

Resettlement Planning Document

Short Resettlement Plan for Kanakdia Flood Management and Drainage Subproject
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Prepared by Local Government Engineering Department.

The short resettlement plan 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.

PROJECT PREPARATORY TECHNICAL ASSISTANCE

ADB TA 7041-BAN

ATTACHMENT A-4 TO SUPPLEMENTARY APPENDIX M

**Kanakdia Flood Management and Drainage Subproject
Short Resettlement Plan**

**for the
Participatory Small-Scale Water Resources Project**

30 November 2008

**Local Government Engineering Department
Local Government Division
Ministry of Local Government, Rural Development and Cooperatives
People's Republic of Bangladesh
LGED, Bhaban, Sher-e-Bangla Nagar, Agargaon, Dhaka**

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EXECUTIVE SUMMARY

One of the components of the Participatory Small-Scale Water Resources Project (the Project) is to construct water management infrastructure. The Project objectives will be achieved through the participation of stakeholders in identification, implementation, improvement and management of water management related infrastructures. The Project infrastructure is diversified, including: re-excavation and improvement of *khal* (channels, or rivulets); construction of levees on the bank of *khal*; construction and supplementary irrigation in monsoon/dry season. In addition, suitable hydraulic structures will be constructed

The main objective of the Project is to enhance agricultural production, poverty reduction and economic growth in subproject areas. Project objectives will be achieved through the participation of stakeholders in identification, implementation, improvement and subsequent operation and maintenance of small scale water resources management systems.

The short Resettlement Plan (RP) for the Kanakdia Flood Management and Development (FMD) subproject is indicative, given that detailed design has not been prepared during the project preparation. As part of the Detailed Measurement Survey (DMS), a census/socioeconomic survey (SES) will be undertaken upon completion of the subproject's detailed design (DD) to identify all affected persons (APs), their socioeconomic status, and the extent to which they will be affected, including an assessment of their residual properties/assets in the locality. Based on the DMS, a finalized RP will then be prepared.

The Kanakdia FMD subproject is in Kanakdia Union of Bauphal Upazila in Patuakhali District. It is situated between Lohalia River on the west and Kanakdia River on the east and south. The area of the subproject is bounded by the Amirabad-Jhilna earthen road on the north, the earthen road from Jhilna to Hogla along the left bank of Lohalia River, the earthen road from Hogla to Amirabad (about one kilometer of the road from Hogla bridge onward is bitumen sealed) along right bank of Kanakdia River.

The subproject site is about 25 km from Patuakhali District Headquarters to the North-East and can be accessed by an all weather bitumen sealed road. The gross area of the subproject is 816 ha with 730 ha net benefit area in eight *mauzas* – Hogla, Katikul, Kalta, Kumbhakhali, Narayanpasha, Amirabad (partly), Ayla (partly) and Jhilna (partly). Some 8,124 people live in 1,477 households in the subproject area. Of these, a total of 6,949 people in 1,263 households (84%) are counted as the subproject beneficiaries. Some benefited households are located outside the subproject area but own land inside the subproject area. About 73% of households (HHs) is entirely dependent on agriculture, 21% on farming plus non-farm income and 6% are fully dependent on non-farm income.

Net cultivated land accounts for about 90% of the total subproject area. The land is tidally flooded mainly in the rainy season. Rice is the principal crop grown in the monsoon and dry seasons. Non-rice crops are grown during the dry season. Flooding at high tides, poor drainages and water availability for irrigation limit crop production in the subproject area. The cultivated land in the subproject area is highly suited to transplanted rice cultivation. The crop production can be increased with protection of crops from inundation by local floods and increase in irrigation area.

Local people have requested protection from tidal floods and drainage congestion facilities to provide tidal water through *khals* for dry season irrigation and other uses. They have requested polder development for their area similar to polders developed by the Bangladesh Water

Development Board (BWDB) in other areas nearby. The objectives of the subproject are (i) to protect crops in the proposed subproject area from damages due to tidal flooding and flooding caused by rain water – mainly during the pre-monsoon and post-monsoon periods; and (ii) to address the shortage of water supply from the rivers for irrigation and other uses in the dry season.

Major agricultural production is from *Aus*, *Aman*, and *Boro* paddy crops and pulses. Pulses, ground nut, and other *Rabi* crops are grown in *char* lands. However, these crops are at risk of early flooding. Some crops are damaged by drainage congestion. There are many people involved in fisheries activities, catching fish on open water as well as in cultured fisheries. However, no fisherman was found who would be negatively affected by the subproject; most would appear to benefit, though this will be reassessed during the Detailed Measurement Survey (DMS) carried out upon completion of the detailed design (DD).

