

Resettlement Planning Document

Draft Resettlement Framework
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Prepared by Local Government Division

The Resettlement Framework is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management or staff, and may be preliminary in nature.

ABBREVIATIONS

| | | |
|---------|---|--|
| AAT | – | Arbitration Appellate Tribunal |
| ADB | – | Asian Development Bank |
| AP | – | affected person |
| ARIPO | – | Acquisition and Requisition of Immovable Property Ordinance 1982 |
| CC | – | city corporations |
| CEF | – | Compensation and Entitlement Form |
| DC | – | District Commissioner |
| DMSI | – | Detailed Measurement Survey Instrument |
| DRS | – | Domestic Resettlement Specialist |
| DSCC | – | Design, Supervision, and Construction Consultant Team |
| EA | – | executing agency |
| GoB | – | Government of Bangladesh |
| GRC | – | Grievance Redress Committee |
| IA | – | Implementing Agency |
| IOL | – | inventory of losses |
| IRS | – | International Resettlement Specialist |
| LGD | – | Local Government Division |
| LGRDC | – | Ministry of Local Government, Rural Development and Cooperatives |
| LLRO | – | Local Land Registration Offices |
| NGOs | – | nongovernmental organizations |
| ODC | – | Office of the District Commissioner |
| PIBs | – | program information booklets |
| PIU | – | Program Implementation Unit |
| PMU | – | Program Management Unit |
| PPR | – | Program Progress Report |
| PSC | – | Program Steering Committee |
| RF | – | resettlement framework |
| RP | – | resettlement plan |
| SCMO | – | Safeguards and Community Mobilization Officer |
| SO | – | Safeguards Officer |
| STS | – | secondary waste transfer stations |
| UPEHSDP | – | Urban Public and Environmental Health Sector Development Program |
| UPEHU | – | Urban Public and Environmental Health Unit |

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EXECUTIVE SUMMARY

A. Introduction

1. The Urban Public and Environmental Health Sector Development Program (UPEHSDP) will establish a sustainable approach to public and environmental health at the national level to guide and support city corporations (CC) and municipalities in improving the quality of life and economic status of urban residents, especially the poor. This will be achieved by a range of measures, including: (i) creating an Urban Public and Environmental Health Unit (UPEHU) under the Local Government Division (LGD) with a mandate to improve public health; (ii) improving staff and financial resources to enable CCs corporations and municipalities fulfil their responsibilities in public and environmental health; (iii) improving management of solid waste and hospital waste through municipality-managed public-private partnerships and other mechanisms; and (iv) improving food safety by providing food testing laboratories, food inspection services, and modern slaughterhouses.

2. UPEHSDP is designed to minimize land acquisition and resettlement impacts. CCs will (i) wherever possible utilize vacant government land and land within existing facilities for integrated waste treatment facilities, medical waste management units, food laboratories, modern slaughterhouses, and secondary waste transfer stations (STS); (ii) conduct extensive consultations from communities on the location of sub-projects; and (iii) avoid any impacts on houses and structures. The overall impacts will be further minimized through careful selection of sub-project sites and alignments during detailed design and sub-project implementation. Sample sub-project preparation indicates that involuntary resettlement impacts are temporary. A short resettlement plan (RP) has been prepared for the Integrated Waste Management Facility in Khulna, the only sample sub-project with involuntary resettlement impacts. The resettlement impacts of the sub-project is limited to 24 affected persons (APs) consisting of informal settlers (4 households) and temporary farm labourers, each considered to be vulnerable persons due to their non-titled or poverty status.

B. Resettlement Framework and Policy

3. The resettlement framework (RF) outlines the objectives, policy principles and procedures for land acquisition (if required), compensation, and other assistance measures for affected persons (APs). The RF is based on national laws *The Acquisition and Requisition of Immovable Property Ordinance of 1982*; and ADB's *Policy on Involuntary Resettlement*, 1995. The RF provides a comparison of these documents and addresses gaps.

4. Core involuntary resettlement principles for UPEHSDP are: (i) acquisition of land will be minimized and will avoid the resettlement of people, as much as possible; (ii) local stakeholders will be systematically informed and properly consulted to identify the possible alternative sub-project engineering and operational solutions in order to avoid or minimize the adverse impacts of land acquisition; (iii) disclosure to the public will be undertaken regarding the preparation of RPs, eligibility of APs, compensation, entitlements and special assistance measures to vulnerable groups; (iv) all APs will be properly identified and recorded in a survey instrument in which the cut-off date for their eligibility is the last day of the survey in the sub-project area; and all APs will be notified in advance when land for the sub-project will be acquired; (v) lack of formal legal rights to the assets lost will not prevent APs from receiving compensation, entitlement and rehabilitation measures; (vi) where resettlement cannot be avoided, relocation site(s) whether permanent or temporary, that are free from environmental risks and with access to adequate drinking water and sanitation, social services and all other services accessible in

the previous location, will be provided prior to relocation, in consultation with APs and their hosts; (vii) any relocated APs will be provided with assistance to maintain or improve on their pre-sub-project living standards, income earning capacity, and production levels; (viii) special assistance measures will be incorporated into the resettlement implementation process to protect any socially and economically vulnerable groups that will be affected; (ix) an effective mechanism for arbitration of complaints and grievances will be provided during resettlement implementation; (x) institutional arrangements and human resources will be in place for consultation, liaison, land acquisition, resettlement and monitoring to ensure the effective implementation of resettlement prior to commencement of the sub-project; and (xi) compensation will be paid before displacement occurs and other resettlement assistance will be initiated prior to the award of civil works contract(s).

5. Loss of land, structures, assets, trees and crops will be compensated at replacement cost. Values determined by the Office of the District Commissioner (DC) will be verified through current land prices determined by independent land appraisers. The International Resettlement Specialist (IRS) and Domestic Resettlement Specialist (DRS), consultants at the Program Implementation Unit (PIU) level, will verify DC-determined costs as replacement cost of structures and other assets through a survey of construction materials. IRS and DRS will do the same verification for costs of trees and crops through a survey of market prices and consultation with agriculture/horticulture experts, and will undertake consultations with affected persons (APs) on replacement costs. Income losses are expected to be limited and temporary. Income restoration activities include the provision of short-term allowances and restoration of access to livelihood activities. Vulnerable households will be provided with additional assistance in the form of land-for-land replacement options, prioritization in sub-project employment, and an additional allowance for land and structure losses. Where vulnerable APs lose their livelihoods, UPEHSDP will provide training for new livelihoods in UPEHSDP-related activities and offer employment in this capacity by the CC after successful completion. For example a census of rag-pickers displaced from open dumpsites will be undertaken by UPEHSDP for inclusion in re-training for solid waste collection, sorting, and treatment.

C. Procedure for RP Preparation

6. RPs for sub-projects will be prepared as follows: (i) the Project Implementation Unit (PIU), with the assistance of Domestic Resettlement Specialist (DRS) and international Resettlement Specialist (IRS), will undertake socio-economic surveys for each identified sub-project, based on preliminary technical design; (ii) if impacts are found to be significant, full RPs will be prepared for the sub-project; (iii) if impacts are not significant, short RPs will be prepared; and (iv) RPs will include measures to ensure that socio-economic conditions, needs and priorities of vulnerable groups are identified and that the process of land acquisition and resettlement does not disadvantage any such persons. Consultants will include the IRS and DRS, who are familiar with ADB policy and procedures for the preparation of sub-project RPs. RPs will comply with national law, ADB's *Policy on Involuntary Resettlement 1995* and other social safeguard guidelines, and the policy and procedures set out in this RF. The sample sub-project RP will be used as a model for the preparation and implementation of other sub-project RPs. ADB approval of sub-project RPs and provision of compensation before displacement will be conditions of the civil works contract. The UPEHU will ensure that this RF is closely followed when an RP is prepared for a sub-project. The executing agency (EA) will further ensure that adequate resettlement budgets are delivered on time to the UPEHU and PIUs.

D. Institutional Arrangements

7. LGD of the Ministry of Local Government, Rural Development and Cooperatives (LGRDC) will be the EA for UPEHSDP. LGD will establish UPEHU which will function as the Program Management Unit (PMU). A Safeguards Officer (SO) to coordinate resettlement and environmental safeguards for UPEHSDP will be part of the Policy and Program Wing of the UPEHU. Program Implementation Units (PIUs) will be established in each City Corporation. The PIUs will include a Safeguards and Community Mobilization Officer (SCMO). A Design, Supervision, and Construction Consultant Team (DSCC) will be contracted to assist the UPEHU and PIUs in implementing and managing the investment sub-projects including resettlement planning. Towards this the IRS and DRS within DSCC will prepare and implement RPs in accordance with both ADB and Government of Bangladesh (GoB) policies and the RF during the feasibility and detailed design stage, and supervise resettlement planning during the construction process. The IRS and DRS will work in close coordination with UPEHU and PIUs.

E. Consultation, Disclosure and Grievance Redress

8. Extensive consultations were conducted during project preparation. Four workshops were held in Dhaka in July-August 2008 to discuss the UPEHSDP's objectives, components and projected impacts; and obtain stakeholder opinions. The workshops were attended by 115 participants including community representatives, nongovernmental organizations (NGOs) and Community Based Organizations (CBOs), local government officials, line agency representatives and other stakeholders. Five other similar workshops were conducted in Khulna, Comilla, Satkhira, Bogra and Tongi. Further public consultations on social safeguards were held in January 2009 in each CC in which sample sub-projects are proposed (Dhaka, Chittagong and Khulna). In each case a presentation was given providing an overview of potential resettlement impacts and explaining proposed entitlements for APs. A local-language version of the summary RF was also distributed. Participants invited were: communities directly affected by the proposed sub-projects, representatives of the CC, representatives of local NGOs, and representatives of local government agencies. Issues raised during consultations were addressed in the RF and sample RP and will also be taken into account in RPs for future sub-projects. A framework for consultations and community participation is described in the RF for continuing the process during implementation. All RPs and other relevant documents will be made available at public locations in the CCs and will be disclosed to a wider audience via the ADB website.

9. Grievances of APs will first be brought to the attention of the DRS and SCMO within the relevant PIU. Grievances not redressed by these parties will be brought to the Grievance Redress Committee (GRC) constituted for each CC. The GRC will comprise representatives from the office of the PIU and the office of the CC CEO, APs, a female elected member of the CC and the SCMO and DRS, and chaired by the CC CEO. The GRC will meet every month and will determine the merit of each grievance and resolve all grievances within 15 days of receiving the complaint. GRC procedure includes an appeals procedure for the AP who can, if not satisfied with the GRC decision, attend the next case and present any additional information for reconsideration of the case. Grievances not redressed by the GRC to the satisfaction of the AP will be considered by the Program Steering Committee (PSC) or the DC for grievances related to land acquisition. Any remaining grievances may be referred by APs to the appropriate courts of law. Records will be kept of all grievances received, including: contact details of complainant; date the complaint was received; nature and details of grievance; agreed corrective actions and date these were effected; and the final outcome.

F. Monitoring and Evaluation

10. Internal monitoring will be undertaken by UPEHU and the PIUs with assistance from the IRS and DRS (who will gather information on RP implementation). All activities listed will be illustrated on Gantt Charts showing the target dates for completing resettlement activities. Internal monitoring reports will be prepared by the PIU and will assess: (i) accomplishments to date; (ii) objectives attained and not attained during the period; (iii) problems encountered; and (iv) targets for the next quarter. Internal monitoring reports will be integrated by UPEHU into the quarterly Program Progress Report (PPR) submitted to ADB. UPEHU will engage an independent monitor to conduct external monitoring, which will include compliance monitoring and social impact evaluation.

