

Social and Resettlement Policy Framework

Emergency 2007 Cyclone Sidr Recovery and
Restoration Project (ECRRP)

Ministry of Planning

Government of the People's Republic of Bangladesh

Modified for Additional Financing II

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Abbreviations

ARAP	Abbreviated Resettlement Action Plan
ASPS	Agricultural Sector Program Support
BWDB	Bangladesh Water Development Board
CUL	Compensation Under the Law
DAE	Department of Agriculture Extension
DAEDOFDOL	Departments of Agriculture Extension, Fisheries & Livestock
DC	District Commissioner
DLAC	District Land Acquisition Committee
DLR	Directorate of Land & Revenue
DLS	Department of Livestock
DoF	Department of Fisheries
DRR	Disaster Risk Reduction
ECRRP	Emergency 2007 Cyclone SIDR Recovery & Restoration Project
FAO	Food & Agriculture Organization
GOB	Government of Bangladesh
GRC	Grievance Redressal Committee
JDLNA	Joint Damage, Loss & Needs Assessment
LAPs	Land Acquisition Proposals
LGED	Local Government Engineering Department
NATP	National Agricultural Technology Project
OP	Operational Policy
PAPs	Project Affected People
PCMU	Project Coordination & Monitoring Unit
PSC	Project Steering Committee
RAP	Resettlement Action Plan
RIU	RAP Implementation Unit
S/RPF	Social & Resettlement Policy Framework
SIPP	Social Investment Program Project
WMIP	Water Management Improvement Project
XEN(s)	Executive Engineer(s)

Emergency 2007 Cyclone *Sidr* Recovery and Restoration Project (ECRRP) Project ID P 111272 (Cr 4507 BD)

Social/Resettlement Policy Framework (draft)

Background of ECRRP

1. Cyclone Sidr hit Bangladesh on November 15, 2007. Total damage and losses caused by the cyclone were estimated to be Bangladesh Taka (BDT) 115.6 billion (US\$1.7 billion). More than two-thirds of this was physical damage and one-third economic losses. The damages and losses were concentrated primarily in the housing sector, productive sectors, and public infrastructure. The cyclone was the second natural disaster to affect Bangladesh in six months. Monsoon floods had previously caused extensive damage to agricultural production and physical assets, totaling US\$1.1 billion. The Bangladesh economy has sustained combined effects of the cyclone and the floods of 2007 in the estimated amount BDT 189.4 billion (US\$2.8 billion), or 4.7 percent of GDP of the previous fiscal year.

2. At the request of the Government of Bangladesh (GOB) and its development partners the Bank led a Joint Damage, Loss and Needs Assessment (JDLNA). The JDLNA Report has been distributed among concerned Government agencies, development partners and civil society organizations in the country. Emergency 2007 Cyclone Sidr Recovery and Restoration Project (ECRRP) is expected to provide critical medium to long-term recovery and restoration assistance identified in the JDLNA.

3. The ECRRP will cover restoration of the agricultural sector in the cyclone affected areas, and reconstruction of public infrastructure, including reconstruction and improvement of multi-purpose shelters and rehabilitation of coastal embankments with "build back better" designs. The Project will build new disaster shelters, strengthen disaster risk reduction and management, support monitoring and evaluation of the project and its impact, technical assistance, strategic studies and training to strengthen future emergency response and preparedness to disasters. Most importantly it will support the preparation and initial implementation of the first phase of a fifteen year program for long-term disaster risk reduction (DRR). This is vital for Bangladesh as it is one of the most vulnerable countries to natural disasters and climate change.

4. The expected outcomes to be achieved with this proposed project are: (i) restoration of agriculture sector and livelihoods, (ii) rehabilitation of critical damaged infrastructure, and (iii) strengthening long-term capacity for disaster risk management and reduction. The project aims to accomplish the above outcomes via the implementation of the following five components:

- Component A: Recovery of Agriculture Sector and Improvement Program
- Component B: Construction and Improvement of Multipurpose Shelters
- Component C: Rehabilitation of Coastal Embankments
- Component D: Long-Term Disaster Risk Management Program
- Component E: Monitoring and Evaluation of Project Impact
- Component F: Project Management, Technical Assistance, Strategic Studies and Training, and Emergency Support for Future Disasters

5. The agriculture recovery component will help farmers prepare for Boro growing seasons (dry season) and will strengthen their coping ability for future disasters. The infrastructure rehabilitation program will generate employment (supporting local livelihoods) and repair of critical transportation infrastructure and protection infrastructure (e.g. embankments and shelters) that will help improve disaster preparedness and

response. The Project will support the building of approximately 50 new and repairs to 250 existing multi-purpose shelters, the rehabilitation of over 100 km of embankments, and directly benefit about 1,700,000 households in several of the worst affected districts.

6. Components A, B and C are likely to generate both positive and negative social (and environmental) development impacts, including land acquisition, loss of livelihoods to some people and resettlement. Therefore application of this SRPF would be relevant to these three components mainly to Components B and C but to Component A to a very insignificant extent. A full time and independent Consultant hired under Component E would take responsibility, *inter alia*, for M&E and compliance for the SRPF. Therefore, Components A, B, C and E are outlined below.

Component A: Recovery of Agriculture Sector and Improvement Program (US\$16 million)

7. The objective of this project component is to introduce technologies to improve land use during *Boro* and *Ausso* seasons (dry season during which area is not suitable for growing crops due to high salinity levels), introduce crops and technologies to improve resilience of communities and households in cyclone prone areas to future disasters. This would also help, to a limited extent, in providing short-term and medium term and agriculture recovery assistance to Sidr affected communities and thus improve livelihood. However, livelihood restoration in Sidr affected areas is more broadly addressed through additional financing to the on-going Social Investment Program Project (SIPP, US\$50 million) and programs by other donors. Component A will operate in 13 Upazilas of Khulna and Barisal Divisions in the cyclone damaged areas. The objective will be achieved through the following sub-components.

A1: Support to the crops sub-sector (US\$4.7 million). This sub-component will promote improved production and marketing technologies in the sub-sector and finance a comprehensive technology package, model demonstrations of improved technologies and agronomic practices (especially in terms of yield enhancement and salinity resistance), and farmers knowledge through technical assistance and training to increase the long-term productivity of popular and new crop varieties and encourage agricultural diversification in the affected areas and improve resilience to face such disasters in the future.

A2: Support to the fisheries sub-sector (US\$3.7 million). This sub-component will promote improved production and marketing technologies in the sub-sector and finance the provision of fisheries equipment (e.g. improved boats, nets and safety equipment) and activities to support sustainability of fisheries resources, including an improved knowledge base (through surveys and studies) on the status of coastal small-scale fisheries as well as rehabilitation, technical assistance and training related to improved aquaculture (fish and shrimp) practices.

A3: Support to the livestock sub-sector (US\$4.2 million). This sub-component will promote improvements in the overall management and production practices in the sub-sector, and finance the emergency restoration of cold chain systems for vaccination delivery, stocking of improved goats, sheep and poultry and provision of livestock feed, introduction of improved grasses for animal fodder, technical assistance and training and general healthcare of animals, and construction of improved model dairy and poultry sheds. The focus would be on improved technologies and farmer knowledge about the livestock sector that is suitable for the coastal areas.

A4: Support to community mobilization and facilitation and component management (US\$3.4 million). This sub-component will facilitate the identification and support of formal and informal Farmer fishers' groups and production and marketing community-based organizations (CBOs) (some of which will have been formed under the existing SIPP) to best deliver knowledge, goods and services under this component. It will also include, *inter alia*, an awareness/communication campaign and needs assessments directly with the targeted communities and farmer groups at the start of the project.

Component B: Reconstruction and Improvement of Multipurpose Shelters (US\$40 million)

8. The objective of this component is to provide greater protection for the vulnerable population and livestock in the cyclone prone areas during future disasters. This will be achieved through the following sub-components.

B1: Construction of new shelters (US\$ 15 million). This sub-component will support construction of 50 new multi-purpose shelters to build greater protection for future disaster events.

B2: Improvement of existing shelters (US\$15 million). This sub-component will finance the repairs and improvement of about 250 existing shelters that are damaged or cannot be used due to inadequacies.

B3: Improvement of communication network to shelters (US\$7 million). This sub-component will finance the reconstruction of the road and communication network to the shelters constructed under the project to make them more accessible and effective.

B4: Design and construction supervision of shelters (US\$3 million). This sub-component will finance consulting services for surveys, designs, environmental and social impact assessments, environment and resettlement management plans, and construction supervision of multipurpose disaster shelters and all works covered under the above components. This will also include resources to facilitate consultations with the local communities in identifying sites, needs and suitable design for the shelters.

Component C: Rehabilitation of Coastal Embankments (US\$20 million)

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9. The objective of this component is prevention of saline inundation during normal weather and sustained crop production made possible by reducing cyclone damage. This will be achieved through the following sub-components:

C1: Rehabilitation of coastal embankments (US\$18 million). This sub-component will finance the emergency repair to over 100 km of coastal embankments damaged during the 2007 cyclone. The repair works will be designed with improved standards so that protection can be provided in these coastal areas in future from similar storms. This will include vegetation/plantation along embankments to improve the effectiveness of these structures.

C2: Design and construction supervision of coastal embankments (US\$2 million). This subcomponent will finance consulting services for surveys, designs, environmental and social impact assessments, environment and resettlement management plans, and construction supervision for embankments and all works covered under the above sub-components. This will also include resources to facilitate consultations with the local communities in identifying sites, needs and suitable design for the embankments.

Component E: Monitoring and Evaluation of Project Impact (US\$3.0 Million).

10. This sub-component will finance oversight monitoring and evaluation (M&E) activities to provide continuous feedback to the Government, Project Steering Committee (PSC), and implementing agencies on project performance and impact of its various components, so that corrective actions can be undertaken in a timely manner. The M&E consultants will also supervise implementation of the overall Environmental Management Framework (EMF) and Social/Resettlement Policy Frameworks (S/RPF), careful review and monitoring of sub-project specific social and environmental management plans and impact assessments and supervision of their implementation. This consultancy will also help to reinforce overall transparency and governance during Project implementation and targeting of project intervention to the intended beneficiaries.

Need for Social and Resettlement Policy Framework (SPRF)

11. In view of the emergency nature, ECRRP was processed and approved by the World Bank under World Bank's Operation Policy (OP) 8.0 on "Rapid Response to Crises and Emergencies" dated March 2007. Consequently, a full-fledged, project-specific Environmental and Social Assessment was not carried out for the ECRRP during its preparation stage. However, a Rapid environmental and social assessment, which was undertaken as part of the damage, losses, and needs assessment exercise for the JDLNA, was considered as a basis to gauge the nature of social and environmental issues of the ECRRP. On the basis of this assessment, the Project is classified as Category 'B' of World Bank's standard classification, meaning that its potential adverse environmental impacts on human populations or environmentally sustainable production practices are not sensitive, not significant, site specific, reversible in nature, and can be mitigated with appropriate measures.

12. However, to ensure overall environmental and social sustainability of the Project, it has been agreed that this Social Resettlement Policy Framework (SRPF) [*and an Environmental Management Framework (EMF)*] would be developed and used to assess related environmental and social/resettlement aspects of the subprojects to be funded under Components A, B & C of the project and develop appropriate mitigation measures to mitigate consequent potential negative social (and environmental) impacts. This framework approach is inevitable, as precise nature and scale of sub-projects are little known or unknown in advance until location of the recovery and restoration subprojects are known and exact nature of the rehabilitation are clearly known. In addition, specifics on land acquisition and related relocation of people and resultant loss and/or disruption of livelihoods of the affected people of the subprojects will only be known during and after the design of site-specific sub-projects . The Frameworks will therefore serve as separate set of guidelines to assess the environment and social impacts of all subprojects and develop Environmental Management Plans (EMPs) and Social Management Plans (SMPs) to mitigate adverse environmental and social aspects both in the design and implementation phases of those subprojects.

