

Resettlement Plan: Kalir Bazar-Chakhar Union Parisad and Jangalia Government Primary School cum Cyclone Shelter Access Village Road Subproject

Project Number: 45084
July 2012

BAN: Coastal Climate Resilient Infrastructure Project

CURRENCY EQUIVALENTS

as of 10 July 2012

Currency unit		Taka (Tk)
Tk. 1.00	=	\$0.0122
\$1.00	=	Tk. 81.80

ABBREVIATIONS

ADB	-	Asian Development Bank
ADC (Rev)	-	Additional Deputy Commissioner (Revenue)
AH	-	Affected Household
AP	-	Affected Person
CBE	-	Commercial and Business Enterprise
CCRIP	-	Coastal Climate Resilient Infrastructure Improvement Project
DC	-	Deputy Commissioner
DAE	-	Directorate of Agriculture Extension
DP	-	Displaced Person
DOF	-	Department of Forest
EA	-	Executing Agency
EC	-	Entitlement Card
EP	-	Entitled Person
GOB	-	Government of Bangladesh
GPS	-	Government Primary School
GRC	-	Grievance Redress Committee
GRM	-	Grievance Redress Mechanism
HH	-	Household
IA	-	Implementing Agency
ID	-	Identity Card
IFAD	-	International Fund for Agricultural Development
KfW	-	Kreditanstalt für Wiederaufbau
JVT	-	Joint Verification Team
LAO	-	Land Acquisition Officer
LGED	-	Local Government Engineering Department
LGI	-	Local Government Institution
LGRD&C	-	Local Government Rural Development & Cooperatives
MIS	-	Management Information System
MSC	-	Management Support Consultant
NGO	-	Non-government Organization
PD	-	Project Director
PMU	-	Project Management Unit
PPR	-	Project Progress Report
PPCR	-	Pilot Program for Climate Resilience
PPTA	-	Project Preparatory Technical Assistance
PVAT	-	Property Valuation Advisory Team
RAC	-	Resettlement Advisory Committee
ROW	-	Right-of-Way
RP	-	Resettlement Plan
SMO	-	Subproject Management Office
UP	-	Union Parishad
UZ	-	Upazila

GLOSSARY

Affected Person (AP): includes any person, affected households (AHs), firms or private institutions who, on account of changes that result from the project will have their (i) standard of living adversely affected; (ii) right, title, or interest in any house, land (including residential, commercial, agricultural, forest, and/or grazing land), water resources, or any other moveable or fixed assets acquired, possessed, restricted, or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence, or habitat adversely affected, with physical or economic displacement.

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

Awardee: means the person with interests in land to be acquired by the project after their ownership of said land has been confirmed by the respective Deputy Commissioner's office as well as persons with interests in other assets to be acquired by the project. Compensation for acquired assets is provided to 'awardees' through notification under Section 7 of the Land Acquisition Ordinance.

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

Cut-off date: means the date after which eligibility for compensation or resettlement assistance will not be considered is the cut-off date. Date of service of notice under Section 3 of Land Acquisition Ordinance is considered to be the cut-off date for recognition of legal compensation and the start date of carrying out the census/inventory of losses is considered as the cut of date for eligibility of resettlement benefits.

Displaced Person (DP): As per ADB Safeguard Policy Statement (SPS) 2009- 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.

Encroachers: mean those people who move into the project area after the cut-off date and are therefore not eligible for compensation or other rehabilitation measures provided by the project. The term also refers to those extending attached private land into public land or constructed structure on public land for only renting out.

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

Eminent Domain: means the regulatory authority of the Government to obtain land for public purpose/interest or use as described in the 1982 Ordinance and Land Acquisition Law.

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

Inventory of losses: means the pre-appraisal inventory of assets as a preliminary record of affected or lost assets.

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

Subproject: means improvement works at Dhalikanda-Bashtala UZ Road & Jangalia GPS cum CS Access road to Azad Market under Coastal Climate Resilient Infrastructure Project (CCRIP) jointly funded by Asian Development Bank (ADB), KfW, and IFAD.

Project Affected Units (PAUs): combines residential households (HHs), commercial and business enterprises (CBEs), common property resources (CPRs) and other affected entities.

Project Affected Family: includes residential households and commercial & business enterprises except CPRs.

Relocation: means displacement or physical moving of the DPs from the affected area to a new area/site and rebuilding homes, infrastructure, provision of assets, including productive land/employment and re-establishing income, livelihoods, living and social systems

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

Resettlement: means mitigation of all the impacts associated with land acquisition including restriction of access to, or use of land, acquisition of assets, or impacts on income generation as a result of land acquisition.

Significant impact: means where 200 or more DPs suffer a loss of 10% or more of productive assets (income generating) or physical displacement.

Squatters: means the same as non-titled and includes households, business and common establishments on land owned by the State. Under the project this includes land on part of the crest and slopes of flood control embankments, and similar areas of the drainage channels.

Structures: mean all buildings including primary and secondary structures including houses and ancillary buildings, commercial enterprises, living quarters, community facilities and infrastructures, shops, businesses, fences, and walls, tube wells latrines etc.

Vulnerable Households: means households that are (i) headed by single woman or woman with dependents and low incomes; (ii) headed by elderly/ disabled people without means of support; (iii) households that fall on or below the poverty line;¹ (iv) households of indigenous population or ethnic minority; (v) households of low social group or caste; and (vi) person without title to land.

NOTES

- (i) The fiscal year (FY) of the Government of Bangladesh and its agencies 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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EXECUTIVE SUMMARY

A. Introduction & Project Background

1. The Coastal Climate Resilient Infrastructure Project (the project) is a result of the Government of Bangladesh's participation in the Strategic Program for Climate Resilience (SPCR) prepared under the Pilot Program for Climate Resilience (PPCR). The project is expected to improve livelihoods in the rural coastal districts vulnerable to climate variability and change. The main objective of the project is to reduce poverty in the rural coastal districts vulnerable to climate change and increased safety of the population during extreme climatic events. The outcome will be enhanced climate resilience of coastal infrastructure in 12 rural coastal districts benefiting the poor and women. The overall project outcome will be achieved through the following project outputs: (1) improved road connectivity; (2) improved market services; and (3) improved climate capacity and protection including increased availability of climate disaster shelters, improved access to shelters and improved facilities of existing climate disaster shelters.

2. Among the three typical sample subprojects, the Kalir Bazar-Chakhar Union Parisad (UP) & Jangalia Government Primary School (GPS) cum Cyclone Shelter Access Village Road subproject was studied in detail during the project preparatory technical assistance (PPTA). The improvement works for this subproject were found to have resettlement impacts requiring preparation of a Resettlement Plan (RP). The improvement works for this subproject are expected to have a limited impact because the road development will be carried out mostly along existing road alignments. As a result, land acquisition and relocation of house/business structure or people will be on a very limited scale. The Local Government Engineering Department (LGED), through the Design & Supervision Consultant (DSC) will optimize the detailed designs for all road subprojects (without compromising climate resilience or minimum traffic design standards) to avoid and minimize impacts on existing buildings and land as far as practicable. Where resettlement impacts are unavoidable, LGED will implement a process of negotiated settlement (which may include voluntary land donation) with land/property owners following ADB's Safeguard Policy Statement 2009 (ADB's SPS 2009). A socioeconomic impact survey was conducted on the potentially impacted persons along the road alignment. Based on the study findings, this sample Resettlement Plan for the subproject has been prepared, in accordance with ADB's SPS 2009 and the land acquisition, resettlement & rehabilitation policy of the Government of Bangladesh (GOB).

B. Land Acquisition Displacement

3. The total land requirement for the improvement of the proposed subproject has been estimated at about 0.90 hectares or 2.23 acres, comprising Government and privately owned land. This subproject will affect only one household associated with 6 people. This household will be affected only with acquisition of their shops/businesses including one structure requiring relocation. A total of 20.07 m² of structure areas associated with this household/business will be affected. The structure is semi-permanent.

C. Significance of Impacts

4. This household will experience significant impacts as defined by Social Safeguard Policy of ADB, as a result of either displacement or loss of 10% or more of income generating assets including small businesses. Mitigation of all impacts, including the significant resettlement impacts, will be undertaken through implementation of this Resettlement Plan (RP).

D. Indigenous People

5. There are no indigenous people (tribal or ethnic minority) within the affected population. No tribal community will be impacted due to the subproject's development/improvements.

E. Compensation and Entitlements

6. In this RP, an entitlement matrix has been developed keeping provision of compensation to all affected households/persons for all their lost land & assets, to be paid by the Deputy Commissioner (DC) & LGED. Compensation is based on entitlements including: (i) replacement cost of land & structures and (ii) other resettlement assistance as required such as shifting allowance, construction cost and compensation for loss of workdays/income due to dislocation. They will receive compensation for lost houses, business and any other productive means or livelihood opportunities due to relocation. Female-headed and other vulnerable households will be eligible for further cash assistance for relocation and resettlement to improve their living condition. Compensation and entitlements have been identified based on impacts and losses and is incorporated in the main report.

F. Consultation, Participation and Disclosure

7. This RP seeks to ensure that affected persons (APs) are informed, consulted, and mobilized to participate in the subproject activities. The management support consultant (MSC)/implementing nongovernment organization (INGO) will undertake consultation from the very beginning and will continue till end of the project. Participation of displaced persons (DPs) is to be ensured in selecting, designing and implementing the subproject. The executing agency (EA) will undertake prior consultations with any likely impacted households' communities and other knowledgeable peoples' about the subproject development issues and concerns. To facilitate effective participation, the EA will follow a timetable to consult APs and other concerned parties at different stages of the Project program cycle, especially during preparation of the civil works program. Also, the MSC will undertake a census and social impact assessment (SIA) to gather relevant demographic data; (i) social, cultural and economic situation; and (ii) social, cultural and economic impacts – positive and negative – on the DPs & communities for the subproject area.

8. The RP will be disclosed to the APs and community people with detailed information of the subproject. This will be done through public consultation and made available as brochures, leaflets, and booklets, using local languages. Hard copies of the RP in local language will also be made available at: (i) offices of the project management unit (PMU); (ii) District Commissioner Office; (iii) Upazila Nirbahi Office; and (iv) any other local level public offices. Electronic versions of the resettlement framework as well as the RP will be placed on the official website of the PMU/Government and the official website of ADB after approval and endorsement of the resettlement framework (RF) and RP by the PMU and ADB.

G. Income Restoration Strategy

9. Vulnerable Project Affected Households (PAHs) including extreme poor, elderly, disabled and female headed households will be given additional support for livelihood and income restoration. Long-term income restoration and livelihood reconstruction program will be designed in the form of a Livelihood and Income Restoration Program (LIRP) for rehabilitation of the vulnerable PAHs.

H. Grievance Redress Mechanism (GRM)

10 The EA will establish a mechanism to receive and facilitate resolution of APs' concerns, complaints, and grievances about the project's safeguards performance of the subproject with assistance from the implementing NGO (INGO). Under the Grievance Redress Mechanism (GRM), a Grievance Redress Committee (GRC) will be formed with involvement of AP's representative & local stakeholders. The GRC is to be formed and activated during the RP implementation process to allow APs sufficient time to lodge complaints and safeguard their recognized interests. Assistance to APs will be given to document and record the complaint, and if necessary, provide advocacy services to address the GRC. Any complaints of ownership or other suits are to be resolved by the judicial system. The PMU will make the public aware of the GRM through public awareness campaigns.

I. Institutional Arrangements

11. The PMU will have a combination of LGED and consultant staff including a Resettlement Specialist/Sociologist; will be responsible for addressing RP concerns and ensuring their participation during preparation and implementation of the RP. The Project Director (PD) of the PMU will be responsible for the overall execution of the Project. The EA also will set up a Subprojects Management Office (SMOs) headed by the Executive Engineer of the concerned district under the PMU. An experienced implementing NGO shall be hired by LGED to assist in implementation of resettlement program. To expedite the process, the RP implementing NGO will assist the DC office and EA in the process of land acquisition. A Management Support Consultant (MSC) will be engaged by EA to assist to carry out a range of activities including implementing and monitoring the safeguards aspects of the project. The PMU will be responsible for coordination and overall execution of the project including payment of compensation/resettlement benefits to the entitled persons (EPs) before relocation.

J. Cost Estimate and Budget

12. The provisional estimated cost for implementation of the RP for this subproject is BDT 3.75 million. It includes (i) payment of compensation for land and structures, (ii) resettlement benefits and other allowances, (iii) the operation cost of the RP implementing agency and (iv) independent monitoring and reviewing of the RP implementation. All resettlement funds will be provided by the EA (LGED) based on the financing plan agreed by the Government and ADB.