To achieve these objectives, a Flood Management and Drainage (FMD) subproject has been proposed with flood protection embankments along the banks of Lohalia and Kanakdia Rivers developed by upgrading (essentially raising and widening) existing low earthen dykes together with construction of sluices/regulators on the outlets of intercepted drainage *khals*. These dykes also serve as roads, thus the subproject will improve access around the subproject area. Some of the major *khals* will be re-excavated to improve their drainage capacity this work also improve their capacity to store and supply irrigation water during the dry season. The physical works proposed for the subproject are:

- Re-Sectioning/Upgrading of Existing Rural Roads and Road-Cum-Dykes - 8.10km
- Re-Excavation of Drainage Channels:
 - Narayanpasha Khal - 3.15km
 - Kalta Khal - 3.70km
- Construction of Structures:
 - Narayanpasha Khal Regulator
 - Kalta Khal Regulator
 - Hogla Khal Regulator
 - Purba Narayanpasha Khal Pipe Sluice
 - Amirabad-Baultali Khal Pipe Sluice
 - Modification of Existing Box Culvert to Gated Regulator

The affected villages are located along *khals*, embankments and rivers. The approximate land requirement for the subproject by village and type of land is shown below. All the required lands are along the embankments.

Estimated Land Requirement by Land Type (Ha) and Village

Village Land Type	Kolta		Hogla		Kumbkhali		Nayan Pasha		Total	
	Ha	%	Ha	%	Ha	%	Ha	%	Ha	%
Agriculture Land	0.51	98	3.43	60	0.65	74	0.69	90	1.94	78
High Land (<i>Vita</i>)	0.01	2	2.27	40	0.23	26	0.07	9	0.53	21
Homestead Land	0	0	0	0	0	0	0.01	1	0.01	1
Total	0.52	100	5.70	100	0.88	100	0.77	100	2.48	100

The total households to be affected due to displacement from homestead, Commercial and Business Enterprise (CBEs), losing trees and losing land is 287 (population 1,578), as detailed below:

Estimated Number of Affected HHs by type of Losses and Village

Village Type of Losses	Kolta		Hogla		Kumbkhali		Nayan Pasha		Total	
	No	%	No	%	No	%	No	%	No	%
CBE	40	56	16	18	23	50	32	40	111	39
Trees	24	33	56	64	16	33	08	10	104	36
Land	8	11	16	18	08	17	24	30	56	19
Homestead	0	0	0	0	0	0	16	20	16	6
Total	72	100	88	100	47	100	80	100	287	100

Some 3% of affected HHs will lose 30% to 40% of their agriculture land. Their small portion of residual land left by the subproject will also make the 16% of affected HHs losing more than 10% of their agricultural land vulnerable.

Project Affected HHs Losing Agriculture Land, by Village and Percent

Village Percentage	Kolta		Hogla		Kumbkhali		Nayan Pasha		Total	
	No	%	No	%	No	%	No	%	No	%
<= 10%	8	89	13	81	5	62	22	92	48	84
10%-20%	1	11	0	0	2	25	2	8	5	9
20%-30%	0	0	2	13	1	13	0	0	3	5
30%-40%	0	0	1	6	0	0	0	0	1	2
Total	09	100	16	100	08	100	24	100	57	100

Agricultural lands are mainly cultivated by the farmer-owners with help of some hired laborers only when required. Only a portion of the land will be acquired, and these laborers also work in other fields in the locality. All CBEs are operated by the owner himself. In some cases there are workers, but they are very few. Affected CBE structures are mobile. With the implementation of the subproject these CBEs will shift within the vicinity and continue their business. CBEs will also continue their employment. Special attention will be given to those households as well as female headed households and families with disabled family members. The vulnerability level will also be determined on the basis of poverty, which will be identified during the DMS.

For those who have lost land, as per the entitlement matrix, they will receive: Replacement land or Cash Compensation under Law (CCL) at market value assessed by Deputy Commissioner (DC) plus premium as per Law and an additional grant to cover Maximum Allowable Replacement Value (MARV) of land; stamp duty to facilitate land purchase; compensation for standing crops assessed by DC/Property Value Assessment Team (PVAT); land development cost for the homestead loser (if applicable) assessed by PVAT.

