

Involuntary Resettlement Assessment and Measures

Resettlement Framework
Project Number: 40515
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Bangladesh: Sustainable Rural Infrastructure Improvement Project

Prepared by the Local Government Engineering Department, People's Republic of Bangladesh

The indigenous peoples planning 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.

RESETTLEMENT FRAMEWORK

A. Project Background and Description of Activities

1. The Asian Development Bank (ADB) is supporting inclusive economic growth and poverty reduction in Bangladesh through its strategic priorities as identified in the country strategy and program for 2006–2010.¹ ADB's Strategy 2020 also advocates rural infrastructure development. Recognizing the importance of rural infrastructure for economic growth and poverty reduction in Bangladesh, ADB and other development partners including Kreditanstalt für Wiederaufbau (KfW) have supported the government efforts to develop rural infrastructure through several projects. Initially focusing on building rural roads, bridges, culverts, and capacity building for local government institutions, support has broadened over time to include construction of growth center markets, flood shelters and union council offices, and subsequently to include gender considerations and community participation in rural infrastructure planning, implementation, and operations and maintenance.

2. Despite substantial improvement, rural infrastructure in the country still remains underdeveloped. Road connectivity and related infrastructure remain weak, particularly in the north-west and south-west parts of the country. The main problems in fostering road connectivity are: fast growing demand for road transport, lack of funds for developing infrastructure, frequent inundation by floods, inadequate maintenance funding (covering only 40% of requirement), lack of measures to stop overloading on rural roads, and lack of technical skills and capacity building of local government institutions. Women still have limited access to economic opportunities and participation in decision-making process of local governments. Women's empowerment needs to be further augmented by innovative approaches through rural infrastructure development projects. The absence of efficient rural transport and supporting infrastructure, in north-west and south-west of the country, culminates in reduced accessibility for poor and women to resources and services and is a serious impediment in fostering the economic and social development in the region.

3. In rural infrastructure, the country is lagging behind most neighboring countries. In Bangladesh, only 37% of the rural population has access to all-weather roads compared with 60% in India and 61% in Pakistan. In South Asia, 57% road networks are paved, while in Bangladesh, it is only 25% - indicating poor road connectivity, higher vehicle operation cost and the need for a significant upgrading of rural infrastructure.

4. Realizing the full growth potential of rural areas, where 75% of the total population and around 85% of the poor live, will require substantial improvement in rural infrastructure. There remains a large unmet demand for rural infrastructure improvement and a need for continuing, even increasing investment. In Bangladesh, presently 75% of the rural road network remains unpaved and 240,000 meters of bridges and culverts need to be developed by 2025. Presently there are 17,363 GCMs of which only 2,895 have been developed. The plan is for development of 4,500 GCMs by 2025. LGED's road master plan for 20 years from 2005 to 2025 envisages an investment of \$26 billion for improving rural infrastructure.

5. The Sustainable Rural Infrastructure Improvement Project (the Project) will reduce poverty and raise incomes in 21 districts of northwest and southwest Bangladesh through

¹ ADB. 2005. *Country Strategy and Program: Bangladesh, 2006–2010*. Manila.

fostering economic growth, governance and gender equity². The Project will enhance the accessibility of the rural people to social services, such as health and education and economic opportunities. Widening the access to markets and livelihood activity will culminate in improved earnings for the rural poor including the poor women. Based on the lessons learned from previous projects, and consultations with the stakeholders, project intervention areas will be selected on the basis of high connectivity and poverty concentration, and there will be greater emphasis on fostering gender equity in economic opportunities, ensuring sustainable operation and maintenance, developing climate resilient infrastructure, and considering green elements in the design and implementation of the project.

6. It is anticipated that minimal land acquisition will be required, since roads are to be upgraded and sealed on their existing alignments, and the situation is rural with no encroachments on the right of way. Similarly markets will be improved on existing Upazilla land. For any given sub-project, if resettlement related criteria outlined in this document are not met, or the process of negotiated settlement between government and land holders fails, either the sub project will be dropped and another taken up, or a Resettlement Plan will be prepared in accordance with the ADB Safeguard Policy Statement (2009).

B. The Major Activities of the Project

1. Output A: Road Connectivity Improved

7. The Project will upgrade 700 km of upazila roads and 100 km of union roads to bitumen-surfaced standard to provide all-weather green road connectivity between agricultural production areas and Growth Centre Markets (GCMs) to the other parts of the country. Greening the roads will be mainstreamed to create a green belt and avenues for meeting aesthetic recreational needs, reducing the surface run-off discharge and checking erosion due to heavy rainfall on the slope of the embankment, reducing encroachment on road reserve areas.

