

ASIAN DEVELOPMENT BANK

TAR: BAN 37334

TECHNICAL ASSISTANCE

TO THE

PEOPLE'S REPUBLIC OF BANGLADESH

FOR THE

DEVELOPMENT OF A

NATIONAL INVOLUNTARY RESETTLEMENT POLICY

December 2004

CURRENCY EQUIVALENTS

(as of 02 December 2004)

Currency Unit	–	taka (Tk)
Tk1.00	=	\$0.017
\$1.00	=	Tk60.055

ABBREVIATIONS

ADB	–	Asian Development Bank
BR	–	Bangladesh Railway
EA	–	Executing Agency
MOC	–	Ministry of Communications
MOL	–	Ministry of Land
TA	–	technical assistance

TECHNICAL ASSISTANCE CLASSIFICATION

Targeting Classification	–	Targeted intervention
Sector	–	Transport, energy, and water resources
Subsector	–	Roads, railways, and water resources
Theme	–	Sustainable economic growth, inclusive development, and governance

NOTES

- (i) The fiscal year (FY) of the Government ends on 30 June.
- (ii) In this report, "\$" refers to US dollars.

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I. INTRODUCTION

1. The Government of the People's Republic of Bangladesh (the Government) requested the Asian Development Bank (ADB) to provide advisory technical assistance (TA) for preparation of a national policy on involuntary resettlement to strengthen the Government's legal framework for mitigation of development-induced displacement and resettlement of affected persons (APs) caused by acquisition and requisition of land for development projects. The Bangladesh Resident Mission (BRM) fielded a fact-finding mission on 19–26 October 2004 and reached an understanding with the Government on the objectives, scope, cost estimates, financing plan, and implementation arrangements for the TA. The TA is included in the BRM's country assistance program for 2004.

II. ISSUES

2. In Bangladesh, the Acquisition and Requisition of Immovable Property Ordinance II of 1982 sets standards for payment of compensation for land and other immovable assets acquired for infrastructure projects. The Ordinance, however, does not deal with the broader social and economic impacts of land acquisition and resettlement including land replacement or land compensation paid at replacement cost; income restoration; relocation assistance and allowances; consultation and grievance redressal; assistance to vulnerable groups such as informal settlers/squatters, female-headed households, the elderly, and disabled; and provision for resettlement sites and services. There is no requirement for monitoring and evaluation of resettlement once the legally stipulated compensation is disbursed. Thus, land acquisition is always viewed with concern and apprehension by the APs, because it potentially diminishes the productive base of farm families, and because it is always associated with low and delayed compensation payments and often harassment from local revenue officials.¹

3. The criteria used in assessing compensation entitlement under the Ordinance are: (i) market value of the property on the date of acquisition (based on the registered value of similar property bought and/or sold in the area in the past 12 months), and (ii) a 50% increase on such assessed value due to the compulsory nature of land acquisition. The registered value of land is, however, only about half of market value because people devalue land in transactions to avoid, or pay lower, registration fees. As a result, compensation for land is always less than the market or replacement value of the property. The 1982 Ordinance is not only inadequate for the purposes of resettlement but involves decision making by various levels of administration, causing significant delays in acquisition and project implementation. In sum, resettlement of project-affected people is not adequately addressed in the land acquisition process in Bangladesh. In this context, a national resettlement policy framework to provide adequate assistance to the APs, particularly nontitled vulnerable persons—the rural poor, landless, women, and other disadvantaged groups—is required.

4. Official statistics on project-related displacement are rarely available in Bangladesh. Through the 1970s and 1980s, many irrigation, flood control, hydropower, and urban/industrial development projects were completed without any resettlement plan despite foreknowledge of large-scale land acquisition and population displacement. For instance, the Kaptai Hydroelectric Dam Project, completed in 1961, displaced a significant large number of families who were not

¹ M. Q. Zaman. 1996. "Development and Displacement in Bangladesh: Toward a Resettlement Policy." *Asian Survey*, Vol. 36:7.

adequately rehabilitated.² In recent years, due to development partners' policy requirements and persistence to mitigate project-induced displacement, some improvements in the form of "best practices" are noticeable in many projects, including those funded by ADB (for example, Jamuna Multipurpose Bridge Project, Jamuna Bridge Access Roads Project, Jamuna Bridge Rail Link Project, and Southwest Road Network Project). The best practices include (i) time-bound comprehensive resettlement plan for project-affected persons; (ii) entitlement matrix, based on types of losses by the APs; (iii) provision for replacement value of assets (land and housing); (iv) income restoration to a pre-project situation; (v) special attention to women and vulnerable groups; and (vi) civic amenities in resettlement sites/host communities in resettlement management.