For re-establishment of CBEs, APs will receive: Cash compensation for the structure at market value a transfer grant (TG) @ 12.5% of the value of *kutchha* and semi-*pucca* and 5% for *pucca* structure assessed by PVAT; owner will be allowed to take all salvageable materials (free of cost) without delaying the project work; a re-construction grant (CG) @ 12.5% of the value of all structures assessed by the PVAT for titled owners; and special assistance for female headed, vulnerable households @ Tk 2000, Tk 3000 and Tk 5000 for *kutchha*, semi-*pucca* and *pucca* structure

All agricultural lands in the subproject area are cultivated by the owners and all potentially affected CBEs and trees are located on the land owned by the existing owner. No tenant farmers were found in the potentially affected area. According to the local people, they will get more benefit from the subproject compared to their losses. The subproject will protect the land owned by APs from floods, and they will be able to retain some monsoon water inside the

subproject area for irrigation in the winter. Fishing, in both open water and cultured, will be enhanced, which will help in improving their socioeconomic conditions.

The subproject's policy is to minimize adverse resettlement impacts and reduce the number of affected persons (APs) by continuously reviewing the design to minimize land acquisition and resettlement requirements. All possible means will be explored to minimize or avoid resettlement and land acquisition impacts by modifying the engineering design. This will be carried out in close consultation with those affected. Works will commence following compensation payments and other assistance has been made available to those affected

As the subproject will have minimum resettlement effects and the scope for resettlement will not be large, establishment of a resettlement unit to take care of resettlement issues independently will not be necessary. Integrated Water Resources Management Unit (IWRMU), with the support of the project implementation consultants (PIC), will prepare RPs during the preparation stage of candidate subprojects. The Local Government Engineering Department (LGED) will appoint a Chief Resettlement Officer (CRO) within the IWRMU Social and Gender Development Section who with the Safeguards Officer of the Environment and Safeguards Section will manage RP implementation and monitoring..

Social preparation is an essential part of the planning and implementation of the resettlement process. The Local Government Engineering Department (LGED) and Upazila officers will in conjunction with water management cooperative association (WMCA)/Union Parishad (UP) representative inform APs of the subproject impacts, and their entitlements and rehabilitation options under the RP. Copies of the draft RP will be distributed amongst the WMCA including APs.

A grievance redress committee (GRC) will be formed at the Union level. The Ministry of Local Government, Rural Development and Cooperatives (MoLGRDC) will notify authorizing LGED District Engineer to form GRC at the Union Level. LGED's community organizer (CO), who will be the Resettlement Coordinator (RC) at the Upazila Engineer's Office chairs the GRC. Members will include AP representatives including women, and representatives of the WMCA and UP. Other than disputes relating to ownership rights under the court of law, the GRC will review grievances involving all resettlement benefits, relocation, and other assistance. Any grievances submitted to the GRC will be resolved within 2–3 weeks.

Internal monitoring will be carried out by IWRMU's Environment and Safeguards Section with support from the CRO, field staff at LGED district and upazila offices and PIC Resettlement Specialist will establish a monthly monitoring system and prepare a Monthly Progress Report on all aspects of RP implementation. LGED will also report to ADB on land acquisition and resettlement and social development in the quarterly progress report.

Based on the background of this subproject the entire amount for land acquisition, resettlement and rehabilitation and training is estimated to be Tk 5,356,963. The estimated resettlement cost of the subproject will be finalized following completion of detailed design.

Table of Contents

A.	Project Background and Description	1
1.	Background	1
2.	The Kanakdia FMD Subproject Description	4
3.	Area and Location	5
B.	Work Proposed at the Subproject Site	6
1.	Subproject Objectives	6
2.	Construction Activities	7
2.	Construction Activities	8
C.	Review and Analysis of Socioeconomic Survey Data	8
1.	The Subproject Area	8
2.	Land Use and Settlement Pattern	9
3.	Methodology and Data Collection	9
4.	Socioeconomic Profile of APs	10
D.	Objectives, Resettlement Policy Framework and Entitlements	13
1.	GoB Laws and ADB's Policy Requirements	13
2.	Land Acquisition and Resettlement Principles	14
3.	Compensation Framework	14
4.	Entitlement Matrix.....	16
E.	Consultation and Disclosure	23
1.	Consultation and Stakeholders' Participation	23
2.	Grievance Redress Mechanisms	23
F.	Resettlement Budget	23
1.	Resettlement Budget and Financing	23
G.	RP Implementation	24
1.	Implementation Schedule	24
2.	Monitoring and Evaluation	25
H.	Implementation Arrangements	27
1.	Project Implementation Office, LGED	27
2.	The Acquiring Body	27
3.	Project Implementation Consultants.....	27
4.	Water Management Cooperative Association (WMCA)	27
5.	Resettlement Processing Committees/Teams	28