Potential social impacts of activities under the Project

13. Possible Social Impacts under Component A: Although no adverse social impacts are envisioned under this project component, the proper identification and targeting of project beneficiaries and developing a participatory and inclusive communication and consultation strategy is imperative; as in the absence of these there is significant risk of causing marginalization, especially with respect to women farmers and those with relatively smaller land holdings or belonging to minority groups, and landless fishers.

14. Although land acquisition is not a major concern for the implementation of this component, there may be instances where tube-wells and other similar common resources may have to be installed in the public and/or private land holdings of individual farmers. In such cases usufruct rights ensuring access of the larger community to the common resource will have to be ensured and physically building access routes and/or defining user rights in concrete terms.

15. Possible Social Impacts under Component B: Based on previous field investigations of shelters, and the general nature of anticipated rehabilitation and improvement works, it is assumed that the physical works are unlikely to cause any significant adverse social impacts. However, depending on site conditions, the expansion and construction of new disaster shelters and providing access roads may require acquisition of public and private lands, and some temporary and permanent disruption to livelihoods of people occupying and/or using such lands, and hence may trigger World Bank OP 4.12 on involuntary resettlement. The rehabilitation of existing shelters may also require additional land if significant structural changes including extensions are undertaken and access roads are provided. In summary, social impacts arising from land acquisition may range from temporary requisition and loss of incomes to loss of livelihoods and

permanent displacement of households depending on the magnitude of acquisition with respect to individual landholdings. The physical works relating to this component may also cause temporary disruptions to traffic and businesses and/or temporary shifting of structures such as cowsheds etc.

16. In addition to the social impacts arising from land acquisition, there is also the risk that if the design and rehabilitation/construction of the shelters and access roads are undertaken without: (a) adequate consultation with all the potential beneficiaries of these shelters; (b) proper identification of baseline socio-economic conditions and disaster risk protection needs of the people; (c) establishment of proper guidelines for the movement of people and use of the shelters in the event of a disaster; and (d) maintenance arrangements, the shelters may prove ineffective in accommodating their needs, serving their socio-cultural sensibilities; and may even cause marginalization or exclusion of groups.

Possible Social Impacts under Component C:

17. As the works will largely remain limited to the lands already used for the embankments, no significant social impacts emanating from land acquisition is expected. Use of private lands, wherever needed, is generally expected to be in strips along the existing facilities. Land requirements are also likely to be limited where embankments, if any, are to be retired, and the associated impacts are unlikely to be severe because of the linearity of the embankments. There is also a possibility that works on the- existing embankments, especially on the sections passing through the villages, may temporarily displace households and businesses that may exist there. Although most of the civil works for these activities are expected to be carried out on Government of Bangladesh (GOB) owned land, it is assumed that works on some damaged embankments and for new disaster shelters may require acquisition of privately owned lands and involve disruption of livelihoods to people already living on such land or deriving livelihoods from such land. In this case WB OP 4.12 on Involuntary Resettlement will be triggered.

18. The purpose of this S/RPF is to set out policies, acts, rules, procedures to be followed and organizational arrangements to enhance positive social development impacts and mitigate adverse or negative social impacts of the ECRRP. Mitigation measures will be defined to minimize social impacts. The S/RPF will provide screening, monitoring, and post-evaluation mechanisms. The sub-project or site specific RAPs will be guided by the S/RPF and will provide site-specific mitigation and monitoring measures.

Potential impacts:

	Social Impacts (both Positive and Negative)	Land Acquisition	Loss of Livelihood
Component A: <ul style="list-style-type: none"> • Agriculture • Livestock • Fisheries 	√ √ √	Small amount depending on number and location of tube wells to be installed and related access routes	
Component B: <ul style="list-style-type: none"> • New Shelters • Improvement of existing shelters • Access roads 	√ √ √	√ √ √	√ √ √
Component C <ul style="list-style-type: none"> • Rehabilitation of Embankments 	√	√	√

Prevention of Negative Social Impacts and Mitigation Measures for Component A

19. The Project targets some of the worst cyclone affected districts. It specially targets landless households and small, resource-poor farmers in rural communities of 13 upazilas in Bagerhat, Barguna, Barisal, Jhalokathi, Patuakhali and Pirojpur Districts for the implementation of Project Component A. This geographic targeting would provide the primary basis for targeting the activities planned under Components B and C (rehabilitation of coastal embankments and construction and rehabilitation of cyclone shelters). Interventions planned under Component A require careful targeting of beneficiaries to ensure that the project would reach the most affected people and those who require immediate support to recover livelihoods and agriculture activities in a sustainable manner. An estimated 104,350 poor farmers are expected to benefit directly from Component A in the selected Upazilas and Unions. Of these 71,000 are concerned with crops, 13,650 with fisheries and 19,700 in livestock. An unquantifiable number of households will likely benefit from increased food production and income generating activities.

20. The primary target group and beneficiaries for Component A include: landless households; small and marginal farmers; small-scale livestock owners who have been most severely affected by the cyclone (in the selected upazilas), are (or have been, until the cyclone struck) engaged in agriculture activities including fisheries and livestock, and are among the poorest in the affected communities. Vulnerable groups such as poor and female headed households will also be targeted. Assistance under Component A will be further targeted on households who have not or are not receiving any similar assistance from other previous and ongoing projects or programs providing the same type of livelihood rehabilitation and agriculture support in the cyclone-affected areas.

Targeting and Community Participation in the Project

21. As mentioned before, given the range of activities pertaining to livelihood restoration and introduction of new techniques and technology, and the nature of the intended target communities, the adoption of a robust and participatory targeting strategy is essential to avoid further marginalization, exclusion of certain groups from beneficiary and common interest groups and possible conflict among the local community.

22. In order to ensure effective targeting for Component A, project beneficiaries will be identified and selected through a process involving community self-identification and selection, with support from - and, where necessary, control and verification by- local authorities (e.g. union chairmen) and service providers, including Departments of Agriculture Extension, Fisheries and Livestock (DAEDOFDOL) extensions, non-governmental (*NGOs*) and project staff based in the field (Sub-component Implementation Cells).

23. The component activities will build strong synergies with and be guided by the approach used successfully by the World Bank funded SIPP and NATP and other ongoing FAO programs and the DANIDA funded Agricultural Sector Program Support (ASPS) Project.

- Community mobilization, organization and capacity building of small scale and marginal producers into "common interest" groups will follow the community driven development approach of SIPP and the decentralized, demand led extension approach promoted by NATP.
- The community based farmer-field school (FFS) approach will be used for participatory research and extensions.

- Beneficiaries will be identified through a community process of self-selection, following the approach utilized by SIPP and ASPS, with support from NGOs and approval and oversight from the Agricultural Rehabilitation Improvement Committees at the Upazila and Union levels.
- Beneficiary groups will in turn be federated into union-level farmer's associations (for crops) and producer and marketing CBOs (for fisheries and livestock).

24. Component A will be fully implemented by FAO in close consultation and association with the DAE of Ministry of Agriculture and DoF and DLS of the Ministry of Livestock and Fisheries at the national and field levels.

Social Assessment, Baseline Surveys and Mitigation Measures

25. In order to understand the socio-economic make-up of the communities in selected areas, target groups according to specific criteria and identify social risks more accurately, a social assessment will have to be undertaken at the outset to develop a baseline. The baseline survey will describe the income, expenditure, employment, education, skill sets, living standards, utilities, medical facilities and other socio-economic and cultural aspects (gender issues, religious practices, treatment of minority groups etc.), local power structures (elites, local government authorities, religious leaders) prevailing and in the targeted areas. The findings of the baseline survey will directly inform the targeting process and help design livelihood strategies in a more contextualized and effective manner, keeping in mind local capacities and constraints. This will be further sharpened by undertaking a needs assessment among the targeted groups to understand what their expectations and interests are. A market assessment to understand the demand and supply of local goods and services is also important to design successful and sustainable livelihood strategies.

26. In order to further mitigate for the social risks identified above that may otherwise arise due to Component activities the FAO must ensure:

With regards to Community mobilization:

- A built – in system of M&E is established, with evaluation indicators for all project interventions.
- Social Assessments and ensuing social and resettlement action plans are carried out in compliance with this SRPF.
- Carry out an evaluation of local NGOs with experience in livelihoods restoration in South-west Bangladesh
- Supervise selected NGOs and consultants in undertaking the following tasks:
 - conduct an awareness raising campaign
 - social assessments, baseline surveys
 - annual needs assessment
 - community mobilization, facilitation and capacity building (including formation of producer groups and associations, training on book-keeping, monitoring, reporting and financial management)
 - input distribution (identified beneficiary groups will have to distribute agricultural inputs and farm, fisheries equipment and livestock provided equitably among its members adhering to the Component's selection criteria)
 - monitor and evaluate where necessary

With regards to support to the Crop Sub-sector:

- Design, implementation and monitoring of technological packages will be based on the need identification from beneficiaries of selected villages.
- Effective identification and selection of targeted community-based groups of marginal and small farmers to benefit under the agricultural machinery and seeds, fertilizer activities.
- Supervision of the equitable distribution of machinery and seeds, fertilizer packages to selected farmer groups by NGOs and other implementing partners where applicable.
- Farmer groups must join existing union based farmer's associations (e.g. those established by DAE/ASPS) or form new ones.
- Effective identification and selection of informal community based groups of landless women farmers to benefit under horticulture activities.
- Supervision of training of landless women farmers in improved fruit and vegetable production technologies and post harvest on-farm processing and storage.

With regards to fisheries sub-sector:

- Design, implementation and monitoring of technological packages will be based on the need identification from beneficiaries of selected villages.
- Effective identification and selection of targeted community based groups of landless fishers, marginal and small fish farmers so that they can benefit from capture fisheries and aquaculture activities.
- Coordination with Livestock Component to encourage informal groups of fishers to either join existing union-based producer and marketing CBOs or form new ones by merging together.
- Supervision of fair distribution of capture fisheries and aquaculture packages to the targeted communities/groups

With regards to the Livestock sub-sector:

- Design, implementation and monitoring of technological packages will be based on the need identification from beneficiaries of selected villages.
- Supervision of fair distribution of small and large ruminant packages to producer and marketing CBOs by NGOs and other partners.
- Effective identification and selection of targeted community based informal groups of landless women farmers to benefit under poultry activities.
- Supervision of training of landless women farmers in improved technologies in homestead poultry production, general animal health care, avian influenza surveillance, poultry housing and feeding, storage techniques etc. using participatory and group based extension techniques.

27. In order to mitigate for the possible occurrence of land acquisition should tube-wells need to be installed on private land holdings, the following RPF will provide general guidance to mitigate for ensuing impacts and compensate impacted households.

Monitoring and evaluation

28. Component A will exercise a built in system of M&E at the micro-level of project activities to ensure that the right groups are identified and targeted for project interventions, and to ensure equity and inclusiveness in the distribution of project benefits. An independent monitoring will also be carried out by a group of consultants (M&E Consultants under component E) who will track the project interventions and their impacts, relevant to all five project components.

Implementation Arrangements, Roles and Responsibilities

29. FAO will implement the project Component A in close coordination and association with DAE, DLS and DOF. The Chief Technical Advisor of FAO will be the team leader and report directly to the Project Director of the Project Coordination and Monitoring Unit (PCMU) to be housed in the Ministry of Planning. Considering the urgency and the scope of services to be delivered as well as the geographical coverage of area, FAO will partner with qualified national and/or local NGOs with the requisite experience and access to communities in villages to carry out the needs assessments, social mobilization and delivery of inputs under direct supervision of component staff.

