

BAN 40540-014: SASEC Road Connectivity Project

BENAPOLE LAND PORT RESETTLEMENT DUE DILIGENCE REPORT

I. INTRODUCTION and BACKGROUND

1. The SASEC Subregional Road Project intends to improve the Benapole land port. Interventions include infrastructure development, maintenance, and capacity building activities. The infrastructure part of the subproject includes improving the existing transshipment and cargo handling compound on approximately 5.75 acres of land. All improvements will take place within the clearly demarcated boundary (walled) of the land port. Benapole Land Port (LP) is the oldest land port in Bangladesh, located on the border between Bangladesh and India. It began operating officially as a land port in 1978 on land that was acquired earlier under the Bangladesh Warehouse Cooperation. In 1979 Ministry of Jute took over management of Benapole LP. In 1984, the land port came under Mongla Port management. When Bangladesh Land Port Authorities (LPA) was formed in 2001, Benapole LP came under its control in 2002. LPA is under the Ministry of Shipping of the Government of Bangladesh (GOB).
2. In response to the growing traffic and demand for land port services in Benapole, new land has progressively been acquired by the various land port managers prior to, and by LPA since 2004.
3. Currently, Benapole LP owns 57.25 acres of land, which has been acquired over time, as summarized below in Table 1.

Table 1: Benapole land port land acquisition history

Time period	Area (acres)	Remark
1978–2000	45.57	Partly proposed project area.
2004–2005	3.00	For residential purposes (by LPA's own fund)
2005–2006	5.81	Trans-shipment area (Extension of infrastructure for BLP (GOB).
2006–2007	0.0952	Trans-shipment area (Extension of infrastructure for BLP (GOB).
2008	2.24	Transit shed area (Modernization of Benapole port) (GOB) (Proposed Project)
2010–2011	0.53	Export and Bus terminal (Modernization of BLP (GOB)

4. Land acquisition in Benapole town and border area is costly and complicated because the town has been allowed to develop and expand in the land port area, continuously, over the years. The now densely populated living quarters and market areas near the border gate and the trans-shipment areas have become subject to investment and speculation in land and buildings, because of the very attractive compensation that GOB is willing to pay for loss of land, trees, crops, and structures, when it needs to expand its land holdings to meet the increasing demand for its services and facilities.
5. In summary, current procedures for land acquisition by Bangladesh LPA follows the GOB procedures for land acquisition and compensation, and includes the following steps:

- i. Benapole LPA (Engineering department) takes measurements of land, prepares technical designs for use of land, and submits a proposal for land acquisition to Ministry of Shipping for administrative approved.
- ii. On approval of proposal, the LPA-Dhaka sends a request to the District Commissioner in Jessore (Land revenue department) for detailed land surveys, public consultations, and cost estimates for compensation. The survey by DC normally establishes the "Cutting date" for immigration and further construction in the land areas at question.
- iii. The Proposal sent by LPA is verified by a interdepartmental committee in the district area. If the Committee agree with the LPA's proposal, the district administration service a notice to the land owners of the proposed land acquisition area.
- iv. The value of land is determined by the district land acquisition section. The cost of the structure on the land shall be ascertained by PWD. The cost of trees by forest department.
- v. The district administration summarize the all cost and add the compensation value by multiplying the total amount by 1.5 times and also add 7½% as service charge of district administration.
- vi. The district administration asked to LPA to send the acquisition money.
- vii. LPA pay the acquisition money determined by the district administration to the Deputy Commissioner (District Administration).
- viii. The District Administration pays the acquisition money with compensation to the landowner.
- ix. The district administration then handover the position of the land to LPA.
- x. GOB has no resettlement policy.
- xi. If an ADB or WB loan (or other donors) is co-funding a project, the LPA will follow the donor's resettlement and compensation polices. In that case, in addition to land and structures, also loss of livelihood and income, and reestablishment expenditures are compensated, to both titleholders and non-titleholders.

II. RESETTLEMENT IMPACTS OF THE PROPOSED SUBPROJECT

6. The infrastructure part of the subproject includes improving the existing transshipment and cargo handling compound on approximately 5.75 acres of land that the LPA acquired during 2008, as shown in Table 1.

7. The improvement of the existing transshipment area, (operating since in 2009 in its current size) includes pavement of the transshipment areas and construction of shelters as well as drainage improvement. The entire area is within the current boundaries of the transshipment compound.

8. The proposed subproject will not include any new land acquisition or resettlement. The proposed subproject is considered a resettlement Category C, as according to ADB's Safeguard Policy Statement of 2009.

9. Moreover, there are no indications from LPA that the current transshipment and cargo handling areas was expanded and developed in 2008 in anticipation of an ADB loan or the current or previous TA projects. On the contrary, the existing transshipment area was developed based on the Benapole Land Port Master Plan (2005), and funded and implemented by the GOB.

10. Land for the existing transshipment area was acquired according to the GOB rules and standards for land acquisition and resettlement.

11. According to LPA Dhaka office, compensation for loss of land, structures and crops was paid to the affected people (AP) according to the GOB rules, prior to the handing over of land to the LPA and the development of the transshipment areas (2008–2009). The total price of land acquired for the existing transshipment areas, to be further developed under the proposed sub-project, was 1.366 Lakh BDT.

12. The proposed developments (shelters, pavement and drainage improvements etc.) in the old transshipment sheds are also being discussed and design proposed in details in the report of the TA 7389-BAN "Port and Logistics Efficiency Improvement" (2011).

III. MOST RECENT AND PLANNED LAND ACQUISITION IN BENAPOLE LAND PORT

A. Most recent land acquisition (2010-2011)

13. At the end of 2010, the LPA bought 0.53 acres of land near the border gate and the new migration hall, which was a market area and is now being developed into a new international passenger terminal, under the GOB funded Benapole Port Modernisation Project.

14. The land for a new bus terminal was also acquired, which is also currently under construction and also part of the GOB's Benapole Port Modernization Project phase 1. Neither of those two pieces of land concern the proposed sub-project.

15. According to LPA and shop keepers in the affected area, the cost of the market area land was 80,000,000 BDT and 165 households were compensated for loss of business or market stalls. Each shop keeper received the equivalent of 6 months income as assistance for lost business, valued at around 35,000-40,000 BDT per household. All complaints were resolved and settled prior to the tendering for construction of the new passenger terminal. There are no pending issues regarding the land acquisition.

B. Planned Land Acquisition in Benapole (according to the Benapole Land Port Master Plan 2005)

16. There is currently no on-going land acquisition and resettlement by the LPA in Benapole.

17. The Master Plan for Benapole land port includes plans to construct a new Bangladeshi Truck Terminal and Parking (13 acres), and a new Indian transshipment yard and warehouses (18 acres). This would thus require land acquisition of 31 acres of (densely populated) land.

18. According to ADB Safeguard Policy Statement, both of the planned projects would be resettlement Category A projects. The planned new truck terminals are included in the proposed sub-project.

19. As a part of TA 7389-BAN Port and Logistics Efficiency Improvement, detailed households surveys for a resettlement framework cum impact assessment was conducted in the two above areas. Studies under TA 7389 concluded that there would be severe social impact of land acquisition and resettlement in the two proposed areas. In case of a new Bangladeshi truck terminal, some 35 households consisting 171 persons would need to be resettled. In case of a

new Indian transshipment yard, some 186 households comprising of 902 persons would be affected.