List of Tables and Figures

Table 1: Subproject Beneficiary Households by Landholding Category	6
Table 2: Estimated Land Requirement by Land Type (Ha) and Village	8
Table 3: Number of Affected Households by Village	9
Table 4: Estimated Number of Affected HHs by type of Losses and Village	10
Table 5: Village wise Estimated Number of Affected Population by Sex	10
Table 6: Percentages of Principal Occupations by Sex (10 Yrs and Above), by Village	11
Table 7: Percent of Annual income by Sex (10 Years and Above), by Village	11
Table 8: Project Affected HHs Losing Agriculture Land, by Village and Percent.....	12
Table 9: No. of Affected HHs by Use of Type of Latrine, by Village	12
Table 10: Affected HHs With Loans from Different Organizations, by Village	13
Table 11: Compensation/Resettlement Framework and Beneficiaries	15
Table 12: Entitlement Matrix and Responsible Implementation Agencies	17
Table 13: Indicative Budget for Land Acquisition and Resettlement.....	23
Figure 1: Location of Four Model Subprojects	3
Figure 2: Kanakdia FMD Subproject Location.....	4
Figure 3: The Subproject Area	7
Figure 4: Tentative LA and RP Implementation Schedule for Year 1 Subprojects	26
Figure 5: Resettlement Organization Chart	29

Abbreviations

AHH	Affected Household
AP	Affected People
BWDB	Bangladesh Water Development Board
CBE	Commercial and Business Enterprise
CCL	Cash Compensation under Law
CHT	Chittagong Hill Tracts
CRO	Chief Resettlement Officer
DC	Deputy Commissioner (CEO of District)
DD	Detailed Design
DEO	District Engineers Office of LGED
DMS	Detailed Measurement Survey
EA	executing agency
EMP	Environmental Management Plan
EP	entitled person
ESS	Environment and Safeguards Section of IWRMU
FGD	focus group discussion
FMD	Flood Management and Drainage
GRC	Grievance Review Committee
HH	household
HHH	household head
IA	implementing agency
IGA	income generating activities
IGP	income generating program
INGO	implementing NGO
IPs	indigenous people
IPSAP	Indigenous Peoples Specific Action Plan
IWM	Integrated Water Management
IWRMU	Integrated Water Resource Management Unit of LGED
LA	land acquisition
LAA	Land Acquisition Act
LAO	Land Administration Office
LAP	Land Acquisition Proposal
LGED	Local Government Engineering Department
LMS	Land Market Survey
MARV	Maximum Allowable Replacement Value
MDGs	Millennium Development Goals (2015)
MoLGRDC	Ministry of Local Government, Regional Development and Cooperatives
NPRR	<i>Draft</i> National Policy on Resettlement and Rehabilitation
O&M	Operation and Maintenance
PIC	Project Implementation Consultants
PRA	Participatory Rural Appraisal
PVAT	Property Value Assessment Team
PWD	Public Works Department
RAC	Resettlement Advisory Committee
RF	Resettlement Framework
RC	Resettlement Coordinator
RCC	reinforced concrete
RoW	right of way
SES	Socioeconomic Survey
SSW-1/2	SSWR Development Project Phase 1/2
SSWR	Small Scale Water Resources
SSWRSDP	Small Scale Water Resource Sector Development Project
WMCA	Water Management Cooperative Association