G. Resettlement Budget

11. Detailed budget estimates for involuntary resettlement will be prepared by UPEHU for each RP, and the total will be included in the overall budget for the sub-project. All land acquisition and resettlement funds will be provided by the EA and land acquisition, compensation, relocation, and rehabilitation of income and livelihood will be considered as an integral component of sub-project costs.

I. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS

A. Objectives of the Resettlement Framework

1. This is the Resettlement Framework (RF) for the Bangladesh Urban Public and Environmental Health Sector Development Program (UPEHSDP). It was prepared in order to outline the objectives, policy principles and procedures for land acquisition (if necessary), compensation and other assistance measures to be provided for persons who will experience resettlement effects when UPEHSDP is implemented.

2. A resettlement effect is a loss of physical and non-physical assets, including homes, communities, productive land, income-earning assets and sources, subsistence, resources, cultural sites, social structures, networks and ties, cultural identity, and mutual help mechanisms. Affected Persons (AP) are “any people, households, firms or private institutions who, on account of changes that result from the project will have their: (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial agricultural, forest and/or grazing land), water resources, or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence, or habitat adversely affected, with or without displacement”.¹

3. The RF is based the Government of Bangladesh's (GOB) *Acquisition and Requisition of Immovable Property Ordinance 1982* (ARIPO), amended in 1993 and 1994; and the Asian Development Bank's (ADB) *Policy on Involuntary Resettlement 1995*. It will guide the Implementing Agency (IA), the Local Government Department (LGD), in developing and implementing the required Resettlement Plans (RPs) consistent with GOB and ADB policies. The objectives of the RF are to: (i) guide the Executing Agency (EA) and IA in properly compensating APs, (ii) serve as a binding document to ensure that APs will be assisted and paid compensation where appropriate, and (iii) provide direction in preparing, implementing and monitoring sub-project RPs. The Local Government Division of the Ministry of Local Government, Rural Development, and Cooperatives (LGRDC) is the EA and will be responsible for ensuring the preparation and implementation of RPs in line with this RF.

B. Program Description

4. UPEHSDP will establish a sustainable approach to public and environmental health at national level to guide and support city corporations (CC) and municipalities (*Pourashavas*) in improving the quality of life and economic status of urban residents, especially the poor. This will be achieved by a range of measures, including: (i) creating an Urban Public and Environmental Health Unit (UPEHU) under LGD with a mandate to improve public health; (ii) improving staff and financial resources to enable city corporations and municipalities fulfil their responsibilities in public and environmental health; (iii) improving management of solid waste and hospital waste through municipality-managed public-private partnerships and other mechanisms; and (iv) improving food safety by providing food testing laboratories, food inspection services, and modern slaughterhouses.

5. UPEHSDP will be financed by ADB through: (i) a program loan to implement policy measures in institutional strengthening, financial reform, public/environmental health strategies, governance and service delivery; and (ii) a sector loan, funding investments in municipal and

¹ ADB. 2006. Operations Manual Section F2/BP Issued on 25 September.

hospital waste management, food safety, and pro-poor integrated services (water supply, sanitation, nutrition/food security, and health of the urban poor). UPEHSDP will be implemented over four years (2009-2012) in the six main urban areas of the country (Dhaka, Chittagong, Khulna, Rajshahi, Sylhet, and Barisal).

6. The proposed infrastructure elements include 5 integrated waste treatment sub-projects, 50 secondary waste transfer stations (STS), 2 food laboratories, 4 modern slaughterhouses, and 4 facilities for the treatment of medical waste. Six sample sub-projects were developed during project preparation, comprising: a medical waste treatment facility and a food laboratory in Chittagong, a modern slaughterhouse and 3 STS in Dhaka, and an integrated waste treatment facility and 7 STS in Khulna.

7. Sub-project implementation will be managed by an UPEHU established by LGD. Support will be provided by national and international consultants, including: Design, Supervision, and Construction Consultants (DSCC) to assist in infrastructure design, tendering of contractors and supervision of construction; and Program Support Consultants (PSC) to improve coordination and implementation of the Program. Program Implementation Units (PIUs) will be established in each participating CC, staffed by existing CC personnel, new recruits, and UPEHU consultants.

8. Resettlement issues will be coordinated centrally by a Safeguards Officer in UPEHU and implemented locally by Safeguards and Community Mobilization Officers (SCMOs) in each PIU, assisted and supervised by the DSCC International and Domestic Resettlement Specialists (IRS and DRS). The Resettlement Specialists will update and implement RPs for sample sub-projects, and prepare and implement RPs for new sub-projects following the structure and guidelines of this RF.

C. Scope of Land Acquisition and Resettlement

9. UPEHSDP is designed to minimize land acquisition and resettlement impacts. CCs will (i) wherever possible utilize vacant government land and land within existing facilities for integrated waste management facilities, medical waste management units, food laboratories, modern slaughterhouses, and STS; (ii) conduct extensive consultations from communities on the location of sub-projects; and (iii) avoid any impacts on houses and structures. The overall impacts will be further minimized through careful selection of sub-project sites and alignments during detailed design and sub-project implementation. Sample sub-project preparation indicates that involuntary resettlement impacts are temporary (Attachment 1). A short RP has been prepared for the Integrated Waste Management Sub-project in Khulna, the only sample sub-project with involuntary resettlement impacts.

D. Policy and Legal Framework for Resettlement

1. Resettlement and Compensation Policy of GOB and ADB

10. The principles for the compensation of property in Bangladesh are founded in Articles 42 and 47 of the Constitution.² The law and implementing rules and regulations governing all cases of land acquisition are contained in the *Acquisition and Requisition of Immovable Property Ordinance 1982* (ARIPO), known as Ordinance II of 1982, some provisions of which were amended in 1993 and 1994. Table 2 compares the provisions of ARIPO with the requirements

² The latest amendment to the Constitution of Bangladesh was promulgated on 17 May 2004.

of ADB's *Policy on Involuntary Resettlement 1995*. The main differences are that: ARIPO does not cover persons without title like informal settlers; does not provide for social rehabilitation of persons losing their livelihoods; and has no provision for giving special assistance to vulnerable groups.³ These and other gaps between ARIPO and ADB policy (shown in Table 2) are addressed in the resettlement principles and entitlement matrix for UPEHSDP, which are shown in the next Section and Table 3.

Table 2: Comparison of Resettlement and Compensation Policies of GOB and ADB

| ADB Policy on Involuntary Resettlement 1995 | GOB ARIPO (Ordinance II) 1982 | Gaps between GOB and ADB policy |
|--|--|--|
| Involuntary resettlement should be avoided wherever feasible. | No corresponding provision. | Although ARIPO has no direct or implied statement that involuntary resettlement should be avoided, this is observed by GOB. |
| Where population displacement is unavoidable, it should be minimised by providing viable livelihood options. | Sections 3 and 18 exempt the acquisition of property used by the public for religious worship, public or educational institutions, graveyards and cremation grounds. | The Ordinance prohibits acquisition of land used for these purposes, but has no provision for minimizing adverse impacts on private property or common resources, and does not require provision of alternative livelihoods |
| If individuals or a community must lose all or part of their land, means of livelihood, or social support systems so that a project may proceed, they will be compensated and assisted through replacement of land, housing, infrastructure, resources, income sources and services, in cash or in kind, so that their economic and social circumstances will be at least restored to the pre-project level. All compensation is based on the principle of replacement cost ⁴ . | Section 8 states that the Deputy Commissioner (DC) determines the amount of compensation by considering: (i) the market value of the property based on the average value during the 12 months preceding the publication of notice of acquisition; (ii) the damage to standing crops and trees; (iii) damage by severing such property from the other properties of the person occupying the land; (iv) adverse effects on other properties, immovable or movable and/or his earnings; and (v) the cost of change of place of residence or place of business. The DC also awards a sum of 50% on the market value of the property to be acquired. | ARIPO is largely consistent with ADB policy. However there are differences in the valuation of land and prices of affected assets, where ADB prescribes the use of current market rates in the project area. The Ordinance does not ensure replacement value or restoration of pre-project incomes of the APs. There is also no provision to assess the impacts on incomes and livelihood from the loss of employment and business or to restore lost incomes and livelihoods. |
| Each involuntary resettlement is conceived and executed as part | The requiring body submits a land acquisition proposal to the | The body requesting the land leaves the inventory of affected |

³ Vulnerable groups include: those without legal title to land or other assets; households headed by females; elderly and disabled persons; indigenous peoples; minority communities; and households with incomes below the poverty line.

⁴ Replacement cost means the method of valuing assets to replace the loss at market value, or its nearest equivalent, plus any transaction costs such as administrative charges, taxes, registration, and titling costs. Where national law does not meet this standard the replacement cost will be supplemented as necessary. Replacement cost is based on market value before the project or dispossession, whichever is higher. In the absence of functioning markets a compensation structure is required that enables affected people to restore their livelihoods to levels at least equivalent to those at the time of dispossession, displacement or restricted access.

| ADB Policy on Involuntary Resettlement 1995 | GOB ARIPO (Ordinance II) 1982 | Gaps between GOB and ADB policy |
|--|---|--|
| of a development project or program. During project preparation, ADB and the EA or project sponsor/s assess the opportunities for affected people to share project benefits. The affected people need to be provided with sufficient resources and opportunities to re-establish their livelihoods and homes as soon as possible, with time-bound action in coordination with the civil works. | Office of the DC for appropriate action: (i) if the total land is above 50 <i>bighas</i> (16.5 acres, 6.7 ha) the approval will come from GOB; (ii) if the requirement is 2 - 16.5 acres, approval is by the Divisional Land Allocation Committee; and (iii) if the land is 2 acres or less the approval will be made at the District Land Allocation Committee. | assets to the DC, and there is no requirement to consider the adverse socio-economic impacts of land acquisition on APs. ARIPO also suggests a long and complicated process of land acquisition, involving different government offices. |
| Affected people are to be consulted on compensation and/or resettlement options, including relocation sites and socio-economic rehabilitation. Pertinent resettlement information is to be disclosed to affected people at key points, and specific opportunities are provided for them to participate in choosing, planning and implementing options. Grievance redress mechanisms are to be established. Where adversely affected people are vulnerable groups, resettlement planning decisions will be preceded by a social preparation phase to enhance their participation in negotiation, planning and implementation. | Section 3 provides that whenever it appears to the DC that any property is needed or is likely to be needed for any public purpose or in the public interest, he shall publish a notice at convenient places on or near the property in the prescribed form and manner stating that the property is proposed for acquisition. Section 4 allows the occupant of the land to raise objections in writing. These should be filed to the DC within 15 days after the publication. The DC will then hear the complaints and prepare a report and record of proceedings within 30 days following expiry of the 15 day period given to APs to file their objections. | This section of the Ordinance establishes an indirect form of public consultation. However it does not provide for public meetings and project disclosure, so stakeholders are not informed about the purpose of land acquisition, its proposed use, or compensation, entitlements, or special assistance measures. The Section 4 provision is consistent with ADB's grievance and redress policy. Grievance procedures in Sections 27-34 include appointment of an arbitrator and publication of the notice of hearings and the scope of proceedings. However this does not provide for a social preparation phase for vulnerable groups. |
| Institutions of the affected people, and where relevant, of their hosts, are to be protected and supported. Affected people are to be assisted to integrate economically and socially into host communities so that adverse impacts on the host communities are minimized and social harmony is promoted. | No corresponding provision. | The Ordinance has no provision that can be interpreted as addressing this ADB policy requirement. |
| The absence of a formal legal title to the land is not a bar to the compensation and entitlement policy. | No corresponding provision. | This principle is not provided for in the Ordinance. |
| Affected people are to be identified and recorded as early as possible to establish their eligibility through a population record or census that serves as an eligibility cut-off date to | Upon approval of the request for land by the DC office, its own staff will conduct a physical inventory of assets and properties found in the land. The inventory form records the name | The Ordinance and ADB policy agree on the inventory of losses (IOL) but differ on the tools of the survey. The Detailed Measurement Survey (DMS), aside from the IOL, also provides |

| ADB Policy on Involuntary Resettlement 1995 | GOB ARIPO (Ordinance II) 1982 | Gaps between GOB and ADB policy |
|---|---|--|
| prevent a subsequent influx of encroachers or others who wish to take advantage of such benefits. | of the person, quantity of land, assets affected and materials used to construct the house. The cut-off date is the date of publication of the notice that the land is subject to acquisition and that any alteration thereon will not be compensated | for the inventory of social resources of APs' skills essential for social rehabilitation, and it also covers gender sensitivity. |
| Particular attention must be paid to the needs of the poorest APs and vulnerable groups that may be at a high risk of impoverishment. This may include: those without legal title to the land or other assets; households headed by females, the elderly or disabled; and other vulnerable groups, particularly indigenous peoples. Appropriate assistance must be provided to help them improve their socio-economic status. | No corresponding provision. | This principle is not provided for in the Ordinance. |

ADB = Asian Development Bank, AP = Affected Person ARIPO = Acquisition and Requisition of Immovable Property Ordinance 1982; DC = Deputy Commissioner, DMS = detailed measurement survey, EA = executing agency, GOB = Government of Bangladesh, IOL = inventory of losses.