5. Notwithstanding these project-specific and ad-hoc measures, findings from the Evaluation of Resettlement Experience in Selected Projects³ indicate major problems in land acquisition and resettlement management including (i) long delays in payment of compensation and resettlement assistance; (ii) lack of adequate consultation with APs at sufficiently early stage to affect decision making process and project design; (iii) weak income restoration program; and (iv) weak coordination and monitoring of resettlement activities. ADB's Special Evaluation Study on the Impact of Involuntary Resettlement⁴ found that the ability to implement a resettlement plan efficiently and effectively depends both on the clear policy guidelines and legal framework, as well as the knowledge, skills, and experience of the staff of project implementation agencies.

6. To date, the Government has no clearly formulated resettlement policy for persons affected by development projects. As a move to improving policy and implementation of resettlement, a draft outline of a National Resettlement Policy for Bangladesh was prepared in 1999 under an ADB-funded regional TA,⁵ but no follow-up assistance was made due to certain politically sensitive issues at that time. The capacity-building small-scale TA⁶ for resettlement management training, completed in December 2003, prepared further groundwork for a resettlement policy for Bangladesh in the form of draft guidelines for resettlement policy formulation, which were endorsed as the first "right step" by participants representing key government ministries, departments/agencies, and members of nongovernment organizations and representatives of civil society. The draft guidelines considered all aspects of project impacts and contained a set of recommendations for the formulation of a national policy for involuntary resettlement in Bangladesh. ADB's lending pipeline for Bangladesh over the next several years includes projects in the transport, energy and power, water resources and flood control, and urban and social infrastructure sectors, which will necessitate land acquisition and resettlement. The TA is, therefore, critical for the development of a national policy on involuntary resettlement for better management of development-induced displacement and resettlement.

7. There is strong support within the key government departments and agencies, particularly the infrastructure agencies such as Roads and Highways Department, Bangladesh Water Development Board, Power Development Board, Rural Electrification Board, Local

² M. Q. Zaman. 1982. "Crisis in the Chittagong Hill Tracts: Ethnicity and Integration." *Economic and Political Weekly*, Vol. 17:3.

³ Evaluation of Resettlement Experience in Selected Projects (Draft Final Reports Vol. II), Asian Development Bank and Roads and Highways Department, Dhaka, December 2003.

⁴ ADB. 2000. *Special Evaluation Study on the Impact of Involuntary Resettlement*. Manila.

⁵ ADB. 1998. *Review of National Resettlement Policies and Experience with Involuntary Resettlement Projects*. Manila (RETA 5781).

⁶ ADB. 2002. *Enhancing Capacity of Infrastructure Agencies in Management of Involuntary Resettlement*. Manila (SSTA 4006-BAN).

Government Engineering Department, Petro Bangla, and Gas Transmission Company Limited, which have encountered difficulties with regard to land acquisition and resettlement in project implementation. The training and draft guidelines for policy formulation provided under ADB TA 4006-BAN: Enhancing Capacity of Infrastructure Agencies in Management of Involuntary Resettlement have generated great enthusiasm in favor of adopting a national policy on involuntary resettlement in Bangladesh. The scope of the TA has been discussed jointly in the meetings of the Local Consultative Group (LCG), Transport Subgroup in the country and has been supported by the development partners, including the World Bank.

III. THE TECHNICAL ASSISTANCE

A. Purpose and Output

8. The TA will assist the Government in the development of a national policy on involuntary resettlement to complement the present Acquisition and Requisition of Immovable Property Ordinance II (1982) by addressing the broader issues resulting from loss of land, property, and livelihood. The policy will be developed in accordance with international standards to harmonize with other donor policies and use the ADB policy on involuntary resettlement as a model. It will set standards and provide the legal and administrative framework for efficient resettlement management in implementing development projects. It will also ultimately strengthen the institutional capacity of infrastructure agencies in better planning and management of resettlement activities.