30. It is recommended that for the purpose of carrying out the social assessments, baseline surveys and analyses, consultation and communication strategy, a qualified organization with experience in doing the same kind of studies for similar projects be contracted by FAO. The consultants will study the SIPP, NATP and ASPS Projects closely, as the ECRRP builds significantly on their experience and relies on their institution and capacity building to a great extent at the field level (CBOs, farmer/fisher groups etc). The hired consultant will coordinate closely with the Component Management and Coordination Unit (CMCU) which will work out of Dhaka and the FAO/Emergency Rehabilitation Coordination Unit (ERCU) field office in Barisal. This coordination will be important as the CMCU will be responsible for the day to day coordination of Bank-funded activities, individual project interventions by partners at the divisional, district and upazilla level. All such activities must be designed, developed and carried out with input from the social assessments and baseline surveys. The CMCU will be staffed with a community development and M&E Specialist along with others.

31. The Project will be implemented through existing community-based farmer/fishers' groups (e.g. IPM and ICM clubs, water users associations and common interest groups) established through "farmer field school" approaches, and CBOs of SIPP. These would serve the purposes of selecting the most impoverished beneficiaries, distributing agricultural inputs and facilitating training activities. These CBOs would all receive further training in group dynamics, small-scale processing and storage, produce marketing and business management as well as improved production technologies in their respective sub-sectors. In priority areas where there are no such CBOs, the component will assist farmers and fishers to establish new clubs and farmer groups as well their federated union farmers associations and producer and marketing CBOs. The actual delivery of program goods and services at the community level, including beneficiary identification, would be carried out through partner NGOs, who would be contracted by FAO.

Resettlement Policy Framework for Components B and C

32. The main objectives of this SRPF are to avoid or minimize, to the extent possible, the hardships and impoverishment that land acquisition and displacement associated with the implementation of the project would cause, and to mitigate any adverse impacts thereof at the household and community levels. It is determined, however, that these objectives cannot be achieved by using the country's existing legal framework for land acquisition alone. This RPF will provide the basis to prepare separate Resettlement Action Plans (RAP) for site-specific works as the batches of embankments and shelters are selected for rehabilitation and improvement and sites for new shelters are decided upon. This site specific RAP will provide the details of the impacts and impacted persons, budget and the implementation timeframe and will be subjected to Bank review and approval before the civil works packages are accepted for Bank financing. In case the sub-project activities under Components B or C affect less than 200 people an Abbreviated Resettlement Action Plan (ARAP) may be prepared in place of a full RAP.

Even if more than 200 are affected, but all land acquisition is minor (less than 10% of each individual holdings) and no physical relocation is involved an ARAP may be acceptable.¹

33. The RPF contains (i) a legal framework outlining the principles and guidelines which will be used to acquire lands and mitigate the adverse impacts; (ii) a detailed mitigation policy matrix; (iii) an overview of the organizational framework to plan and implement the mitigation measures; (iv) a grievance redress procedure for the project affected persons (PAPs); (v) a framework to monitor progress in land acquisition and RAP implementation; and (vi) a planning process defining the tasks for land acquisition and RAP preparation and implementation.

Resettlement in the Legal Context of Bangladesh

34. In most respects, the provisions of the acquisition law are significantly restrictive to meeting the requirements of the World Bank OP 4.12. As such, the RPF has been prepared by using the Bank's OP 4.12 and the Acquisition a Requisition of Immovable Property Ordinance, 1982 of Bangladesh. As done in all Bank-supported projects, the RPF has proposed to use the law to legalize the acquisitions as required in the present land administration system, and the principles and guidelines of the OP 4.12 to plan and implement the impact mitigation policies. The RPF used for the River Bank Protection Project (Cr. 2791-BD) and Coastal Embankment Rehabilitation Project (Cr. 2783-BD), the Rural Transport Improvement Project (Cr. 3791 -BD) and Water Management Improvement Project (WMIP) have served as examples for this RPF, since these have tackled many similar issues.

35. Under Component B, as mentioned above, the new shelters may require significant land acquisition depending on the size of the structures required at specific locations, and the (non)availability of public lands. While land acquisition for rehabilitation of existing shelters under component B may be expected to be small, it may add up to relatively large amounts if substantial extensions to existing buildings are undertaken. Road networks providing access to shelters are also expected to be upgraded under Component B, and this may require land acquisition too. All construction activities may cause temporary disruptions and/or requisition of property.

36. Under component C rehabilitation and improvement to the coastal embankments that were damaged due to the surge caused by the Sidr Cyclone will be carried out under an emergency program designed by BWDB. The embankments will be designed with milder slopes on the seaside which will be covered with forestation. Where possible, roads would be constructed on the embankments in order to provide access and improve the maintenance program. Priority will be given to rehabilitate sections which do not involve any social issues such as land acquisition and environment issues. This subcomponent will also support forestation along these embankments for improved protection of these assets. The communities will be involved in the implementation of the forestation program and after care of these assets. Some land acquisition may be required to redesign slopes and construct roads where necessary, even though avoidance of social issues such as land acquisition is a priority for the project.

37. The legal framework presently in use in Bangladesh is not adequate to deal with the adverse impacts associated with land acquisition and involuntary displacement. Lands are acquired according to the 1982 Acquisition and Requisition Ordinance, but its provisions do not fully satisfy the requirements of the Bank's OP 4.12 on Involuntary Resettlement. In essence, the law is largely

¹ Please note that people may have to relocate due to physical and/or economic displacement.

indifferent to the landowners' present socioeconomic conditions, or the long-term changes the acquisition and displacement may cause on the landowners. Also, no other policies are there to complement the acquisition law in ways to assess, mitigate and monitor the adverse impacts that the affected landowners may suffer.

38. To highlight some of the salient provisions of the law that requires added mechanisms to meet the Bank's requirements:

Avoiding/Minimizing Land Acquisition: The law only implicitly discourages unnecessary acquisition, as lands acquired for one purpose cannot be used for a different purpose. However, there are no mechanisms to monitor if this condition is actually adhered to.

Eligibility for Compensation: The law stipulates compensation only for the persons who appear in the land administration records as the owners. It does not recognize the rights of those, such as squatters, who do not possess legal title to the lands they live in or make a living from.

Compensation Paid For: Provides for compensation for lands and other objects built and grown on them (structures, trees and orchards, crops and any other developments like ponds, built amenities, etc.). No provisions are there to assess and restore lost income stream or income sources that acquisition causes to the affected persons, be they legal titleholders or others like squatters, tenants and employees of affected businesses.

Compensation Standards: Although the law stipulates 'market prices' of the acquired lands as the just compensation, the legal assessment method almost always results in prices that are far below the actual market prices². Certain pricing standards, which are regarded as unrealistic, are used to assess other losses like structures and various built amenities, trees, crops, and the like.

Relocation of Homestead Losers: No legal obligation is there to relocate, or assist with relocation of, those whose homesteads have been acquired. Such persons/households, be they titleholders or squatters, are left on their own.

Ensuring Payment/Receipt of the Compensation: Even with the given legal provision, the compensation process is too lengthy, and there is no certainty about when an affected landowner would get the stipulated compensation, or whether he would at all get it. Lands are legally acquired and handed over to the project execution agency as soon as the acquisition authority identifies the owners (or 'awardees'), by examining the records, and sends a legal notice advising them to claim the compensation (or 'awards'). Here ends the legal obligation, and now it is the obligation of the affected landowners to prove, by producing an array of documents that the acquired lands legally belong to them. As gathering these documents is a long, expensive and cumbersome process, many landowners may remain unable to claim their awards³. The project has meanwhile started to use the lands.

² According to the law, the 'market price' is calculated by averaging the sales prices recorded in the previous one year, in terms of land characteristics by land administration units or mouzas. But it is a widely accepted fact that prices determined as such hardly reflect the true market value of the lands. As the sale/acquisition prices are grossly under-reported to evade on sale taxes, assessment of legal compensation almost always fall far too short of the real market prices.

³ In the present land administration system, which is widely accepted as antiquated, land transactions, especially in the rural areas, often remain incomplete. Even after the sale/purchase deeds are legally executed, the sellers continue to remain as owners in the legal records until mutations are completed. As the transaction process is cumbersome and involves costs beyond those mandated by the law, and the practice that lands can be used with the deeds alone, most land transactions do not follow the process beyond deed execution. Many land purchasers are even not aware of the mutation or its significance.

Socioeconomic Rehabilitation: Finally, the provisions are so restricted that the law shows no concern whatsoever about the long-term socioeconomic changes the affected persons and households might undergo in the post-acquisition period. Except for the compensation at the legal 'market price', there are no other provisions in the acquisition or other laws that require the government to mitigate the resultant adverse impacts caused by the acquisition. Socioeconomic rehabilitation of the involuntarily displaced persons is totally absent in the legal regime of the country.

39. In fact, the law is too long on the acquisition process and far too short in recognizing and dealing with the variety and severity of impacts the land-based development projects usually cause at the household and community levels, and even implementing the stipulations enshrined in it. As a consequence, the authorities are seldom aware of whether or not, or the extent to which, development projects are making certain people worse-off.

40. These shortfalls in the legal provisions have been widely recognized as not fulfilling the requirements of the OP 4.12, ever since Bangladesh started to address resettlement issues in the Bank-financed projects in the early 1990s. Ever since, all projects, including BWDB-executed RBPP and CERP, have addressed the involuntary resettlement issues in the Resettlement Action Plans (RAPs), which were planned and implemented as integral parts of the projects. These RAPs used the present acquisition law to legalize the acquisition in the overall land administration system of the country. On the other hand, the provisions of the Bank's OP 4.12 (formerly OD 4.30) provided the bases to define the resettlement policy objectives, formulate mitigation measures, and to plan and implement the RAPs.

41. In keeping with the principles and provisions adopted in these RAPs, as well as the experiences gained so far in planning and implementation of land acquisition and resettlement, the following framework is proposed to mitigate the adverse impacts expected to arise under the project as a whole. This RPF will be treated as a live document and remain open to revisions and refinements as and when warranted during planning and implementation of the phase-wise RAPs. With this framework in place, RAP preparation tasks will basically consist of identifying specific impact details, reviewing the mitigation policies to address any impacts that have remained unforeseen until now, and working out the resettlement budgets and the implementation schedules.

Resettlement Policy Objectives

Social Assessment, Baseline Survey

42. When the sites for new shelters and rehabilitation of older ones and embankments are determined, detailed Social Assessments will be undertaken to identify all project beneficiaries, impacted people and other relevant stakeholders. The Social Assessments will utilize a well planned and all-inclusive communication and consultation strategy and develop a survey methodology to lay out a detailed baseline survey covering the prevailing status of income, employment, education, age, skills and other socio-economic aspects along with cultural and community aspects in the areas. All data will be disaggregated according to gender and age where necessary; a gender analysis will also be undertaken. The results of the social baseline survey and community consultation will be a decisive element in selection of the design, size and location of the shelters. The social assessment will feed into the individual RAPs created for each location and will be incorporated, along with consultation feedback from those identified in the PAP census and all other relevant stakeholders, in the development of mitigation measures, especially livelihood strategies.

Land Acquisition and Impact Mitigation Principles

43. Land acquisition and the associated impact mitigation principles and guidelines have been proposed with the objectives to (a) avoid or minimize displacement, to the extent possible, from private and public lands; (b) mitigate any adverse impacts that may result in situations where displacement could not be avoided; and (c) determine and implement the mitigation measures with direct participation of project-affected persons and beneficiaries. And these objectives provide the bases for the principles and guidelines proposed for land acquisition, adoption of compensation/entitlement policies, and planning and implementation of the resettlement activities.

Minimizing Adverse Impacts:

44. To the extent feasible, the project will consider alternative engineering designs to, avoid or - minimize land acquisition in order to minimize its adverse socioeconomic impacts on the people and communities. Considerations will be made to (i) avoid or minimize displacement from homesteads; (ii) avoid or minimize displacement from buildings/structures used for permanent business/commercial activities; (iii) use least productive lands; and (iv) avoid acquisition of community facilities like educational institutions, places of worship, cemeteries, buildings/structures that are historically/culturally significant, and the like. Attempts will also be made to minimize displacement during implementation of the civil works.