2. UPEHSDP Resettlement Policies

11. To bridge the gaps between GOB legislation and ADB policy identified in Table 2, the following core involuntary resettlement policies will be adopted for UPEHSDP:

- (i) Acquisition of land will be minimized and will avoid the resettlement of people, as much as possible;
- (ii) Local stakeholders will be systematically informed and properly consulted to identify the possible alternative sub-project engineering and operational solutions in order to avoid or minimize the adverse impacts of land acquisition;
- (iii) Disclosure to the public will be undertaken regarding the preparation of RPs, eligibility of APs, compensation, entitlements and special assistance measures to vulnerable groups;
- (iv) All APs will be properly identified and recorded in a survey instrument in which the cut-off date for their eligibility is the last day of the survey in the sub-project area; and all APs will be notified in advance when land for the sub-project will be acquired;
- (v) Lack of formal legal rights to the assets lost will not prevent APs from receiving compensation, entitlement and rehabilitation measures;
- (vi) Where resettlement cannot be avoided, relocation site(s) whether permanent or temporary, that are free from environmental risks and with access to adequate drinking water and sanitation, social services and all other services accessible in the previous location, will be provided prior to relocation, in consultation with APs and their hosts;

- (vii) Any relocated APs will be provided with assistance to maintain or improve on their pre-sub-project living standards, income earning capacity, and production levels;
- (viii) Special assistance measures will be incorporated into the resettlement implementation process to protect any socially and economically vulnerable groups that will be affected;
- (ix) An effective mechanism for arbitration of complaints and grievances will be provided during resettlement implementation;
- (x) Institutional arrangements and human resources will be in place for consultation, liaison, land acquisition, resettlement and monitoring to ensure the effective implementation of resettlement prior to commencement of the sub-project; and
- (xi) Compensation will be paid before displacement occurs and other resettlement assistance will be initiated prior to the award of civil works contract(s).

3. UPEHSDP Affected Persons

12. **Eligibility Criteria.** APs entitled to receive compensation and entitlements under UPEHSDP are individuals and public or private institutions (if any) “*with*” or “*without*” legal title who are residing on, working on or cultivating the lands that will be temporarily or permanently acquired for all parts of the sub-projects at the date of the joint census and inventory of losses (IOL). The inventory of APs will be finalized after the locations of sites are confirmed and detailed designs of sub-projects have been completed. Those who may be affected due to temporary acquisition of land for the construction work are also eligible for compensation for temporary disruption of their livelihood activities. An inventory of the extent and scope of all economic impacts will be conducted during the detailed design stage of the sub-projects.

13. **Categories of APs and Types of Losses.** The following are the envisaged categories of persons that will be affected by program interventions:

- (i) Owners and users of land being utilized for agricultural, residential, or commercial purposes that is affected in part or in total, temporarily or permanently;
- (ii) Owners and users of structure(s) being utilized for residential, commercial, or religious purposes that is affected in part or in total, temporarily or permanently;
- (iii) Persons whose assets (other than land or structure) are affected in part or in total, temporarily or permanently;
- (iv) Persons whose business or source of income is affected in part or in total, temporarily or permanently;
- (v) Persons whose crops (annual or perennial) and/or trees are affected;
- (vi) Persons whose access to common property resources is affected, temporarily or permanently; and
- (vii) Persons affected who belong to socially and economically vulnerable groups.

4. Compensation and Entitlement Policy

14. Compensation and entitlements for each category of eligible APs are based on the levels of losses and the requirements of the ARIPO and ADB policies. Table 3 provides the Entitlement Matrix indicating the details of possible losses of APs and their entitlements and compensation to recompense for such losses.

15. Loss of land, structures, assets, trees and crops will be compensated at the replacement cost. Values determined by the DC will be verified through current land prices determined by independent land appraisers. The IRS and DRS at the PIU level will verify DC-determined costs as replacement cost of structures and other assets through a survey of construction materials. IRS and DRS will do the same verification for costs of trees and crops through a survey of market prices and consultation with agriculture/horticulture experts, and will undertake consultations with APs on replacement costs. Income losses are expected to be limited and temporary. Income restoration activities include the provision of short-term allowances and restoration of access to livelihood activities.

16. Vulnerable households will be provided with additional assistance in the form of land-for-land replacement options, prioritization in sub-project employment, and an additional allowance for land and structure losses. Where vulnerable APs lose their livelihoods, UPEHSDP will provide training for new livelihoods in UPEHSDP-related activities and offer employment in this capacity by the CC after successful completion. For example a census of rag-pickers displaced from open dumpsites will be undertaken by UPEHSDP for inclusion in re-training for solid waste collection, sorting, and treatment. The census and training will be a sub-component of the Community Participation Plan under UPEHSDP and will be separately budgeted.

5. Procedure for RP Preparation

17. RPs for sub-projects will be prepared as follows: (i) the PIU, primarily through the DRS with guidance from the IRS, will undertake socio-economic surveys for each identified sub-project, based on preliminary technical design; (ii) if impacts are found to be significant,⁵ full RPs will be prepared for the sub-project; (iii) if impacts are not significant, short RPs will be prepared; and (iv) RPs will include measures to ensure that socio-economic conditions, needs and priorities of vulnerable groups are identified and that the process of land acquisition and resettlement does not disadvantage any such persons.

⁵ Resettlement is significant when 200 or more people experience major "impacts" defined as APs being physically displaced from housing and/or having 10% or more of their productive, income-generating assets lost.

Table 3: Entitlement Matrix

| | Type of Loss | Application | Entitled Person ⁶ | Compensation Policy | Implementation Issues | Responsible Agency |
|----|-------------------|---|---|--|--|---|
| 1a | Loss of land | Homestead land, agricultural land, or vacant plot | Owner(s) with legal title | <ul style="list-style-type: none"> Land-for-land arrangements of equal productive capacity satisfactory to AP; AP option for cash compensation equivalent to full replacement cost; Provision of stamp duty, land registration fee, capital gains tax, and value added tax incurred for replacement land; Option to be compensated if remaining land is no longer viable; Provision of access to equivalent common property resources previously accessed; Additional compensation for vulnerable households (Item 5). | <ul style="list-style-type: none"> If land-for-land is offered, title will be to both husband and wife if the affected land is acquired during their conjugal partnership; Vulnerable households to be identified during detailed measurement surveys conducted as part of the RP. | <ul style="list-style-type: none"> Verification of APs by RS; CC to provide replacement land; Land appraiser to verify replacement value; RS to consult APs on compensation; EA to provide budget and release cash compensation payments; CC with RS assistance to determine viability of remaining land. |
| 1b | Loss of land | Homestead land, agricultural land, or vacant plot | Tenant(s) and leaseholder(s) | <ul style="list-style-type: none"> Compensation equivalent to 3 months of rental; Additional compensation for vulnerable households (Item 5). | <ul style="list-style-type: none"> Landowners will reimburse tenants and leaseholders with the land rental deposit or unexpired lease; Vulnerable households to be identified during detailed measurement surveys conducted as part of the RP. | <ul style="list-style-type: none"> Verification of APs by RS; CC with RS assistance will confirm land rental and ensure tenants and leaseholders receive reimbursement for land rental deposit or unexpired lease. |
| 1c | Loss of land | Homestead land, agricultural land, or vacant plot | Sharecropper(s) | <ul style="list-style-type: none"> 60 days advance notice to harvest standing seasonal crops (if harvest is not possible, compensation for share of crops (Item 4)); Additional compensation for vulnerable households (item 5). | <ul style="list-style-type: none"> Work schedule to avoid harvest season and allow harvesting prior to acquisition; Vulnerable households to be identified during detailed measurement surveys conducted as part of the RP. | <ul style="list-style-type: none"> Verification of APs by RS |
| 1d | Loss of land | Homestead land, agricultural land, or vacant plot | AP(s) without legal title (squatter(s) and encroacher(s)) | <ul style="list-style-type: none"> 60 days advance notice to vacate occupied land; Additional compensation for vulnerable households (Item 5). | <ul style="list-style-type: none"> Vulnerable households to be identified during detailed measurement surveys conducted as part of the RP. | <ul style="list-style-type: none"> Verification of APs by RS |
| 2a | Loss of structure | Residential/commercial structure and other assets (e.g. | Owner(s) with legal title | <ul style="list-style-type: none"> Cash compensation equivalent to replacement value of structure (or part of structure); Option to be compensated for entire structure if remaining structure is no longer | <ul style="list-style-type: none"> Vulnerable households to be identified during detailed measurement surveys conducted as | <ul style="list-style-type: none"> Verification of APs by RS; RS to verify replacement value in consultation with APs; CC with RS assistance to determine viability of remaining structure; |