9. The TA will (i) analyze the existing legal framework and best practices and disseminate the findings to the Government and stakeholders; (ii) develop the first draft national involuntary resettlement policy for Bangladesh; and (iii) prepare recommendations and propose amendments to existing land acquisition laws, so that they are harmonized with the draft national involuntary resettlement policy prepared. A TA agreement will be signed between the Government of Bangladesh (GoB) and ADB before the commencement of the TA.

B. Methodology and Key Activities

10. Broadly, the main activities under the TA will: (i) review existing policies, legislation on land acquisition, and sector policies to identify gaps; (ii) identify likely APs and project impacts on different groups and communities; (iii) identify relevant mitigative actions and development approaches; (iv) develop mechanisms for including resettlement plans in project preparation; (v) develop schemes for compensation and reestablishing livelihoods; (vi) identify possible impacts on vulnerable groups; (vii) propose entitlements, based on potential losses; (viii) develop systems for disclosure of information and consulting with stakeholders; (ix) identify procedures for grievance redressal; (x) assess the institutional capacity of leading infrastructure agencies; (xi) review the existing time frame for accomplishing the legal procedures of land acquisition, and develop an adequate time frame for this purpose; (xii) explore and recommend procedures for resettlement financing; (xiii) identify monitoring and evaluation systems; and (xiv) provide training on implementation of the policy. Bilateral and multilateral funding agencies will also be consulted during the implementation of the TA.

11. The TA activities will be carried out by a team of consultants in accordance with a work plan to be drawn in consultation with the Ministry of Land (MOL). The overall activities for development of the national policy will be accomplished in two phases. The TA will cover Phase

I activities, which will include (i) review of the current land acquisition framework and identification of gaps for improvement to harmonize with ADB's involuntary resettlement policy; (ii) evaluation of past resettlement experience including social dimensions in resettlement operations, assessment of resettlement implementation and effectiveness of ADB's and other donor's resettlement policies in recent projects and lessons learnt based on available reports and field level assessments; (iii) conducting sector-specific and national workshops to identify both scope and resettlement needs of various sectors/agencies; (iv) documentation of the sector-specific workshops and desk studies highlighting key legal, policy, and institutional issues for policy development in Bangladesh; (v) organizing a study tour to Sri Lanka comprising members of the relevant ministries, consultant team leader, and representative of ADB to review the Sri Lankan experience in the development of a national involuntary resettlement policy funded by ADB; (vi) preparing a preliminary first draft of the national involuntary resettlement policy; and (vii) conducting a national workshop to review the first draft national involuntary resettlement policy.

12. Subject to satisfactory progress of the TA and to approval by Management of ADB for further assistance, the remaining activities (Phase II) for development of the national policy will be undertaken under a follow-up ADB TA in 2006 with, primarily, a focus on preparation of a final draft national policy for involuntary resettlement, as well as implementation guidelines.

C. Cost and Financing

13. The total cost of the TA is estimated at \$438,000 equivalent, comprising \$201,000 of foreign exchange costs and \$237,000 equivalent of local currency costs. The TA will be financed on a grant basis by ADB's TA funding program. ADB will finance \$350,000 equivalent to meet the entire foreign exchange costs and \$149,000 equivalent of local currency costs. The Government will finance the remaining \$88,000 equivalent of the local currency costs, covering the cost for office space for the consultants, counterpart staff, and administrative and logistics services. The detailed cost estimates for the TA are given in Appendix 2.

D. Implementation Arrangements

14. The TA Executing Agency (EA) will be MOL. MOL will provide office accommodation for consultants and provide the necessary secretarial support staff. A joint secretary of MOL will coordinate (as the TA coordinator) the TA activities and provide necessary assistance to the consultants to carry out their work.

15. A steering committee chaired by the secretary, MOL will be established following the fielding of the consultants, and will include members representing the relevant ministries including Economic Relations Division, Ministry of Finance; Implementation, Monitoring, and Evaluation Division, Ministry of Planning; Ministry of Land, Planning Commission; Ministry of Power, Energy and Mineral Resources; Ministry of Communications; Ministry of Water Resources; and Ministry of Local Government and Rural Development. In addition, representative(s) from the legal profession, selected non-government organizations with resettlement experience, and the academic community will also be included. The team of consultants will closely coordinate with MOL and the steering committee through regular periodic meetings and participate in the steering committee meetings. Apart from regular periodic meetings, the steering committee will also have extended meetings during inception, preparation, and final review of the draft policy paper.