8. Ninety-four roads were selected for upgrading through a participatory process with stakeholders on the basis of length, poverty incidence, no or minimal land acquisition need and degree of connectivity. Cross drainage structures, such as bridges and culverts with a total length of 2,765 meters will be constructed. Provisions for road safety such as road signs, delineators and bollards near the approach to bridges, reflectors carved in the tree trunks and provision of loading and unloading zones will be incorporated into the design of upazila roads. Women belonging to labor contracting societies (LCSs)³ will be engaged to improve road shoulders, embankment stabilization, planting trees on roadsides, planting of shrubs on embankments, and other road maintenance works.

2. Output B: Marketing Facilities Upgraded with Specific Provision for Women

9. Infrastructure of 92 existing GCMs will be improved with women's market sections in 50 markets. A participatory approach will be employed in identifying the GCM where women's market sections will be constructed. Each market will be connected either to an existing paved road or to one of those to be improved under the Project. The markets will be provided with paved trading areas, sheds, a water supply system, adequate drainage facilities, sanitation

² The 21 districts are (i) Kushtia, Chuadanga, Meherpur, Jessore, Jhenidah Narail and Magura in Khulna Division (ii): Rajshahi, Natore, Joypurhat, Bogra, Naogaon and Chapai Nawabgonj in Rajshahi Division and (iii): Panchagarh, Thakurgaon, Nilphamari, Dinajpur, Rangpur, Gaibandha, Kurigram, and Lalmonirhat in Rangpur Division.

³ LCSs comprise poor women with limited income-earning capabilities who carry out routine maintenance on rural roads using basic hand tools and materials supplied by LGED.

facilities, and market offices. At each GCM, a market management committee will be responsible for ensuring proper physical and financial maintenance. Each village market will be provided with an access road, paved selling areas, sheds, and sanitary facilities. 6-12 shops will be constructed in each GCM solely dedicated to women traders based on demand shown during participatory discussions.

10. Three GCMs have been selected for piloting rural piped water supply in the three divisions of Khulna, Rajshahi and Rangpur. The goal is to find a sustainable management model involving both the community and local government to operate and maintain piped water supply in rural markets where safe water availability is a problem. The community will be engaged to participate in planning, construction, operation and maintenance of this mini piped water supply system.

11. Three GCMs have been selected for piloting renewable energy supply in the three divisions of Khulna, Rajshahi and Rangpur. In the selected GCMs at present no electricity supply is available and the Rural Electrification Board has no plans in the near future of providing electricity. In these three markets the shops, including women's market sections, toilets and street lighting will be electrified using solar photovoltaic cells. The beneficiaries will be trained on judicious use and maintenance of the system and the responsibility of maintaining the system by contributing towards maintenance charges.

3. Output C: Rural Infrastructure Management Improved

12. The Project will upgrade the rural infrastructure management capacity of LGED and other Local Government Institutions (LGIs). For LGED, the institutional capacity of the staff will be improved through various training programs in contract management, financial management, participatory planning, construction supervision, sustainable maintenance and management, climate resilient infrastructure, quality control, information technology, gender and development, and monitoring and evaluation. The training program for LGI officials including UP chairmen, members, and upazila officials, and members of the management committees of GCMs will cover the roles and responsibilities of local governments, sustainable road maintenance, financial management, poor and indigenous people's participation in local decision making, and participatory planning. The training programs will be supplemented by on-the-job training and awareness campaigns. The Project consultants will assist in packaging the training programs and implementing the awareness campaigns.

13. **Incentive based Infrastructure.** Based on performance standards related to women's participation in local governance, 20 union parishads will have access to funds for infrastructure development. For this purpose, \$1 million will be set aside to use with pilot participants for additional infrastructure investments if the performance criteria are met. The union parishads in the pilot that will meet the agreed performance standards will receive funds up to \$45,000 each for infrastructure activities, such as, bridges or culverts, or on upgrading a rural market structure, or to install solar panels to provide lighting for a rural market. The union parishads will manage the infrastructure investment with the technical support of LGED.

C. General Anticipated Impacts

14. Among the above activities only the road component may involve some very minor land acquisition (and no relocation of people or structures) for minor road shape corrections, which cannot be determined until after completion of detailed design. Growth Centre Markets will be improved on their existing footprints. The management improvement component requires no land.

The incentive based infrastructure sub-component may involve some construction, however it will be improvement of existing infrastructure on existing land only. The Project will not affect any private assets such as housing structures, business establishments, social infrastructure, historical sites, trees, crops etc with related income loss requiring assessment, documentation, valuation, calculation and payment of compensation.

D. Land Acquisition and Mitigation Measures.

15. If land is required for any reason, either permanent or temporary, LGED will implement a process of negotiated settlement with land holders. The borrower/client is encouraged to acquire land and other assets through a negotiated settlement wherever possible, based on meaningful consultation with affected persons, including those without legal title to assets. A negotiated settlement will offer an adequate and fair price for land and/or other assets. The borrower/client will ensure that any negotiations with affected persons openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions. For this purpose, the borrower/client will engage an independent external party to document the negotiation and settlement processes. The borrower/client will agree with ADB on the consultation processes, policies, and laws that are applicable to such transactions; third-party validation; mechanisms for calculating the replacement costs of land and other assets affected; and record-keeping requirements.