K. Implementation and Monitoring

13. The RP implementation activities will be monitored both internally and externally. The EA with assistance from the INGO will be responsible for implementation, monitoring and evaluation of the RP. The INGO will collect Baseline Data including qualitative information and analyze the same to assess the impacts of the project on people. The INGO will develop a management information system (MIS) and Reporting System. The EA will regularly report the results to ADB. An Independent External Monitor will be appointed for monitoring the performance of RP implementation.

I. BACKGROUND AND DESCRIPTION OF THE PROJECT

A. Project Background and Rationale

1. The Coastal Climate Resilient Infrastructure Project (the project) is a result of the Government of Bangladesh's participation in the Strategic Program for Climate Resilience (SPCR) prepared under the Pilot Program for Climate Resilience (PPCR). The PPCR is a program under the Strategic Climate Fund (SCF)¹ within the Climate Investment Funds (CIF),² to pilot and demonstrate ways to mainstream climate resilience in development planning and management. As one of the projects approved for enhanced climate resilience under the SPCR, the Coastal Climate Resilient Infrastructure Project (CCRIP) will improve livelihoods in the rural coastal districts vulnerable to climate variability and change.

2. The project, while enhancing longevity and sustainability of infrastructure, will improve livelihoods in 12 rural coastal districts vulnerable to climate variability and change and have deficient mobility and accessibility.³ The project aims to provide climate resilience measures that deliver a degree of climate proofing commensurate with both the task that structures have to perform and the level of acceptable risk as well as being sensibly within available budgets. Each of the project components: roads, growth centers/markets and cyclone shelters have their specific tasks and levels of acceptable risk to the impacts of sea level rise (SLR), high wind, increasing temperature and increasing likelihood of severe cyclone events. The underpinning thrust is ensuring that all structures are constructed within a strong framework of enforced appropriate specifications and an as-built quality audit. "Climate-proofing" measures include enhanced resilience to present climate effects plus forecast future climate change impacts.

B. Project Impact Output and Outcome

3. The impact of the project will be reduced poverty in the rural coastal districts vulnerable to climate change and increased safety of the population during extreme climatic events. The outcome will be enhanced climate resilience of coastal infrastructure in 12 rural coastal districts benefiting the poor and women.

4. The overall project outcome will be achieved through the following project outputs: (i) improved road connectivity; (ii) improved market services; and (iii) improved climate capacity and protection including increased availability of climate disaster shelters, improved access to shelters and improved facilities of existing climate disaster shelters.

5. This Resettlement Plan (RP) is for the subproject Kalir Bazar-Chakhar Union Parisad (UP) & Jangalia GPS cum Cyclone Shelter Access Road Village Road which is part of Output 1 - Improved Road Connectivity. Output 1 will include upgrading of: 130 km of upazila roads, 174 km of union roads and 233 km of village roads, providing year-round connectivity between

¹ The SCF is to finance targeted programs with dedicated funding to pilot new approaches with potential for scaling up. It includes PPCR, Forest Investment Program, and Scaling up Renewable Energy Program in Low Income Countries.

² The CIF are a unique pair of financing instruments designed to support low-carbon and climate-resilient development through scaled-up financing channeled through ADB, the African Development Bank, European Bank for Reconstruction and Development, Inter-American Development Bank, and World Bank Group.

³ These districts are: Satkhira, Khulna, Bagerhat, Perojpur, Barisal, Jhalokati, Bhola, Patuakhali, Barguna, Madaripur, Gopalganj, and Shariatpur.

agricultural production areas and markets and to the other parts of the country⁴. 3,050 meters of bridges/culverts will be constructed or upgraded. The road upgrading works will involve widening and raising of embankments, with suitable slope protection against erosion and wave action; and reconstruction or improvement of existing earthen, Herring Bone Brick, and bituminous and concrete surfaced road sections to appropriate “climate-resilient” standards. Specific adaptation measures to increase climate resilience have been considered for: earthworks, pavement and drainage. These measures include constructing the road crest levels to 600mm above the maximum normal monsoon flood level, taking account of effective SLR during the next 20 years; widening the road carriageways to accommodate forecast traffic volumes over the next 20 years; embankment protection primarily by means of a combination of turf and shrubs, with additional geotechnical measures where there is high risk of active erosion; and special measures adjacent to structures together with increased cross drainage. The road alignment and cross-section design will be optimized to minimize impacts on existing structures and land acquisition.

C. Subprojects Selected for Detailed Study under the PPTA

6. Three typical sample subprojects have been studied in detail during the project preparatory technical assistance (PPTA). It is envisaged that during the implementation phase of the Project the methodology and documentation developed for these sample subprojects will be followed in preparing other subprojects. The subprojects selected for detailed study under the PPTA are: (i) Dhalirkhanda (Chaterhat Bridge) to Bashtala Bazaar Upazila Road under Mongla Upazila, Bagerhat District - an Upazila Road, (ii) Batbunia Market under Tildanga UP, Upazila Dacope, District Khulna - a Market and (iii) Kalir Bazar-Chakhar UP & Jangalia GPS cum Cyclone Shelter Access Road under Chakhar UP, Upazila (UZ) Banaripara, District Barisal - a Village Road.

D. Impacts of the Subproject in General

7. The improvement works for this subproject are expected to have a limited impact because the improvement/development will be carried out mostly along existing road alignments. Accordingly land acquisition and relocation of house/business structure or people will be on a very limited scale. These impacts are minimized through optimization of the upgraded road alignment and cross-sections design to reduce land acquisition requirements and to avoid existing structures and displacement of people as much as possible. At this stage of the project, it is not possible to precisely identify the impacts of the proposed road improvement – this will be done during the detail design and implementation stage of the project. However a preliminary design has been undertaken, which is based on technical and socio-economic surveys as of June 2012, which provide an adequately reliable basis for the purposes of this sample RP.

8. For this selected subproject location no indigenous people or ethnic minority people were found to be impacted. As a result, the subproject does not require preparation of an Indigenous Peoples Plan (IPP).

⁴ Final km and climate resilience standard for union and village roads are subject to review of IFAD’s final design mission.

E. Land Acquisition and Mitigation Measures

9. LGED, through the Design & Supervision Consultant (DSC) will optimize the detailed designs for all road subprojects (without compromising climate resilience or minimum traffic design standards) to avoid and minimize impacts on existing buildings and land as far as practicable. Where resettlement impacts are unavoidable, LGED will implement a process of negotiated settlement (which may include voluntary land donation) with land/property owners following ADB's SPS 2009. As refusal to donate land or to enter into a negotiated financial settlement would necessarily lead to expropriation (in order to retain climate resilience design integrity), any subproject that entails land acquisition (either through voluntary or involuntary means) or physical displacement will be subject to an RP. Any negotiated settlement will require adequate and meaningful consultation with affected persons, including those without legal title to assets, with such consultation fully documented. A negotiated settlement should ensure an adequate and fair price for affected land and/or other assets i.e. replacement cost of the affected properties. The borrower/LGED shall ensure that these negotiations with affected persons openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions. For this purpose, the borrower/LGED will be required to engage an independent external party to document the negotiation and settlement processes. During surveys and consultations for the sample subproject, it was revealed that people residing or using land for different purposes of their own along the road are apparently willing to contribute a narrow strip of land if required, free of cost for the road development. Previously they also donated/contributed lands for constructing these roads by the local government (Zilla/Upazila/Union Parishad) without claiming any compensation.

10. In the cases of negotiation and donation of land the following aspects must be addressed:

- (i) Verification and documentation that land required for the project is sold without coercion.
- (ii) Verification that nobody will be impoverished by the land donation (more than 5% of total land holding donated or physical displacement will trigger livelihood restitution measures to be specified in a resettlement plan).
- (iii) Verification that land donation will not displace tenants, if any, from the land;
- (iv) Meaningful consultation has to be conducted with all affected persons.
- (v) Documented verification of the agreement of affected persons under any sub-project.
- (vi) Separate discussions are to be held with women and minority groups as required, facilitating meaningful participation in the process of obtaining their consent.
- (vii) All documentation, land title changes and taxes/fees paid and adjusted prior to finalization of settlement and project construction.

F. Preparation of Resettlement Plan

11. The executing agency (EA) has undertaken a study of likely impacts, both negative and positive, for this sample road subproject considering a total road length of 4.5 km and an overall base width of 7.5 meters average, where expected development/improvement will be undertaken. During the study, the Safeguard Consultant has reviewed applicable policy and legal instruments for land acquisition and resettlement along with the most important social impact assessment issues for the analysis of the subproject impacts. A socioeconomic impact survey was conducted during April 2012 followed by further verification in June 2012 to confirm the physical impacts of the preliminary road design for the subproject prepared by PPTA Consultant. Based on the study

findings, this Draft Resettlement Plan for the subproject has been prepared, in compliance with ADB's SPS 2009 and the land acquisition, resettlement & rehabilitation policy of the Government of Bangladesh (GOB).

II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT IMPACTS

A. Description of the Subproject

12. The Kalir Bazar-Chakhar UP & Jangalia GPS cum Cyclone Shelter Access Road Subproject is located in Chakhar Union Parishad under Banaripara Upazila of Barisal district. This road has three parts. Part-1 is from Chakhar Union Parishad-Kalir Bazar (Talukdar Bari mosque), part 2 is from Azad Market passes via Jangalia GPS cum Cyclone Shelter up to the Naya Bazar and part 3 is the link road from Talukder Bari mosque point to Jangalia GPS point. The total length of the road comprising three parts is about 4.5 km. The total length of the first part of the road is about 1.37 Km. of which 0.6 Km has a flexible pavement of bituminous carpeting and the remaining portion of 0.77 km is HBB which is damaged in many places. The second and third parts of the road are totally earthen surfaced and are very difficult for traffic to move along, especially in the rainy season. It is proposed to improve and climate proof the road through necessary widening and increased height with all-weather pavement for improved movement of people and goods. These improvements will require additional land resulting from an average widening of 2 meters along the total road length. The preliminary design assumes that some widening will occur along one side of the present road then on the other side of the existing road to minimize impacts. This approach will also assist to maintain traffic movement along the existing road when the works are in progress. Due to the road widening, this subproject development may require relocation or modification of some structures and removal of a number of trees.

13. It is noted that the precise impacts and relocation requirements due to the proposed road improvement works would be confirmed when the detailed design of the subproject during the implementation phase by the design consultant has been completed. This preliminary assessment has been done assuming that additional two meters width of existing embankment is required, to quantify/assess the probable affected asset losses; required relocation/shifting of structures and other impacts.

B. Minimizing IR Impact through Design Optimization

14. The sample subproject improvement works will have minimal adverse socio-economic impacts, because only one business structure belonging to one household will require relocation/shifting. The initial survey without optimization of the design to minimize impacts on structures and people, found that about 7 structures, including residential & business structures and one mosque may be potentially affected. However, through optimization of the design (for example, specifying widening on one side of the existing road embankment rather than the other) it is feasible to reduce the number of impacted structures from 7 to 1 only, substantially reducing displacement of people from their residences and businesses. The feasibility of this optimization of the design to minimize impacts on structures and people has been verified in the field with based on the preliminary road design of the PPTA consultant. A summary of the results of design optimization is given in the following Table 2.1. Accordingly this RP is based on the design optimization which identified only one affected household.

Table 2.1: Minimizing Resettlement Impacts through Design Considerations

Structure Number	Approximate Chainage	Road section	Impacted by Road under current survey and may not be avoided through design optimization	Impacted under current survey but feasible to avoid through design optimization
1	0+000	Azad Market-Naya Bazar	yes	-
2	0+000	-DO-	-	Yes
3	0+050	-DO-	-	yes
4	0+075	-DO-	-	yes
5	0+175	-DO-	-	yes
6	0+190	-DO-	-	yes
7	0+375	-DO-		yes
8	0+20	UP-Kalir Bazar part		yes
Total			1	7

C. Scope of Land Acquisition and Associated Impacts

15. The civil works for the subproject improvement would be carried out on the existing 4.5 km long alignment taking necessary additional land from both available government/Khas land and also from the private land owners. The preliminary design indicates that an average toe to toe upgraded embankment width of 7.5 meters is required. The existing road embankment toe to toe width is about 5.5 meters average, hence the average widening requirement of 2 meters. It is expected that the impact of land acquisition will be minimal in consideration of the ownership, quality and quantity of land to be required for the subproject. The total land requirement for the improvement of the proposed road has been estimated at about 0.90 hectares ((conservatively assuming 2,000 m² per km length of road). This sample RP has been prepared based on a census and a socioeconomic /resettlement survey of the affected households and other establishments. However, a plot to plot survey of different types of affected lands was not covered under that survey. A more detailed survey of different types of land likely to be affected would be done at the detailed design stage, using a land acquisition plan to update/finalize this RP. Within the proposed corridor/right-of-way (ROW) of the road, the socioeconomic survey found only one commercial structure/operating shop would potentially be affected due to the improvement of the proposed road. A summary of these potential impacts based on the current surveys is indicated in Table 2.2 below.

