

RESETTLEMENT FRAMEWORK

**APPENDIX TO THE
Report and Recommendation of the President
to the Board of Directors**

on the

SECOND URBAN PRIMARY HEALTH CARE PROJECT

in

PEOPLE'S REPUBLIC OF BANGLADESH

**Local Government Division,
Ministry of Local Government, Rural Development and Cooperatives**

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RESETTLEMENT FRAMEWORK

A. Project Background and Description

1. The Second Urban Primary Health Care Project (the Project) addresses the unmet need for primary health care (PHC) in urban areas of Bangladesh, especially among the poor. The Project will finance 64 civil works subprojects: 50 PHC and 14 comprehensive reproductive health care (CRHC) centers in all six city corporations and five municipalities. The Project will support the purchase of 12 apartments for PHC centers in Dhaka, and upgrading of 4 PHC centers to CHRC centers; neither activity involves resettlement. Fifty community toilets will be constructed in the slums of the project area. The health facilities to be constructed under the Project are designed for land-scarce urban settings. The total land requirement under the Project will be approximately 3 hectares.¹

2. No involuntary resettlement is expected as a result of the Project.² As in the first Urban Primary Health Care Project (UPHCP-I), under which 128 facilities were constructed on unoccupied government and donated land, almost all the construction under the Project will be done on unoccupied government or donated land. However, a contingency is provided for 25 project-affected people in the six city corporations and five municipalities. In the municipalities, five CHRC and 25 PHC centers will be constructed. A short resettlement plan has been prepared for the six city corporations. It will serve as a model for addressing potential resettlement issues in the subprojects of five municipalities (Supplementary Appendix H)³.

B. Resettlement Policy Framework

3. The legislation governing land acquisition for public purposes is the Acquisition and Requisition of Immovable Property Ordinance (Ordinance II of 1982) and its amendments in 1993 and 1994. The ordinance is the only law that governs all cases of acquisition and requisition by the Government of immovable property (land, crops, and built structures) for any public purpose or in the public interest. The ordinance does not cover project-affected people without title or ownership records, such as informal settlers or squatters. In most cases, the compensation does not constitute the market or replacement value of the property acquired. In the absence of a Government policy consistent with the Asian Development Bank (ADB) policies on involuntary resettlement,

¹ These PHC centers will have two floors and the CRHC center will have four. The land requirement for each facility will be less than 200 square meters .

² During UPHCP-I no resettlement was required to build the 128 project buildings. In the six city corporations no resettlement is expected.

³ During project implementation, the Local Government Division (LGD) will prepare each subproject resettlement plan in accordance with the resettlement planning principles set out in the resettlement framework and the ADB policy on involuntary resettlement to the satisfaction of ADB. Provisions have been included to help restore living standards of the project-affected people to the pre-project levels or better. As detailed designs are finalized and approved, LGD, city corporations, and municipalities will revise and update the resettlement plan. All households will be compensated at full replacement cost and current market value.

poverty reduction, and social development, a project-specific resettlement policy framework and resettlement procedure guidelines will be adopted. The framework and guidelines in this appendix will apply to all subprojects to be prepared and approved under the Project. It will ensure that people affected by land acquisition who permanently or temporarily lose their livelihoods will be eligible for appropriate compensation under the Project.

4. The resettlement policy framework reflects the Government's land acquisition laws and regulations and ADB's policy on involuntary resettlement and guidelines. It stipulates eligibility and provisions for all types of losses (land, crop, trees, fish, structures, business, employment, work days, wages, and social infrastructure). Land for land will not be feasible because replacement land is not available. Lost livelihood will be compensated at full replacement cost, which will help the project-affected people to rehabilitate themselves. Project-affected households compensated by the district deputy commissioner for lost assets will receive (i) a cash grant to match the replacement market value; and (ii) other resettlement assistance such as allowance and compensation for loss of business, work days, and income because of dislocation. Households headed by females, and other vulnerable households will be eligible for cash assistance to relocate and to reconstruct houses or structures. Table A13.2 shows the measures adopted in the resettlement plan on land acquisition and resettlement to bridge the gap between the ADB policy on involuntary resettlement and the Government policy on land acquisition, and assessment and valuation of acquired property.

C. Resettlement Procedural Guidelines

5. The short resettlement plan for the six city corporations is in Supplementary Appendix H. There are specific resettlement procedural guidelines to guide the preparation of resettlement plans that will be adequate for the magnitude of land acquisition for subsequent subprojects. The resettlement procedure guidelines require (i) an initial social assessment survey by LGD once the scope of each subproject is identified, based on preliminary technical designs; and (ii) a short resettlement plan (as subproject impacts are not significant). Since the resettlement impact of the subprojects will be minimal, approval will be accorded only for resettlement category-B subprojects and only during the project period. The short resettlement plan must, however, comply with ADB's policy on involuntary resettlement and other social safeguard guidelines.