⁶ Identified before the cut-off date by the survey and inventory of losses

| | Type of Loss | Application | Entitled Person ⁶ | Compensation Policy | Implementation Issues | Responsible Agency |
|----|--------------------|---|---|---|---|---|
| | | fences, gates, posts) | | <ul style="list-style-type: none"> • viable; • Rights to salvage materials from structure; • Provision of all taxes, registration costs, and other fees incurred for replacement structure; • Transfer and subsistence allowance equivalent to transport cost and minimum wage during transfer; • Additional compensation for vulnerable households (Item 5). | part of the RP. | <ul style="list-style-type: none"> • RS to review allowances and verify all charges. |
| 2b | Loss of structure | Residential/commercial structure and other assets (e.g. fences, gates, posts) | Tenant(s) and leaseholder(s) | <ul style="list-style-type: none"> • Cash compensation equivalent to replacement value of structure (or part of structure) constructed by the AP; • Rights to salvage materials from structure; • Provision of all taxes, registration costs, and other fees incurred for replacement structure; • Transfer and subsistence allowance equivalent to transport cost and minimum wage during transfer; • Additional compensation for vulnerable households (Item 5). | <ul style="list-style-type: none"> • Vulnerable households to be identified during detailed measurement surveys conducted as part of the RP; • Structure owners will reimburse tenants and leaseholders with the rental deposit or unexpired lease. | <ul style="list-style-type: none"> • Verification of APs by RS; • RS to verify replacement value in consultation with APs; • CC with RS assistance to determine viability of remaining structure; • RS to review allowances and verify all charges; • CC to ensure tenants and leaseholders receive reimbursement for rental deposit or unexpired lease. |
| 2c | Loss of structure | Residential/commercial structure and other assets (e.g. fences, gates, posts) | Encroacher(s) and squatter(s) | <ul style="list-style-type: none"> • Cash compensation equivalent to replacement value of structure (or part of structure) constructed by the AP; • Rights to salvage materials from structure; • Provision of all taxes, registration costs, and other fees incurred for replacement structure; • Transfer and subsistence allowance equivalent to transport cost and minimum wage during transfer; • Additional compensation for vulnerable households (Item 5). | <ul style="list-style-type: none"> • Vulnerable households to be identified during detailed measurement surveys conducted as part of the RP. | <ul style="list-style-type: none"> • Verification of APs by RS; • RS to verify replacement value in consultation with APs; • CC with RS assistance to determine viability of remaining structure; • RS to review allowances and verify all charges. |
| 3 | Loss of livelihood | Livelihood/source of income | Business owner(s), tenant(s), leaseholder(s), employee(s), agricultural worker(s), hawker(s)/ vendor(s) | <ul style="list-style-type: none"> • Assistance for lost income based on three months lost income or minimum wage rates; • Vulnerable APs who lose their livelihoods will be offered places on employee training program(s) provided and offered employment after successful completion; • Eligible for program employment • Additional compensation for vulnerable households (Item 5). | <ul style="list-style-type: none"> • Vulnerable households to be identified during detailed measurement surveys conducted as part of the RP. • Prior to mobilization of civil works, the RS will consult with the sub-project contractor on skills that would be needed in the sub-project and provide names of APs for potential employment. | <ul style="list-style-type: none"> • Verification of APs by RS; • RS to determine income loss or minimum wage during detailed socio-economic surveys conducted as part of the RP. |

| | Type of Loss | Application | Entitled Person ⁶ | Compensation Policy | Implementation Issues | Responsible Agency |
|---|------------------------------|--|---|--|---|---|
| 4 | Loss of crops and trees | Standing crops and trees | Owner(s) with legal title, tenant(s), leaseholder(s), sharecropper(s), encroacher(s), squatter(s) | <ul style="list-style-type: none"> • 60 days advance notice to harvest standing seasonal crops; if harvest is not possible, cash compensation for crops (or share of crops) equivalent to prevailing market price; • Cash compensation for perennial crops and fruit bearing trees based on annual net product market value multiplied by remaining productive years; • Cash compensation equivalent to prevailing market price of timber for non-fruit trees | <ul style="list-style-type: none"> • Work schedule to avoid harvest season and allow harvesting prior to acquisition; • Market value to be determined by survey and expert analysis. | <ul style="list-style-type: none"> • Verification of APs by RS ; • RS to determine market values with assistance from agriculture/ horticulture expert. |
| 5 | Impacts on vulnerable APs | All impacts | Vulnerable APs | <ul style="list-style-type: none"> • Land-for-land (if available) will be a guaranteed option for vulnerable titled APs; • Additional allowance equivalent to 30 days minimum wage for loss of land or structure for vulnerable APs without title who lose land; • Vulnerable households will be prioritized in any employment required for sub-project. | <ul style="list-style-type: none"> • Vulnerable households to be identified during detailed measurement surveys conducted as part of the RP; • Land title will be to both husband and wife. | <ul style="list-style-type: none"> • Verification of APs by RS. |
| 6 | Temporary loss of land | Land temporarily acquired for sub-projects | Owner(s) with legal title, tenant(s), leaseholder(s), sharecropper(s), encroacher(s), squatter(s) | <ul style="list-style-type: none"> • 60 days advance notice to vacate land; • Provision of land rental value during the period of temporary acquisition; • Restoration of affected land after use. | | <ul style="list-style-type: none"> • Verification of APs by RS; • CC with RS to determine rental values in consultation with APs; • UPEHU to ensure land restoration as part of contractors' contract. |
| 7 | Temporary loss of access | Temporary loss of access to land, structure, utilities, or common property resources | Owner(s) with legal title, tenant(s), leaseholder(s), sharecropper(s), encroacher(s), squatter(s) | <ul style="list-style-type: none"> • 60 days advance notice; • Provision of temporary access (e.g. planks across trenches) where possible; • Restoration/enhancement of affected land, structure, utilities, common property resource. | | <ul style="list-style-type: none"> • Verification of APs by RS; • UPEHU to ensure restoration as part of contractors' contract. |
| 8 | Temporary loss of livelihood | Temporary loss of livelihood/ source of income | Business owner(s), tenant(s), leaseholder(s), employee(s), | <ul style="list-style-type: none"> • 60 days advance notice; • Provision of temporary access (e.g. planks across trenches) where possible; • Provision of alternative sites for continued economic activity; | | <ul style="list-style-type: none"> • Verification of APs by RS; • RS to determine income loss or minimum wage during detailed socio-economic surveys conducted as part of the RP; |

| | Type of Loss | Application | Entitled Person ⁶ | Compensation Policy | Implementation Issues | Responsible Agency |
|---|-------------------------------|-------------|--|---|-----------------------|---|
| | | | agricultural worker(s), hawker(s)/ vendor(s) | <ul style="list-style-type: none"> • Where provision of alternative sites is not feasible, compensation of lost income; • Compensation for agricultural losses (Item 4); • Restoration of affected land, structure, utilities, common property resource. | | <ul style="list-style-type: none"> • UPEHU to ensure restoration as part of contractors' contract. |
| 9 | Any other loss not identified | | | Unanticipated involuntary impacts shall be documented and mitigated based on the principles provided in ADB's Involuntary Resettlement Policy. | | |

AP = Affected person, CC = city corporations, RP = resettlement plan, UPEHU = Urban Public and Environmental Health Unit.

18. Consultants will include an international resettlement specialist (IRS) and a domestic resettlement specialist (DRS) at the UPEHU-level,⁷ who are familiar with ADB policy and procedures for the preparation of sub-project RPs. RPs will comply with national law, ADB's *Policy on Involuntary Resettlement 1995* and other social safeguard guidelines, and the policy and procedures set out in this RF. The sample sub-project RP will be used as a model for the preparation and implementation of other sub-project RPs. ADB approval of sub-project RPs and provision of compensation before displacement will be conditions of the civil works contract.

19. The UPEHU, through the IRS and NRS will ensure that this RF is closely followed when an RP is prepared for a sub-project. The EA will further ensure that adequate resettlement budgets are delivered on time to the UPEHU and PIUs.

II. SOCIOECONOMIC INFORMATION

20. In CCs where there are resettlement issues, the PIU with assistance from the DRS, will prepare RPs (or short RPs if resettlement impacts are not significant). RPs will include measures to ensure that socio-economic conditions, needs and priorities (including those of women) are identified and that the process of land acquisition and resettlement does not disadvantage anyone especially vulnerable APs. The socioeconomic data will establish baseline information on various parameters regarding APs and any affected assets and properties in the sub-project area. Based on these, UPEHU and the PIUs will ensure that the appropriate entitlements and mitigating measures are incorporated into the RPs in accordance with this RF.

A. Design of Questionnaire and Data Processing

21. With assistance from the IRS and DRS, UPEHU will formulate a Detailed Measurement Survey Instrument (DMSI) to collect socio-economic data necessary to enable planning of compensation and other entitlements (a sample DMSI is provided in Attachment 2). The DMSI will be conducted by the RS and will collect information in six major fields: (i) demographic characteristics of the APs and their spouses (age, education, ethnicity, religion, civil status, household composition and gender); (ii) profile of affected land (percentage to total land owned or occupied by the AP, status of ownership, land use, and legal circumstances); (iii) impacts on assets other than land (e.g. houses, business structures, other structures, crops, trees, loss of business and livelihood), which will include questions on AP preferences in case of relocation; (iv) assessment of whether or not the AP and the household is vulnerable; (v) socio-economic profile (regular income and expenses, access to services, gender concerns, etc); and (vi) options for social rehabilitation (to provide consultation with- and confirmation by- vulnerable APs on training or skills needs prior to any relocation).

22. DMSI items will be assigned alphanumeric codes for tracking and safekeeping of AP records and questionnaires will be given to the PIUs for use by the RS in conducting the surveys after local disclosure and public consultations. The RS will also survey as appropriate: unit prices of construction materials; labor cost; and trees and crops (in consultation with agriculture/horticulture specialists) as a basis for verifying the replacement values of affected property. They will also hold focus group discussions in affected villages to gather socio-economic information for the DRE who will prepare RPs for other sub-projects developed in the CC.

⁷ A national consultant will be recruited by the UPEHU. NRS and IRS will be part of the Design Supervision Construction Consultants (DSCC).

B. Database Management

23. From the questionnaire, the data on affected property of APs will be transcribed onto a temporary Compensation and Entitlement Form (CEF) provided in Attachment 3, for the individual calculation of compensation and entitlements that will be discussed with the APs. The agreed amounts will be shown on the final CEF (Attachment 4) that will serve as the individual ledger of AP entitlements (the temporary CEF will be attached to the final form for verification). Assisted by UPEHU, the PIUs will calculate compensation amounts and both agencies will maintain the list of APs and the CEF for control and monitoring purposes. The PIU will endorse the CEF as “paid” when the AP receives the compensation in full; and APs will be provided with an individual copy of their CEF as a record.

III. GENDER IMPACT AND MITIGATING MEASURES

A. Identification of Women’s Socioeconomic Condition, Needs and Priorities

24. The results of the socio-economic survey conducted during project preparation indicated that women in the sub-project areas (urban centers) are both economically and socially disadvantaged, and are more susceptible to poverty than men. Women are engaged in long hours of work both inside and outside the house; they are socially subordinated and have few rights and choices; and have almost no influence on household or even personal decision-making (involving education, marriage, child-bearing, family expenditure, participation in the labor market, and income-generating activities). Women are engaged in waste management as rag pickers searching refuse for recyclable materials, and they are the worst sufferers of poor access to water, sanitation, adequate/safe food, and healthcare. The sub-projects should not have adverse impacts on women as they are focused on improving infrastructure and services in these areas; and UPEHSDP may thus disproportionately benefit women if implemented successfully.

25. To determine socio-economic conditions, needs and priorities of women in relation to RPs, two sections of the DMSI will be devoted to collecting data on women: one section will determine the civil status and other personal information for female APs; and another will determine their socio-economic condition. Raw data will be processed together with the other statistical information from the questionnaires, and will be discussed in RPs.

B. Mitigating Impacts of Land Acquisition and Other Resettlement Impacts on Women

26. If there is any land acquisition in the participating CCs it is expected to have only minor social impacts on women, of an equivalent nature to affected men. This RF ensures the protection of women affected by sub-project interventions through various measures, which will be replicated in sub-project RPs. Women APs are: (i) included in the provision of temporary or permanent access to common property resources; (ii) entitled to receive compensations for their affected property and other assets; (iii) entitled to receive special assistance if they belong to a socially and economically vulnerable group; and (iv) given rights as co-owners of replacement land in which they will be named as holders with their husband if the affected land is acquired during their conjugal partnership. Prior to any relocation, the CC will send medical personnel to provide appropriate assistance to households if: (i) there are women in the final stages of pregnancy; (ii) there are elderly household members who are sick; and/or (iii) there are physically disabled members who need assistance with locomotion. Any relocation of APs shall be deferred until these constraints are addressed.