Glossary

Affected Person (AP)	Any persons, households, firms, or private institutions affected by a project financed by ADB.
Aman	Wet season rice
Aus	Early wet season rice
Beel	Natural depression that may or may not retain water throughout the year
Cash Compensation under Law (CCL)	CCL comprises all land acquisition compensation under <i>The Acquisition and Requisition of Immovable Property Ordinance 1982</i> . The Project, to meet the ADB's Policy on Involuntary Resettlement, also provides Project resettlement grants in addition to CCL
Char Land	Accreted land by deposition of sand and silt in rivers
Decimal	100 Decimal = 1 Acre. Bangladeshi agrometrology unit of measurement, a traditional measuring unit
Compensation	Payment in cash or in kind to replace losses of land, housing, income, and other assets caused by a project
Encroacher	People with legal holdings who illegally extend their holdings onto (usually) public land.
Entitled Person	An entitled person (EP) is one who has lost his/her assets or income directly/indirectly due to the Project intervention and is eligible to receive compensation from the DC office and/or cash grant from LGED
Functionally Landless Farmer	Farmer owning less than 0.2 ha of land
Household	A household includes all persons living and eating together (sharing the same kitchen and cooking food together as a single-family unit).
Informal Settlers	Also called <i>Uthulies</i> , i.e., HHs living on others' land with permission.
Khal	Channel, Rivulet
Khas Land	In Bangladesh, Government Land
Land Acquisition	The process whereby a person is compelled by a public agency to alienate all or part of the land he/she owns or possesses, to the ownership and possession of that agency, for public purpose in return for fair compensation.
Mauza	A Mauza Revenue Village is the lowest unit of land administration in Bangladesh. Alternative spellings are Mauja and Mouza
Rabi	The spring harvest, in contrast to the Kharif autumn (Monsoon) harvest
Rehabilitation	The process to restore income earning capacity, production levels, and living standards in a longer term. Rehabilitation measures are provided in the Entitlement Matrix as an integral part of the entitlements.
Relocation	The physical relocation of an affected person from his/her pre project place of residence.
Replacement Cost	The cost of replacing lost assets and incomes, including cost of transactions.

Resettlement Effects	All negative situations directly caused by a project, including loss of land, property, income generation opportunity, and cultural assets.
Severely Affected Person (SAP)	A person who will (i) lose more than 10% of total agriculture/aquaculture land holding, and/or (ii) relocate, and/or (iii) lose more than 10% of total income sources due to a project.
Squatter	One that squats: as <i>a</i> : one that settles on property without right or title or payment of rent <i>b</i> : one that settles on public land under government regulation with the purpose of acquiring title.
Union Parishad	The Union <i>Parishad</i> is one of the lowest administrative units in Bangladesh, part of a four- tier local government, namely <i>Gram</i> (Village) <i>Parishad</i> , Union <i>Parishad</i> , <i>Upazila</i> (Subdistrict) <i>Parishad</i> and <i>Zila</i> (District) <i>Parishad</i> .
Uthulies	Also called Informal Settlers, i.e., HHs living on others' land with permission.
Vita	High, raised land, often used for residential purposes
Vulnerable Households	For this Project, vulnerable groups are defined as APs who suffer more - economically and socially - from relocation than other affected population. Based on past experiences from similar Projects, the vulnerable groups include (i) women-headed HHs; (ii) landless HHs (those without agricultural land, and depend largely on day labor for survival); (iii) disabled HHs heads (iv) HHs having residual agricultural land less than 1 acre or losing more than 10% of their income from agriculture due to acquisition; and (v) Those APs who have gone below the poverty line due to the subproject. ¹

¹ Poverty levels were determined during Project preparation.

Kanakdia Flood Management and Drainage Subproject Short Resettlement Plan

A. Project Background and Description

1. Background

a. The Project

1. The Small Scale Water Resources Project (the Project) intends to increase agricultural production while reducing poverty in subproject areas through sustainable stakeholder-driven, small-scale water resources (SSWR) management systems; and to internalize and institutionalize participatory processes through strengthening of LGED's Integrated Water Resource Management Unit (IWRMU)² to plan, implement, monitor and support sustainable SSWR development. LGED is the Project's Executing Agency (EA).

2. The Project objectives will be achieved through the participation of stakeholders in identification, implementation, improvement and management of water management related infrastructures. The Project infrastructure is diversified, including: re-excavation and improvement of *khal* (channels, or rivulets); construction of levees on the bank of *khal*; construction and supplementary irrigation in monsoon/dry season. In addition, suitable hydraulic structures will be constructed.

b. Kanakdia FMD Subproject Resettlement Plan

3. The RP for the Kanakdia Flood Management and Drainage Subproject is indicative, given that detailed design has not been prepared during the project preparation. As part of the Detailed Measurement Survey (DMS), a census/socioeconomic survey (SES) will be undertaken upon completion the subproject's detailed design (DD) to identify all affected persons (APs), their socioeconomic status, and the extent to which they will be affected, including an assessment of their residual properties/assets in the locality. Based on the DMS, a finalized RP will then be prepared. The current document has been prepared taking into account the findings of sample survey data, field visits, and meetings with different level of stakeholders, and focus group discussions (FGDs). The RP identifies:

- Extent of losses
- Policies and legal framework followed
- Provision for compensation and income restoration programs
- Provision for assisting vulnerable and any indirectly affected APs to re-establish their incomes
- Responsibilities of Chief Resettlement Officer (CRO), Resettlement Coordinator (RC), Community Organizer (CO) and others having a key role in delivering and monitoring the RP implementation measures