16. The TA activities will be carried out over a period of 8 months. A team of consultants will provide a total input of 29 person-months (8 international and 21 domestic) of consulting services for the study. Both international and domestic consultants will have expertise in (i) resettlement policy formulation and implementation aspects; (ii) institutional analysis and capacity building in resettlement policy and monitoring and evaluation of resettlement; (iii) indigenous peoples' issues; (iv) gender and resettlement issues; (v) legal issues pertaining to land laws and other legislation related to ownership and user rights; and (vi) government policies with regard to housing of the urban poor/informal settlers, urban development, and resettlement. The consultants will be recruited by ADB in accordance with the *Guidelines on the Use of Consultants* and other arrangements for international and domestic consultants acceptable to ADB following the quality- and cost-based selection method with biodata technical proposal. Outline terms of reference are attached in Appendix 3.

17. To enhance stakeholder involvement representing the public, Government, private sector, non-government organizations, and community-based organizations, the consultants will organize consultative workshops at the inception, draft policy (after circulation), and the final document. The team leader, in consultation with the TA coordinator, will identify workshop participants. In addition, sector-specific workshops will be held during the preparation. The consultants will conduct field visits to selected project sites to review and ascertain resettlement issues and impacts for incorporation into the policy as appropriate. The steering committee and the EA will help the consultants circulate the draft policy paper to all the stakeholders. To ensure the widest possible consultation, the draft policy will be circulated in Bangla and English.

18. The TA study is expected to commence in May 2005 and be completed by January 2006. The consultants will submit an inception report 1 month after the start of the TA, a progress report at the end of month three and an interim report at the end of Phase I incorporating (i) review and content analysis of the existing land acquisition and legal framework, (ii) a sector-specific stakeholder report, (iii) detailed documentation of resettlement experience both in development partner and domestically funded projects, and (iv) preparation of the preliminary first draft of the national involuntary resettlement policy.

19. A tripartite review will be carried out at inception and after the circulation of the preliminary first draft policy report. The report will be revised and finalized by the end of January 2006.

20. Several items of office equipment will be procured in accordance with ADB's standard procedures of direct procurement using TA funds for use by the consultants, including one each of the following: personal computer, printer, fax machine, photocopier, map copier, and other accessories as required. These will be handed over to the EA on completion of the TA study.

IV. THE PRESIDENT'S DECISION

21. The President, acting under the authority delegated by the Board, has approved the provision of technical assistance not exceeding the equivalent of \$350,000 on a grant basis to the Government of Bangladesh for the Development of a National Involuntary Resettlement Policy, and hereby reports this action to the Board.