E. Scope.

16. This framework covers development and construction works under the Sustainable Rural Infrastructure Improvement Project no involuntary resettlement (relocation) and where any land acquisition will utilize the process of negotiated settlement process

F. Application and compatibility of ADB's Safeguard Policy Statement 2009

- (i) Avoid involuntary resettlement through appropriate designs;
- (ii) Minimize involuntary resettlement by exploring project and design alternatives

G. Mitigate Adverse Social Impacts.

17. The project preparatory assistance has already applied screening criteria to ensure construction and development work will not require any type of displacement and no poor and vulnerable groups will be affected. Equally no social and community facilities will be disturbed rather there is significant potential for poverty reduction and development through enhancements to the rural road network and market facilities.

H. Safeguards.

18. This Resettlement Framework has been prepared to ensure the project selection criteria have been met, and to clearly identify the triggers, if any, for more comprehensive safeguards (i.e. a resettlement plan). Although not required, as an element of best practice, a Due Diligence Report (DDR) will be the primary document to assess the social safeguards status of a proposed sub-project or construction package of works. A DDR would be required for each sub-project that requires new land, and the DDR of the sub-project will outline whether project selection criteria have been met, and will incorporate at a minimum the following:

- (i) Verification and documentation that land required for the project is sold without coercion;

- (ii) Verification that nobody will be impoverished by the land sale (more than 5% of total land holding donated will trigger livelihood restitution measures to be specified in a resettlement plan);
- (iii) Verification that land sale will not displace tenants, if any, from the land;
- (iv) Meaningful consultation has been conducted in good faith with all affected persons. Documented verification of the agreement of affected persons to the sub-project. Separate discussions to be held with women and minority groups as required to facilitate meaningful participation;
- (v) Assurance that a mechanism for sub-project implementation is operational and has a fair system of grievance redressal, as well as a system for project monitoring and reporting; and
- (vi) Gender disaggregated socio-economic data for the sub-project area has been collected including at a minimum household size, ethnicity, location within the area, land holding size, land type, crop yield per ha other important sources of income.

I. Due Diligence Report (DDR)

19. Each DDR need not be more than four pages with supporting documents such as verification records, socio-economic data, consultations record and community meetings.

J. Resettlement Plan

20. If any of the resettlement-related project criteria are not met, or the process of negotiated settlement between government and land holder/s fails, either the sub project will be dropped and another taken up, or a Resettlement Plan will be prepared in accordance with the ADB's Safeguards Policy Statement (2009). The consultant's terms of reference for the Project Management Unit includes the services of a social/resettlement specialist throughout project implementation, with associated budget, to ensure the skills and resources to assist LGED are available.

K. Institutional Arrangements

21. The LGED will be the executing agency for all the components of the project. The Project Management Office will be established in LGED at its headquarters in Dhaka to facilitate, coordinate, and supervise project activities. The PMO, headed by a full-time project director with qualifications acceptable to ADB, will be established by LGED in Dhaka. The project director will report to the chief engineer of LGED, coordinate all project activities, and be directly responsible for overall implementation, monitoring, and supervision. In addition to the project director, LGED will appoint three qualified deputy project directors (DPD), along with other qualified PMO administrative and support staff. The deputy project directors will be posted in LGED's divisional offices in Jessore, Rangpur and Rajshahi.

22. The PMO will (i) prepare an overall project implementation plan and detailed designs; (ii) supervise various civil works; (iii) organize and maintain the project financial accounts; (iv) implement the gender action, resettlement, and environmental management plans; (v) organize monitoring and evaluation; and (vi) prepare progress reports and a project completion report.

22. The PMO will be assisted by consultants with expertise in engineering design and supervision, economics and finance, social/resettlement and gender development, participatory

approaches, environmental assessment, monitoring and evaluation, and local governance. The PMO will work closely with the staff of LGED in district and Upazila offices and coordinate with UPs and the management committees of the GCMs in implementing relevant project activities. In coordination with the National Institute of Local Government, the PMO could implement capacity building for local government institutions (LGIs).

23. Regular stakeholder participation and consultation will be undertaken during the implementation of the Project. Ongoing participatory and regular focus group sessions will be held with stakeholders and beneficiaries (community groups and groups of women) to assess their needs and discuss project progress and activities.

L. Budget

24. LGED will ensure that sufficient government funds are made available for all negotiated land acquisition where required for minor shape corrections of rural road improvements.

M. Monitoring and Reporting

25. The PMO will report on the implementation of the procedures outlined in this document on a quarterly basis.