Table 2.2: Land Requirement and Associated Impacts for the Subproject

Length of SP	Width of SP	Land requirement (in Hectare)	No. structure	Affected Trees	No. AH	Total population
4.5 Km	7.5 meters	0.9	1	500	1	6

Source: Census & Socioeconomic Survey, April 2012

D. Types of Impact on Affected Household

16. The main impacts on this potentially affected household due to this subproject development are as follows:

- (i) Land loss: The adverse impacts due to undertaking of the proposed subproject improvement works will affect one household with a land area of only one decimal. The concerned affected household will require assistance in the form of

compensation and resettlement benefits as per the land acquisition and resettlement policy of the GOB and ADB's SPS 2009 to restore their lost income.

- (ii) Structure loss: This affected person (AP) constructed the structure /building by his own cost and is operating a business from the premises. The total area of structure to be demolished is 20.7 sqm. This structure is semi-permanent & construction materials used for constructing this structure are corrugated iron (CI) sheet for roof and bricks/concrete for wall and floor.
- (iii) Loss of residence: There is no impact on residence of the AP due to the proposed road improvements. So, no displacement of population will happen.
- (iv) Business losses: This is a small businesses owned by the household located on the proposed widened RoW which will require demolition. However, the impact will be temporary, because, it appears feasible for the AP to rebuild/reconstruct the shop's structure on residual land within 1–2 months time.

E. Vulnerable Households

17. Affected households headed by female or disabled persons, or below the poverty line (BPL) are considered vulnerable households. The survey found that none of the affected household's members are vulnerable due to physical disability or any other criterion applicable mentioned above.

F. Need for Relocation

18. The proposed road subproject improvements will have adverse impact on one existing business. This affected household's business/shop will require to be relocated. In this connection, all efforts will be made through various provisions in this RP to mitigate negative socioeconomic impacts on the project-affected persons by supporting relocation and by restoration of pre-project level of income. Preferences of affected households (AHs) has been for cash compensation for their land, and relocation of structures within their remaining viable plots.

G. Resettlement and Compensation/Relocation Measures

19. Land valuation to determine replacement cost at this stage has been done based on socioeconomic survey information, current land price informed by the APs and current market prices through land market surveys. The exact land values will be determined by the Property Valuation Advisory Team (PVAT) during implementation of the subproject. As per present survey data, per decimal⁵ current price of different types of land of the subproject area has been tentatively estimated as stated in Table 2.3 below.

Table 2.3: Land Prices

SI. No	Type of land	Unit	Average rate (Tk.)
1	Homestead land	Decimal	45000
2	Commercial land	Decimal	47031
3	Water bodies/pond	Decimal	25000

Source: Census & socioeconomic Survey, April 2012

⁵ 100 decimal equals one acre and 247 decimal equals one hectare.

20. **Structures.** Replacement cost also has been calculated based on socioeconomic survey information collected in April 2012, and collected current costs of construction of different types of structure. However, the exact cost of replacing structure by type/construction materials will be determined by the PVAT during implementation of the subproject. The tentative prices of different types of structure per sq.m considering construction materials are given in the Table below.

Table 2.4: Structure Values

Sl. No	Type of Structure	Unit	Average rate (Tk.)
1	Temporary structure (mud/wood/tin/ thatched)	Sq.m	1578
2	Semi Temporary structure (mud/wood/ thatched)	Sq.m	2457
3	Structure (Concrete)	Sq.m	2800

Source: Socioeconomic census & survey, April 2012

21. **Tree.** Average replacement cost prices for each tree considering size and type have been collected during the survey. Based on the survey, the average price of per fruit and timber trees has been estimated at Tk. 1500 & Tk. 2500 respectively. The prices of trees would require updating / estimating through appropriate authority during implementation of the subproject.

H. Income compensation

22. Only one small business (shop) will be affected under the subproject. The monthly average income of this affected business has been tentatively estimated at Tk. 6,500, just above the indicative national poverty line of Tk5000 per month. Compensation will be given to the business operator equivalent to two months income, based on the project entitlement matrix, in addition to any structure and shifting allowance entitlements.

I. Special Allowance for Vulnerable Affected Families

23. The AH is not considered vulnerable.

J. Severely Affected Households

24. One household will have their shop/business considered as severely affected. They will require relocation and will receive shifting support and necessary allowances for temporary accommodation if required.

III. SOCIOECONOMIC CHARACTERISTICS OF THE AFFECTED HOUSEHOLDS

A. Approach and Survey Coverage

25. During the implementation phase of the Project, if this subproject is finally selected for implementation, the DSC will carry out a suitably optimized detailed design for the improvement works in consultation with the Management Support Consultant (MSC), and this sample RP will be updated. Under the current study, a team consisting of the PPTA Safeguard Consultants conducted a social assessment (SA) in April 2012 followed by further verification during the period of 26-29 July 2012 based on a preliminary design for the road improvements. The social impact assessment covered all the potentially affected parties, which collected information

necessary for preparation of this draft RP. Based on the study a database on resettlement impact in terms of households to be affected, along with their inventory of assets and socio-economic profiles, has been prepared.

26. The objective of the SA was to identify and quantify number of likely project affected households/population, common poverty resources (CPRs), etc. and loss of land & other properties. The ultimate purpose of the SA was to assess potential socio-economic impacts on the people, identify different types of losses, resettlement and rehabilitation needs etc. and also estimate the values of the losses in order to prepare this draft resettlement plan.

B. Socio-economic Profile of the APs

1. Demography

27. **Household Population.** The social impact assessment study for the subproject identified only one household (HH) to be affected with total of 6 family members. Out of the total 6 population, 4 of them are males and 2 are females. The family size of the affected household is somewhat higher than the national average of 5.4 persons. The household population by religion is Muslim.

28. **Age & Sex of Population.** Among the 6 family members of the household, 3 of them are aged between 5-10 years (2 males and 1 female), one of them is between 10-15 years and 2 are between 16-60 years (one male & one female).

29. **Educational Status.** In assessing the educational levels of the APs, only the population aged above 7 years has been considered. Among the 6 APs, 5 of them are above 7 years and all of them are literate ranging from primary to higher secondary levels.

30. **Occupation.** The principal occupation of the affected household head is business, 3 family members are students and the housewife is involved in household works only.

2. Socioeconomic Condition of AP

31. **Income and Poverty Dimensions.** Based on the total stated income, the affected household is marginally above the poverty line⁶. The average monthly income of the household is about TK 10,500.

32. **Indebtedness of the Household.** The affected household head reported that he did not take any loan from institutional sources but took loan from his relatives for the business without any interest.

33. **Assets Possessions.** The significant assets possessed by the displaced person (DP) household are radio, mobile phone and a cycle.

34. **Source of Drinking Water, Sanitation facilities & Health.** The main source of drinking water is a tube well used by the household members. The AP reported that they are using traditional latrine (Katcha/slab). None of the family members have suffered from any major illness during the last one year except normal cold, fever, headache, dysentery etc.

⁶ The approximate Bangladesh poverty line is Tk5000 / month (equivalent to US\$2/person/day)

IV. LAND ACQUISITION AND RESETTLEMENT POLICY FRAMEWORK

A. Government of Bangladesh (GOB) Laws

35. The current legislation governing land acquisition for public purposes; are the *Acquisition and Requisition of Immovable Property Ordinance* (1982) and its amendments in 1992 and 1994, and the *East Bengal State Acquisition and Tenancy Act* (1951) revised in 1994. The owners affected by the acquisition will be eligible to receive compensation for (i) land permanently acquired (including standing crops, trees, houses); and (ii) any other impact and damages caused by such acquisition. In accordance with the Ordinance, the legal process is initiated by an application by the requiring agency or department to the Deputy Commissioner (DC) of the concerned District with a detailed map of the proposed area. In determining the compensation, the DC considers the recorded price of land transacted during the past 12 months in the Project area, plus a 50 percent *premium* on the assessed value of the property for compulsory acquisition⁷. The 1982 Ordinance, however, does not cover the Project APs, such as informal settlers/squatters, persons without titles or ownership records. Further, the compensation paid does not constitute market or replacement cost of the property acquired.

36. The first step in acquiring land is an application to the Ministry of Land through the concerned ministry requesting requisition and transfer of the land and property in question. A detailed statement specifying whether the land mentioned in the application is needed for public or private purpose, the area of the land, a sketch-map, purpose for which it could be used, etc should be submitted as well. The Ministry of Land examines the application and sends it to the concerned DC for necessary action. The DC then authorizes the Additional Deputy Commissioner related to land (ADC-Land) to prepare and execute a plan of action for requisition. The DC in turn issues a public notice regarding the requisition with a view to settling matters relating to payment of compensation to the owner or owners of the property or any other person or persons entitled to compensation, and any other related issues. When any property is required temporarily for a public purpose or in the public interest, the DC may requisition it by an order in writing. In case of such a requisition of property, compensation shall be paid to the owner or owners of the property determined in accordance with legal provisions, and the decision taken by the government is deemed to be final. Any person who contravenes or attempts to contravene an order, or who obstructs the enforcement of an order, is punishable with imprisonment for a term which may extend to three months, or with a fine which may extend to Taka three thousand, or with both.

B. ADB's Safeguard Policy Statement (2009)

37. The objectives of ADB's Safeguard Policy Statement (SPS) 2009 with regard to IR are: (i) to avoid involuntary resettlement wherever possible; (ii) to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relating to pre-project levels; and (iii) to improve the standards of living of the displaced poor and other vulnerable groups.

38. ADB's SPS covers 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) 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. It covers

⁷ The premium was raised from 25 percent to 50 percent through an amendment in 1993.

them whether such losses and involuntary restrictions are full or partial, permanent or temporary.

39. For any ADB financed projects requiring involuntary resettlement, resettlement planning is an integral part of project design, to be dealt with from the earliest stages of the project cycle, taking into account the following basic principles:

- (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with affected persons, host communities, concerned nongovernment organizations and other relevant stakeholders. Inform all displaced & affected persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population.
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- (viii) Prepare a resettlement plan for each subproject with resettlement impacts elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.

- (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

C. Comparison of Resettlement Policies of ADB and GOB

40. A comparison of GOB's policy and ADB's policy is given in below in Table 4.1. The Government's policy does not cover project-affected persons without titles or ownership record, such as informal settler/squatters, occupiers, and informal tenants and lease-holders (without document) and does not ensure replacement value of the property acquired. The Acquisition and Requisition of Immovable Property Ordinance 1982 has no provision of resettlement assistance for restoration of livelihoods of affected persons except for the legal compensation. Gaps between national law and ADB policy are identified and bridging measures are included in the Entitlement Matrix for the project, described below. ADB will not finance the project if it does not comply with its SPS 2009, nor will it finance the project if it does not comply with its host country's social and environmental laws. Government agrees that where any discrepancies between the ADB and Government policies exist, the ADB policy will prevail. Moreover, the ADB SPS applies to the entire project regardless of the source of financing.

41. The differences between GOB law and policy guideline of the ADB/co-financiers have been identified and measures to be adopted to bridge them in terms of (i) assessment of loss and identification of affected persons (APs); (ii) assessment of compensation and valuation; and (iii) compensation entitlements are covered in the Resettlement policy matrix developed for the project that complies with ADB's policy on *Safeguard Policy (2009)* standards. The policy matrix covers compensation for lost assets and restoration and/or enhancement of livelihoods for all categories of affected people – direct, indirect, titleholders, tenants, and non-titleholders.

42. The subproject recognizes three types of displaced persons including (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. Various involuntary resettlement requirements apply to all three types of displaced persons.