Land Acquisition:

45. In keeping with the resettlement objectives, the project will use the following principles to avoid or minimize land acquisition and displacement:

- a) Alternative designs of the rehabilitation/improvement works will be considered to avoid or minimize land acquisition in general, and particular attention will be paid to use minimum amount of private lands, and as much of public lands as possible.
- b) Alternative designs will also be considered to avoid or minimize displacement from homesteads.
- c) Wherever feasible, construction or improvements on the existing shelters will be designed to use lands that are of lower value in terms of uses and productivity.
- d) Rehabilitation/improvement works will be designed to avoid or minimize displacement from buildings/structures that are used for permanent business/commercial activities.
- e) Where landholdings or structures remaining after acquisition become economically unviable, the landowners will be given the option to offer the entire holdings for acquisition and be compensated for the whole piece of land or structure.
- f) The lands that are khas or under the ownership of other public entities will be procured through the inter-ministerial negotiation process.
- g) Embankments will be re-aligned only where it is necessary to meet project/community demand and the defined technical standards.
- h) More options to avoid/minimize displacement will be explored during social screening and Social Impact Assessments (SIA) of the specific locations where the project components will be implemented, actual design of the rehabilitation/improvement works and their implementation on the ground.

Impact Mitigation:

46. The following impact mitigation principles adopted for ECRRP are based on various lessons learned from projects implemented over a decade.

a) Where displacement is unavoidable, resettlement of the project affected persons (PAPs) will be planned and developed as an integral part of the project, and will be implemented as a development program.

b) Contrary to the requirement in the acquisition law, absence of legal title will not be considered a bar to assistance for the homestead losers, especially those who are socio-economically vulnerable.

c) Vulnerability, in terms of economic, social, age and gender differentiations, of the project affected persons will be identified and mitigated with appropriate policies and supports.

d) Where community-wide impacts are caused in the form of affecting community facilities, restricting access to common property resources, and the like, the project will rebuild such facilities and provide for alternative accesses.

e) Homestead-losers, including the households squatting on public lands, will be given the options of physical relocation on designated lands or any locations they choose, and will be assisted with relocation.

f) The resettlement component will not be used to collect arrear land development taxes, or any other form of taxes, by the land acquisition authority.

Compensation/Entitlement Modalities

47. Since the most preferred "land-for-land" option is not feasible in land-scarce Bangladesh, the compensation for lands will be fixed at their replacement value, and for other affected properties at replacement costs or market prices. The following are the types of compensation/entitlement which will be paid for losses expected to be caused by the project⁵: The principles make the following persons/groups eligible for compensation and support: (i) owners with legal titles/agreements to the affected lands and other properties (tenants, share-croppers); (ii) squatters and encroachers using public lands; (iii) users of vested and non-resident properties; (iv) sponsors/beneficiaries of development programs using public lands (e.g., social/community afforestation and other land-based income generation programs for socio-economically vulnerable groups); (v) persons with usufruct rights; and (vi) communities/groups where impacts are community-wide.

a) Compensation for the acquired lands, which includes home-lots, agricultural and other lands, including ponds and similar developments, will be paid at 'replacement costs' to be determined through market surveys.

All affected non-land properties, such as houses and other structures, trees, seasonal and perennial crops, orchards and other immovable items of value, will be compensated for at replacement costs at the time of first acquisition notification (Notice-3 under the acquisition law).

⁵The variety of the losses listed have been found to be caused by River Bank Protection and Coastal Embankment Rehabilitation projects and WMIP, executed by BWDB, and other similar projects implemented with Bank financing. ECRRP is open to account for any losses that do not appear in this list, or any unforeseen impacts that might be encountered during the design and implementation of the yearly work programs.

- b) Cut-off dates will be established to determine compensation eligibility of persons and their assets. These are the dates on which census of the affected persons and their assets will be taken. Assets such as houses/structures and others which are created, and the persons or groups claiming to be affected, after the cut-off dates will be ineligible for compensation.
- c) Where acquisition causes displacement from homesteads where the affected persons may or may not have title to the land, the project will encourage, compensate for and assist with self-relocation. Where self-relocation is infeasible, the project will arrange for lands to relocate to, and provide for basic social and physical infrastructure.
- d) Assets like equipment, machinery and parts/components thereof which can be dismantled and moved away, will not be eligible for compensation. But the owners will be paid a reasonable amount to cover the dismantling and moving costs.
- e) Owners of the affected businesses will be compensated for temporary loss of income for a reasonable period of time. However, if a business, which is recorded in the census, closes down or moves away for reasons unrelated to the project, it will not be eligible for this compensation.
- f) Employees of the affected businesses will be compensated for temporary loss of income for a reasonable period of time. However, an employee, who is recorded in the census to be employed with a business, will not be eligible for this compensation if (i) the person leaves the business because of personal reasons, or (ii) if the employee is a minor member of the business owner's household and helps him/her on a part-time basis, or (iii) the business closes down or moves away for reasons unrelated to the project.
- g) For the properties that have not been designated as Vested and Non-resident (previously 'enemy' properties under the Enemy Properties Act of 1965) through 1984, and are found to be vested or non-resident during this acquisition, the present users will qualify for compensation three times the value of all crops grown on the acquired portion in any given year⁶.
- h) Compensations/entitlements due to the PAPs will be paid in full before they are evicted from the acquired private and public lands.
- i) The project will identify and implement policies to mitigate any adverse impacts that are unique to the ECRRP and have so far remained unknown.

48. For easy reference, the RPF includes an Entitlement Policy Matrix defining the entitlements, entitled persons, and application and implementation guidelines, in terms of various loss categories.

Compensation Payment

49. As noted above, the compensations/entitlements due to the PAPs will amount to the replacement value/market prices of the affected properties. Given that the existing law will be used to legalize the acquisitions, a part of this compensation will be assessed and paid to the title-holding PAPs by the Deputy Commissioners (DCs -- responsible for the acquisitions). If this payment, 'compensation-under-law' or CUL,

⁶These properties have been left behind by the peoples of minority communities who migrated to India since independence and partition of India in 1947. Although there are certain provisions for inheritance, the law is highly controversial and reportedly much abused, as its application is known to have discriminated against the peoples of minority communities. The total amount such properties is not known. An investigation through 1984 designated some of these properties as 'vested and nonresident', which have since been leased to the private citizens on an annual basis. But there may still remain more of such properties, which are used by the people related to the original owners. During acquisition, if the legal documentation is found unsatisfactory, the DCs declare them as vested and non-resident. This disqualifies the present claimants to ownership and/or users for the compensation-under-the-law (CUL). But, without the project they would have still continued to use these properties. As such, the present users of the lands, which might be declared 'vested and nonresident' during this acquisition, would be eligible for the proposed entitlement.

is lower than the replacement value/market price, the project office will directly pay-the difference (top-up) to make up for the shortfall.

50. The compensations/entitlements due to all other PAPs, such as squatters, business operators and employees, and the like (who are not recognized as affected persons by the law) will also be directly paid by the project office.

51. Where a person loses lands or other assets in more than one mouza (land administration unit), the person will be counted once, and his/her top-up will be paid together⁷. The amount of top-up due to a PAP will be determined by comparing the total amount of CUL paid by the DCs for all acquired lands and other assets in all mouzas with the total replacement costs/market prices thereof.

Grievance Redress

51. A grievance redress procedure will be established to deal with various non-legal issues that may arise during preparation and implementation of the resettlement activities. Such issues more often involve PAPs or affected assets that have been missed by census/baseline surveys. There may also arise minor disputes concerning co-ownership, co-inheritance, etc., of the affected properties, which the Grievance Redress Committees (GRCs) will try to resolve amicably by bringing together the contestants. The GRCs will however not provide legal advice to the contestants. Decisions made by using this mechanism will be binding on the project authority.

Participation in Planning, Implementation and Monitoring

52. The role of communication, consultation and community participation in identification of impacts, targeting communities and designing mitigation measures for Component A of the project has been discussed earlier. For components B and C, it is mandatory under OP4.12 to consult and communicate with all PAPs at all stages of the project cycle. Besides the consultation and communication required for resettlement purposes, it is also important to consult with locals regarding the choice of location for shelters, its design and accessibility elements, proposed improvements to existing shelters must be undertaken in a participatory manner after extensive consultation with local communities in order to take into consideration their preferences, needs, social and cultural sensibilities. All design and process parameters must be sensitive to gender, age and security requirements and respect the privacy and property of people who may have to use these shelters. This will obviously comprise of a much larger population of people than the PAPs who will be directly affected by land acquisition and resettlement. This will be done during the Social Assessments undertaken before development of RAPs; the results will feed directly into the RAP and inform all project designs and mitigation measures where impacts occur.

DEFINITION OF IMPACTS AND IMPACTEES

53. The mitigation principles and compensation/entitlement modalities stated in the preceding section are operationalized by defining and categorizing the potential impacts/losses which will qualify for mitigation. The listed losses/impacts reflect only those evidenced under similar projects implemented by several other Bank-supported projects in Bangladesh⁸. As such, the impacts listed below and included in the policy matrix are not exhaustive and must include any other impacts unique to any specific location covered under

⁷ The 'awards' or CULs are determined in terms of mouzas. As a result, a person becomes entitled to as many awards or CULs as the number of mouzas where his/her properties are acquired. The awards are paid separately for each mouza. On the other hand, the individual affected persons/households are counted once for resettlement purposes -- irrespective of the number of mouzas they lose lands.

⁸ For an understanding of the most probable impacts/losses, the following projects were reviewed: Second Rural Roads and Markets Improvement and Maintenance (RRMIMP); Second Road Rehabilitation and Maintenance (RRMP-II); Third Road Rehabilitation and Maintenance (RRMP-III), River Bank Protection (RBPP) and Coastal Embankment Rehabilitation Projects

the ECRRP as and when they become apparent, to be mitigated with appropriate policies and measures under location specific RAPs.

Impacts Eligible for Mitigation

54. In addition to the following, any other mitigable impacts/losses that may have remained so far unknown will be included in the RAPs, which will be prepared for each yearly/ phased civil works program.

- **Lands:** All kinds of lands, such as agricultural, commercial, home-lot, water bodies, fallow, and others acquired from private ownership. If public lands are resumed from legally authorized private uses, the users will be entitled to the remaining lease value and other entitlements for any losses in accord with the stipulated policies. The unauthorized users, such as squatters, are not eligible for compensation for land, but are eligible for other losses which are covered by the mitigation policies. If land is temporarily requisitioned during construction activities, or disruptions to people's life occur, the project will duly compensate for these.

- **Water-bodies:** Loss of man-made water-bodies like ponds. The compensation will also include the costs of digging such facilities.

- **Stamp Duty:** All affected landowners will be paid for stamp duty required to purchase replacement lands equal to the amount acquired for the project. This will be included in the top-up amount to be paid by the Project Authority above the CUL paid by the DC in order to make up for the replacement value at current market prices.

- **Vested and Non-resident (VNR) Properties:** No compensation will be paid for lands. The present users of the VNR agricultural lands, which are identified during this acquisition, will be paid three times the value of all crops grown in a given year (Compensation for other assets created by the present users will be paid for according to the applicable policies).

- **Built Structures:**

- **Houses and Other Structures on Private Lands:** All built structures, such as living quarters and those used for other purposes, commercial and industrial premises, and brick-concrete built amenities like drainage, sanitation facilities.

- **Houses and Other Structures on Public Lands:** All residential, commercial and community structure/premises.

- **Trees and Orchards:** Market price of all trees, including those in orchards, grown on private and public lands. The compensation for fruits will be assessed (below) and paid in terms of seasonal and perennial characteristics.

- **Fruits and Other Crops - Seasonal and Perennial:** Compensation will be assessed based on the market value of the crops standing in the field and those found on trees at the time of joint on-site verification and inventory. For the seasonal crops, compensation will be paid for only one season, and that for the perennial crops will be paid for three years (three times the value assessed during verification).