IV. INFORMATION DISSEMINATION, CONSULTATION, PARTICIPATORY APPROACHES AND DISCLOSURE

A. Identification of Stakeholders

27. UPEHSDP is developed around a participatory approach involving parallel activities of stakeholder consultations and socio-economic surveys. To ensure that a wide range of stakeholders are aware of resettlement policies for UPEHSDP they were given the opportunity to make substantive contributions concerning the record of existing conditions in their locality and their preferences in developing sub-projects in their community. The primary stakeholders of each RP are: any landowners/occupants and household members affected by land acquisition; informal settlers and household members who use Government land on which elements of infrastructure are built or rehabilitated; and private contractors who will undertake the civil works. Secondary stakeholders include: LGRDC as the EA and LGD as the IA; concerned CCs and *Pourashavas*; other Government institutions whose remit includes areas or issues affected by UPEHSDP (public health, agriculture, animal welfare, planning, finance, environment, etc); NGOs and CBOs working in affected communities; the beneficiary community in general; and the ADB.

B. Project Disclosure

28. Extensive consultations were conducted during project preparation. Four workshops were held in Dhaka in July-August 2008 to discuss the UPEHSDP's objectives, components and projected impacts; and obtain stakeholder opinions. The workshops were attended by 115 participants including community representatives, NGOs and CBOs, local government officials, line agency representatives and other stakeholders. Five other similar workshops were conducted in Khulna, Comilla, Satkhira, Bogra and Tongi. Further public consultations on social safeguards were held in January 2009 in each CC in which sample sub-projects are proposed (Dhaka, Chittagong and Khulna).⁸ In each case a presentation was given providing an overview of potential resettlement impacts and explaining proposed entitlements for APs. A local-language version of the summary RF was also distributed. Participants invited were: communities directly affected by the proposed sub-projects, representatives of the CC, representatives of local NGOs, and representatives of local government agencies. Issues raised during consultations were addressed in the RF and sample RP and will also be taken into account in RPs for future sub-projects. A framework for consultations and community participation is described in this RF for continuing the process during implementation (below). All RPs and other relevant documents will be made available at public locations in the CCs and will be disclosed to a wider audience via the ADB website.

29. For future disclosures, the DRS, as well as conducting the socio-economic survey and assisting in community mobilization, will also be tasked with information dissemination and consultation activities to ensure that the needs and concerns of APs are properly addressed. Local-language program information booklets (PIBs) will be distributed by UPEHU and PIUs through the RS to ensure that APs, other stakeholders and local authorities will fully understand the sub-projects during disclosure. The PIBs will summarize: (i) UPEHSDP and its objectives, and the sub-project(s) in the particular CC; (ii) types of social impacts; (iii) eligibility of APs and cut-off dates; (iv) basic compensation policy and entitlements; (v) sub-project implementation

⁸ Meetings were held on 11 January 2009 in Dhaka (20 participants), 1 January 2009 in Khulna (13 participants) and 29 January 2009 in Chittagong (13 participants).

schedule; (vi) grievance and redress mechanism; and (vii) the importance of community participation. Invitations for public meetings and consultations will be posted in mosques, markets, and other places visited by large numbers of people. A sub-project map that clearly shows sub-project site(s) will be displayed during the disclosure to inform the public about both temporary and permanent land acquisition. UPEHU and the PIUs will also ensure that relevant information about any major changes in sub-project scope is shared with the public.

C. Participation and Public Consultation

30. The UPEHSDP includes a Community Participation Plan which is designed to enhance citizen participation in CCs to maximize urban public and environmental health benefits of UPEHSPD investments. This will include resettlement issues. In addition and following disclosure, UPEHU and the PIUs will consult APs in order to: (i) reduce potential conflicts; (ii) minimise the risk for sub-project delays due to grievances; and (iii) enable the program to design land acquisition and resettlement as a development program. Consultations will be conducted in two phases as follows:

1. Phase 1: Consultation on Sub-project RP Preparation

31. Focus group discussions will be conducted with APs and other stakeholders to obtain their suggestions on sub-project design and assistance/compensation to be considered in preparing the sub-project RPs. They will also be encouraged to participate in monitoring and evaluation, which make a valuable contribution in implementing RPs, as part of the participatory planning process. LGRDC, through the PIUs, will consult the APs and other stakeholders (including local institutions and women's groups) on the draft sub-project RPs before finalization. UPEHU and the PIUs will assist in all aspects of sub-project RP preparation including the writing of the final draft that will be endorsed by LGRDC before submission to ADB for review and approval.

2. Phase 2: Consultation During RP Implementation

32. On receipt of ADB approval of the RPs, UPEHU and the PIUs will hold public meetings to inform APs and other stakeholders of arrangements for the implementation of sub-project RPs. RPs will be translated into the Bangla language and disclosed to APs prior to implementation of RPs. The DRS and SCMO will meet individual APs to discuss and explain compensation entitlements and the schedule for clearing affected lands. APs will be given 60 days advanced notice so that they have enough time to vacate the land and make other preparations as may be necessary.

33. While relocation is not generally anticipated, in cases where it is unavoidable, APs, especially the vulnerable, will be consulted on their choices of relocation sites, informed of the dates of receiving compensation payments, and consulted on the schedule of their transfer to relocation sites. They will also be informed of their entitlements and rights to file complaints or grievances.

V. GRIEVANCE AND REDRESS MECHANISM

34. Any grievance or complaint from an AP on any aspect of land acquisition, compensation or resettlement will be solved in a timely and appropriate manner. This RF provides UPEHSDP's grievance and redress mechanism. UPEHU and the PIUs will ensure that APs are

aware of the procedures. They will produce a written description of the grievance and redress mechanism and will provide copies to APs during public consultations.

A. Content of Grievances

35. APs may submit their grievance/complaint about any aspect(s) of the implementation and compensation of RP(s) in their locality. Grievances can be submitted verbally or in writing, and in the case of verbal complaints the Grievance Redress Committee (GRC) will transcribe the complaint during the meeting at no cost to the AP.

B. Grievance and Redress Procedural Details

36. Grievances of APs will first be brought to the attention of the DRS and SCMO within the relevant PIU. Grievances not redressed by these parties will be brought to the GRC constituted for each CC. The GRC will comprise representatives from the office of the PIU and the office of the CC CEO, APs, a female elected member of the CC and the SCMO and DRS, and chaired by the CC CEO. The GRC will meet every month and will determine the merit of each grievance and resolve all grievances within 15 days of receiving the complaint. GRC procedure includes an appeals procedure for the AP who can, if not satisfied with the GRC decision, attend the next case and present any additional information for reconsideration of the case. Grievances not redressed by the GRC to the satisfaction of the AP will be considered by the PSC or the DC for grievances related to land acquisition. Any remaining grievances may be referred by APs to the appropriate courts of law. Records will be kept of all grievances received, including: contact details of complainant; date the complaint was received; nature and details of grievance; agreed corrective actions and date these were effected; and the final outcome. The steps to be taken in grievance redress are summarized in Table 4.

Table 4: Grievance Redress Procedure

| Item | Land with a Holding Number | Land without a Holding Number, Structures, and Other Assets |
|--------|---|---|
| Step 1 | AP files a grievance/complaint verbally or in writing to SCMO and DRS. If complaint is verbal it is written down by SCMO and DRS. AP and SCMO and DRS meet to hear complaint and take action to resolve within 15 days. | |
| Step 2 | If no solution or understanding is reached, AP submits the grievance/complaint to the GRC, to resolve within 15 days of receipt. AP may appeal if not satisfied with GRC decision. | |
| Step 3 | If no solution or understanding is reached on the appeal of the AP, UPEHU/PIU/GRC assists the AP to file the complaint to the PSC or DC. As required by Section 27 of ARIPO, DC appoints an arbitrator. | If no solution or understanding is reached on the appeal of the AP, UPEHU/PIU/GRC assists the AP to file the complaint to the District Court. |
| Step 4 | Arbitrator hears the complaint and renders a decision within 30 days of appointment. If AP is not satisfied with the decision the DC forms an Arbitration Appellate Tribunal (AAT) | District Court assesses the merits of the grievance/complaint and schedules a hearing. District Court decision is final. |
| Step 5 | AAT hears and assesses the merits of the grievance/complaint. AAT decision is final. | |

AAT = Arbitration Appellate Tribunal, AP = _____, ARIPO = _____, DC = Office of the District Commissioner, DRS = Domestic Resettlement Specialist, GRC = Grievance Redress Committee, PIU = Program Implementation Unit, PSC = Program Steering Committee, SCMO = Safeguards and Community Mobilization Officer, UPEHU = Urban Public and Environmental Health Unit.

VI. COMPENSATION AND INCOME RESTORATION

A. Identification of APs

37. Local government officials from the CC will assist the PIUs and SCMO and DRS in verifying the holding numbers of APs who claim ownership of affected lands, and those whose applications for holding numbers are being processed in the Local Land Registration Offices (LLROs) under the office of the DCs. The technical descriptions of the lands and the sub-project boundaries will be plotted on a property map to guide land acquisition. Independent geodetic engineering firms will be commissioned for a cadastral survey to help PIUs in determining the true dimensions of affected lands for the calculation of compensation due to APs.

B. Establishment of Unit Prices

38. In establishing the unit prices for calculating replacement costs and complying with the Compensation and Entitlement Policy, UPEHU will appoint independent entities to verify the prevailing market unit prices of property to be affected by the sub-projects.

39. **Land.** Independent land appraisers will assess affected private lands considering: (i) the present status of development; (ii) demand for land in the area based on its use (agricultural, residential or commercial) and surrounding factors that influence demand such as the proposed development programs of CCs; and (iii) location of the land in relation to its accessibility and other factors. The appraisers will gather information on land prices in three locations that are similar in character to each plot of affected land. They will first verify the price of land in the sub-project area by asking at least 10 respondents including landowners, recent buyers or sellers of land, and deed writers at the LLRO who have recently handled transactions in or near the affected area(s). Appraisers will then follow the same process to verify land prices in two other locations with similar characteristics. As prices vary the statistical mode value will be calculated and that will be the basis for comparing DC determined rates and establishing the unit prices for estimating the replacement cost for land. If there is a difference between the price determined by the DC and the one obtained from the market survey then the difference will be paid (as a top-up).

40. **Structures.** For structures that will be affected temporarily or permanently, in part or in total, PIUs will prepare a list of construction materials from information in the DMS questionnaires. They will ascertain the likely source of materials from persons in or near affected areas, and will obtain unit selling prices including delivery costs from at least three suppliers. Average unit prices will be used to verify the DC determined rates for cost for materials, and labor will be added at an estimated 35% of total material costs. A 15% contingency will be added to the overall total (labor and materials).

41. **Other Assets.** For other assets the same approach as used to establish the unit cost of structures will be followed.

42. **Business or Other Sources of Income.** The SCMO and DRS will conduct a survey of daily incomes and the rent of structures from a sample of businesses in the sub-project areas. The statistical mode will be determined from the grouped data and used as the unit rate for compensation of lost daily business and/or rental incomes.

43. **Crops and Trees.** If significant numbers of crops and trees will be affected by land acquisition (temporary or permanent) the SCMO and DRS will survey unit prices, in consultation

with agriculture/horticulture experts. Unit prices for seasonal crops will be based on the highest market price during the season to ensure that compensation is adequate and unit prices for perennial crops will be based on their average price for the past 12 months. Unit prices for compensation of fruit trees will be based on the market value of the fruits; timber trees will be priced according to their species, age and quality. Values determined will be used to verify DC rates.

C. Compensation

44. Cash compensation will be calculated by multiplying the established unit prices by the size/number/quantities of affected lands, assets, replacement materials and labor, crops/trees, etc, as appropriate, following the guidelines in the Entitlement Matrix. The bases for establishing unit process and total costs will be disclosed to APs during consultations on compensation.