4. This Resettlement Framework (RF) provides *guidelines* for the formulation of subproject resettlement plans under the Project and is not a planning document. It is based on national land acquisition and requisition laws (specifically, *Acquisition and Requisition of Immovable Property Ordinance, 1982*), the draft *National Policy on Resettlement and Rehabilitation*

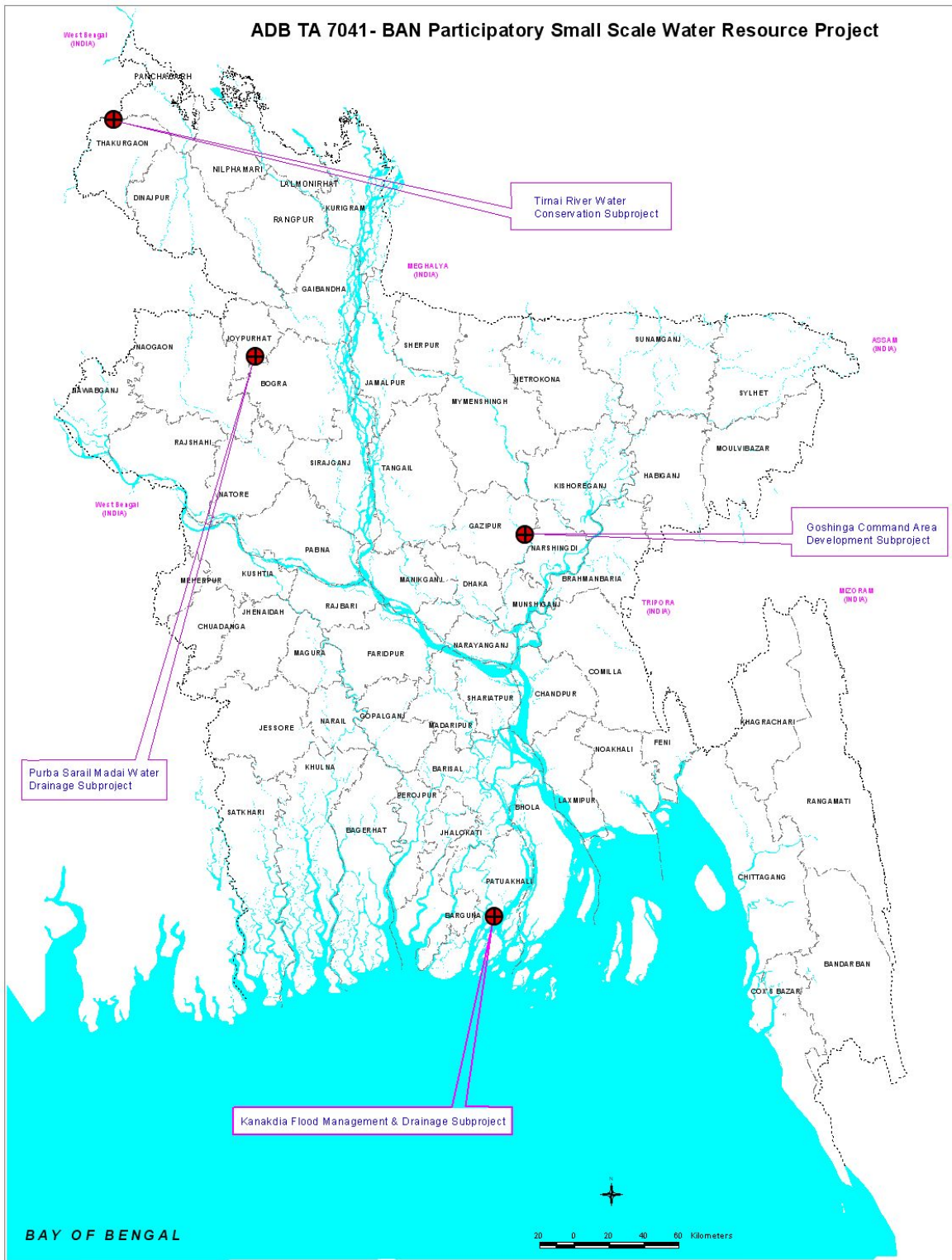
² IWRMU structure and tasks are explained in Supplementary Appendix B – Project Implementation Arrangements prepared by ADB TA 7041-BAN.