- **Rental Income:** Loss of rental income from houses/structures situated on private lands for a reasonable period of time.

- **Temporary Loss of Business and Wage Income:** Loss of business income by owners and wage income by the persons employed in the businesses displaced from private and public lands, for a reasonable period of time.
- **Community Facilities:** Affected educational institutions and other community facilities will be rebuilt by BWDB (No compensation will be paid in cash).
- **Common Property Resources:** Project authority will provide alternative access or develop similar resources, whichever is appropriate. No compensation will be paid in cash.
- **Usufruct Rights:** If such rights, which have been acquired by private citizens/group through a formal agreement with the government, project authority will pay for remainder of the lease value or fulfill the obligations agreed in the contract, and any other entitlements in accord with the mitigation policies (Where agreements are between private parties, the owner of the affected property will fulfill any obligations agreed between them).
- **Severely Affected Persons/Households:** If the acquisition leaves persons/households severely affected (in terms of land and/or homestead loss), project authority will provide extra assistance above and beyond the normal compensation to enable them to cope with the changed socioeconomic condition.
- **Vulnerable Households:** These will be identified according to specific criteria laid out in the RAPs. Such persons/households will be eligible for extra assistance above and beyond normal compensation.
- **Other Losses/Impacts:** All other losses/impacts that have remained unknown as of now, but identified by PAP Census or during RAP implementation on the ground, will be mitigated with appropriate policies and measures.

Project Affected Persons/Groups

55. According to the proposed mitigation principles and modalities, the following persons, households, and entities will be entitled to compensation and assistance. It is to be noted that depending upon the types of losses, a PAP may be entitled to more than one form of compensation/entitlement.

- **Private Land and Other Property Owners:** Legally-recognized owners of affected lands and other assets built and grown on the acquired lands. Legal owners will be identified by the Deputy Commissioners.
- **Tenants:** Tenants living in rented accommodation will be duly notified and given assistance in searching for new premises and shifting
- **Squatters:** Residing on the existing embankments or public lands and/or using such lands for commercial purposes like operating small businesses.
- **Encroachers:** Residing on own titled land attached to the existing embankments or to any public lands acquired for the project and/or using such lands for residential and commercial purposes.
- **'Vested and Non-resident Property' Owners/Users:** Owners/users of the acquired lands and other properties that are designated as 'vested properties' during this acquisition.
- **Sponsors/Beneficiaries of Development Programs Using Public Lands:** They may include social/community afforestation and other land-based income generation programs for socio-economically vulnerable groups, which may have been implemented under the auspices of

government and non-government organizations. Such programs may or may not have formal contract with the land-owning government agencies.

- **Owners and Employees of Displaced Businesses:** For a reasonable period of time, subject to certain conditions (See the section on Compensation/Entitlement Modalities).
- **Rental Income Earners:** From premises situated on private lands, for a certain period of time (Certain conditions will apply - see the section on Compensation/Entitlement Modalities).
- **Persons with Usufruct Rights:** Owners of business and other activities on formally leased-in public lands, in accord with the acquisition law.
- **Community or Groups:** Where local communities and groups are likely to lose income earning opportunities or access to crucial common property resources, special development programs will be undertaken to provide alternatives to restore and improve their livelihood.

56. For adverse impacts on community facilities, such as educational institutions, places of worship, graveyards, cremation grounds, etc, no financial compensation will be paid directly to individual persons and groups. The project authority will itself rebuild the affected facilities, or provide alternatives in consultation with the user communities. For easy reference, an Entitlement Policy Matrix defining the entitlements, entitled persons, and application and implementation guidelines, in terms of various loss categories is provided below.

ENTITLEMENT POLICY MATRIX

57. The following matrix lists 10 categories of impacts that have been seen under several Bank-supported projects in Bangladesh. Any other impacts that might be identified during social screening of the individual sites and PAP Census, as well as those that might be encountered during implementation of the civil works, will be recorded under 'Category 11' and mitigated according to the principles and guidelines stated in the preceding section. It is to be noted that a person could be eligible for compensation/entitlement in more than one category of impacts.

58. As to CUL payment, a person may be paid separately by DCs for each mouza where his/her lands or other assets have been acquired¹⁰. But for top-up from the project authority, the person will be counted once and the top-up will be based on the global losses and the total CUL paid by DCs. The amount of top-up due to a PAP will be calculated by comparing the total amount of CUL paid by the DCs for all acquired lands and other assets in all mouzas with the total replacement costs/market prices thereof.

Category 1: LOSS OF LANDS

<u>Entitlement</u>	<u>Entitled Person</u>
1. CUL, which includes 50% premium, or replacement value, whichever is greater 2. Compensation for requisitioned land will be determined by the Joint Verification Team (JVT). 3. Stamp duties to purchase lands equal to the amount acquired.	1. Legal owner(s), including mortgagors, as determined by DC during CUL payment, or by court in cases of legal disputes. 2. Co-sharers/mortgagors to be determined by title deeds and mortgage documents
<u>Application Guidelines</u>	<u>Implementation Issues</u>

¹⁰The 'awards' or CULs are determined in terms of mouzas. As a result, a person becomes entitled to as many awards or CULs as the number of mouzas where his/her properties are acquired. The awards are paid separately for each mouza.

<ol style="list-style-type: none"> 1. Current market prices of land determined by the Joint Verification Team (JVT) to be the basis for determining replacement value and top-up payment. 2. Purchase of replacement land is not required for stamp duty payment 3. Persons using Vested & Non-resident (VNR) properties under lease will be treated as per lease agreement, and will not qualify for project grant. 4. Advance notice to be issued in time to harvest standing crops. If not possible, the value of crop at full harvest value is to be paid. 5. Stamp duties will be included in the top-up amount to be paid by the Project Authority 	<ol style="list-style-type: none"> 1. PAPs to be informed of the details of compensation policies after issuance of Notice-3 2. Landowners to be assisted to procure any missing legal documents required to claim compensation from DCs 3. Mouza-wise current market prices of lands to be determined, considering their quality in terms of number and types of crops produced a year, flooding, irrigation facilities, accessibility and other factors influencing market prices 4. The project will not be used to collect outstanding dues or taxes on the acquired or other lands.
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Responsibility

1. Project Authority for overall execution and coordination, ensuring GOB's support and timely financial disbursements.
2. DC to pay CUL to all legal owners, and those with the legal evidence of interest in the lands.
3. Project Authority/TA consultants to inform PAPs of RAP policies, assist in updating records, pay difference between CUL and replacement value, and the stamp duties on the acquired lands, and monitor and report progress on RAP implementation.

Category 2: LOSS OF PONDS AND FISH STOCK

<u>Entitlement</u>	<u>Entitled Person</u>
<ol style="list-style-type: none"> 1. CUL from DC which includes 50% premium or replacement cost of pond, including cost of land and digging, whichever is greater. 2. PAPs are allowed to harvest and keep the fish stock. 3. If the pond is under lease from any GOB agencies, compensation from DC as per lease conditions. 	<p>Legal owner of the pond to get compensation for land area, while usufruct right holder, legal or socially recognized, to get compensation for fish stock.</p>
<u>Application Guidelines</u>	<u>Implementation Issues</u>
<ol style="list-style-type: none"> 1. Guidelines 1, 2 and 3 as indicated for Loss Category 1. 2. If the fishpond is on public land and not under lease from GoB, the PAP is entitled to compensation for 25% of the existing fish stock, but is allowed to retain the entire fish stock. 	<p>Magnitude of fish stock and value to be determined by JVT according to Fishery Dept standards and market prices</p>
<p style="text-align: center;"><u>Responsibility</u></p> <p>As in Nos. 1, 2 and 3 indicated for Loss of Agricultural & Commercial Lands.</p>	

Category 3: LOSS OF HOUSES/STRUCTURES USED FOR LIVING & COMMERCIAL ACTIVITIES

<u>Entitlement</u>	<u>Entitled Person</u>
<p>1. Legal Owners: CUL which includes 50% premium, or the replacement value, whichever is greater.</p> <p>2. Legal Owners: House Construction Grant (HCG),</p> <p>3. Squatters/Encroachers: House Transfer Grant (HTG) and HCG for houses/structures belonging to the non-titled PAPs</p> <p>4. All house/structure owners are permitted to retain the salvageable building materials</p> <p>5. Tenants will be given advance notice and assisted with finding alternative accommodation and be given shifting costs.</p>	<p>1. Legal owner as determined by DC during the CUL payment process and/or determined by court in cases of legal disputes</p> <p>2. Socially-recognized owners of houses/structures built on public lands as found during the PAP Census.</p> <p>Tenants (those renting premises for residential and/or commercial purposes.</p>
<p>Application Guidelines</p>	<p>Implementation Issues</p>
<p>1. Legal Owners: Applies to all houses/structures standing on the acquired private lands at the time of issuance of Notice-3.</p> <p>2. Squatters/Encroachers: For (a) shiftable structures, HTG and HCG @ Tk 20 per sft with minimum Tk 1500 and maximum Tk 2000; and (b) non-shiftable structures, HCG @ Tk 30 per sft with minimum Tk 2500 and maximum Tk 3500.¹¹</p> <p>3. At least 60 days advance notice will be served for the affected squatters and encroachers to vacate the lands for project activities when the entitlements will be paid before actual relocation.</p> <p>4. Small structures on poles which can be shifted without dismantling are not eligible for compensation (roadside small pan-bidi shops, groceries, tea stalls, etc.) but will be assisted in finding alternative location and given cost of shifting.</p> <p>5. No affected structures built after the cut-off date will be eligible for compensation.</p> <p>6. The Project Authority, in collaboration with local authorities will make best efforts to identify alternative housing sites for vulnerable squatters.</p> <p>6. All compensation will be based on replacement values to be determined through market surveys.</p>	<p>1. JVT to verify floor areas and materials based on Census data.</p> <p>2. The PAP Census will establish the cut-off date for all structures not covered under CUL.</p>
<p><u>Responsibility</u> As in Nos. 1, 2 and 3 indicated for Loss of Agricultural & Commercial Lands.</p>	

¹¹ These values are based on findings from previous projects. For the purpose of this RPF, values will be based on current market assessments and verified by JVT.

Category 4: LOSS OF TREES, BAMBOO AND BANANA GROVES

<u>Entitlement</u>	<u>Entitled Person</u>
<p>1. Timber trees and bamboos: Current market value.</p> <p>2. Fruit-bearing trees (without Timber): If the tree is at or near fruit-bearing stage, estimated current value of the fruit determined by JVT.</p> <p>3. Fruit-bearing trees (with Timber): If the tree is at or near fruit-bearing stage, estimated market price of timber and fruits.</p> <p>4. Banana Groves: Estimated current value of one time crop of each grown-up tree.</p> <p>5. Trees grown under public/NGO sponsored program: Same as 1, 2, 3, and/or 4 above.</p> <p>6. Owners will be permitted to fell and retain the trees and fruits, after payment of compensation.</p>	<p>1. Legal owners as determined by DC during CUL assessment process.</p> <p>2. Socially recognized owners, such as squatters/encroachers</p> <p>3. People with valid lease from GOB agencies.</p> <p>4. Groups sponsored by public agencies/ NGOs.</p>
<u>Application Guidelines</u>	<u>Implementation Issues</u>
<p>1. Estimated market value of different species of trees, based on categorization: big, medium and small.</p> <p>2. Value of perennial fruits to be determined as three years' value of the crop at the harvest prices.</p> <p>3. Where ownership is in group, compensation will not be paid to the any individual or the sponsoring agency.</p>	<p>Where ownership belongs to groups, the project authority will ensure that the compensation is distributed among the members as per agreements.</p>
<p><u>Responsibility</u> As in Nos. 1, 2 and 3 indicated for Loss of Agricultural Lands.</p>	

Category 5: LOSS OF STANDING CROPS

<u>Entitlement</u>	<u>Entitled Person</u>
<p>1. Compensation for standing crops affected at the time of land handover.</p> <p>2. Cultivator will retain the crops and plants.</p>	<p>Cultivator (person who planted the crop) whether owner, lease holder, tenant, sharecropper, etc. (formal or informal arrangements) as determined by JVT.</p>
<u>Application Guidelines</u>	<u>Implementation Issues</u>
<p>1. Estimated market value at harvest, to be determined by JVT.</p> <p>2. Advance notice to be issued in time to harvest the standing crop. If not possible the value of the crop at full harvest price is</p>	<p>1. Market value at harvest will be established by JVT through on-site verification before handover.</p> <p>2. Verify whether or not crop is in existence on the acquired lands at the time of handover.</p>

to be paid. 3. Share-croppers may avail of livelihood restoration Program	
<u>Responsibility</u> As in Nos. 1, 2 and 3 indicated for Loss of Agricultural & Commercial Lands.	