Table 4.1: Gap Analysis between GOB laws and ADB's SPS 2009

Ordinance No. II as Implemented in Bangladesh	ADB's Involuntary Resettlement Policy Requirements	Gaps Between the Two Compensation Policies	To Address the Gap
	Involuntary resettlement should be avoided wherever feasible.	The Ordinance has no direct or implied statement that involuntary resettlement should be avoided	The EA to follow ADB's SPS to avoid IR where feasible
Sections 3 and 18 exempt the acquisition of property used for religious worships, public or educational institutions, graveyards & cremation grounds.	Where population displacement is unavoidable, impact should be mitigated through provision of viable livelihood options.	While it provides for some exceptions, the Ordinance is silent on minimizing the adverse impacts on private properties and common resources.	The EA to follow ADB's SPS to avoid IR where feasible
Section 8 prescribes the amount of compensation to be determined by the Deputy Commissioner (DC) based on: (i) market value of the property considering average value during the twelve months preceding the publication of notice of acquisition; (ii) damage to standing crops and trees; (iii) damage for severing such property from other properties of the person occupying the land; (iv) adverse effects to other properties, immovable or movable and/or earning; and (v) cost of change of place of residence or place of business. In addition, the Deputy Commissioner will award a sum of fifty percent on such market value of the property to be acquired.	If individuals or a community must lose all or part of their land, means of livelihood, or social support systems so that a project may proceed, they will be compensated and assisted through replacement of land, housing, infrastructure, resources, income sources, and services, in cash or in kind, so that their economic and social circumstances will be at least restored to the project level. All compensation is based on the principle of replacement cost.	Section 8 of the Ordinance is largely consistent with ADB's compensation policy. But they differ on the valuation of land and prices of affected assets, where ADB prescribes for the current market rates in the project area and provision for the restoration of pre-project incomes of the APs.	Provision of additional fifty percent compensation of the property to APs to minimize the gap between replacement cost and compensation. Moreover, provision has been kept for replacement cost of land in the compensation & policy matrix to be estimated by PVAT.
The requiring body submits land acquisition proposal to the Office of the DC for appropriate action: (i) if the total land is above 50 <i>bighas</i> , or 16.66 acres, the approval will come from the National Government; (ii) if requirement is above 2 acres and below 16.66 acres, approval comes from the Divisional Land Allocation Committee; and (iii) if the land is 2.0 acres or less, the approval will be made at the District Land Allocation	Each voluntary resettlement is conceived and executed as part of a development project or program. During project preparation, ADB and the EA or project sponsor/s assess the opportunities for the affected people to share project benefits. The affected people need to be provided with sufficient resources and opportunities to reestablish their livelihoods and	The body requesting for land leaves the inventory of affected assets to the DC without considering the adverse socioeconomic impacts of land acquisition to APs. The Ordinance also suggests a long and complicated process of land acquisition, as there are different government offices involved in it.	The EA to follow ADB's SPS & measures will be taken to minimize lengthy procedures

Committee.	homes as soon as possible, with the time-bound action in coordination with the civil works.		
<p>Section 3 provides that whenever it appears to the Deputy Commissioner that any property in the locality is needed or is likely to be needed for any public purpose or in the public interest, he shall publish a notice at convenient places on or near the property in the prescribed form and manner stating that the property is proposed for acquisition.</p> <p>Section 4 provides the occupant of the land to raise their objections in writing that should be filed to DC within 15 days of publication. The DC will then hear the complaints and prepare his report and the record of proceedings within 30 days following the expiry period of 15 days given to APs to file their objections.</p>	<p>Affected people are to be consulted on compensation and/or resettlement options, including relocation sites, and socio-economic rehabilitation. Pertinent resettlement information is to be disclosed to the affected people at key points, and specific opportunities provided for them to participate in choosing, planning and implementation options. Grievance redress mechanisms for affected people are to be established. Where adversely affected people are vulnerable groups, resettlement decisions will be preceded by a social preparation phase to enhance their participation in negotiation, planning and implementation.</p>	<p>The section of the Ordinance somehow manifests public consultation, yet indirectly. It does not provide for public meeting and project disclosure as to the purpose of land acquisition, its proposed use, and compensation as well as entitlements of and special assistance to APs.</p> <p>The Section 4 provision is consistent with the grievance and redress procedures prescribed in the ADB policy. The grievance procedures are set out in Sections 27 through Sections 34 that appoints an arbitrator, the notice of hearing and the scope of proceedings. However, this does not provide for social preparation phase of groups vulnerable to adverse impacts of land acquisition.</p>	The EA to follow ADB's SPS
	Institutions of the affected people, and where relevant, of their hosts, are to be protected and supported. Affected people are to be assisted to integrate economically and socially into host communities so that adverse impacts on the host communities are minimized and social harmony is promoted.	This Ordinance has no provision that can be interpreted nearest to this ADB policy requirement.	The EA to follow ADB's SPS
	The absence of a formal legal title to the land is not a bar to compensation and entitlement policy.	This principle is not provided for in the Ordinance.	The EA to follow ADB's SPS

Upon approval of the request for land by the DC Office, its staff will conduct the physical inventory of assets and properties found in the land. The inventory form consists of name of person, quantity of land, list of assets affected, materials used in the construction of the house. The cut-off date is the date of publication of notice that land is subject to acquisition, and that any alteration or improvement thereon will not be considered for compensation.	Affected people are to be identified and recorded as soon as possible in order to establish their eligibility through a population record or census that serves as an eligibility cut-off date to prevent a subsequent influx of encroachers or others who wish to take advantage of such benefits.	While both the Ordinance and ADB's Policy on Involuntary Resettlement agree on the inventory of losses, they totally differ on tools of the survey. Also provides for the inventory of social resources of AP's skills essential for social rehabilitation, and it also covers gender sensitivity.	The EA to follow ADB's SPS
	Particular attention must be paid to the needs of the poorest affected people, and vulnerable groups at high risk of further impoverishment. This includes those without legal title to the land or other assets, female-headed households, elderly or disabled and other vulnerable groups, such as the indigenous peoples. Assistance will be provided to help them improve their socioeconomic status.	This requirement is not provided for in the Ordinance.	The EA to follow ADB's SPS

D. Principles, Legal and Policy Commitments

43. The RP is based upon the following specific principles arising from the government provisions and ADB's Safeguard Policy:

- (i) The land acquisition and resettlement impacts on persons displaced by the projects would be avoided or minimized as much as possible through examination of alternate detailed design options;
- (ii) Where the negative impacts are unavoidable, the persons displaced by the project and vulnerable groups will be identified and assisted in improving or regaining their standard of living.
- (iii) Information related to the preparation and implementation of RP will be disclosed to all stakeholders and people's participation will be ensured in planning and implementation. The Resettlement Plan will be disclosed to the displaced persons (DPs) in local language.

- (iv) The displaced persons who do not own land or other properties, but have economic interests or lose their livelihoods will be assisted as per the broad principles described in this document.
- (v) Before commencement of civil works, compensation and Resettlement & Rehabilitation (R&R) assistance (including transfer of titles and payment of all fees and taxes) will be paid in accordance with the provisions described in this document;
- (vi) An entitlement matrix for different categories of people likely to be affected by the project has been prepared. People moving into the project area after the cut-off date will not be entitled to any assistance. For non-titleholders such as informal settlers / squatters and encroachers the date of commencement of census survey or a similar designated date declared by the project Executing Agency will be considered as the cut-off date.
- (vii) An appropriate grievance redress mechanism will be established to ensure speedy resolution of disputes.
- (viii) All activities related to resettlement planning, implementation, and monitoring will ensure the involvement of women and other vulnerable groups. In particular titles and payments will be made in the names of both the man and woman of the households.
- (ix) Consultations with the DPs will continue during the implementation of resettlement and rehabilitation works.
- (x) There should be a clause in the contract agreement that the construction contractor will compensate any loss or damage in connection with collection and transportation of borrowed-materials.

E. Eligibility Policy and Entitlement Matrix

1. Eligibility Criteria

44. All APs & DPs who will be identified in the subproject-impacted areas as at the cut-off date⁸ will be entitled to compensation for their affected assets, and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels. The absence of legal title will not bar APs from compensation and assistance, as specified in the entitlement matrix.

2. Compensation and Entitlement Policy

45. An Entitlement Matrix has been prepared on the basis of the census and socioeconomic survey conducted for the households, shops and other properties and identifies possible categories of impact & provision of entitlements for each type of loss. The matrix describes the units of entitlements for compensating the loss of structure, business and various resettlement

⁸ The cut-off date for title and non-titleholders is the date of the census survey during the detailed design. Those who encroach into the subproject area after the cut-off date will not be entitled to compensation or any other assistance. The PMU will take video and photo documentation to ensure entitled persons on the cut-off date.

impacts likely to occur due to the sub project development. An implementing Non Government Organization (INGO) will be engaged to assist the Local Engineering Department (LGED) in preparation of necessary papers (identity cards [ID], entitled person [EP]/entitlement card [EC], indent, debit voucher, etc.) for making payment of resettlement benefits to the EPs. The entitlement policy matrix is presented in Table 4.2 below.

Table 4.2: Land Acquisition and Resettlement Entitlement Matrix

Type of loss	Entitled Person	Entitlement	Implementation Issues/Guidelines	Organizational Responsibility
Agricultural & homestead land, including water bodies	Legal owner(s) of land at the time of serving Notice u/s-3 of Land Acquisition	1. Replacement cost of land/water bodies 2. Change of title and payment of fees/taxes	a. Assessment of type and quantity of land/water bodies by Joint Verification Team (JVT) b. Determination of replacement cost of land and water bodies by PVAT through market survey	a.DC.LGED,INGO b.INGO, DC,LGED c. LAO Revenue Office
Developed Commercial Land (private land on which commercial structure has been constructed)	Legal owner(s) of land at the time of serving Notice u/s-3 of Land Acquisition	1. Replacement cost of land 2. Change of title and payment of fees/taxes	a. assessment of land by JVT b. Determination of replacement cost of such lands PVAT through market survey c. Title upgrading	a.DC.LGED, INGO b. INGO, DC,LGED c. LAO Revenue Office,LGED,GR C d.AP
Trees and Standing crops on private land acquired	Legal owner(s) of land at the time of serving Notice u/s-3 of Land Acquisition	1. Replacement Cost of trees and perennial crops on land acquired 2 Perennial standing crops be taken away by the APs for free without disturbing the project work.	a, Assessment of type, size and quantity of trees/perennial standing crops by JVT. b. replacement cost of trees and perennial standing crops determined	a.DC.LGED, INGO b. INGO, DC,LGED

Type of loss	Entitled Person	Entitlement	Implementation Issues/Guidelines	Organizational Responsibility
			by DOF and DAE	
Trees and standing crops on public land within road alignment	a. Owners of trees/standing crops on the ROW b. Users) of trees crops particularly the poor & vulnerable on the ROW	1.Share/replacement cost of trees and perennial standing crops within the road alignment 2. Perennial standing crops be taken away by the APs for free without disturbing the project work 3. Trees within the project/subproject alignments/areas	a. Ownership of trees determined by JVT b. Assessment of type, size and quantity of trees/Perennial standing crops by JVT c. replacement cost of trees and perennial standing crops determined by DOF and DAE through market survey Implementation Issues/Guideline d. Involve in tree plantation programs of the government and will continue to use remaining trees for their livelihood	a, DC,LGED, INGO b. DC,LGED, INGO c. INGO, DC,LGED,
Structure (dwelling, commercial or community structure) on private land acquired	Owners (s) of the structure (with or without land title)	1. Price of structure at replacement market value 2. Salvage structure materials be taken away by the APs for free without	a. Ownership of structure determined by the JVT b. Type and quality determined by the JVT.	a. DC,LGED, INGO b. DC,LGED, INGO c.DC,PWD,LGED , INGO

Type of loss	Entitled Person	Entitlement	Implementation Issues/Guidelines	Organizational Responsibility
		distributing the project work. 3 Shifting and reconstruction grants @ 10% of assessed value of structure	c. replacement cost of structure determined by LGED through market survey.	
Structure (dwelling, commercial or community) on public land within road alignment	Owners (s) of the structure	1 Value of the structure at replacement market value 2. Salvage of structure materials be taken away by the APs free of cost without disturbing the project work. 3. Shifting and reconstruction grant @ 10% of assessed value of structure	a. Ownership of structure determined by the JVT b. Type and quality determined by the JVT c. replacement cost of structure determined by LGED through market survey.	a DC,LGED, INGO b. DC, LGED, INGO c. INGO, DC,LGED, PWD
Business/rental income diminished due to acquisition of commercial structure	1 Proprietor of the business 2 Owner of the commercial structure (if rented)	1.Two months net income of business to the business proprietor 2.One months' rental income to the owner	a Proprietor/owner of rented commercial structure identified by the JVT b. Business/ rental income assessed by market survey by PVAT.	a.DC,LGED. INGO b. INGO, DC, LGED
Wage employment diminished due to acquisition of commercial	Regular employees of the business	1. One month wages	a. identification of regular employees by the JVT. b. Prevailing skilled and	a.DC,LGED, INGO b. INGO, DC,LGED,

Type of loss	Entitled Person	Entitlement	Implementation Issues/Guidelines	Organizational Responsibility
structure			unskilled wage rates determine by PVAT	
Vulnerable, handicapped or losing more than 10% of their income due to acquisition	Head of the vulnerable households	Additional subsistence allowance	An extra amount of Tk 15,000 as additional subsistence allowance equals to average income of three months	LGED, INGO, GRC
Poor households to be displaced or losing more than 10% of their income due to acquisition	Head of the poor households affected due to the acquisition	Priority in income generation program or any other poverty reduction support from the project	a. An extra amount of Tk 10,000 as additional substance allowance equals to average income of two months b. Training and credit for Income Generation Program (IGA) through INGO c. Priority in the project civil works. if available	LGED, INGO

V. STAKEHOLDERS CONSULTATION PARTICIPATION AND INFORMATION DISCLOSURE

A. Project Stakeholders

46. The primary stakeholders of the project include agriculture farmers, local business community and as well as the likely affected households. Secondary stakeholders are other community people, shopkeepers/businessmen, fishermen, boatmen, other professionals and local government institutions (LGI). Other stakeholders include LGED, under the Ministry of LGRD &C, Local Government Division as the executing agency (EA), Department of Forest, Bangladesh Water Development Board (BWDB), cofinanciers ADB/KfW/IFAD, and other government agencies. The other stakeholders also include business groups like contractors, sub-contractors and suppliers during the construction period. The local government

representatives will also be benefited by gaining peoples support as a result of local development. The local NGOs working in the area may also participate in poverty reduction and livelihood development activities. An Implementing NGO/Agency will be engaged to assist LGED for smooth implementation of the RP.