D. Relocation

45. Relocation is a contingent measure in the RF since work undertaken during project preparation indicated that resettlement effects are likely to be minimal. Furthermore sub-projects will be designed to minimize land acquisition and resettlement impacts. If relocation (because of unavoidable acquisition of private land) is necessary the CCs will allocate land for APs within their jurisdictions that are conducive to social rehabilitation, accessible to social services and drinking water, with space for sanitary latrines. The timing of relocation will be made convenient for APs, who will receive a transfer and subsistence allowance in accordance with the entitlement matrix will be subject to review by the IRS.

E. Income Restoration

46. UPEHU and the PIUs will use socio-economic data from the DMSI questionnaires to classify the sources of each AP's affected income. There will be different types of intervention to restore incomes, depending on the type and nature of the affected livelihood. AP's who depend on agriculture will be provided with replacement land, if available. If they are involved in micro-business they will receive cash compensation equivalent to three months of lost income or minimum wage rates for employees of business. UPEHU and the PIUs will require civil works contractors to give preference in employment to members of AP's households when forming workforces for the construction of sub-projects. These interventions are provided for in the Compensation and Entitlement Policy of this RF, which stipulates that LGRDC will provide adequate and timely budgetary support. As a separate measure funded by the Program vulnerable APs who lose their livelihoods will be offered places on training programs in sub-project related activities and will be employed (by the subproject) if they successfully complete the course. Therefore, a job in the project is first identified and then training is undertaken. Training is thus ensured to be for a particular job. The Waste Picker Livelihood Training Program (WPLTP) (**Supplementary Appendix P**) will assist in absorbing waste pickers into paid jobs with community-based organizations (CBOs) contracted for municipal service delivery under the project, particularly with primary collection activities in urban poor areas. The Program will also facilitate re-skilling and facilitate job placement in other opportunities when project employment is not possible.

F. Screening of Vulnerable Households

47. Households identified as vulnerable by the DMS will be screened so that special assistance is delivered as defined in the Entitlement Matrix. The following criteria may be adopted by UPEHU and the PIUs:

- (i) Households headed by women. These are households where the head is:
 - (a) A female who is widowed, divorced or separated as confirmed by neighbors and respected local citizens; and
 - (b) Carrying the whole responsibility of raising the family, which includes members who are below 18 years of age.
- (ii) Households headed by the elderly. These are households where the head is:
 - (a) Aged 65 years or above (regardless of gender or marital status), as confirmed by neighbors and respected local citizens;
 - (b) Carrying the whole responsibility of raising the family, which includes members who are below 18 years of age; and
 - (c) Not receiving regular financial support from children and/or relatives.
- (iii) Households headed by the poor. These are households in which:
 - (a) The head has a monthly income that is below the country's poverty line,⁹
 - (b) The head carries the whole responsibility of raising the family as confirmed by neighbors and respected local citizens; and
 - (c) There are members who are below 18 years of age.
- (iv) Households headed by an indigenous person. These are households where the head is:
 - (a) An indigenous person or ethnic minority as defined by ADB policy and confirmed by neighbors and respected local citizens; and
 - (b) Carrying the whole responsibility of raising the family, which includes members who are below 18 years of age.

VII. RESETTLEMENT BUDGET AND FINANCING

A. Budgeting and Financial Planning

48. Detailed budget estimates for involuntary resettlement will be prepared by UPEHU for each RP, and the total will be included in the overall budget for the sub-project. Sums will cover: the cost of compensation for loss of land, structures, other assets, crops and trees; special assistance for vulnerable households; disclosure, public consultation and focus group discussions; surveys such as the DMS; AP training and income restoration; resettlement monitoring and evaluation; and administration of the RP. Details in the budget will include: (i) full costs of each item, (ii) the source of funding, (iii) arrangements for approval, and (iv) the flow of funds and contingency arrangements.

49. All land acquisition and resettlement funds will be provided by the EA and land acquisition, compensation, relocation, and rehabilitation of income and livelihood will be considered as an integral component of sub-project costs. Table 5 shows the estimated budget for implementing RPs for sub-projects in the six participating CCs; this includes the sample sub-

⁹ The poverty line will be the value given in the official announcement from the Home Income and Expenditures Survey (HIES).

projects developed during project preparation and additional sub-projects that will be developed by the EA during the detailed design and implementation phases. The total resettlement budget for the program is projected to be Tk 122 million.

Table 5: Budget Summary for Implementing the UPEHSDP Resettlement Plans
(in Tk)

| Item | Quantity | Unit Cost | Total Cost | Sub-totals |
|--|---------------------------|-------------------------|------------|--------------------|
| Compensation for lost income or assets | | | | |
| Land acquisition (hectares) | 10 | Location dependent | 71,000,000 | |
| Compensation | 110 ¹⁰ | 16,292 ¹¹ | 1,792,120 | |
| | | | | 72,792,120 |
| Resettlement Coordination in UPEHU | | | | |
| International Resettlement Specialist (Consultant) | 4 months ¹² | 900,000 ¹³ | 3,600,000 | |
| Domestic Resettlement Specialist (Consultant) | 20 months ¹⁴ | 100,000 | 2,000,000 | |
| | | | | 5,600,000 |
| Resettlement Coordination in UPEHU | | | | |
| Safeguards Coordinator | | | | |
| Resettlement Coordination in PIU | | | | |
| Safeguards and Community Mobilization Officer (6) | 39 X 6 = 234 | 23,666 /month | 5,537,844 | 5,537,844 |
| Surveys | | | | |
| Detailed Measurement Surveys | 6 x 6 month ¹⁵ | 100,000 | 3,600,000 | |
| Business Income Survey | 6 x 1 month | 200,000 | 1,200,000 | |
| Independent Monitoring Agency | 6 x 8 month ¹⁶ | 200,000 | 9,600,000 | |
| Survey expenses | Sum | 600,000 | 600,000 | |
| Land survey | Sum | 600,000 | 600,000 | |
| | | | | 15,600,000 |
| Committees | | | | |
| Grievance Resolution Committee | 45 ¹⁷ | 9,000 | | |
| | | | | 405,000 |
| Consultation and Disclosure | | | | |
| Communications staff | 108 month ¹⁸ | 100,000 | 10,800,000 | |
| Expenses | 4 years | 1,800,000 ¹⁹ | 7,200,000 | |
| | | | | 18,000,000 |
| Monitoring | | | | |
| External Monitor | 6X2 month ²⁰ | 23,666 /month | 283,992 | 283,992 |
| | | | | |
| TOTAL | | | | 118,218,956 |

¹⁰ Estimated amount for entire project based on sample subprojects.

¹¹ Estimated from sample subproject resettlement impacts.

¹² International Resettlement Specialist will be engaged for one month bi-annually during the first two years of detailed design/implementation as this is when all RPs will be prepared and compensation provided.

¹³ Cost includes fee, travel and subsistence, based on current rates for consultants.

¹⁴ Domestic resettlement specialists will be engaged for the project period. RPs will be prepared and implemented in Years 1 and 2, and in Year 3 any remaining issues and grievances will be resolved.

¹⁵ Budget allows for each PIU to employ two persons for three months each to conduct all DMS required in that CC.

¹⁶ Assumes two monitoring specialists working for one month each per year, for four years in each PIU.

¹⁷ Assumes that GRC will meet on average once every two months throughout the construction period.

¹⁸ Public consultation and disclosure is the responsibility of each PIU, with coordination from UPEHU. PIUs may engage staff if necessary so an allowance is included for three months of intermittent input per year for each PIU.

¹⁹ Includes cost of venue, advertising, refreshments and materials for the following events each year in each PIU: 2 public meetings (Tk 50,000 each), 2 local meetings/workshops (Tk 10,000 each), 1 media campaign (Tk 30,000 each), and other local events and activities (Tk 150,000). Total per year for each PIU = Tk 300,000.

²⁰ It is assumed that the external monitoring will be done by individuals though it can also be a contract and will be engaged for two person months twice a year throughout the project period.

B. Approval of Resettlement Budget

50. The EA will approve the budget for RPs and each CC council will pass a resolution for the approval of their share of the counterpart funds. The CC will provide LGRDC with a copy of the resolution. LGRDC and the CCs will commit to the provision of adequate budgetary support to implement the sub-project RPs in compliance with the RF.

C. Accounting Systems and Control

51. Prior to RP implementation, UPEHU, aided by consultants, will establish their own system of accounting for the RP budgets, and will assist the PIUs and CCs in replicating the procedures in each administration. Tools will include a chart of accounts, plus appropriate forms and invoices for the payment of compensation and other entitlements, special assistance and the administrative costs related to resettlement. The chart of accounts will be part of the accounting system on the Development Expenditures for UPEHSDP for which ADB, through an external monitor, will check disbursements for the implementation of the RPs.

D. Flow of Compensation Payments

52. According to ARIPO, compensation for land acquisition in Bangladesh is carried out by the DC. However it does not clearly provide entitlements for those without holding numbers to the land (see Table 2). To comply with the technical provisions of ARIPO as well as ensuring the rehabilitation of APs without legal title to the land they use or occupy, LGRDC will arrange with the DCs the mechanism for providing compensation involving land. The following procedures for payment of compensation will apply following ADB's approval in the RPs:

1. Cash Payment for Land

53. The local government councils of each CC will pass resolutions approving the budget for compensation for land that is acquired for sub-projects. Prior to release of the budget, Deeds of Sale will be prepared and signed. The CCs will then provide DCs with a list of APs and their entitlements, plus the Deeds of Sale, and will deposit the appropriate funds into the DC bank accounts. To ensure APs receive the appropriate payment the following procedure will be applied:

- (i) DCs will prepare individual cheques accompanied by five payment receipts and four copies of the Deed of Sale for signature of APs. If the AP recorded in the DMS and CEF has died, the cheque will be in the name of the authorized representative of the household, who should present acceptable identification documents with certification from their Chairman, Union Parishad/Ward;
- (ii) In coordination with DCs, PIUs will inform APs of the release of the payment, its date, time and place. If the payment is substantial, PIUs can suggest that APs open a savings account with the releasing bank, which will issue a passbook with which the AP can make withdrawals from their savings deposit;
- (iii) APs will present acceptable identification documents to the bank teller before the money is released to them;
- (iv) The bank teller will release the money when APs have signed the cheque and withdrawal slip, the five payment receipts and the four copies of the Deed of Sale; and
- (v) The bank will retain one copy of the payment receipt and will return the other four to the DC for distribution to the CC, PIU, UPEHU and the DC file. The bank will

return the four copies of the Deed of Sale to DCs, who will have them notarized by a licensed notary public before distributing copies to APs, the CC and DCs; the notary public will also retain one copy.

2. Land-for-land Compensation

54. The following steps will be followed if APs prefer land-for-land compensation:

- (i) The CC will prepare four copies of Deeds of Sale for land to be acquired from APs and four other copies of Deeds of Sale for land to be exchanged with APs. Both Deeds will be forwarded to the LLROs under the DCs;
- (ii) The CC CEO and APs will sign both Deeds. The DC will serve as witnesses for the CC CEO, and relatives or other private persons will be witnesses for the APs;
- (iii) The DC or CC will have both Deeds of Sale notarized by a licensed Notary Public;
- (iv) The CC will be responsible for providing the Government land that is given to AP(s) in exchange for land required for the sub-project. The exchange land should be in the name of both husband and wife if the affected land is relinquished during a conjugal partnership;
- (v) APs will surrender the holding number of the affected land upon receipt of the holding number for the exchange land; and
- (vi) PIUs will obtain photocopies of the Deeds of Sale and the holding numbers and attach them to the final CEF of APs.