Category 6: LOSS OF BUSINESS INCOME FROM DISPLACED COMMERCIAL PREMISES

<u>Entitlement</u>	<u>Entitled Person</u>
1. Compensation for loss of business/trading income. 2. Compensation for loss of rental income from rented-out premises situated on private lands.	1. Business operators in the affected premises (title-holders and vulnerable squatters without titles to their informal businesses; whether owning or renting premises), at the time of issuance of Notice-3, or during PAP Census. 2. Owner of the rented-out premises situated on private lands.
<u>Application Guidelines</u>	<u>Implementation Issues</u>
1. Compensation for loss of business income based on average daily net income for three months as determined by JVT. 2. Three months' rent to owner of the premise on private land, as determined by JVT. 3. Vulnerable squatters who were conducting informal businesses may avail of livelihood restoration program Also see Compensation & Entitlement Modalities	1. Eligible premises are permanently fixed to the ground with walls and roofs (not shiftable in intact condition). 2. Business type, floor area and capital investment to be recorded during PAP Census. 3. Eligibility of business owners, and premise owners and tenants to be verified by JVT.
<u>Responsibility</u> As in Nos. 1, 2 and 3 indicated for Loss of Agricultural lands.	

Category 7: TEMPORARY LOSS OF INCOME (WAGE EARNERS IN COMMERCE & INDUSTRY)

<u>Entitlement</u>	<u>Entitled Person</u>
Grant to cover temporary loss of regular wage income for three months or for the period of the transition, should they continue to be employed in the same business/organization	Adult persons employed continuously for at least six months in businesses displaced from private and public lands.
<u>Application Guidelines</u>	<u>Implementation Issues</u>
1. Length of employment to be counted backward from the cut-off date. 2. Grant = daily wage rate x 3 months, to be determined by	1. The JVT to verify these information in relation to the number of employees in the displaced business.

JVT. 3. Minor children of the business owners, who assist on a part time basis, are not eligible for this grant.	
<u>Responsibility</u> The project authority (1 and 3 as for Loss Categories 1 and 2).	

Category 8: LOSS OF USUFRUCT RIGHTS IN MORTGAGED-NV, LEASED-IN AND KHAI-KHALASHI LANDS

<u>Entitlement</u>	<u>Entitled Person</u>
Compensation as per Loss Categories 1 & 2 above, to be shared as per usufruct/mortgage contracts.	1. Persons with legal agreements. 2. Persons with verbal agreements.
<u>Application Guidelines</u>	<u>Implementation Issues</u>
<p>1. Legal Agreement: Legal owner and mortgagee/leaseholder will be paid CUL by DC as per the law.</p> <p>2. Verbal Agreement: Legal owner will pay the outstanding liabilities to the interested persons upon receipt of CUL from the DCs.</p> <p>3. In cases where CUL is smaller than replacement value, legal owner will get the top-up from project authority (i) if all liabilities are already paid up; (ii) if not, the legal owner will get the residual after all liabilities are paid up. If the liability exceeds the amount to be paid by the project authority, the landowner will pay it.</p>	<p>1. Where the contract is verbal, As in Nos. 1, 2 JVT will verify the persons with interests in the acquired assets due to mortgage, lease or khai- khalashi right.</p> <p>2. Any disputes over verbal agreements to be resolved through grievance redress procedure.</p>
<p align="center">Responsibility As in No. 1, 2 and 3 indicated for Loss of Agricultural Lands.</p>	

Category 9: USES OF VESTED & NON-RESIDENT PROPERTIES (VNR)

<u>Entitlement</u>	<u>Entitled Person</u>
<p>1. Agricultural Land: Three times the estimated value of all crops produced in the acquired land in the year or preceding year of acquisition.</p> <p>2. Homestead Land: (a) If only a portion of the land is acquired, the user is allowed to live on the remaining land and assisted to relocate his/her houses with HTG and HCG as stipulated for Loss of Houses/structures.</p>	Present users of the VNR properties found during the PAP Census.

<u>Application Guidelines</u>	<u>Implementation Issues</u>
1. Apply only to those cases that are identified by DCs during the acquisition for this project. 2. Will not apply to those VNR cases which were identified through 1984. Leaseholders of such lands will be treated by DCs as per agreement, and the project authority will have no obligation to deal with them.	JVT will verify whether the property was designated VNR earlier (1984 or before), or designated during acquisition for ECRRP.
<u>Responsibility</u> The project authority (1 and 3 as indicated for Agricultural and Commercial Lands).	

Category 10: OTHER/UNKNOWNLOSSES

<u>Entitlement</u>	<u>Entitled Person</u>
Other impacts that may have remained unknown shall be mitigated based on the same principles applied for other impacts described in the Policy Matrix. The nature of entitlements and support mechanism shall be approved by GOB and IDA.	Legal owners, squatters and others with an interest on the lands.
<u>Application Guidelines</u>	<u>Implementation Issues</u>
To be based on PAP Census and nature of the impacts	To be agreed upon by GOB and IDA.
<u>Responsibility</u> As in Nos. 1, 2 and 3 indicated for Loss of Agricultural & Commercial Lands.	

59. Further Mitigation Measures:

In addition to the above the eligible PAPs will also be entitled to further mitigation measures taking into consideration the following:

60. **Economic Viability of Residual Land after Acquisition:** If after the acquisition it is found that the remainder of the land is no longer economically viable, then the project will have to treat the entire land holding as acquisitioned and make compensation accordingly. If the landholding is marginal-small, i.e. less than 30 decimals, taking away even a small chunk of land can hinder the owner's subsistence. Hence payment should be made for the whole piece of land at replacement rate. The SIA and Household Survey done at the time of preparing the site-specific RAPs will describe individual PAP's total landholding and magnitude of acquisition and how this will impact his/her livelihood.¹⁴

61. **Severely Affected Households:** Those PAPs who lose over 30% of their land holdings, where the primary source of their livelihood is the land holding itself, will be categorized Severely Affected and be entitled to the Livelihood Restoration Program.

¹⁴ According to findings of WB funded National Agricultural Technical Project (NATP), approximately, 80% of the farm households are classified as small (between 0.02 and 1.0 ha, with an average farm size of 0.35 ha) and they account for about 40% of the agricultural land area. The above figure is based on lessons learned from SIPP, NATP, WMIP among other WB funded projects in Bangladesh.

62. Livelihood Restoration Program:

The Resettlement Policy takes a developmental view and aims to improve the living standards of affected people; at the least the RAP must ensure that PAPs are not worse off after the project. Vulnerable squatters and severely affected households, workers losing jobs due to displacement of businesses, share-croppers losing their income stream etc. will be entitled to a livelihood restoration program above and beyond the normal compensation. The livelihood restoration program will be spelled out in the individual site-specific RAPs and will be based on consultation with PAPs and their socio-economic profile, skill-set, level of education etc. Typically such programs have incorporated vocational training, microfinance, provision of employment in project construction activities and grants.

ARRANGEMENTS FOR PREPARATION AND IMPLEMENTATION OF RESETTLEMENT ACTION PLANS

63. PREPARATION OF RESETTLEMENT ACTION PLANS

With this Resettlement Policy Framework (RPF) in place, separate Resettlement Action Plans (RAPs) will be prepared for each site-specific civil works program. A typical RAP will contain information, on the amount of lands required from private and public ownerships; details of the impacts/losses and the number of landowners and others being affected; the alternatives/measures considered to minimize displacement; review of the applicable mitigation measures (with new ones, if necessary); a detailed budget to implement the mitigation measures; and a time-schedule for RAP implementation. As also explained later, the process tasks required to generate these RAP inputs will seek active participation of the PAPs and other stakeholders identified during the screening and SIA process.

Abbreviated RAP: In case the sub-project activities under Components B or C affect less than 200 people, an Abbreviated Resettlement Action Plan (ARAP) may be prepared in place of a full RAP.

Even if more than 200 are affected, but all land acquisition is minor (less than 10% of each individual holdings) and no physical relocation is involved an ARAP may be acceptable¹⁵.

64. Preparation of Land Acquisition Proposals

For the RAP preparation process to begin, the exact ground locations of the required lands are to be identified first. As such, following the selection of sites, the engineering consultants will carry out detailed engineering surveys and design the construction, rehabilitation and improvement works and lay them on the mouza maps. This will provide the basis to prepare the land acquisition proposals (LAPs) which require administrative approval by the relevant Ministries before they are submitted to DCs for acquisition. The LAPs will be prepared for each site and will include plot schedules, (with dag or plot numbers), the amount of land to be acquisitioned from each plot, and the ownership status, such as private and public lands. With the acquisition locations demarcated on the ground, work on the major process tasks, such as social screening and PAP census, will begin to generate the RAP inputs.

65. The Land Acquisition Procedure

Upon receipt of the LAPs, the DCs will register the cases, and organize a physical verification of the information provided in the documents. The XENs deputed by the project authority, supported by the Directorate of Land and Revenue (DLR) staff, will answer to any queries from the DC offices and assist to resolve any issues and problems with the LAPs. Physical verification will then be followed by the following steps in the acquisition process:

¹⁵ Please note, people may have to relocate due to physical and/or economic displacement.

- The DCs will issue the legal Notice-3 (under Section 3 of the law), which will contain the plot numbers from which lands will be acquired and its purposes. The notice, which will be displayed in public places, will give the concerned landowners a fixed period of 15 days to lodge objections to the proposed acquisitions, and another 30 days (maximum, if Divisional Commissioner allows) for the DCs to hear them.
- Upon resolution of the objections, if any, the DCs will then submit the LAPs/LA cases to the District Land Acquisition Committee (DLAC) for review and approval.
- Following the issuance of Notice-3, and while the approval is being processed, an on-site inventory and verification will be carried out jointly by the acquisition officials and the project authority staff, in the presence of the concerned PAPs, to classify and document the assets that will be acquired and compensated for.

66. While the district acquisition officials will themselves assess, according to the legal method, the compensation for the land, other assets, such as houses and other built structures, trees, standing crops, etc will be assessed by the representatives of the concerned GOB departments, such as Public Works, Agriculture, Forestry, etc, by using departmental standards. The compensation so determined is the compensation-under-law or CUL which may or may not be the replacement values/current market prices of the acquired assets.

- Upon receipt of the Divisional Commissioners' approval, hearing of any objections by DCs, and completion of the joint on-site inventory and verification the DCs will issue Notice-6 to the individual property owners stating that the inventoried assets will be acquired- and taken possession of, and that all claims for compensation be made to the concerned DCs. The claims will be made and reviewed on the basis of this on-site inventory and verification.
- Once valuation of all assets is completed, the DCs will prepare the 'compensation assessment rolls' or compensation budgets for the individual LAPs/LA cases and submit them to the XENs of the project authority requesting the funds within a maximum of 60 days. After review, the XENs will send the budgets to the Project Authority for approval.
- Upon approval, the XENs will place the funds with the DCs who will in turn issue Notice-7 indicating the amount of compensation, and advising the landowners to make the compensation claims, with the evidence that they are the legal owners or have an interest in the lands. The following evidence are required¹⁶:
 - Record of Right (ROR) or Porcha as proof of ownership to the lands
 - Rent Receipt (RR), commonly known as Dakhila where the affected person owns lands in excess of 25 standard bighas.
- The claims for compensation are accepted if the ownership evidence are found satisfactory. The CUL is then paid by checks drawn on the GOB Treasury at the district headquarters. If a landowner loses lands in more than one mouza or LA case, CUL payments are made by as many checks.