TECHNICAL ASSISTANCE FRAMEWORK

Design Summary	Performance Indicators and Targets	Monitoring Mechanisms	Assumptions and Risks
<p>Goal Mitigate negative impact on people caused by involuntary resettlement</p>	<p>Adoption of a national policy on resettlement by the Government</p>	<p>Studies and sector-specific workshops and seminars TA follow-up report</p>	
<p>Purpose Develop a national policy on involuntary resettlement applicable to public and private sector development projects</p>	<p>Development of a comprehensive policy on involuntary resettlement based on local contexts and needs of the primary stakeholders</p>	<p>The Government follows up with relevant agencies and departments for implementation</p>	<p>Assumption</p> <ul style="list-style-type: none"> ▪ Delay in formulating implementation strategy
<p>Outputs</p> <p>(i) The Acquisition and Requisition of Immovable Property Ordinance II of 1982 and relevant best practices analyzed and disseminated</p> <p>(ii) Draft national involuntary resettlement policy prepared</p> <p>(iii) Recommendations for modifications of the Acquisition and Requisition of Immovable Property Ordinance II of 1982 to harmonize with the national policy prepared</p>	<p>Reviews of legal frameworks and their implementation</p> <p>Analysis of resettlement policies and practices, comparing them with ADB's policy</p> <p>Review of infrastructure agencies implementing resettlement plans</p> <p>Review of past and ongoing ADB-assisted projects, and remedial recommendations, wherever required Information sharing with other funding bodies</p> <p>Development of guidelines for policy implementation and training materials for resettlement management.</p> <p>Development of draft involuntary resettlement policy</p> <p>Preparation of an action plan for implementation of the national resettlement policy for Bangladesh</p>	<p>TA reports, workshops/ seminars</p> <p>TA reports, workshops/ seminars</p> <p>TA reports, workshops/ seminars</p> <p>TA reports, workshops/ seminars</p> <p>TA reports, workshops/ seminars</p> <p>TA reports, workshops/ seminars</p> <p>TA reports, workshops/ seminars</p> <p>TA reports, workshops/ seminars</p>	<p>Assumptions</p> <ul style="list-style-type: none"> ▪ Data available for review ▪ Government agencies will participate ▪ Government agency and concerned NGO will participate ▪ Other funding bodies will participate ▪ Country-specific deliverables may be difficult ▪ Existing legal framework shall be supplemented by an action plan
<p>Activities</p> <p>(i) Establish a steering committee (SC) to guide the implementation of the TA</p>	<p>(i) 3 SC meetings to be held</p>	<p>(i) Minutes of SC meetings and further actions recommended</p>	<p>Assumptions</p> <p>(i) Delay in forming the SC and failure of members to attend meetings</p>

Continued on next page

Design Summary	Performance Indicators and Targets	Monitoring Mechanisms	Assumptions and Risks
<p>(ii) Prepare report on consultative sector-specific workshops on resettlement impacts</p> <p>(iii) Conduct brief studies on related aspects of land acquisition and resettlement</p> <p>(iv) Organize sector-specific and national workshops by involving both primary and secondary stakeholders</p> <p>(v) Circulate draft policy document to stakeholders</p> <p>(vi) Revise and finalize the policy document</p>	<p>(ii) Consultative workshop reports highlighting needs of various sectors</p> <p>(iii) Selected studies on social dimensions (e.g., gender) and resettlement experience</p> <p>(iv) Sector-specific workshops and two national seminars (one for scoping and the other to review the draft policy) to be completed</p> <p>(v) Wide circulation of draft policy documents for comments</p> <p>(vi) Revised final policy report</p>	<p>(ii) Timely completion of consultative workshops and reports</p> <p>(iii) Completion of studies/reports</p> <p>(iv) Workshops/seminar reports and recommendations</p> <p>(v) Stakeholders and number of comments received on the policy documents</p> <p>(vi) Submission of final policy report</p>	<p>(ii) Document not analytical and informative</p> <p>(iii) Findings of the reports/studies not useful</p> <p>(iv) Poor attendance at workshop</p> <p>(v) Inadequate response to circulated documents</p> <p>(vi) Delay in finalizing the policy due to timely response and comments</p>
<p>Inputs</p> <p>Consulting services</p> <p>Total Cost</p> <p>Financing</p>	<p>International and domestic consulting services for 8 person-months, and 21 person-months, respectively</p> <p>Estimated total cost of \$438,000 equivalent</p> <p>ADB: \$350,000 Government: \$88,000</p>	<p>TA outputs and review missions</p>	<p>Assumptions</p> <ul style="list-style-type: none"> ▪ Capable consultants with requisite skills mix will be engaged ▪ Domestic consultants will provide require expertise and support

ADB = Asian Development Bank, NGO = nongovernment organization, SC = Steering Committee, TA = technical assistance.

COST ESTIMATES AND FINANCING PLAN
(\$'000)