B. Consultation and Participation

47. During the project preparation, a series of consultation meetings were conducted with various stakeholders through formal and informal meetings and personal contact in the vicinity of the proposed subproject. The consultative process aimed at obtaining from the stakeholders their: (i) perceptions of improvement of the road, market and other infrastructure development and its impact; (ii) views on additional requirement of land for the improvement works; (iii) laws of land acquisition and ADB's policy on Safeguard Statement; (iv) socio-economic needs; and (v) potential beneficiary participation in project implementation. Women and other vulnerable groups were also consulted concerning the project impact and their livelihood aspects. The feedback received and observations made at the stakeholders' meetings have been used in preparing the RP.

48. In addition to field level consultation meetings, separate workshops relating to the project were held in the region (at Barisal and Khulna) and at the LGED Head Office in Dhaka to further elicit views from local and regional officials, LGI representatives, leaders of business community, and civil society representatives. There is strong support and positive public responses towards the proposed climate resilient subprojects development which will provide potential benefits such as improved communication/road connectivity, shelter during natural calamity, increased production and diversity in agriculture, enhanced local trading opportunities, and improved access to education and health facilities. Together these project benefits will contribute significantly to poverty alleviation.

C. Stakeholders Meetings

49. The Project concept, the objectives and land acquisition requirements as per various options and technical design of the subprojects were discussed with the primary stakeholders. They were consulted for their perceptions on risks and consequences of the road development concerns, views on alternative options and beneficiary participation in Project cycle. The local potential affected persons along with local community leaders and other stakeholders were consulted through group meetings and personal contact. The inputs from the stakeholders meetings have been used to develop appropriate mitigation measures. This interactive approach will continue during the implementation of the subproject and the RP through the INGO.

D. Issues Discussed

50. During consultation meetings, major issues discussed were as follows:

- (i) Goals and objectives of the CCRIP project.
- (ii) Different components of the project.
- (iii) about the concept of climate resilient infrastructure and its necessity.
- (iv) People's perception about the climate change in their area.
- (v) Climate change impacts and their consequences in the area.
- (vi) Name, location and nature of the proposed subproject.
- (vii) Importance of the subproject in light of the subproject influenced area.

- (viii) Roles of the local people in smooth implementation of the subproject.
- (ix) Land availability for the subproject development.
- (x) Likely impacts both negative and positive.
- (xi) Losses from the proposed implementation of the subproject.
- (xii) Land acquisition issues.
- (xiii) Existing communication/transport/market facilities, problems, prospects, etc.
- (xiv) People's perception, knowledge, attitudes and opinions relating to the construction of proposed subproject.
- (xv) Number of houses, community facilities, and social infrastructures likely to be affected/impacted.
- (xvi) People's attitudes/views regarding different losses and other associated impacts likely to be incurred, and consideration of measures to mitigate those impacts.
- (xvii) Expected benefits from the project in the short and long term.
- (xviii) Local people's needs and aspirations.
- (xix) Socioeconomic, demographic, poverty, living condition, quality of life aspects of the people under the subproject area.

E. Main Findings of the Consultation

51. 4 meetings with the primary stakeholders were held at different locations of the subproject area (Azad market, Kalir Bazar, Naya Bazar and Chakhar UP office) with participation from different occupational groups during the subproject study period. In each meeting, on average 20-30 participants were present and of them, about 5-8 were female participants. The people consulted in the consultation meetings had a generally positive response (especially among the people of the subproject area) about the planned subproject. The subproject will bring benefit to the people of this area in the form of improved communication, transportation of goods, access to different community facilities, and easier traffic movement under all weather conditions. It was perceived that the project will contribute to increase the employment and incomes of people in different ways, therefore helping to improve the poverty situation. They all assured their willingness to provide all sorts of cooperation during implementation of the subproject. The main findings of the consultation are summarized below:

- (i) Almost all participants showed keen interest and welcomed the project and also assured to provide necessary cooperation.
- (ii) Participants understood the different losses that could occur due to the proposed subproject improvement works.
- (iii) In spite of the losses, they are interested for the subproject. Even the majority of the participants expressed that they are willing to contribute/donate land for the roads development without any compensation.
- (iv) The people are expecting new sources of livelihood of people after the road improvement.
- (v) Some people have contributed land previously for the road without any compensation and if additional land is required, still they say they are prepared to give up their land for the development of this area.
- (vi) Participants/people demanded to construct road properly using good quality materials to ensure longevity of the road.

- (vii) People of subproject area in general want to participate in different project activities as much as possible and showed a lot of enthusiasm about the subproject and its potential benefits.
- (viii) Employment opportunities are expected to increase for local people particularly for construction workers and service providers.
- (ix) Improved/better road will reduce travel time and reduce use of diesel/petrol. It will increase mobility and improve access to bigger market centers for sale and purchase of goods, facilities, etc.
- (x) The people expect proper training for different income generating activities and understand that this will be provided under the livelihood restoration program.
- (xi) The people wanted local workforce to be involved in construction and development of the subproject; and this has been accommodated in the RP.
- (xii) The people are happy that the acute problem of salinity and scarcity of drinking water for the people of the subproject area is being addressed by the project.
- (xiii) Women are economically inactive due to restricted social system.
- (xiv) If there is any provision of compensation for lost land and properties, the payment of compensation is expected properly in time.
- (xv) Proper resettlement and rehabilitation of the affected persons/families to be ensured by the project authority.

52. The key concerns and requirements from the public consultations are addressed under the livelihood restoration program, incorporated in the poverty and gender action plans, or form part of the revised project components.

53. It was revealed from the findings of meetings that stakeholders in the subproject area understand that there will be some adverse impacts due to implementation of the proposed subproject such as requirements for land and displacement of housing, shops etc. However, despite these negative impacts, most of the participants in different meetings welcomed the project because of the perceived benefits.

54. This interactive community consultation approach will continue during the implementation of this RP through the Implementing NGO. The INGO is to be deployed by LGED and, as per its Terms of Reference, a Resettlement Information Brochure will be developed for the Project then distributed among the APs, providing general Project background and especially focusing on the Resettlement Entitlement Matrix and the due process involved in receiving Resettlement Benefits. The INGO be responsible for distributing the brochures among the APs and will place copies of the information brochure at the concerned Union Parishad Office.

F. Steps to Ensure Stakeholders Consultation

55. The EA (LGED) will constitute RP implementation committees like Joint Verification Team (JVT), Property Valuation Advisory Team (PVAT) and Grievance Redress Committee (GRC) for the various RP implementation activities while ensuring stakeholder participation. AP representatives will be involved in the GRCs to review and resolve disputes concerning compensation and other resettlement benefits.

56. The INGO will distribute brochures, leaflets, etc. explaining the impact of the Project, compensation policies for APs including resettlement options/strategies, and the tentative implementation schedule of the Project. Further steps will be taken (i) to keep the APs informed

about land acquisition plan, compensation policy and payments, and (ii) to ensure that APs will be involved in making decisions concerning relocation and implementation of the RP.

57. Resettlement Advisory Committees (RACs) will be formed during the implementation stage, to seek involvement and cooperation from various stakeholders in the decision-making and implementation of RP. This RAC will be formed consisting of representatives from APs, women/vulnerable groups and local Union Parishad representatives and a representative from the Implementing NGO. The local Union Parishad (UP) Chairman/Member will chair the RAC and a representative of the Implementing NGO will act as the member secretary. Representatives of the APs will be involved in the GRC to review and resolve disputes concerning compensation and other Resettlement Benefits. Finally, there will be continuous on-site consultation to ensure that the APs receive their due entitlements/benefits in time.

G. Disclosure and Public Consultation (DPC)

58. The goals and objectives of the project have been disclosed to and discussed with the affected people and other stakeholders during conducting of census and socioeconomic surveys, and also through other types of consultation e.g. key informant's discussions, focus group discussions, personal contact and public consultation meetings.. Consultation will continue during the implementation of the subproject. The RP will be made available to the affected people, NGOs/community groups, and district and Upazila Offices. A summary of the RP/Resettlement Information Brochure will be posted on the ADB website.

VI. RELOCATION AND INCOME RESTORATION

A. Scope of Displacement and Relocation

59. According to the census & socioeconomic survey (SES) data, implementation of the subproject will require physical displacement of 1 business/shop. The affected shops/business owner is operating a small business with semi-permanent sheds made of Corrugated Iron (CI) sheet and bricks. About 6 people are associated with the subproject-affected household.

B. Relocation of Housing and Establishment

60. The household, and shop/business affected by the subproject works will be paid compensation and other resettlement benefits. For the household, it is possible to shift the structure onto the remaining portion of his unaffected land. The AP will lose a small portion of his land due to the proposed road improvement works. This household prefers self relocation and would shift their house onto their residual land. Self-relocation within the same land plot will serve the objective of minimizing social disruption in the resettlement process and allow the AP to remain together within its kin group for mutual support.

C. AP's Preference for Relocation

61. During the census survey, the relocation choices of the affected persons were enumerated. This affected household prefers to be relocated in the adjoining residual land area to continue his present livelihood.

VII. INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS

A. Institutional Arrangements

62. The LGED under the Ministry of Local Government Rural Development & Cooperatives (LGRD&C), Rural Development Division will be the EA responsible for implementing the RPs. LGED shall establish a Project Management Unit (PMU) for the Project, headed by a Project Director (PD) that will be responsible for the overall execution of the Project. The EA also will set up a Sub-projects Management Office (SMOs) headed by the Executive Engineer of the concerned district under the PMU. The SMOs will prepare land acquisition (LA) plan for the land require to be acquired with the assistance from consultants for each subproject found with land acquisition & resettlement impacts and shall submit to concerned Deputy Commissioner (DC). The SMO will also take the leading role in negotiation process with the land owners through involvement of third party professional valuator and with the voluntary donors. An experienced implementing NGO (INGO) shall be hired by LGED to assist EA in implementation of resettlement program. To expedite the process, the RP implementing NGO will assist the DC office and EA in the process of land acquisition.

63. A Management Support Consultant (MSC) will be engaged by EA to assist to carry out a range of activities including implementing and monitoring the safeguards aspects of the project. The Resettlement Specialist (RS) of the MSC will be responsible for arranging or carrying out the activities of preparation/updating/finalizing the RPs for the subprojects with IR impacts based on information from the detailed engineering design documentation prepared by the Design & Supervision Consultant (DSC). The RS will also oversee and monitor RP Implementation in close liaison with the PMU, SMOs and INGO.