(NPRR), 2007 and ADB's Involuntary Resettlement Policy (1995). The RF will apply to all subprojects to be prepared under the Project. It will ensure that all APs – titled and non-titled – will be eligible for appropriate compensation packages under the Project. The RP will to RF for procedures to be followed.

5. The ADB's *OM Section F2/BP* (29 October 2003) paras 26 and 27, specifies that a full resettlement plan will include a statement of involuntary resettlement objectives and strategy, with (i) organizational responsibilities; (ii) community participation and disclosure arrangements; (iii) findings of the socioeconomic survey and social and gender analysis; (iv) legal framework, including eligibility criteria and an entitlement matrix; (v) mechanisms for resolution of conflicts and appeals procedures; (vi) identification of alternative sites and selection; (vii) inventory, valuation of, and compensation for, lost assets; (viii) landownership, tenure, acquisition, and transfer; (ix) access to training, employment, and credit; (x) shelter, infrastructure, and social services; (xi) environmental protection and management; (xii) monitoring and evaluation; (xiii) a detailed cost estimate with budget provisions; and (xiv) an implementation schedule, showing how activities will be scheduled with time-bound actions in coordination with the civil works.

6. Note that if subproject impacts are *significant*, i.e., the number of people physically displaced or losing 10% or more of their income producing assets is two hundred or more a full RP is required by ADB policy, *in which case the subproject will be rejected*. If the impact is *insignificant*, less than two hundred persons, a short RP will be sufficient to meet ADB policy requirements. If no involuntary resettlement effects are foreseen, no RP will be prepared. As the subprojects will have only short resettlement plans, they will cover the same issues as that of a full resettlement plan, *as relevant*, but in less detail (OMS F2/BP, para 27). They will also ensure that adequate compensation, rehabilitation, and relocation arrangements are planned and budgeted based on updated information from the DMS.

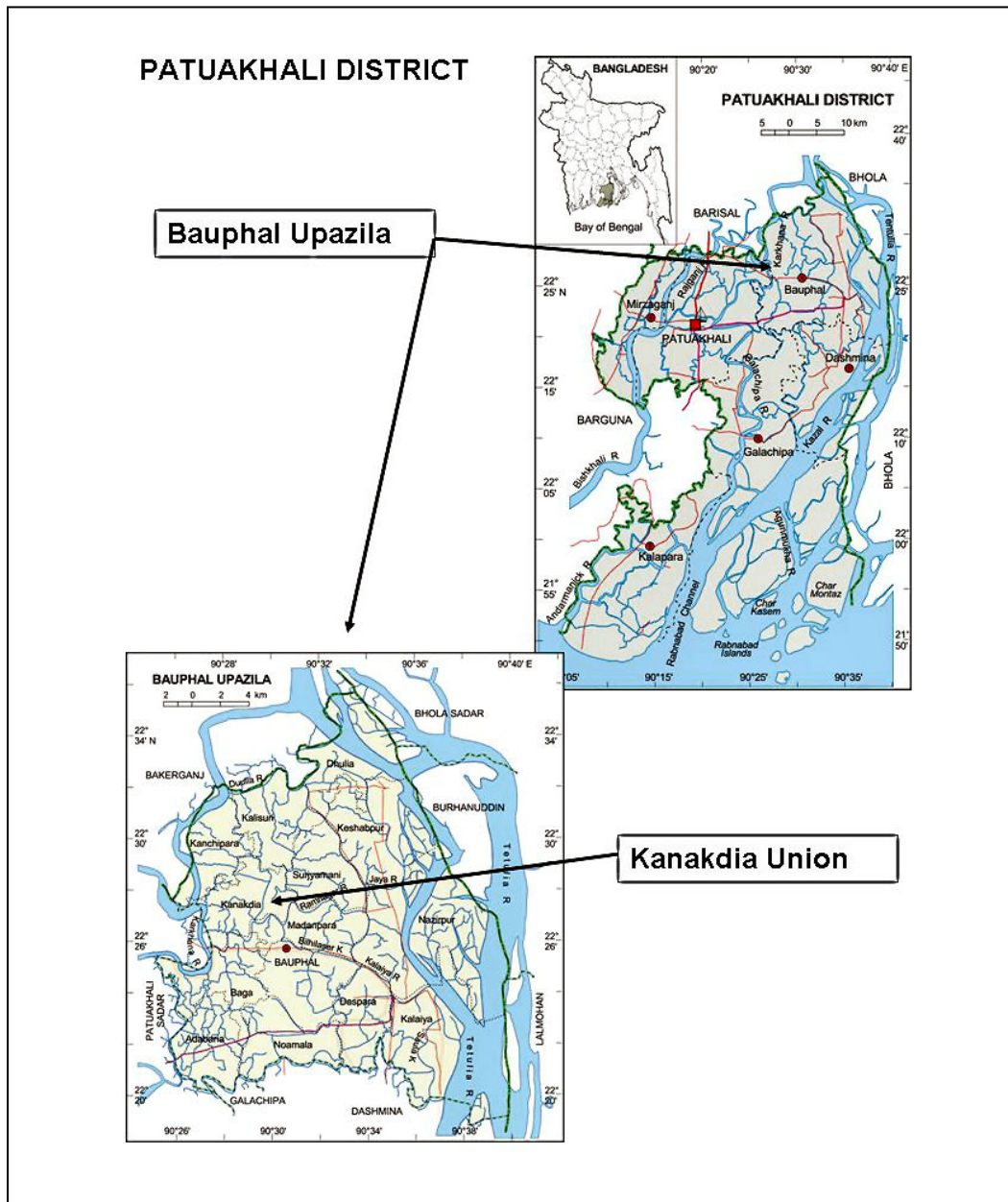
Figure 1: Location of Sample Subprojects