6. The following safeguards will be applied to government and donated land: (i) consulting fully on site selection with any project-affected people without titles; (ii) ensuring that voluntary donations do not severely affect the living standards of the project-affected people and are linked directly to benefits for them, with community-sanctioned measures to replace any losses that they agree to verbally and in writing; (iii) confirming any voluntary donation through verbal and written records verified by nongovernment organizations (NGOs) and consultants; and (iv) putting in place adequate grievance redress systems. Where projects directly benefit communities and are amenable to a local decision-making process, arrangements to deal with losses on

a transparent, voluntary basis may be included in resettlement plans, with appropriate safeguards.

D. Institutional Responsibilities and Resettlement Cost

7. The Ministry of Local Government, Rural Development, and Cooperatives, through LGD has overall coordination, planning, implementation, and financing responsibilities. An experienced NGO and/or resettlement specialist with clearly defined tasks will be engaged to implement the plans. A senior project management unit officer or executive engineer will be appointed as chief resettlement officer to supervise implementation with the help of existing LGD, city corporation, and municipality community organizers at the city and municipality level. The NGO and/or consultant will liaise with LGD and the contractor to assist the project-affected people, especially women and other vulnerable people, to find jobs during construction. In the contractor contracts, LGD will include a provision for preferential employment of qualified project-affected people, including women.

8. LGD will ensure that the resettlement plans adhere to the resettlement policy framework and resettlement procedure guidelines so that appropriate entitlements and mitigation measures are established. LGD will ensure that the resettlement budgets are delivered on time to the deputy commissioner's office and the implementing NGO and/or consultant for timely implementation of the resettlement plan. A resettlement contingency provision of \$200,000, including physical contingencies, is allocated under the costing for any possible resettlement contingency in the project area. The Government will provide the funds for land acquisition and resettlement. The funds will be released through the deputy commissioners' offices for acquired properties, whereas all other additional benefits will be paid directly by the Local Government Division through the implementing NGO and/or consultant.

E. Disclosure, Consultation, and Grievances

9. Each resettlement plan will be prepared and implemented in close consultation with the stakeholders and will involve focus group discussions and meetings, particularly with the project-affected people. The resettlement policy framework will be made available in Bangla during village focus group meetings. Copies of draft resettlement plans will be distributed among community groups to obtain their inputs before finalizing the detailed design, and after the socioeconomic survey to avoid fraudulent claims. Complaints and grievance procedures will be outlined in each resettlement plan, and grievance redress committees will be established for each subproject, with representatives from LGD, project-affected people, women and other vulnerable groups, local governments, and NGOs. The chief resettlement officer, or authorized person nominated by the officer, will chair the grievance redress committee. Other than disputes relating to ownership rights, the committee will review grievances involving all resettlement benefits, relocation, and relevant assistance. Grievances will be redressed within 2–4 weeks from the date the complaint was lodged.

F. Monitoring and Evaluation

10. LGD will establish a monitoring system involving LGD and implementing staff, and prepare progress reports on all aspects of land acquisition, compensation, and resettlement activities. LGD will report to ADB on land acquisition and resettlement in the quarterly progress reports. An independent monitoring and evaluation firm will monitor implementation of resettlement plans.

G. Entitlement Matrix

11. The entitlement matrix given in Table A13.1 will be followed:

Table A13. 1: Entitlement Matrix

Type of Loss	Application	Definition of Project-affected People	Entitlements	Expected Results
1. Loss of agriculture or any other type of land; and loss of homestead or commercial land	Land	Legal owners of land	Cash compensation under law by deputy commissioner, by category and use of land; additional cash grant to match the market or replacement value, to be determined by LGD through an independent valuation advisory team; refund of registration cost incurred for replacement land purchase within stipulated time	Replacement of agriculture land, homestead, or commercial land or the value to the project-affected people
2. Loss of residential/ commercial/ industrial structures by owners	Structure	Owner(s) of the structures identified by deputy commissioner and socio-economic survey	Cash compensation under law by deputy commissioner; additional cash grant to match the market or replacement value; Tk2,500 as transfer grant for relocation to each household CBE structure owner; at 5% cash compensation from the law up to Tk5,000 for homestead development and house and structure construction; additional assistance of Tk500 for households headed by females	Reconstruction of houses at a new site on project-affected people's land and CBEs in the resettlement site in the growth center
3. Loss of trees, crops, perennials, or fish	Standing crops, trees, fish	Owners of the land	Compensation at the rate estimated by the forest, agriculture extension, and fishery departments	Compensation for standing crops, trees, and fish
4. Loss of access by tenants or sharecroppers	Agriculture land and growth center	Tenants of the land as identified by socio-economic survey	Tk100 per decimal (1% of an acre) of agriculture land under tenant or sharecropping contract farming ^a	Compensation for loss of access to farm land
5. Loss of residence by squatters or authorized occupants on private land	Squatters and squatters with permission	Head of the households living as squatters or with permission	Compensation for lost structure (if owners) by deputy commissioner as assessed value; additional cash grant to match the market or replacement value; transfer or shifting grant at Tk2,500 per household; Tk2,000 per household as one-time cash grant for alternative housing for rented	Compensation for alternate housing (rented) for squatters and with permission
6. Loss of business or industrial premises by CBE owners	CBEs	The owner of CBEs	Assistance to CBEs for lost structure (if owners) by DC as assessed value; Additional cash grant to match the market/ replacement value; transfer/shifting grant at Tk2,500 per household; Tk2,000 per household as one-time cash grant for	Assistance for reestablishment to CBE owners, replacement land to restart