Item	Foreign Exchange	Local Currency	Total Cost
A. Asian Development Bank Financing^a			
1. Consultants			
a. Remuneration and Per Diem			
i. International Consultants	140.0	0.0	140.0
ii. Domestic Consultants	0.0	80.0	80.0
b. International and Local Travel	20.0	6.0	26.0
c. Reports and Communications	1.0	5.0	6.0
2. Equipment ^b	0.0	10.0	10.0
3. Training, Seminars, and Conferences: Sector-specific Workshops/Steering Committee meetings	0.0	20.0	20.0
4. Surveys and Studies	0.0	15.0	15.0
5. Miscellaneous Administration and Support Costs	0.0	5.0	5.0
6. Representative for Contract Negotiations	3.0	0.0	3.0
7. Overseas Study Tour ^c	27.0	0.0	27.0
8. Contingencies	10.0	8.0	18.0
Subtotal (A)	201.0	149.0	350.0
B. Government Financing			
1. Office Accommodation and Transport	0.0	28.0	28.0
2. Remuneration and Per Diem of Counterpart Staff	0.0	40.0	40.0
3. Others	0.0	20.0	20.0
Subtotal (B)	0.0	88.0	88.0
Total	201.0	237.0	438.0

^a Financed by the Asian Development Bank's technical assistance funding program.

^b Includes 1 personal computer, 1 printer, 1 fax machine, 1 photocopies, 1 map copier, and other accessories.

^c Includes air fare, per diem, and other local expenses.

Source: Asian Development Bank estimates.

OUTLINE TERMS OF REFERENCE FOR CONSULTANTS

1. The objectives of the technical assistance (TA) are to (i) assist the Government of Bangladesh in formulating a policy on involuntary resettlement similar to international standards, and (ii) develop a national policy on involuntary resettlement of people affected by development projects funded by all investment capital sources. The policy will be developed to suit the existing social, economic and cultural conditions, and issues related to land tenure and ownership rights.

2. The international consultant/team leader will have at least 10 years of work experience in the field of resettlement, particularly in policy and implementation aspects, and demonstrated work experience in the region in project preparation, consultation, stakeholder training/workshop, particularly in Bangladesh.

3. The scope of work will include the following.

4. **International Resettlement Specialist and Team Leader** (4 person-months). The consultant will have the following responsibilities:
 - (i) In close association and coordination with the Executing Agency (EA) and steering committee, prepare the draft national policy in involuntary resettlement.
 - (ii) Review the Acquisition and Requisition of Immovable Property Ordinance II of 1982, identify gaps and suggest areas of improvement to match standards of the major development partners in terms of compensation and other assistance.
 - (iii) In close consultation with the EA and the Asian Development Bank (ADB), finalize steering committee membership and assist and participate in the steering committee meetings.
 - (iv) Supervise the organization and conduct of stakeholder workshops.
 - (v) Supervise and conduct broad-based consultation with all concerned stakeholders to include civil society, private sectors, Government, and bilateral and multilateral organizations working in the country.
 - (vi) Supervise studies/interviews of households involuntarily resettled as well as host populations, local agencies, and nongovernment organizations to obtain first-hand knowledge of their experience.
 - (vii) Ensure the draft policy is circulated to a broad audience, and assist the EA with the mechanisms for achieving this.
 - (viii) Work in close coordination with the steering committee and EA to ensure that all sectors and local resettlement issues are incorporated into the policy.
 - (ix) Identify strategies to strengthen and institutionalize the policy within the implementing agencies.
 - (x) Develop measures for effective implementation of the new policy.
 - (xi) Review and prepare training and staff needs assessment to implement the new policy.
 - (xii) Finalize and forward copies of the inception report, draft final policy and final report to the Government and ADB.
 - (xiii) In the event the recommended policy is adopted by the Government, after consultation with relevant stakeholders, and recommend follow-up activities required.
 - (xiv) Assume overall responsibility for developing the policy.

5. **International Institutional and Training Specialist** (2 person-months). The consultant will have experience in capacity building/training in the field of resettlement management. International experience in training, and in institutional strengthening/analysis, particularly in resettlement policy and monitoring/evaluation work will be required. Responsibilities will include the following:

- (i) Under the guidance of the team leader, conduct reviews of major infrastructure agencies, particularly focusing on the institutional aspects related to resettlement organization and management and needs assessment.
- (ii) Conduct sector-specific workshops and stakeholder analysis to identify the key policy and implementation issues in resettlement planning and implementation.
- (iii) Review selected regional and international policies on resettlement and assist the team leader in drafting the policy to the standard of international best practices.
- (iv) Under the guidance and supervision of the team leader, plan and conduct the national workshops on the draft policy.
- (v) Determine with concerned stakeholders the appropriate mechanisms for ensuring that the policy is implementable.
- (vi) Assist the TA team leader to achieve the goals of the TA.