3. Cash Payments Other than Land

55. Payments for affected structures, other assets, crops and trees, other entitlements, relocation expenses and special assistance to vulnerable APs will be the responsibility of LGRDC. After the highest management of LGRDC has approved the budget for compensation, the following steps will be followed in paying the APs:

- (i) UPEHU will prepare individual cheques for each AP and four payment receipts. If the AP recorded in the DMS and CEF has died, the cheque will be in the name of the authorised representative of the household, who will be required to present acceptable identification documents with certification from their Chairman, Union Parishad/Ward;
- (ii) UPEHU will coordinate with PIUs to inform APs of the release of the payment, its date, time and place. If the payment is substantial, PIUs can suggest that APs open a savings account with the releasing bank, which will issue a passbook with which the AP can make withdrawals from their savings deposit;
- (iii) APs will present acceptable identification documents to the bank teller before the money is released;
- (iv) The bank teller will release the money when APs have signed the cheque, withdrawal slip, and the four payment receipts; and
- (v) The bank will retain one copy of the payment receipt and will return the other three to UPEHU for distribution to the CC, PIU and UPEHU file.

VIII. IMPLEMENTATION SCHEDULE

56. UPEHSDP will be implemented over 7 years, from December 2009 to December 2016. All RPs will be implemented during the two-year detailed design period so that all compensation is paid before construction begins. Individual RPs will take around 7 months to implement, following the schedule shown in Table 6.

Table 6: Implementation Schedule for RPs

| Item | Land Acquisition and Resettlement Activities | Start Date | End Date | Duration (days) |
|---|--|---------------------------|----------------------------|-----------------|
| I. Upon approval of sub-project by ADB | | | | |
| 1 | Mobilize GRC and hire RS, IRE, and DRE | Month 1: 1 st | Month 1: 7 th | 7 |
| 2 | Organize internal monitoring team and hire external monitor | Month 1: 8 th | Month 1: 14 th | 7 |
| 3 | Agree compensation with APs and prepare Deeds of Sale for land | Month 1: 15 th | Month 2: 14 th | 30 |
| 4 | Provide adequate budget and approve release | Month 2: 15 th | Month 3: 15 th | 30 |
| 5 | Release funds for compensation | Month 3: 16 th | Month 4: 15 th | 30 |
| 6 | File and resolve complaints and grievances ²¹ | Month 4: 16 th | Month 7: 15 th | 90 |
| 7 | Apply for and issue holding numbers for lands | Month 2: 15 th | Month 5: 30 th | 75 |
| 8 | Consult APs on schedule for clearing lands and relocation if needed | Month 4: 16 th | Month 5: 15 th | 30 |
| 9 | Clear lands and relocate households if necessary | Month 4: 21 st | Month 5: 30 th | 40 |
| 10 | Internal monitor assess compliance with resettlement policies and report to ADB | Month 5: 1 st | Month 12: 30 th | 210 |
| 11 | ADB review and approve RP implementation and confirm "No Objection" for award of civil works contract to chosen contractor | Month 6: 1 st | Month 6: 15 th | 15 |
| II. Pre-construction stage of sub-projects | | | | |
| 12 | Award civil works contract to sub-project contractor | Month 6: 16 th | Month 6: 25 th | 10 |
| 13 | Mobilize sub-project contractor | Month 6: 26 th | Month 7: 26 th | 30 |
| 14 | Social impact assessment by external monitor | Month 12: 1 st | Month 12: 30 th | 30 |

IX. MONITORING AND EVALUATION

A. Internal Monitoring

57. Internal monitoring will be undertaken by UPEHU and the PIUs with assistance from the IRS (who will gather information on RP implementation). All activities listed will be illustrated on Gantt Charts showing the target dates for completing resettlement activities. Internal monitoring reports will be prepared by the PIU and will assess: (i) accomplishments to date; (ii) objectives attained and not attained during the period; (iii) problems encountered; and (iv) targets for the next quarter. Internal monitoring reports will be integrated by UPEHU into the quarterly PPR submitted to ADB. Table 7 shows the potential monitoring indicators that will be reported.

²¹ Grievance redress will be an ongoing activity, but based on the implementation schedule it is anticipated that this period, when compensation will be paid, is likely to be the time when most issues will arise.

Table 7: Potential Monitoring Indicators

| Monitoring Issues | Monitoring Indicators |
|--|--|
| Budget and timeframe | <ul style="list-style-type: none"> • Resettlement staff mobilized as scheduled; • Capacity building on Involuntary Resettlement and RP provided as planned; • RP activities achieved as planned; • Funds for RP allocated to implementing bodies on time; • Disbursing body received funds on time; • Funds disbursed according to RP; • Land acquired and taken over in time for sub-project implementation. |
| Delivery of AP entitlements | <ul style="list-style-type: none"> • APs received entitlements according to amounts and program specified in entitlement matrix; • APs received payment of time, before loss was incurred; • APs received other agreed benefits based on schedule of compensation. |
| Consultation, grievance and other issues | <ul style="list-style-type: none"> • Public consultations held as scheduled; • RF/RP information brochures/leaflets prepared and distributed on schedule; • APs aware of their specific entitlements and grievance procedure; • GRC meetings held and grievances resolved. |
| Benefit monitoring | <ul style="list-style-type: none"> • Changes in APs income and expenditure as a result of sub-project activities; • Changes in APs pattern of livelihood as a result of the sub-project; • Disproportionate effects on vulnerable households or groups. |

B. External Monitoring and Evaluation

58. UPEHU will engage an independent monitor to conduct external monitoring, which will include compliance monitoring and social impact evaluation.

1. Compliance Monitoring

59. Compliance monitoring of RP implementation will cover: (i) sub-project compensation and entitlement policies; (ii) adequacy of the organizational mechanism for implementing the RP; (iii) restoration of APs' incomes; (iv) handling of complaints and grievances; and (v) provisions for adequate budgetary support by LGRDC and CCs for implementing the RP. The independent monitor will assess if the APs: (i) have been provided with replacement land; (ii) have re-established their structures; and (iii) have been provided other elements established in the entitlement matrix. The independent monitor will also appraise the accounting documents used in recording the payment of compensation to APs.

2. Social Impact Evaluation

60. The independent monitor will conduct a one-time social impact evaluation, at least six months after the completion of resettlement. The independent monitor will use appropriate investigative and analytical techniques in assessing the post sub-project socio-economic conditions of the APs in relation to the baseline socio-economic data on income and living standards recorded in the DMSI. The evaluation will describe any outstanding future issues that are necessary to bring the resettlement process into compliance with ADB and GOB policy, and any further mitigation measures required to meet the needs of any APs or households perceiving themselves to be worse-off as a result of the sub-project. It will identify lessons learned from the evaluation that may be useful in developing future LGRDC policies on involuntary resettlement.

X. IMPLEMENTATION ARRANGEMENTS

A. Institutional Capacity Assessment

61. The CC will need technical support to enable them to fulfil their responsibility in preparing and implementing sub-project RPs. Through the UPEHU the LGD will manage UPEHSDP centrally, and PIUs in each participating CC will execute the sub-projects locally. Staff in these agencies will be trained and developed through UPEHSDP. UPEHU will be responsible for ensuring implementation of RPs in accordance with the RF and the PIUs will prepare, update, implement and monitor RPs and undertake associated resettlement activities in the cities.

B. Institutional Responsibilities

1. Local Government Division/Urban Public and Environmental Health Unit

62. LGD of the Ministry of Local Government, Rural Development and Cooperatives (LGRDC) will be the EA for UPEHSDP providing overall guidance for program implementation. LGD will have the overall responsibility to plan, organize, manage, supervise, coordinate and monitor the progress achieved. LGD will establish a support unit called the Urban Public and Environmental Health Unit (UPEHU) who will be responsible for day-to-day program implementation and will be headed by a full-time program director. UPEHU will function as the Program Management Unit (PMU), with responsibility for day-to-day implementation. A Safeguards Officer (SO) to coordinate resettlement and environmental safeguards for UPEHSDP will be part of the Policy and Program Wing of the UPEHU. Through the SO, the UPEHU will ensure RP compliance with ADB policy and national law across the entire program. This includes: (i) pre-approving final RPs prior to submission to ADB for review and approval, (ii) providing and releasing adequate budgetary support for implementing RPs and ensuring timely payments to APs prior to award of civil works contracts, and (iii) assisting in resolution of complaints and grievances of APs related to RP implementation not resolved at the PIU level.

2. City Corporations/Program Implementation Units

63. Program Implementation Units (PIUs) will be established in each City Corporation. The PIUs will include a Safeguards and Community Mobilization Officer (SCMO) who will receive social development and resettlement training from the IRS and DRS who will be assigned to work with the PIU staff to help implement sub-projects and to transfer implementation capability to the PIU team. The SCMO will work closely with the IRS and DRS in planning, implementing, and monitoring all resettlement activities. The PIUs will: (i) screen and categorize sub-projects; (ii) assist in disclosure, public meetings and other consultation with stakeholders, particularly APs; (iii) facilitate activities of the IRS/ DRS and DC staff in conducting census, socio-economic surveys, and IOL; (iv) in coordination with the DC finalize unit replacement prices for calculating compensation and entitlements; (v) coordinate discussions with APs regarding compensation; (vi) coordinate with the CCs on matters related to RP preparation, implementation and monitoring; and (vii) liaise with APs on the schedules for release of compensation payments and documents necessary for identification. The CCs will: (i) ensure program funds are made available for implementing sub-project RPs in their locality and disburse compensation and assistance to APs; (ii) provide, where available and required, exchange lands for land of APs that will be affected by sub-projects; and (iii) assist in resolving complaints and grievances of APs.

3. District Commissioners

64. To assist in bridging gaps identified between ARIPO and ADB policies, DCs should be involved in the following: (i) as a partner of the PIU in the socio-economic survey and IOL of APs; (ii) determination of compensation in accordance with ARIPO; (iii) facilitation in compensating affected lands; and (iv) appointing an Arbitrator and/or an Arbitration Appellate Tribunal for the resolution of complaints and grievances involving land compensation that are not resolved at the UPEHU/PIU level.

4. Resettlement Specialists

65. A Design, Supervision, and Construction Consultant Team (DSCC) will be contracted to assist the UPEHU and PIUs in implementing and managing the investment sub-projects including resettlement planning. Towards this, international and domestic Resettlement Specialists (IRS and DRS) within DSCC will prepare and implement RPs in accordance with both ADB and GoB policies during the feasibility and detailed design stage, and supervise resettlement planning during the construction process. The IRS and DRS will work in close coordination with UPEHU and PIUs. They will coordinate with the SO in the UPEHU to ensure all entitlements/payments are awarded before contract award. The IRS and DRS will also provide necessary training to PIUs to facilitate their monitoring of resettlement impacts during construction and operation. It will provide support ensuring that all tasks of the PIU with regard to resettlement implementation and monitoring are achieved.²²

5. Grievance Redress Committees

66. GRCs will be established in CCs. Committee membership is described in Section V and representatives will be selected through focus group discussions and recommendations from the community. Given the expected limited impacts of land acquisition, the role of GRCs in sub-project RP implementation will be primarily to assist the PIUs in matters concerning compensation and in the resolution of other complaints or grievances, if any.

6. Private Entities

67. Private land appraisers and geodetic engineers will be engaged for the survey of market values of land and the survey and marking of sub-project boundaries respectively. The marked boundaries will be the basis for conducting the DMS and IOL of APs, which will be reflected in sub-project RPs.

7. Asian Development Bank

68. ADB will review and approve the sub-project RPs. Sub-project RP implementation and completion of land acquisition and provision of compensation is a pre-requisite for the award of civil works contracts. ADB will also review the monitoring reports prepared by the IMA to ensure that RP implementation complies with the policies of GOB and ADB, and the RF.