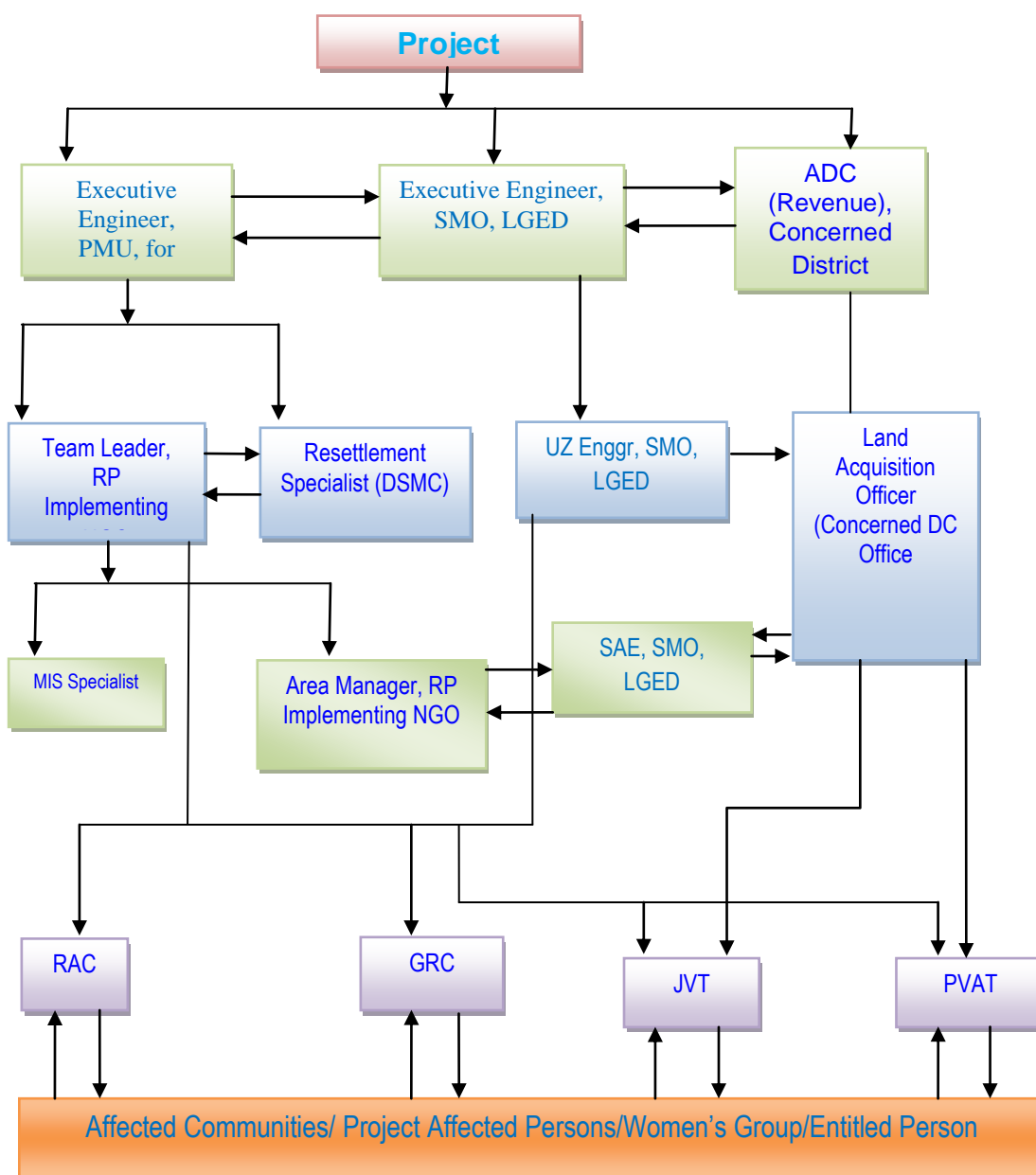
64. The SMOs, under the overall responsibility of the Project Director, will undertake day-to-day activities with the appointed Implementing Agency. The concerned Executive Engineer of the SMO will be the convener of the JVT and PVAT. The Upazila Engineer under the SMO will perform as convener of the GRC. The SMOs will coordinate and manage resettlement and rehabilitation of the APs, disburse resettlement benefits, and ensure AP's access to development programs. The SMOs, with assistance from RS of MSC & INGO will carry out the following specific tasks relating to RP implementation;

- (i) Liaise with district administration to support RP implementation activities i.e. appointment of JVT and PVAT members, etc.
- (ii) Discharge overall responsibility of planning, management, monitoring and implementation of the resettlement and rehabilitation program.
- (iii) Ensure availability of budget for all activities.
- (iv) Synchronize resettlement activities and handover the encumbrance free land to the contractor within the construction schedule.
- (v) Develop RP implementation tools and form necessary committees.
- (vi) Monitor the effectiveness of entitlement packages and the payment modality.

65. The appointed RP Implementing NGO will carry out an information campaign and involve affected persons including women in the implementation process. The INGO will collect, computerize and process data for identification of eligible persons correctly for resettlement benefits and assess their entitlements as per RP policy. However, the SMOs will make payments after necessary scrutiny. The Executive Engineer (XEN) of the SMOs in charge of the resettlement management will report to the Project Director. He will work in close coordination with the respective field-based offices and INGO on the day-to-day activities of the resettlement implementation.

66. The SMO, LA Office and the INGO will execute joint verification of the property on the right-of-way (ROW) by JVT, valuation of the affected property by PVAT and monitor the progress of the RP implementation work. The SMOs will ensure coordination between the relevant departments, INGO, GRC, RAC, PVAT and the Project affected people. Apart from the GRC, Joint Verification Team (JVT) for quantification of affected properties, a PVAT will be formed by the Ministry of LGRD&C for valuation of affected property, and GRC for resolution or redresses of disputes. The composition and formation of committees and mechanisms for quantification and valuation of properties and grievance resolution will be constituted through government gazette. People's participation will be ensured through recruiting their representatives onto these committees. A proposed RP implementation organogram is given below in Figure 7.1.

Figure 7.1: RP Implementation Organogram



67. Institutional responsibilities for RP preparation and implementation activities are summarized in Table 7.1.

Table 7.1: Institutional Responsibilities in the Resettlement Process

Related Activities and Responsibilities	Responsibility
A. Preparation for RP Implementation	
Preparation/Finalization of RP	LGED/MSC/INGO
Recruitment of RP Implementing NGO/Agency	PMU
Design and reproduction of RP Information Brochures	SMO/INGO
Disclosure and public consultations	SMO/INGO
Selection of members for resettlement advisory bodies	SMO/EA
Design and carry out joint verification survey	DC/SMO/INGO
Market survey on prices of affected structures	INGO/PVAT
Establishment of unit prices	PVAT/PMU
Processing the Joint verification survey data of DPs	INGO
Assessing AHs and vulnerable APs to be relocated	INGO /SMO
Determination of entitlements and consultations with individual DPs	INGO /SMO
Disclosure of RP to LGED, APs and stakeholders	PMU/SMO/ INGO
Review and concurrence of RP	ABD
Approval of RP	LGED
B. RP Implementation	
Mobilization of GRC	PMU/SMO/EA
Establishment of internal monitoring and appoint EM	LGED
Budget approval for compensation and resettlement benefits	PMU
Release of funds for payment of compensation/resettlement benefits	LGED/PMU
Payment of compensation/resettlement benefits	SMO/ INGO
Filing and resolution of complaints of DPs,	SMO/GRC/INGO
Confirmation of “No Objection” for the award of civil works contract	ADB
Relocation and livelihood restoration assistance	INGO /SMO
C. Monitoring and Evaluation	
Internal monitoring and evaluation	PMU/SMO/MS

68. Upon approval of the project from ADB and Government and finalization of the detailed design and the RP, the LGED PMU will engage suitably experienced and capable RP implementing NGO as sub-consultant. The INGO will prepare ID cards, entitled person (EP) file & entitlement card (EC) and other documents for assisting LGED in making payment and the LGED will disburse account payee cheques to the entitled persons. The RP implementing NGO will assist the EPs and LGED in all aspects. During determination of the unit rate of the affected structure, the PVAT will collect information from a range of sources with a structured questionnaire by interviewing different categories of people such as Imam, Teacher, Community Leader, trader, broker, elected representatives of the local government, etc.

B. Other Agencies Involved in the Process

1. Deputy Commissioners

69. The Ministry of LGRD will constitute three committees i.e. JVT, PVAT and Grievance Redress Committee (GRC). Among these committees, the JVT and PVAT will be constituted with representatives from LGED, RP implementing NGO and Deputy Commissioner (DC). The DC office will appoint representatives as member(s) of the committees for quantifying losses and determining valuation of the affected properties. LGED and the INGO shall liaise with concerned DC offices to complete the tasks following the notification of the Ministry.

2. Implementing NGO

70. LGED will engage an INGO through the MSC for implementation of the RP at the field level. The LGED through the MSC will contract out clearly defined tasks of the INGO in detailed Terms of Reference such as consultation /public information campaign for rapport building, issuance of ID cards, payment of eligible benefits to affected households/ individuals, institutional development, skill training/management training, community awareness and empowerment, etc. The INGO will initially create ID numbers for each EP as identified during the Joint Verification survey by the JVT and prepare an ID card for each EP with photograph. Photographs of the EPs will be attested by the concerned Union Parishad (UP) Chairman and pasted on the ID card. The ID card will comprise information on name, father's/husband's name, mother's name, age, education, identifiable marks, detailed address, details of quantity of losses etc. The ID card will be issued by LGED with the joint signature of the LGED and INGO representatives and will distribute among the EPs by the INGO.

71. The INGO will assist the EPs in preparing documents and opening Bank accounts in their names to receive a cheque from LGED. They will form focus groups with the affected people based on homogeneity and/or nearness and hold meetings on a regular basis to let them know their rights and entitlements as prescribed in the RP. The Executing Agency will form a Union based RAC to involve the local communities and displaced persons (DPs) in the implementation process.

72. The INGO will establish an MIS section in their central office for record keeping of the DPs, recording individual ID numbers of the entitled persons, preparing EP files based on quantity of losses and ECs based on loss type and budget. The INGO will submit monthly progress reports to the MSC describing progress of activities carried out by the INGO for the last one month and planned activities to be carried out during the next month.

73. Upon fulfillment of criteria i.e. necessary documents to make payment/benefits to the EPs, the INGO will prepare payment debit vouchers & other documents for payment and LGED will disburse account payee cheques to the EPs in a public place or Union Parishad (UP) office in presence of the UP Chairman, after issuing prior notice to the concerned EPs.

3. Ministry of Local Government & Cooperatives (LGRD&C)

74. The Ministry of LGRD&C through a gazette notification will form various committees/teams for implementation of the RP at the field level. The INGO will work as member secretary for all the committees/teams involving representatives from DC, LGED, LGI and APs. These committees/teams will ensure stakeholders' participation and uphold the

interests of the vulnerable DPs. The powers and jurisdictions of the committees will be clearly defined in the gazette notification.

a. Joint Verification Team

75. The Ministry of LGRD will form a JVT, for the project through a gazette notification to compare and review the physical verification data collected by the INGO with the DCs' assessment of loss of physical assets and their owners. 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. The JVT will be a three-member body and be comprised as follows:

- (i) Executive Engineer of, SMO, LGED – Convener
- (ii) Representative of Deputy Commissioner – Member
- (iii) Area Manager, RP Implementing Agency – Member Secretary

b. Property Valuation Advisory Team (PVAT)

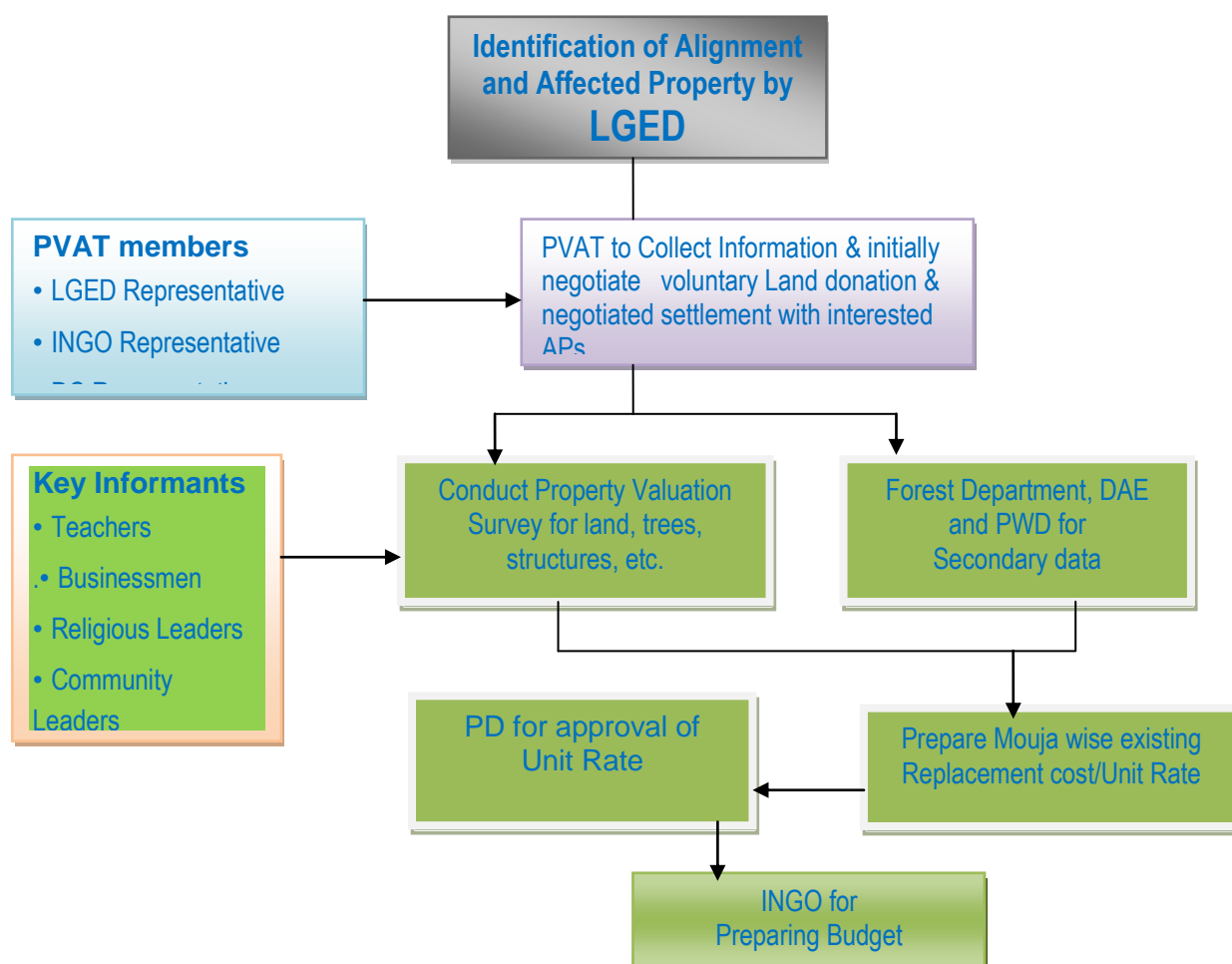
76. A Property Valuation Advisory Team (PVAT) will be formed by the Ministry of LGRD through a gazette notification for the project. The PVAT will review the assessment of the INGO on the market price of the property affected by the project at their replacement cost. The scope and responsibility of the PVAT will clearly be defined in the gazette. The INGO will process the entitlements of the project-affected persons using the PVAT data as one of the determinants. The PVAT will be comprised as follows:

- (i) Executive Engineer of SMO, LGED – Convener
- (ii) Representative of Deputy Commissioner
- (iii) Area Manager, RP INGO – Member Secretary.

77. The procedure for determining replacement cost is described in Figure 7.2 below.

78. The valuation of property will be followed by discussions with affected households as the beginning of a negotiated settlement. There is a Government and community preference for negotiated settlement, particularly through voluntary donation of small parcels of land, to speed up infrastructure funding and development. All negotiations, particularly those resulting in voluntary land donations, will be overseen by an independent third party, external to LGED. Both negotiating parties (EA and APs) will have access to all information including the LARF, Entitlement Matrix, brochures, valuations and planning documents. APs will not be allowed to donate land if it results in their physical displacement or losing more than 5% of their productive assets. Negotiated settlement can take place with such APs as long as it is overseen by the third party and that the valuations are known. Although it is preferable for APs and the EA to negotiate an applicable settlement, they are able to refuse, in which case land expropriation will result under the eminent domain powers of the Government.

Figure 7.2: Procedure of Determining Valuation of Property



4. Resettlement Advisory Committees (RACs)

79. The INGO will assist the LGED to form Union based RACs at project level to involve the local communities and DPs in the implementation process. The RACs will be comprised of a LGED representative (Upazila Engineer or equivalent) as the chair, the INGO as member secretary, two local key informants (Male-1 and Female-1 to be selected by LGED) and representatives of various stakeholders and APs including at least one female AP in the respective area as selected by LGED in consultation with the LGI representative. The committees will seek local inputs from the affected people and communities in the implementation process and assist the EA in all matters related to resettlement. The RACs will ensure local participation in the implementation of the Resettlement Plan.

5. Women Groups in Resettlement Process

80. The RP implementation will ensure a gender sensitive approach in planning, management and operations of resettlement. Separate groups of women affected persons will be formed and operated by the implementing agency. Feedback from the female APs and female headed affected households (AHs) will be obtained through these female focused groups for planning relocation and resettlement. The female staff engaged by INGO will identify

needs of female APs for income restoration approaches and implementation of the income restoration component of the RP. Women were consulted during detailed study of the subproject and will be further consulted during the process of RP implementation.

C. Institutional Capacity Strengthening

81. The LGED has over 15 years experience implementing ADB supported projects and as an institution has acquired knowledge on ADB's safeguards requirements. Senior LGED officers associated with ADB supported projects attended IR trainings conducted by the Bangladesh Resident Mission of ADB in 2011. To ensure effective execution of all IR related tasks, further capacity development at both the project management unit (PMU) and SMO level is needed. The training will specifically focus on the differences between the provisions of the ADB policy and the relevant country laws as the awareness of these differences and the need to follow the provisions of the ADB policy are critical for successful implementation of the RP. The designated Training Specialist and Resettlement Specialist within the MSC will provide such trainings to PMU & SMO officers for capacity enhancement related to the IR planning and implementation and to ensure familiarity with ADB's SPS-2009. All concerned staff will undergo orientation and training on ADB's safeguards policy and management at the beginning of the project, and will also receive on-the-job- training during implementation of the project. Training will cover major issues such as (i) Principles and procedures of land acquisition; (ii) Public consultation and participation; (iii) Entitlements and compensation & assistance disbursement mechanisms including livelihood restoration and relocation; (iv) Grievance redress; (v) Implementation of Resettlement Plan and (vi) Monitoring of resettlement operations and its reporting. The RP shall keep provision for capacity building training.

VIII. GRIEVANCE REDRESS MECHANISM

A. Grievance Redress Mechanisms

82. The EA will establish a mechanism to receive and facilitate resolution of affected peoples' concerns, complaints, and grievances about the project's safeguards performance at each subproject level with IR impacts, with assistance from a suitably qualified and experienced Implementing NGO (INGO). The grievance mechanism will be scaled to the risks and adverse impacts of the project. It will address displaced persons concerns and complaints promptly, using an understandable and transparent process that is gender responsive, culturally appropriate, and readily accessible to all segments of the affected people, at no cost. The mechanism developed shall not impede access to the existing judicial or administrative remedies.

83. Under the Grievance Redress Mechanism (GRM), a GRC will be formed with involvement of local stakeholders. The APs will be appropriately informed about the mechanism by the INGO. This GRC will help the APs to save time and money instead of proceeding for legal process which may be a lengthy procedure. To ensure that the GRM will be able to redress grievances within a short time at nominal cost, the Grievance Redress Committee members will comprise field level SMO officers, AP's and public representatives. The GRC costs will mainly relate to communication, stationeries, etc. which would be covered by the RP's contingency budget or a specifically allocated lump sum. The EA shall ensure that the GRC is working impartially through monitoring GRC activities on a regular basis.

84. A GRC will be established for the subproject or group of subprojects with IR impacts, to ensure stakeholders' participation in the implementation process. Through public consultations,

the APs will be informed that they have a right to grievance redress from the LGED. The APs can also call upon the support of the INGO engaged to implement the RP to assist them in presenting their grievances or queries to the GRC. Other than disputes relating to ownership right and award of compensation by the Deputy Commissioner under the court of law, GRCs will review grievances involving all resettlement assistances, relocation and other supports. Grievances are to be redressed within 21 days from the date of lodging the complaints.

85. The GRC are to be formed and activated during the RP implementation process to allow APs sufficient time to lodge complaints and safeguard their recognized interests.

86. Any AP wishing to lodge a complaint will be supported by the project. Assistance will be given to document and record the complaint, and if necessary, provide advocate services to address the GRC.

87. Any complaints of ownership or other suits, are to be resolved by the judicial system, not by GRC. All APs can access the legal process at any time, without having to proceed through the Project GRM.

B. Grievance Redress Committees

88. GRC will be formed for of the subproject to deal with grievances involving resettlement benefits, relocation, and other assistance. A gazette notification on the formation and scope of the GRCs will be required from the Ministry of LGRD. The GRC for a subproject will be comprised as follows:

- (i) Upazila Engineer, SMO, LGED – Convener
- (ii) Team Leader, RP Implementing NGO- Member Secretary
- (iii) Concerned U P Chairman or his designated U P member – Member
- (iv) Woman UP member of the concerned UP – Member
- (v) One representative of APs – Member

89. Procedures for resolving grievances are described in Table 5 below.

Table 8: Grievance Redress Procedures

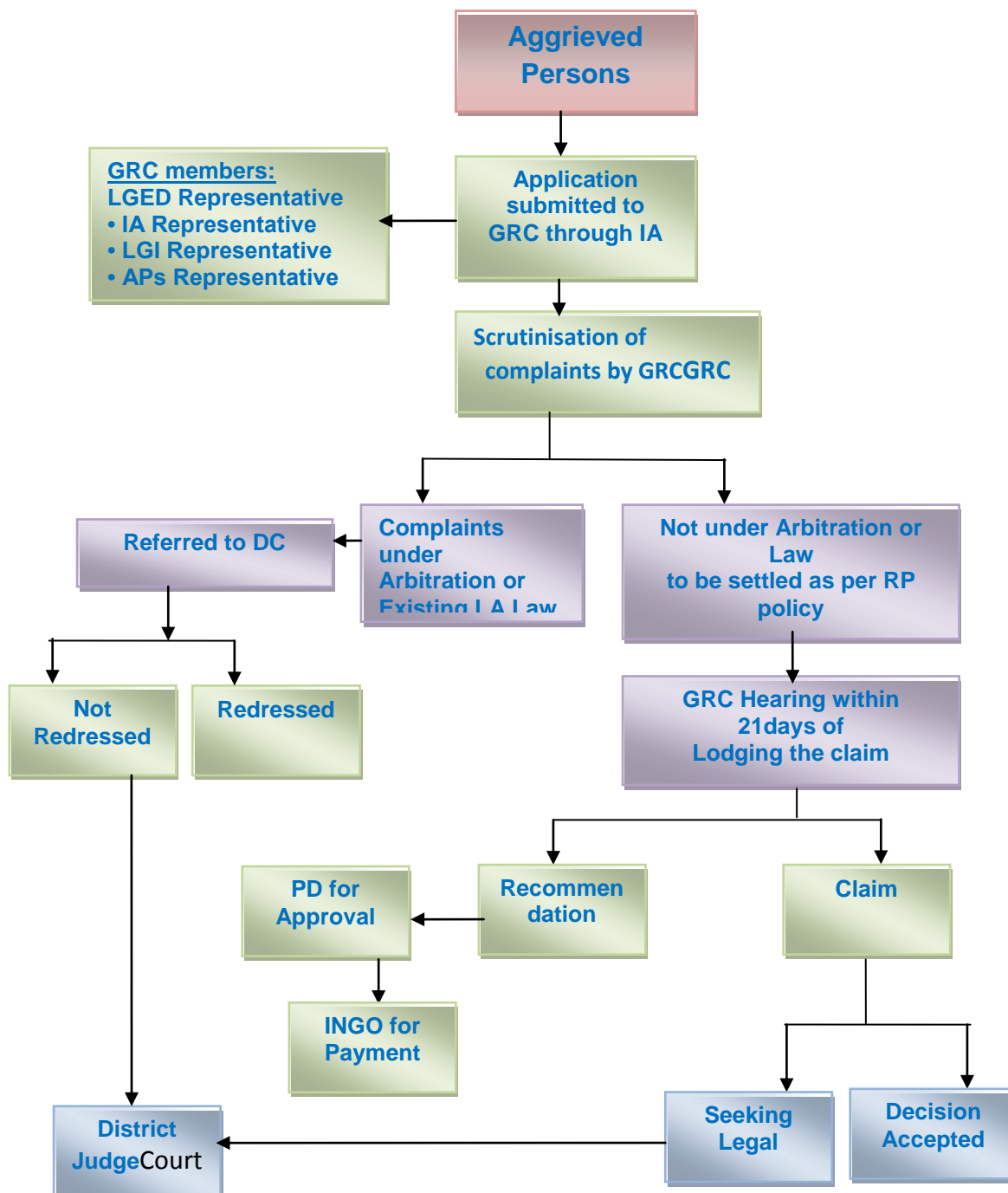
Step-1	An AP has a grievance about any part of the LAR process, and finds that it cannot be resolved.
Step-2	The AP approaches the INGO field level officials for clarification. The INGO will provide clarification to the APs as per RP within 1 day.
Step-3	If not resolved in 2, The AP approaches to the GRC. INGO staff will assist the APs in producing the complaints and organize hearing within 21 days of receiving the complaints.
Step-4	GRC to scrutinize applications and cases are referred to DC through EA if beyond their mandate.
Step-5	If within the mandate, GRC sessions held with aggrieved APs, minutes recorded. If resolved, the Project Director approves.
Step-6	If not resolved: The AP may accept GRC decision, if not, he/she may file a case to the court of law for settlement.
Step-7	The GRC minutes, approved by the Project Director, are received at the Convener's Office. The approved verdict is communicated to the complainant AP in writing.