6. **International Socioeconomic, or Indigenous Peoples' Specialist** (1 person-month). The International Socioeconomic/Indigenous Peoples' Specialist must be familiar with the ADB policy on indigenous peoples and have at least 5 years experience of working on ADB-funded projects, particularly dealing with indigenous/ethnic minorities and preparation of indigenous peoples' development plans. The Socioeconomic/Indigenous Specialist will have the following responsibilities:

- (i) Under the guidance of the team leader, conduct reviews of the impact of development projects on the indigenous/*adibashi* people with particular attention to Bangladesh;
- (ii) Conduct research on selected project impacts on *adibashi* people in the Chittagong Hills and other parts of Bangladesh—for example, Sylhet, Tangail, Mymensingh and Rasjhahi, and Dinajpur;
- (iii) Identify areas of displacement-related risks, mitigation, consultation, poverty reduction, and protection of indigenous rights and culture system;
- (iv) Provide guidelines for policy purposes, based on the laws and regulation with regard to management of indigenous issues in Bangladesh and the ADB policy on indigenous peoples;
- (v) Develop framework for consultation, indigenous peoples' development planning, and implementation framework by involving indigenous agencies and organizations;
- (vi) Provide specialist advice on enhancing policy and legal frameworks, strengthening institutional arrangements to implement an indigenous peoples' development plan and capacity building;
- (vii) Liaise with the focal agency and advise on the indigenous workshop, help define the agenda, presentation materials and the implementation of the workshop;
- (viii) Assist the TA team leader to achieve the goals of the TA.

7. **International Gender and/or Social Development Specialist** (3 person-months). The International Gender/Social Development Specialist should have at least 5 years of experience in women and development issues and must be familiar with the ADB's guidelines on social

dimensions and safeguard policies, particularly gender and resettlement issues. Responsibilities shall include the following:

- (i) Review gender issues in resettlement with special attention to situation in Bangladesh using case study examples of development projects;
- (ii) Assess the impact of the Bangladesh National Policy for Women's Development on various government programs and identify the policy constraints;
- (iii) Provide a gender analysis of the land/resettlement policy and practices in Bangladesh and how to promote participation of women in resettlement management and social development program;
- (iv) Develop a policy framework focusing on gender and resettlement issues for incorporation in the national policy and guidelines.
- (v) Assist the team leader in implementing the TA.

8. Domestic Resettlement Specialist and Deputy Team Leader (4 person-months). The Domestic Resettlement Specialist should have at least 5 years experience in resettlement planning and implementation in Bangladesh. Other qualifications would include social impacts, research/evaluations experience, particularly with regard to resettlement of project-affected persons. The consultant will have the following responsibilities:

- (i) Assist the international/team leader in the day-to-day administrative work, including setting up appointments with officials of key government departments/agencies.
- (ii) Help gather background data, and assist with analyzing the strengths and weaknesses of past and current experience in resettlement management in Bangladesh, including inadequacies of the existing legal framework.
- (iii) Help the consulting team organize consultative workshops and to undertake effective consultation with all concerned stakeholders.
- (iv) Ensure that the draft policy is circulated to a representative group of stakeholders, and all concerned reports are completed in accordance with scheduled timeline.
- (v) Generally assist with the administering of the TA and provide assistance to the international consultants as necessary.

9. Domestic Institutional and Training Specialist (3 person-months). The Domestic Institutional and Training Specialist should have several years of experience in resettlement planning and institutional strengthening/capacity building work in Bangladesh. Responsibilities will include the following:

- (i) Under the guidance of the team leader and the international institutional/training specialist, plan and conduct of institutional analysis of key infrastructure agencies with particular focus on resettlement planning and implementation management.
- (ii) Assist the international training specialist in planning and conduct of sector-specific as well as national workshops on involuntary resettlement policy.
- (iii) Review of national resettlement practices, including innovative experiences derived from the Jamuna Bridge and other development partner-funded projects and provides an assessment of the impact of the new experiences for policy development.
- (iv) Assist the international training specialist in workshop planning, including budget and implementation modalities.
- (v) Generally assist the team in carrying out the TA.