¹⁶ Although Rent Receipts or Dakhilas are required of those who own lands in excess of 25 bighas, they are often sought of all landowners, irrespective of the sizes of their ownerships. The land administration system does not have a certain way to verify how much land a particular affected person owns.

67. The XENs, assisted by the DLR staff and TA consultants, will play a critical role by liaising with the DCs and acquisition officials, including those of the Public Works, Agriculture, Forestry and other departments, and by following through every step of the process and monitoring progress in acquisition. The Project Authority will also remain prepared to provide any logistical support considered essential by the acquisition officials.

Census of Project-Affected Persons/Households

68. These PAP censuses will begin as soon as the exact locations of the required lands are demarcated on the ground. They will provide an estimate of the would-be affected landowners and squatters and establish the cut-off dates as to who and what assets would qualify for compensation. These censuses will identify the landowners and squatters, including those with usufruct rights to any private and public lands, by name and location and list the assets they have created on the lands targeted for acquisition at each site. These data will be used to determine the loss categories and, if needed, to adopt new measures to mitigate any impacts unique to any particular site, as well as to prepare the site specific resettlement budgets.

Determination of Replacement Value/Market Prices

69. The DCs will determine the CUL by using the legal method. However, in keeping with the proposed compensation principles, the project authority, assisted by Joint Verification Team (JVT), will determine the replacement values/current market prices of the affected assets. The coverage and the proposed survey methods are as follows:

- **Lands:** Will include all kinds of lands, such as agricultural, homestead, fallow, etc. To ensure transparency and fairness, this will be done at two stages: (a) during site assessment and screening the consultants hired by the project authority will collect information on current market prices of different kinds of land that are likely to be needed (along and in the vicinity of the civil works) to carry out the anticipated construction, rehabilitation/improvement works, from a sample of the potential project beneficiaries; and (b) at mobilization, the relevant stakeholders will be consulted about the current market prices. The two sets of prices will be compared for each site and a rate for each type of land will be jointly worked out in consultation with the beneficiaries and would-be affected landowners.
- **Houses and Other Built Structures:** The project authority and JVT will jointly determine the per unit replacement costs for different types of structures, based on the current market prices of different kinds of building materials in the local markets.
- **Trees, Seasonal and Perennial Crops, etc:** The project authority and JVT will jointly determine the compensation based on market prices in the local markets.
- **Temporary Income Losses (Business, Wage and Rental):** The project authority and JVT will jointly determine the compensation, by using the relevant rates.
- **Unforeseen Losses:** Compensation for any unforeseen losses will also be determined by the project authority and JVT by using methods that will be considered most appropriate.

70. Joint verification of the affected properties will be conducted in the presence of their owners. The JVT could consist of the following four members or more, depending on arrangements and agreements reached through consultation with stakeholders:

- Sub-Divisional Engineer, from the project authority (implementation agencies for Components B and C are LGED and BWDB respectively)
- TA Consultants and member of the RIU of each agency
- PAP Representative

- Representative of local government body
- Local Land Officer
- Revenue Surveyor

The TA Consultants who will be hired by the implementing agencies for SIA and preparation of the site-specific RAPs will also be responsible for conducting the market surveys to determine the replacement value of all assets impacted/lost due to the project. The TA Consultant will work closely with the designated Resettlement specialist(s) from the RAP Implementation Units (RIU) of each implementing agency.

The PAP representative may be identified through a consultative process involving PAPs, local authorities, voting or nominations.

71. Reports, recording the replacement value/current market prices of the different asset categories, will be produced by the project authority and discussed with the PAPs businesses including local government officials before finalization. These compensation data will be used to prepare the resettlement budgets.

72. The project authority will share each RAP with the Bank for review and approval, before the civil works packages are accepted for Bank financing. At BWDB/ LGED, the Project Coordinator, assisted by the RIU and the TA consultants, will follow on and facilitate the entire preparation and approval processes. The field staff will carry out the process tasks under close supervision of the RIU of each agency and TA consultants hired by the agencies, who will also prepare all data gathering (census and market price surveys, etc.) instruments, process the data, and prepare the RAPs. At implementation, the implementing agency/project authority will ensure that all compensations/entitlements due to the PAPs are paid in full, before the civil works begin on the acquired lands, including the public lands resumed from private uses.

Consultation and Information Dissemination

73. Consultation and communication will be used as a key tool to assess local demand for shelters and rehabilitation and improvement of the existing shelters and embankments in accordance with their socio-cultural needs and requirements. Gender inclusion in these consultations is essential, as is a focus on the needs of the elderly, children and the handicapped (especially for Component B). Special attention must be given to issues of personal safety and that of livestock and other personal property. The feedback from such consultation should be reflected in not only the design of shelters and improvements to existing ones, but also in the process of organizing and managing the users of these shelters.

74. In accordance with OP4.12, Consultation and Communication are the cornerstones of RAP building, and must be started from the time of project identification itself. The consultation and participation process may include four phases: i) data collection, ii) preparation and planning of operations, iii) implementation of operations and iv) monitoring and evaluation.

75. The data-collecting phase will include consultations with PAPs and other relevant stakeholders. The data collected will serve as instruments for the monitoring of the social mitigation measures applied. PAPs will be consulted to participate in the data-collecting phase by providing socio-economic information about their livelihoods. Also, PAPs will be consulted through meetings and FGDs to discuss the social impacts of project operations and the mitigation measures suggested. The contributions of the PAPs will be integrated into the subproject implementation process, from planning to evaluation.

A communication and consultation strategy with detailed methodologies must be prepared for the purpose of each site specific RAP. The proceedings of these consultation sessions and communication activities must be recorded and duly reported.

Grievance Redress

76. A formal grievance redress procedure will be set up to answer queries and address complaints that the PAPs may raise during land acquisition, and RAP preparation and implementation. The grievances may include disputes over ownership and inheritance of the affected assets, distribution of compensation among the heirs, missing affected assets and persons in the census, etc. The procedure will seek to resolve an issue quickly and amicably in order to expedite the compensation process, and save the PAPs from resorting to expensive and time-consuming legal actions. The composition of the Grievance Redress committees will be done in a participatory manner after consultation with all stakeholders. The following is an example of a typical structure for these types of committees:

- RIU Staff member
- Union Parishad Chairman
- Female Union Parishad Member
- PAP representative (2)
- Member of NGO (appointed for Livelihood Restoration)

77. All grievance decisions will be made in formal hearings. No GRC members can be contacted by the aggrieved PAPs in advance. The convener will have the authority to (i) reject a grievance redress application with any recommendations written on it by a GRC member or any other person; (ii) remove a recommendation by any person that may separately accompany the grievance redress application; (iii) disqualify a GRC member who has made any recommendations on the application or separately before the formal hearing; and (iv) appoint another person in consultation with the Superintending Engineer and keep the Project Coordinator informed of the replacement. The convener will also ensure strict adherence to the compensation rates established through market price surveys or by JVTs. To ensure impartiality, fairness and transparency, the GRCs will record the details of the grievances and the reasons that led to acceptance or rejection of the particular grievances, and will present them at review meetings.

IMPLEMENTATION OF RESETTLEMENT ACTION PLAN

78. The project will be implemented by four agencies, the Ministry of Food and Disaster Management (through DMB), the Ministry of Agriculture and the Ministry of Fisheries and Livestock (through FAO), the Ministry of Water Resources (through BWDB), and the Ministry of Local Governments (through LGED). A Project Steering Committee (PSC) will be established in the Ministry of Planning. The PSC will be chaired by the Secretary of Planning, and include Secretaries of the Ministries of Water Resources, Agriculture, Fisheries and Livestock, Food and Disaster Management, Local Governments, and Director Generals from BWDB and LGED. The PSC will provide oversight and coordination in implementation of the Project. A small Project Coordination and Monitoring Unit (PCMU) will be established in the Ministry of Planning to coordinate and manage the Project. The PCMU would be headed by a Project Coordinator and supported by a Technical Specialist, a Procurement Specialist, a Financial Management Specialist, and an Accountant and support staff.

79. For the purpose of this RPF, the responsible implementing agencies will be LGED for Component B and BWDB for Component C. These agencies are the leading government agencies that are mandated to carry out the rehabilitation and new construction works (cyclone shelters and coastal embankments) planned under the Project. These agencies have established organizational arrangements with qualified and experienced staff across the country. Therefore Heads of these agencies (LGED and BWDB) will take primary responsibility for the planning and implementation of the physical works of these Components B and C. Once the site-specific RAPs are prepared those RAPs having significant resettlement issues involving

acquisition of land more than 10 hectares and/or other complexities will be cleared by PSC. All other RAPs will be cleared by PCMU on the basis of the review of the M&E Consultants.

80. To assist the heads of the agencies in the execution of the project activities, an implementation cell would be established within the headquarters to plan, coordinate and monitor Component B/C related project implementation with field units, administer major consultancy, goods and civil works contracts, and operate the special accounts for the respective agencies, and to liaise and coordinate with the planning units responsible for implementation of subcomponents D2/D3. Each of these implementation cells would be headed by a full time Director, either deputized by the agency head or hired locally. The RAP Implementation Unit (RIU) would be set up under the Project Implementation Cell of the respective agencies. This would comprise of designated full time staff assigned by the Chief Engineer (LGED) and DG (BWDB) to coordinate and implement the SRAPs for the respective components.

81. Each Agency will hire an international/national consultancy firm/research organization through competitive selection for the purpose of design and supervision of the Components. These consultants will be responsible for the social assessments, baseline surveys, market-surveys, consultation and communication strategies and preparation of the site –specific RAPs. The agencies will also hire a reputable NGO which has been working in the localities and has an established relationship of trust amongst local people to design and administer the Livelihood Restoration components, and help with updating data regarding field surveys as and when required.

82. Executive Engineers (XENs), Superintending Engineers will assist the designated full time staff from the RIU in implementing the RAP related activities on the ground and overseeing all process activities (such as, preparation of land acquisition proposals, PAP census, market price surveys, etc) leading to land acquisition, and RAP preparation and implementation. The PCMU in coordination with the RIU and the M&E consultant will provide general oversight.

83. The design and supervision consultants will also assist LGED and BWDB implement the site specific RAPS and ensure compliance of the works completed by the civil works contractors, among other responsibilities. The field level engineering staff of the agencies will carry out the physical works adopting the established administrative practices and procedures and the RPF, civil engineering norms for surveys, design, and construction quality control. The M&E Consultants hired under Component E will help monitor and supervise the implementation of the RAPs (this is discussed below).

84. For the purpose of the overall project, the Director of the Implementation Cell will report directly to the Project Director of the Project Coordination and Monitoring Unit (PCMU) of the Ministry of Planning. The Director will prepare and send to the PD (PCMU), annual and quarterly work plans, budgets, progress reports, and financial reports and various other reports and information requested by the PD and the M&E Consultants from time to time. In order to facilitate the implementation oversight, coordination and monitoring of the project activities by the PCMU, all official day to day communication between the Director of the implementation cell and the Project Director of the PCMU will take place directly but such communication being copied to the respective Agency Heads and Secretaries of the respective Ministry for information. Policy matters that require clearances of the respective Agency Heads and Secretaries will be taken up and resolved at the Project Steering Committee.

Organogram

85. A specific Organogram for the project components cannot be spelled out at the moment without reviewing the organizational structure, internal capacity and contractual agreements with consultants and

contractors who will carry out the civil works on the ground. The WMIP Project, implemented by BWDB followed a similar organizational structure and can be used as an example. The site specific RAPs will provide an Organogram for the organizational structure for carrying out the RAP implementation activities with specific roles and responsibilities spelled out for each actor.