90. DPs will be able to submit their grievance/complaint about any aspect of Resettlement

Plan implementation and compensation. Grievances can be shared with the LGED verbally or in written form, but in case of the verbal form, the INGO representatives in the GRC shall write it down in the first instance during the meeting at no cost to APs. The APs will sign and formally submit the grievance to the GRC at the respective office of the INGO which is assisting LGED in implementing the RP.

91. A flow chart summarizing the procedure for redressal of grievances is shown in Figure 8.1.

Figure 8.1: Grievance Redress Flow Chart



IX. RESETTLEMENT AND COMPENSATION COSTS AND BUDGET

A. Budgeting and Financial Planning

92. At this stage, a provisional budget estimates for this RP has been prepared by the PPTA Consultant. It is not practical to accurately estimate land acquisition and resettlement costs for the Project at this time because a detailed land acquisition plan has not yet been prepared for the subproject. Provisional quantities only, of land, structures and trees are indicated in the budget.

93. The EA will be responsible for the timely allocation of the funds needed to implement the RP. All land acquisition, compensation, relocation and rehabilitation, administrative expenses, monitoring, consultant & implementation NGO costs, and income and livelihood restoration costs will be considered as an integral component of project costs and timely disbursement of funds will be required for efficient RP implementation. The costs for consultations and GRM will be covered under the operations cost of the RP INGO.

94. This budget includes: (i) costs of land acquisition, structure, trees, relocation, and livelihood and income restoration and improvement; (ii) administrative costs; (iii) RP implementation cost iv) All training costs for the APs including capacity building of EA personnel v) monitoring cost; and (iv) contingencies etc. This budget will require to be updated by the MSC/PMU at the implementation stage. The total estimated budget for resettlement is BDT 3.75 million as shown in Table 9.1 below.

Table-9.1: Land Acquisition and Resettlement Budget⁹ for Kalir Bazar-Chakhar UP & Jangalia GPS cum Cyclone Shelter Access Road Subproject

Sl. No.	Category of Loss	Unit	Quantity	Rate in Tk.	Amount in Tk
A.	Compensation for Land	Decimal	223	4600	1025800
B.	Compensation for structure	Sqm	20.7	2500	51750
C.	Compensation for Trees	Number	500	2500	1250000
Sub-Total (A-C)					2327550
D	Contingency & Taxes/Fees @ 7.5%				174566.3
E. Other Resettlement Benefits					
E-1	Structure moving Grants @10%/Sqm.	Sqm	276.85		5175
E-2	Business Restoration grant (02 months Income		1	6500	13000
Sub-total E:					18175
F. Rehabilitation Cost					
F-1	Micro credit and institutional support for ILR program			L/S	200000
F-2	Training on IGA for FHH			L/S	50,000

⁹ To determining the price of the land, structure and trees, the April 2012 census & SES and Market Survey data has been taken in to account

Sub-total F:					250000
G	EA capacity building training			L/S	100000
H	Operation cost for RP Implementing agency			L/S	500000
I	Operation cost for External Monitoring Agency			L/S	200000
Sub-total A-I:					3570291
J	Contingency @ 5% of the Subtotal (A-I)				178514.6
Grand Total					3748806

B. Approval of the Resettlement Budget

95. The resettlement budget included in the RP will need to be approved by the Ministry of Local Government Rural Development & Cooperatives (LGRD&C) along with the RP and the DPP prepared by LGED. The RP Implementing NGO will assist the MSC and LGED to prepare resettlement budgets covering all eligible loss and entitlements confirmed through joint verification and determination of replacement price of properties by PVAT. This budget will be approved by LGED through appropriate authorities and made available for placement with the resettlement account of the LGED- PMU as per a requisition from the Project Director (PD).

X. RESETTLEMENT PLAN IMPLEMENTATION SCHEDULE

A. Implementing Schedule

96. The implementation schedule for the RP will depend on acquisition of required land, payment of CCL and the subproject works construction schedule. LGED together with the Land Acquisition Officer (LAO), the MSC and INGO will accomplish the above mentioned activities to allow the resettlement activities to be completed in time. The overall schedule of implementation is based on the principle that people affected by the subprojects are paid their due resettlement benefits prior to displacement.

97. A tentative time-bound RP implementation schedule is presented below which will require to be adjusted in accordance with the RP approval, the land acquisition timetable and the subproject construction schedule. The overall schedule of implementation is based on the principle that people affected by the subproject are paid their due compensation and Resettlement Benefits prior to the start of construction work. The INGO will assist the APs in the process of compensation payment and resettlement activities. Individual entitlements on household basis will be processed by the INGO. Each entitled person (EP) will receive an ID card and an entitlement card. The implementation of this RP is provisionally scheduled to be completed in 8 months from the deployment of INGO.

98. The Implementation schedule (Table 10.1) will be followed for implementation of this RP.

Table 10.1 Tentative Resettlement Plan Implementation Schedule

SI No	Land Acquisition & Resettlement Activities	Start Date	Completion Date
1	Deployment & Orientation of IA	Sept. 01, 2012	Sept. 31, 2012
2	Information Campaign	Oct. 01, 2012	April 30, 2013
3	Consultation and focus group	Oct. 01, 2012	April 30, 2013

SI No	Land Acquisition & Resettlement Activities	Start Date	Completion Date
	discussion		
4	Formation of Committees by Ministry of LGRD &C	Oct. 15, 2012	Oct. 31, 2012
5	Design/Development of RP Implementation Tools	Oct. 01, 2012	Oct. 31, 2012
6	Joint Verification Survey by JVT based on detail design within subproject redline area	Nov. 01, 2012	Nov. 15, 2012
7	Identification of land owners for negotiated settlement & voluntary donations by JVT	Nov. 01, 2012	Nov. 15, 2012
8	Fixation of property value and agreement with the APs through negotiation by third party valuator	Nov. 01, 2012	Nov. 15, 2012
9	Property Valuation Survey and determination of unit rate by PVAT	Nov. 01, 2012	Nov. 15, 2012
10	Data Processing and Determination of Individual Entitlements	Nov. 15, 2012	Nov. 30, 2012
11	Preparation & Submission of Resettlement Budget and individual entitlement by INGO to LGED	Dec. 15, 2012	Dec. 31, 2012
12	Approval of Resettlement Budget by LGED	Jan. 01, 2013	Jan. 15, 2013
13	Payment of compensation/resettlement benefits to EPs by LGED & transfer of titles / payment of all fees and taxes	Jan. 16, 2013	April 30, 2013
14	Redress of Grievances	Feb. 01, 2013	April 15, 2013
15	Payment of Other Resettlement benefits based on GRC decision	Jan. 16, 2013	April 30, 2013
16	Relocation of HHs and CBEs	Jan. 16, 2013	April 30, 2013
17	Training and Income Generation Programs	Feb. 01, 2013	April 30, 2013
18	Submission of project completion report by INGO	May 01, 2013	May 15, 2013
19	Monitoring and Evaluation	Jan. 16, 2012	April 30, 2013

XI. MONITORING AND REPORTING

A. Supervision, Monitoring and Evaluation

99. LGED as the EA, through the Project Management Unit, will establish a monitoring system involving the Executive Engineer (XEN), SMO, and the MSC for collection, analysis, reporting and use of information about the progress of resettlement, based on the RP. These stakeholders will be responsible for monitoring the progress of all aspects of resettlement and income generation. The EA will report to the ADB on resettlement and income regeneration by APs in the quarterly reports, including identification of significant issues. Besides, a project completion report stipulating all efforts and outcomes will be submitted to ADB from the LGED.

100. The RP implementation monitoring will be done internally to provide feedback to LGED upon monitoring and evaluation reports and other relevant data to identify any action needed to improve resettlement performance or respond to the changing circumstances. Evaluation of the resettlement activities will be undertaken during and after implementation of the RP to assess whether the resettlement objectives were appropriate and whether they were met, specifically whether livelihoods and living standards have been restored or enhanced. A qualified internal

independent monitor will be engaged as third party monitor during RP implementation. An independent external monitoring agency/monitor will be engaged after implementation of the RP to review implementation of the RP. The evaluation will also assess resettlement efficiency, effectiveness, impact and sustainability, drawing lessons as a guide to future resettlement planning. Budgetary provision has been made in this RP for independent monitoring and review.

B. Internal Monitoring

101. Monitoring will be undertaken by the PMU through the SMO and INGO. The INGO will gather information on RP implementation covering relevant activities as per the schedule. All activities listed will be illustrated showing the target dates for completing resettlement activities. Monitoring reports on RP implementation will be included in the quarterly Project Progress Report (PPR). The EA will make semi-annual reporting to ADB on monitoring. The report of the SMO will contain: (i) accomplishment to-date, (ii) objectives attained and not attained during the period, (iii) challenges encountered, and (iv) targets for the next quarter. The internal monitoring report will then be integrated by the PMU with the overall PPR submitted to ADB. Table 11.1 below shows the potential monitoring indicators that will be reported.

Table 11.1 Potential Monitoring Indicators

Monitoring Issues	Monitoring Indicators
Budget and Timeframe	<ul style="list-style-type: none"> • Have all resettlement staff been appointed and mobilized for field and office work on schedule? • Have capacity building and training activities been completed on schedule? • Are resettlement implementation activities being achieved against agreed implementation plan? • Are funds for resettlement being allocated to resettlement agencies on time? • Have resettlement offices received the scheduled funds? • Have funds been disbursed according to RP? • Has the land made encumbrance free and handed over to the contractor in time for project implementation?
Delivery of DP Entitlements	<ul style="list-style-type: none"> • Have all APs received entitlements according to numbers and categories of loss set out in the entitlement matrix? • How many affected households relocated and built their new structure at new location? • Are income and livelihood restoration activities being implemented as planned? • Have affected businesses received entitlements? • Have the squatters, encroachers displaced due to the project, been compensated? • Have the community structures (e.g. Mosque, etc.) been compensated for and rebuilt at new site? • Have all processes been documented?
Consultations, grievances & Special issues	<ul style="list-style-type: none"> • Have resettlement information brochures/leaflets been prepared and distributed? • Have consultations taken place as scheduled including

	meetings, groups, community activities? <ul style="list-style-type: none"> • Have any APs used the grievance redress procedures? • What are grievances were raised? • What were the outcomes? • Have conflicts been resolved? • Have grievances and resolutions been documented? • Have any cases been taken to court?
Benefit Monitoring	<ul style="list-style-type: none"> • What changes have occurred in patterns of occupation compared to the pre-project situation? • What changes have occurred in income and expenditure patterns compared to pre-project situation? • Have APs income kept pace with these changes? • What changes have occurred for vulnerable groups?

C. Compliance Monitoring

102. Compliance monitoring of RP implementation will cover (i) project compensation and entitlement policies, (ii) adequacy of organizational mechanism for implementing the RP, (iii) restoration of DPs incomes, (iv) settling complaints and grievances, and (v) provisions for adequate budgetary support by LGED for implementing the RP. The MSC will assess if the APs (i) have been paid proper compensation and resettlement benefits; (ii) have reestablished their structures; (iii) have re-established their business; and (iii) were extended assistance to restore their incomes from pre-project levels. It will also appraise the accounting documents used in recording the payments of compensation to APs by the EA.

D. External Monitoring and Evaluation

103. The LGED upon consent of the ADB will recruit an Independent External Monitor for monitoring the performance of RP implementation. The main task and methodology for external monitoring agency will be to monitor and evaluate the whole activities relating to resettlement following appropriate methodology to measure the progress and degree/level of targeted achievement. The specific tasks and methodology for external monitoring shall include: (i) review of pre-Project baseline data on APs; (ii) identification and selection of an appropriate set of indicators for gathering and analyzing information on resettlement impact; (iii) use of various formal and informal surveys for impact analysis; and (iv) an assessment of RP strategy, effectiveness, impact and sustainability, drawing lessons as a guide to future Project preparation work. The independent monitoring agency will monitor activities over the project period and submit quarterly reports and a final evaluation report after completion of the RP implementation. The Independent Monitor will report to the ADB through the LGED within the stipulated time.

E. Reporting Requirements

104. The Project Director will prepare and send status reports to ADB on RP implementation periodically and a final report upon completion of the resettlement program. The report will reflect on the resettlement experience and lessons learned. The progress of land acquisition and resettlement (LA&R) will be included in the Project Quarterly Report.

105. During subproject implementation, LGED will establish a monthly monitoring system involving LGED staff at the SMO and INGO, and prepare monthly progress reports on all aspects of resettlement operations.

106. The Resettlement Specialist of the MSC will conduct periodic reviews and supervision missions during the implementation stage and will report to LGED and the ADB on the progress of all aspects of resettlement activities. A post-evaluation of RP activities will be carried out by ADB to assess the resettlement impact and the efficacy of the RP policy.