²² These will include: (i) Detailed Measurement Survey (DMS) to collect socio-economic information on APs; (ii) Inventory of Losses (IOL); (iii) collection of data on unit prices of construction materials, crops and other affected assets; (iv) assisting in community participation and mobilization; (v) assisting in consultation with APs and other stakeholders, including liaison regarding compensation; (vi) assisting in local resolution of grievances; (vii) verification of land holdings; and survey of business and other incomes; (viii) assistance in ensuring preparation and implementation of RPs; and (ix) internal monitoring of RP implementation.

69. Details of agencies responsible for RP activities are shown in Table 8.

Table 8: Institutional Roles and Responsibilities

| Activities | Action | Approval |
|---|------------------|----------|
| Preparation of RPs: | | |
| Recruitment of IRS/DRS | UPEHU | PD |
| Screening and categorization of sub-projects | PIU | SO |
| Preparation of PIBs for disclosure to stakeholders and APs | PIU/IRS/DRS | SO |
| Establish collaboration with ODCs | SCMO | SO |
| Disclosure, focus group discussion and identification of stakeholders | SCMO/DRS | IRS |
| Consultations with women | SCMO/DRS | IRS |
| Census of 100% APs and socioeconomic survey | SCMO/DRS | IRS |
| Survey on unit prices for computing replacement costs | SCMO/DRS | IRS |
| Screening of vulnerable APs | SCMO/DRS | IRS |
| Calculation of compensation and entitlements | DC/SCMO/DRS | IRS |
| Update of sub-project RPs and writing the new RPs | SCMO/DRS | IRS |
| Consultations on RPs and entitlements with APs | SCMO/DRS | IRS |
| Incorporate comments and suggestions to RPs | SCMO/DRS | IRS |
| Finalize RPs and submit to ADB | IRS | UPEHU/EA |
| ADB website disclosure | ADB | |
| Implementation of RPs* | | |
| Budget allocation and approval | UPEHU/EA | |
| Disbursement of funds, preparation of checks, compensation and entitlement forms and vouchers | PIU | UPEHU/EA |
| Advance notice to APs concerning land acquisition | PIU | UPEHU/EA |
| Internal monitoring | PIU | UPEHU/EA |
| Resolution of complaints and grievances | SCMO/PIU/GRCs | UPEHU/EA |
| Communication of outcome of GRC cases | PIU | UPEHU |
| External monitoring | External Monitor | EA/ADB |

AP = affected person, DRS = domestic resettlement specialist, EA = executing agency, GRC = grievance redress committee, IRS = international resettlement specialist, PD = program director, PIB = program information booklet, ODC = Office of District Commissioner, UPEHU = Urban Public and Environmental Health Unit, PIU = program implementation unit, PMU = program management unit, RP = resettlement plan, SCMO = safeguards and community mobilization officer, SO = safeguards officer.

XI. OTHER ARRANGEMENTS

A. Disclosure of the RF and RPs

70. Consistent with ADB's Public Communications Policy,²³ UPEHU and ADB will disclose the RP documents to the public. UPEHU will disclose the draft RPs and the final RPs after they have been updated during the detailed design. The RPs will be made available to APs in the form of brochures, leaflets or booklets, translated into the Bangla language so that they can be easily understood by local stakeholders. After endorsement by the EA, ADB will make publicly available on their website both the draft RF and RPs, with updates and final versions.

B. Update of RPs

²³ *The Public Communications Policy of the Asian Development Bank: Disclosure and Exchange of Information*: ADB, March 2005.

71. All RPs will be updated when detailed designs of infrastructure are prepared and the EA will submit updated/final versions to ADB for review and approval prior to implementation.

ANNEX 1: SURVEY QUESTIONNAIRE FORM

Ministry of Local Government, Rural Development and Cooperative

Urban and Environmental Health Sector Development Program (UPEHSPD)

Introduction: The purpose of this census is to record the losses on your properties due to the implementation of UPEHSPD project here in your place to determine the amount of compensation that you will receive. The Project Executing Agency is the Local Government Division (LGD). We will greatly appreciate your cooperation in this census and we will consult you again after the plan has been completed. *(If there are two families living in the house or employees working in affected business shop that would be affected, use separate questionnaire for each).*

City Corporation : _____ District: _____
 Village: _____ Union/Ward: _____ Mouza: _____ Thana: _____

Living on the site: [] Yes [] No
 Address of Affected Person: Holding NO. Mohalla/Bari.....
 Village/Mouza..... Upazila

PROJECT COMPONENT

| | |
|---|---|
| <input type="checkbox"/> road <input type="checkbox"/> Bridge <input type="checkbox"/> water supply <input type="checkbox"/> low cost sanitation <input type="checkbox"/> | <input type="checkbox"/> town centre development <input type="checkbox"/> public market <input type="checkbox"/> upgrading of low income community <input type="checkbox"/> solid waste management <input type="checkbox"/> |
|---|---|

I. DEMOGRAPHIC CHARACTERISTICS

1. **Name of the respondent:** _____. Relation to household head: [] self
 [] son [] daughter [] relative [] other _____.

2. Household Profile

| | Affected Person | Spouse |
|--|--|--|
| Name | | |
| Age | | |
| Occupation 1 [part time or full time, length of time employed] | | |
| Occupation 2 [part time or full time, length of time employed] | | |
| Income 1 (Tk/month) | | |
| Income 2 (Tk/month) | | |
| HH size | | |
| Sex | [] Male [] Female | [] Male [] Female |
| Head of the Family | [] Yes [] No | [] Yes [] No |
| Ethnicity | | |
| Civil Status | [] Single [] Married [] Widow [] Separated/Divorced | |
| Education | <input type="checkbox"/> none <input type="checkbox"/> elementary <input type="checkbox"/> high school <input type="checkbox"/> college | <input type="checkbox"/> None <input type="checkbox"/> elementary <input type="checkbox"/> high school <input type="checkbox"/> College |

others Others

3. **Religion:** [] Muslim [] Hindu [] Buddhism [] Christian [] Others _____

4. **Members of the family other than the Affected Person** (indicate only the members living with the household).

| Age | Education | Relationship | Number of family members | | | Occupation/ Type of Work | Monthly Income |
|-----|-----------|--------------|--------------------------|--------|-------|-----------------------------|-------------------|
| | | | Male | Female | Total | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

Total HH Income: _____ Tk/month

II. THE AFFECTED LAND

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

| | | | |
|--------------------------|-------------------------------------|--------------------------|-----------------|
| <input type="checkbox"/> | owned by occupant | <input type="checkbox"/> | under lease |
| <input type="checkbox"/> | Khas | <input type="checkbox"/> | government land |
| <input type="checkbox"/> | private owner (other than relative) | <input type="checkbox"/> | Pourashava land |
| <input type="checkbox"/> | owned by a relative | <input type="checkbox"/> | |

3. **Use of Land, Total Area and Area to be Acquired**

| Use of the Land | Total Area of the land (in sq. meters) |
|-----------------|--|
| Farming | |
| Residential | |
| Other (Specify) | |
| Total | |

- a) If owned by other private person, do you have the permission from the owner to use or occupy this land? [] Yes [] None
- b) How long have you been living in or using this land? _____

III. RESETTLEMENT EFFECTS OF LAND ACQUISITION (cross the appropriate box)

| | | | |
|--------------------------|---------------------------|--------------------------|--------------------|
| <input type="checkbox"/> | House | <input type="checkbox"/> | wood trees |
| <input type="checkbox"/> | commercial business shop | <input type="checkbox"/> | Crops |
| <input type="checkbox"/> | gate or frontage | <input type="checkbox"/> | loss of business |
| <input type="checkbox"/> | boundary fence | <input type="checkbox"/> | loss of livelihood |
| <input type="checkbox"/> | common property structure | <input type="checkbox"/> | rent income |
| <input type="checkbox"/> | fruit trees | <input type="checkbox"/> | |

1. **House and/or business structure**

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

| | | | |
|-------|--|--|--|
| House | | | |
|-------|--|--|--|

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

- [1] Owned by the Affected Person
- [2] Not leased but with permission from the owner
- [3] Without permission from the owner
- [4] On lease or rental arrangement
- [5] If lease or rent, indicate the monthly payment.

| |
|-------|
| House |
| |
| |
| |
| |
| |

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

- wood and bamboo
- galvanized iron
- other light materials

- bricks and concrete
- Straw

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

- [1] Number of days to dismantle
- [2] Number of days to reconstruct
- [3] No. of persons needed for dismantling
- [4] No. of persons needed for reconstruction

| |
|-------|
| House |
| |
| |
| |
| |

d) What is the daily rate of skilled carpenter? Tk_____. The daily rate of helper or unskilled laborer? Tk_____.

e) Required replacement materials for the affected house or business structure.

| Replacement Construction Materials for the Affected House or Business Shop | Unit of Measure | Unit Price | Volume | Total Amount |
|--|-----------------|------------|--------|--------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| Total | | | | |

f) Affected utilities in the house [] electricity connections
 [] water connections [] others (specify) _____. What is the estimated cost of reinstallation of the affected utilities? Tk_____

2. Other Structures (cross the appropriate box)

[] gate or frontage [] common property structure (identity) _____

- a) Number of days to dismantle _____.
- b) Number of days to reconstruct _____.
- c) Number of persons needed for dismantling _____.
- d) Number of persons needed for reconstruction _____.
- e) In case of common property resources, will this require for reestablishment? [] Yes [] No
- f) Estimated replacement cost of affected structure. Tk _____

3. Crops

| Crops/plants Grown in the Affected Land | Unit of Measure | No. of harvest per year | Ave. yield per harvest | Unit Price |
|---|-----------------|-------------------------|------------------------|------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

4. Trees

| Names of Affected Trees | Age of Trees | Number | Unit Cost |
|-----------------------------|--------------|--------|-----------|
| [a] Fruit-bearing trees | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| [b] Wood trees (for lumber) | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| Total | | | |

Note: The affected trees will not be compensated unless the trees are planted and nurtured by the APs.

5. Loss of Livelihood (the following questions should only be asked to AP whose house shall be relocated or who are employed in affected business shop)

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

IV. VULNERABILITY STATUS OF THE AP

- An elderly who is 65 years old an above.
- Household Below Poverty Level (Tk 5000 below)
- Physically disabled person who heads the family.
- A woman who heads her family.

- A widowed/separated woman who heads the family.
 An indigenous person within the IP community.
 A young orphan who fends for her young siblings.
 None of the above.

V. SOCIO-ECONOMIC PROFILE

- [a] Do you have existing debts? Yes No
[b] From whom do you borrow money? relatives bank cooperative
 usurers
[c] What social services do you need most? water connection artesian well
 sanitary latrine public school road solid waste disposal
[d] How many school children do you have? _____
[e] How many of your school children have stopped schooling? _____
[f] Where do you get your drinking water? _____
[g] Do you have own toilet in your house? Yes None
If none, what toilets do you use? _____
[h] Among your monthly expenses, which rank first? _____ second? _____
and third? _____
[i] Which of the following are the roles of women in your household? fetching of
drinking water taking care of children gathering of wood for fuel vending
 domestic help work in construction work in grocery shops
[j] Are women in your house contribute to household income? Yes No
[k] Are women given roles in decision making in your household? Yes No
[l] What are the education levels achieved by women member of your household?
 primary secondary/high school college technical course none

VI. OPTIONS FOR SOCIAL REHABILITATION *(The following question should be asked to vulnerable APs who will be relocated elsewhere, but not to APs whose only losses are trees.)*

- [a] If you are relocated, do you think you can practice your skill in other places?
 Yes No
[b] Do you want to acquire skills other than what you have now? Yes No
[c] What skills do you want to be trained? _____

Interviewer: _____

Date Interviewed: _____