Consultation, Communication and Community Participation

86. In accordance with OP4.12, Consultation and Communication are the cornerstones of RAP building, and must be started from the time of project identification itself. For components B and C, local communities will actively participate in consultations with the relevant staff of the project implementing agencies on the identification of sites, needs, and suitable designs for the rehabilitation and reconstruction of disaster risk reduction systems undertaken as part of this project. They will be involved in every stage of the Project and/or scheme implementation, including planning, and deciding site specific designs and implementation issues. The preferences, priorities and concerns of those potential beneficiaries will be fully integrated into the final designs and implementation schedules of project interventions. Any technical assistance should be community and needs-based and take into account the special circumstances of affected people in this particular disaster situation. The contribution from beneficiaries (cash and/or kind) towards project interventions as well as the introduction of new, improved production, processing and marketing technologies through production/farmer groups should ensure the full participation of beneficiaries and the full decentralization, democratization and transparency of project interventions.

Monitoring and Evaluation

87. An independent M&E consultancy, financed under Component E, will report to the PSC (but its contracts will be managed by the PCMU) and is responsible for overall monitoring and supervision of the implementation and impact of various subcomponents for the whole project. They will also supervise implementation of the overall EMF/SMF and the site specific RAPs, review and monitor for each sub-projects the specific social and environmental management plans and supervision of their implementation. The M&E activities will cover, among others, social impact of construction activities in the project area in particular on any wetlands, ecologically or culturally important sites, population and livestock; any acquisition of public and private land and assets, agreements reached and arrangement made for acquisition of assets; socio-economic impacts and the impact on the level of employment, livelihood and household incomes in the project area; estimation of the project's overall benefits and economic rate of returns etc. The consultants will refer to the socio economic baseline constructed by the design and supervision consultants during the course of the Social Assessments carried out by them. The M&E consultants would also establish at the outset a generic baseline regarding the present conditions, design, utility and durability of the shelters and embankments; so that they can measure in concrete terms the improvements in their design standards, durability, utility and resilience. The M&E will be carried out using latest technology such as satellite imagery and GIS systems, where necessary.

88. Engineering designs of the rehabilitation and improvement works are a prerequisite to determining the amount of lands and identifying their locations on the ground, and carrying out the process tasks required to prepare the land acquisition proposals and RAPs. Including this, monitoring will include an array of tasks specifically related to Land Acquisition that are known to be time-consuming.

Land Acquisition

89. The following are the major tasks/actions which will be monitored in the land acquisition process:

- Engineering designs of rehabilitation/improvement works completed
- Land acquisition proposals (LAPs) prepared and land ownership status sorted out

- Land requirements demarcated on the ground
- LAPs approved (administrative) by Ministry of Water Resources
- LAPs submitted to DCs
- LAPs approved by DCs/DLACs
- Notice under Section-3 issued by DCs
- Notice under Section-6 issued by DCs
- Acquisition budgets prepared and sent to XENs
- Superintending Engineers at Circles approved DCs' budget
- Acquisition funds placed with DCs by XENs
- Notice under Section-7 issued by DCs
- CUL payment process started by DCs (Progress in CUL payment will be monitored on a continuing basis)

RAP Preparation and Implementation

90. Other RAP preparation tasks will begin as soon as the LAPs, especially the plot schedules, are finalized and the acquisition locations are demarcated on the ground. The following major activities will be monitored to assess progress in RAP preparation and implementation:

- Census of project-affected persons and assets
- Cut-off dates established by FCD/I schemes
- Census data processed
- Mitigation policies reviewed (if necessary)
- Replacement values/market prices of land reconciled and reported to the Project Authority
- JVT verified and assessed non-land losses for individual PAPs
- Compensation budgets prepared and approved by Project Authority
- GRCs established and made operational
- Individual entitlement files prepared
- Compensation/entitlement paid (Will be monitored on a continuing basis)
- Homestead losers relocated (wherever necessary)
- Lands handed over for civil works

Civil works of any kind may only start once all compensation payments to all entitled PAPs have been paid.

91. Social assessment and screening of the selected sites will be designed to gain an understanding of prevailing land tenure and market, and identify any major issues that may influence land acquisition in a given scheme. More substantive inputs, such as land requirements, impacts and PAP details, etc. will be available with the preparation of LAPs and processing of the census data.

Schedule for Land Acquisition and Resettlement

92. To ensure timeliness and compliance with OP 4.12, land acquisition, RAP preparation and implementation, as well as the award of the civil works contracts will be integrated into one schedule. Land acquisition process will commence with the engineering design of the civil works, preparation of LAPs and demarcation of the acquisition locations on the ground. RAP preparation tasks, such as PAP census, joint verification and valuation of the affected assets, market price surveys, budgeting, and implementation scheduling, will also begin following finalization of the LAPs.

Budget for Land Acquisition and Resettlement

93. As the exact locations and magnitude of land acquisition required for the project is unknown as of now, a reliable estimate for a budget for such acquisition cannot be provided at the moment. Each site –

specific RAP will have a detailed budget for land acquisition and the costs of implementing various other measures that have been proposed to mitigate impacts.

An outline of a Resettlement Action Plan is attached in Annex 1

ABBREVIATED RAP

94. In case the sub-project activities under Components B or C affect less than 200 people an Abbreviated Resettlement Action Plan (ARAP) may be prepared in place of a full RAP. Even if more than 200 are affected, but all land acquisition is minor (less than 10% of each individual holdings) and no physical relocation is involved an ARAP may be acceptable.¹⁷

The ARAP typically covers the following minimum elements:

- i) A census survey of PAPs and an inventory of assets impacted/lost
- ii) A valuation of lost assets at market rates
- iii) Description of compensation and other assistance to be provided (Entitlements)
- iv) Consultation with PAPs
- v) Institutional and Implementation arrangements
- vi) Implementation arrangements for Grievance Redress Procedures
- vii) Arrangements for M&E
- viii) Timetable and Budget

Disclosure

95. The Draft S/RPF will be made available for public consultation by the implementing agencies, with key portions translated in Bangla, at a place accessible to affected people and members of civil society. Once all comments have been addressed, the Bank will disclose the document publicly. After the Bank finally approves the document the implementing agencies will once again make the final version publicly available with key portions translated in Bangla, electronically on their respective websites and place hard-copies in easily accessible places. Information about these locations will be advertised in local newspapers (English and Bangla).

¹⁷ Please note that people may have to relocate due to physical and/or economic displacement.

ANNEX-1: Outline of a Resettlement Action Plan

Introduction - Project Background

- Brief introduction about the project
- List of project components
- Description of project components causing land acquisition and resettlement.
- Overall estimates of land acquisition and resettlement.
- Minimizing resettlement
- Describe efforts made for minimizing resettlement
- Describe the result of these efforts

Census and Socio-economic Surveys

- Identify all categories of impacts (loss of property and assets; loss of livelihood; impacts on groups and communities)
- Give formats and tables for census surveys
- Provide outlines for socio-economic survey
- Summarize process for consultations on the results of the census surveys
- Describe need and mechanism to conduct updates, if necessary

Resettlement Policy and Legal Framework

- Identify areas of conflict between local laws and World Bank policies, and project-specific mechanisms to address conflicts
- Provide a definition of project affected persons
- Describe entitlement categories for each category of impact
- Describe method of evaluation used for affected structures, land, trees and other assets
- Provide entitlement matrix

Resettlement Sites

- Does the project need community relocation?
- Have these been approved by the PAPs?
- Give layouts and designs of residential sites
- Have the PAPs agreed to the strategy for housing replacement?
- Have the selected sites been explicitly approved by the PAPs describe the specific process of showing the sites to the PAPs and obtaining their opinion on them.
- Describe the technical and feasibility studies conducted to determine the suitability of the proposed sites.
- Is the land quality/area adequate for allocation to all of the PAPs eligible for allocation of agricultural land?

- Give calculations relating to site requirements and availability.
- Describe mechanisms for procuring, developing and allotting resettlement sites.
- Provide detailed description of the arrangements for site development for agriculture, including funding of development costs.

Institutional Arrangements

- Identify and discuss the institutions responsible for delivery of each item/activity in the entitlement policy
- Describe the project resettlement unit - functions and organizational structure of the unit and coordination relationship
- State how coordination issues will be addressed in cases where resettlement is spread over a number of jurisdictions.
- Identify who will coordinate all agencies with the necessary mandate.
- State when the project resettlement unit will be staffed.
- Describe plans for training and development of staff in the resettlement unit/local agencies.
- Discuss initiatives taken to improve the long term capacity or resettlement institutions.

Income Restoration

- Briefly spell out the main restoration strategies for each category of impacts, and describe the institutional, financial and technical aspects.
- Describe the process of consultation with project affected persons (PAPs) to finalize strategies for income restoration.
- How do these strategies vary with the area/locality of impact?
- Are the compensation entitlements sufficient to restore income streams for each category of impact? What additional economic rehabilitation measures are necessary?
- Does income restoration require change in livelihoods, development of alternative farmlands, etc., or involve some other activities which require a substantial amount of time for preparation and implementation?
- How does the action plan propose to address impoverishment risks?
- Are choices and options built into the entitlements? If so, what is the mechanism for risk and benefit analysis of each option?
- What is the process of ensuring that PAPs have knowledge about alternatives and can make informed decisions?
- Is there a mechanism to encourage vulnerable groups among PAPs to choose lower risk options such as support in kind rather than cash?
- What are the main institutional and other risks for the smooth implementation of the resettlement programs?

Implementation Schedule

- List and briefly describe the chronological steps in implementation of the resettlement, including identification of agencies responsible for each step of the program.
- Prepare a month-wise implementation schedule of activities to be undertaken as part of the resettlement implementation (Gantt chart).
- Describe the linkages between resettlement implementation and initiation of civil works for each of the project components.
- Costs and Budget
- Clear statement of financial responsibility and authority.
- Ensure that the cost of resettlement is included in the overall project costs.
- Identify components, if any, to be funded by donors such as the World Bank, JICA, NORAD, DANIDA, etc.
- Resettlement costs should be a part of annual involvement plans.
- Prepare a cost-wise, item-wise budget estimate for the entire duration of resettlement implementation, including administrative expense, monitoring and evaluation and contingencies.
- List the sources of funds and describe the flow of funds.
- Describe the specific mechanisms to adjust cost estimates by the inflation factor.
- Describe provisions to account for physical and price contingencies.

Participation and Consultation

- Describe the process of consultation/participation in resettlement preparation and planning.
- Describe the various stakeholders.
- Describe the plan for disseminating information to project affected persons (PAPs), such as provisions for a booklet to inform PAPs and other stakeholders.
- Describe examples of outcomes of participation and consultation, such as how local beneficiaries' views have influenced the design process, entitlements and support mechanisms, or other issues.
- Have workshops been conducted, or are they planned? Who are the participants, and what are the expected outcomes?

Grievance Redress

- Describe the step-by-step process for registering and addressing grievances.
- Provide specific details regarding registering complaints, response time, communication modes, etc.
- Describe the mechanism for appeal.
- Describe the provisions to approach civil courts in case other provisions fail.

Monitoring and evaluation.

- Describe the internal monitoring process.
- Define key monitoring indicators. Provide a list of monitoring indicators, which would be used for internal monitoring.

- Describe institutional (including financial) arrangements.
- Describe frequency of reporting and content for internal monitoring.
- Describe process for integrating feedback from internal monitoring into implementation.
- Describe financial arrangements for external monitoring and evaluation, including process for awarding and maintenance of contracts for the duration of resettlement.
- Describe methodology for external monitoring.
- Define key indicators for external monitoring, focusing on outputs and impacts.
- Describe frequency of reporting and content for external monitoring.
- Describe process for integrating feedback from external monitoring into implementation.