from BWDB - Convener (SDE/AE/Equivalent Officer); ii) Representative from concerned Upazila (Upazila Nirbahi Officer)– Member; iii) Sub Assistant Engineer From BWDB - Member Secretary, and iv) Member RP-INGO.

- **Physical Losses Cut-Off Date.** Because of the ongoing nature of Bank erosion, an *Inventory of Households and Assets between the Embankment and the Bankline* conducted in **[Month-Month, Year]** that indicated all HHs that might possibly be on the ROW by start of construction and so be considered for physical losses due to land acquisition. The Physical Losses Cut-Off Date of **[Month/Day/Year]** includes, therefore, only HHs having houses and establishment within the ROW at the beginning of physical works construction as identified by BWDB's Joint Verification Team (JVT).
- The *Inventory Survey* is subject to verification by the JVT and approval by BWDB, considering not only the original Inventory but the Socioeconomic Survey (SES) and JVT data collected just prior to civil works construction. In case of discrepancies, GRC will determine eligibility for individual HHs for Resettlement Benefits, such as: Replacement Cost (RC) of Structure; Salvaged Material; Transfer Grant; Reconstruction Grant; and Homestead Development Grant.
- **Income Losses Cut-Off Date.** Among the Resettlement Benefits to be given to APs are Subsistence Grants for Loss of Income. The Socioeconomic Surveys (SES) completed **[Month/Day/Year]** serve as the Cut-Off Date for eligibility to receive the Income subsistence Grants for: Male And Female HH Heads; Small Business Enterprise (SBE) Proprietors and Employees; and for Tenants/Sharecroppers. As with the Inventory Survey data, the SES Cut-Off Date is subject to verification by BWDB's Inventory Joint Team (JVT) and approval by BWDB.
- **Land Acquisition** is not covered by these Cut-Off Dates. CCL will be paid by the DC as per GOB LA Law; and the RP-INGO, with BWDB approval, will provide Grants for *Replacement Value*<sup>17</sup> of *Land and other properties established* by the PVAT and according to the *Resettlement Entitlement Matrix* in Section 4 below.

#### RP Implementation Guidelines

Since BWDB does not have any set codified rules for payment of grants to the Entitled Persons (EPs) as resettlement of APs, a detailed RP implementation guideline (Payment Modality) will be required to implement the RP at the field level. Both the BWDB and the RP NGO will follow the payment modality after its approval from the Project Director (PD), FRERMIP.

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