Type of Loss	Application	Definition of Project-affected People	Entitlements	Expected Results
			renting alternative housing	business
7. Loss of employment/ income, workdays (agriculture labor/ CBE employees) ^a	Households affected by the Project	Daily wage laborers, CBE employees, and others affected indirectly	Tk2,000 for loss of income or work opportunities as one-time cash grant; Tk3,000 for loss of income or work opportunities to vulnerable household heads (females); employment in project construction	Subsistence and income assistance in post-displacement period for a limited time
8. Partial loss of community facilities, common properties, or resources	Community facilities affected by the Project	Community affected by the Project	Cash compensation under the law; replacement value for structures assessed by property valuation assessment team; additional cash grant to match the market or replacement value of structure; cash grant of Tk2,500 for transfer, repair, or relocation of structure	The community will continue enjoying the social benefit from these infrastructures.

Note: Based on verbal agreement during the field visit but condition on of the city corporation or municipality certifying lessee status.

^a Included to provide compensation for the especially vulnerable project-affected people such as households headed by females, and daily wage earners.

Source: Government of Bangladesh

Table A13.2: Proposed Measures in Resettlement Plan to fulfill ADB Policy over Government Policy

Issue	Covered by Government Policy	Proposed Measures in Resettlement Framework as per ADB Guidelines
A. Assessment of Losses and Identification of Owner(s)		
1. Land and physical property on the acquired property	Deputy commissioner and LGD jointly categorize land by type and assets thereon, and identify the owners of physical assets	The deputy commissioner and LGD prepare a population record (to be updated to a census during detailed design) and socioeconomic surveys of identified households to assess the losses and identify owner(s) of acquired assets. An independent NGO as a member of the joint verification team confirms the joint verification data of physical property in order to detect implementation adequacies.
2. Livelihood and income opportunity	Laws on acquisition of land and property do not count loss of income and employment.	Loss of income and employment identified through censuses and socioeconomic surveys
3. Squatters and illegal occupants	Laws on acquisition of land and property do not recognize squatters or illegal occupants.	Squatters recognized as owners of structures they live in through censuses and socioeconomic surveys conducted by an independent agency. The joint verification team assesses and recognizes losses of structures.
4. Social dislocation	Laws do not consider social dislocation due to the acquisition.	Social and emotional disturbance due to dislocation from original place of residence recognized.
B. Assessment of Compensation and Valuation		
5. Land (agricultural, pond, homestead, and commercial plots)	Deputy commissioner collects recorded price for preceding one year and averages the sales prices for compensation. The award includes an additional 50% as premium on the assessed price due to compulsory acquisition.	A land market survey is conducted by an independent agency through structured survey and consultation for assessing current market price of land. A property valuation advisory team recommends a replacement value as additional payment directly to owner(s) of acquired property over the payment made by the deputy commissioner (if necessary).
6. Trees, crops, fish, perennials	Prices from the Forest Department, Agriculture Extension and Fisheries Department are used for project-affected trees, standing crops, and fish.	The price determined by the deputy commissioner is reviewed, and additional value is added to ensure the market price. The property valuation advisory team recommends the replacement price of trees, crops, and fish.
7. Structure and non-structure assets	The Public Works Department price is considered to assess the prices of different structures.	The price determined by the Public Works Department for different types of structures is reviewed. The property valuation advisory team also conducts valuation to recommend the real market prices of structures at replacement cost.
C. Compensation Entitlements		
8. Loss of land, structures, tree, crops, and fish	Assessed market price of land and other immovable properties and a 50% premium on that to legal owners Removal cost at 12.5% of the assessed value Auction out the salvaged materials	Market price at replacement cost assessed by property valuation advisory team Stamp duty and registration cost is reimbursed for purchase of replacement land within stipulated time. Assistance is given for shifting and reconstruction. People are allowed to take salvaged materials free of cost. An additional shifting allowance is given for households headed by females, and vulnerable people.
9. Livelihood and income opportunities	No provision for loss of income or employment	Cash assistance for income restoration
10. Informal settlers and squatters	No provision for loss of structure of informal settlers or squatters	Replacement price of structure. Shifting and reconstruction assistance. Business reestablishment grant, and plot on alternate resettlement site or equivalent valuation.
11. Social dislocation	No assessment	Options for relocation of the project-affected persons are considered for resettlement. Renovation and extension of community facilities in host areas are provided. Special assistance is provided to households headed by females, and other vulnerable groups.

LGD: Local Government Division
Source: Government of Bangladesh