10. **Domestic Legal Specialist** (4 person-months). The Domestic Legal Specialist should have expertise on matters related to land laws and other related legislations pertaining to ownership and use-rights. The person must have several years of practicing/teaching experience in legal profession, particularly land laws and legal framework determining the rights of owners, sharecroppers/tenants, and wage laborers in the context of land acquisition for development projects. Responsibilities will include the following:

- (i) Under the guidance of the team leader, undertake extensive review of all land legislation/tenancy acts, including erosion/accretion land, *khas* land, and user rights with particular focus on resettlement planning and implementation management.
- (ii) Assist the team leader in documenting the review materials, and conduct mini-workshops on land laws and development induced displacement and compensation/resettlement issues.
- (iii) Review of land acquisition laws, including inadequacies, for development-induced displacement, and identify the need for new policy development.
- (iv) Assist the team leader in preparing draft legal framework for the national policy on involuntary resettlement.
- (v) Generally assist the team in carrying out the TA.

11. **Domestic Urban Housing and Resettlement Specialist** (3 person-months). The Urban Housing/Resettlement Specialist must be familiar with government policies with regard to housing of the urban poor, informal settlers/baste people and have work experience in the field of housing for the poor. Experience of work in development partner-funded projects in urban development, and services for the urban poor will be asset. The Urban Housing/ Resettlement Specialist will have the following responsibilities:

- (i) Under the guidance of the team leader, prepare a comprehensive review of the situation of the urban poor in major cities in Bangladesh in terms of housing and shelter, land titles and other issues in the context of government laws and guidelines and practices of development partners in this field.
- (ii) Plan and conduct under the supervision of the international training specialist a workshop on urban development and resettlement of informal settlers involving various local and national level stakeholders, including non-Government organizations (NGOs) working in this sector and other concerned agencies such as the National Housing Authority and Rajdhani Unnayan Katripakkha (Rajuk).
- (iii) Review urban resettlement practices, including innovative experiences derived from regional/international experience and provide specialist advice on enhancing policy and legal frameworks, strengthening institutional arrangements to ensure resettlement of urban poor affected by development projects.
- (vi) Assist the team leader and the international training specialist in workshop planning and implementation of the TA objectives.

12. **Domestic Socioeconomic, or Indigenous Peoples' Specialist** (4 person-months). The Domestic Socioeconomic or Indigenous Peoples' Specialist should have several years of socioeconomic and evaluation studies, with particular experience on the tribal/*adibashi* in Bangladesh. Experience of work in development partner-funded projects will be required. The Socioeconomic/Indigenous Specialist will work under the guidance of the team leader and the international specialist in the field. Responsibilities will include the following:

- (i) Conduct socioeconomic review/studies of indigenous peoples and prepare a profile of the impact of development projects on the indigenous/*adibashi* people.
- (ii) Assist the International Socioeconomic/Indigenous Specialist to carry out research on selected project impacts on *adibashi* people in various development partner-funded projects, including those in the Chittagong Hills.
- (iii) Assist the international specialist to prepare framework/guidelines for consultation for disclosure and community participation in project impact assessment, planning and implementation.
- (iv) Assist the Team Leader and the International Socioeconomic, or Indigenous Peoples' Specialist to prepare guidelines for policy purposes, based on the laws and regulation with regard to management of indigenous issues in Bangladesh and the ADB policy on indigenous peoples.
- (v) Develop draft guidelines for preparing an indigenous peoples' development plan, taking into account the socioeconomic complexities, legal issues, and development needs of the communities.
- (vi) Assist the TA team leader to achieve the goals of the TA.

13. **Domestic Gender/Social Development Specialist** (3 person-months). The domestic gender/social development specialist should have several years of experience in gender and development in Bangladesh, and preferably experience in resettlement work. The specialist shall work under the guidance of the team leader and the International Gender/ Social Development Specialist. Responsibilities will include the following:

- (i) Review national and international resettlement practices, and provide an assessment on the gender impact.
- (ii) Carry out consultative workshops to ascertain resettlers' experience, particularly those of the women in resettlement sites, focusing on social and economic aspects.
- (iii) Conduct studies of resettlement on women and vulnerable groups with specific project examples.
- (iv) Make specific recommendations to ensure that impacts of resettlement on women are included in the policy.
- (v) Generally assist the team in carrying out the TA.