2. The Kanakdia FMD Subproject Description

7. The Kanakdia FMD Subproject is located in Kanakdia Union, Bauphal Upazila, Patuakhali District in the south of Bangladesh with prominent tidal influence on water bodies including rivers and *khals*. Figure 2 shows the location of the subproject.

Figure 2: Kanakdia FMD Subproject Location



3. Area and Location

8. The Kanakdia Flood Management and Drainage subproject is located between Latitudes 22°25'45" N and 22°27'30" N and Longitudes 90°27'15" E and 90°29'45" E and is in Kanakdia Union of Bauphal Upazila in Patuakhali District. It is situated between Lohalia River on the west and Kanakdia River on the east and south. The area of the subproject is bounded by the Amirabad-Jhilna earthen road on the north, the earthen road from Jhilna to Hogla along the left bank of Lohalia River, the earthen road from Hogla to Amirabad (about one kilometer of the road from Hogla bridge onward is bitumen sealed) along right bank of Kanakdia River.

9. The subproject site is about 25 km from Patuakhali District Headquarters to the North-East and can be accessed by an all weather bitumen sealed road. The gross area of the subproject is 816 ha with 730 ha net benefit area in eight *mauzas* – Hogla, Katikul, Kalta, Kumbhakhali, Narayanpasha, Amirabad (partly), Ayla (partly) and Jhilna (partly). Some 8,124 people live in 1,477 households in the subproject area. The average number of people per household in the subproject area is 5.5. Of these, a total of 6,949 people in 1,263 households (84%) are counted as subproject beneficiaries.

10. Some benefited households are located outside the subproject area but own land inside the subproject area. About 73% of households (HH) is entirely dependent on agriculture, 21% on farming plus non-farm income and 6% are fully dependent on non-farm income.

11. Agriculture land covers about 85% of the subproject area. Agriculture and life in this area is mainly dominated by flooding. The subproject area is flooded and submerged during the entire monsoon, and there are about 8 branch *khals* and about 25 ponds, locally called *danga*, found in the agriculture lands. There are many people involved in fisheries activities in the *danga* as well as in the *khals* and rivers. The genuine and subsistence fishers (110 HH) catch fish almost year round and about 35 HH are fish farmers involved in fish culture in the *danga*.

12. The Karkhana River, the bigger river near the subproject area, flows at some distance to the north-west – it does not border the subproject area. The Lohalia River bifurcates from the Karkhana River and flows southwards on the western boundary of the subproject area. The Kanakdia River, the relatively smaller of the three, flows along the south-east side of the subproject area and joins the Lohalia River south-west of the subproject area. There are five main *khals* - Kalta Khal, Hogla Khal, Narayanpasha Khal, Purba Narayanpasha Khal and Amirabad-Baultali Khal. These *khals* drain the subproject area to the peripheral Lohalia and Kanakdia rivers.

13. The subproject area is low and relatively flat – land elevations varying between 1.22 m PWD³ and 3.02 m PWD, a difference within two meters only. The two rivers – Kanakdia and Lohalia are tidal with average tidal ranges of about 2m in the dry season and about 3.5 m in the monsoon season. The high tidal variation of water levels twice a day in the peripheral rivers together with the low and flat topography of the area have a strong impact on agriculture of the area due to inundation of lands and crops. Tidal flooding damages *Rabi* and *Hyv Boro* crops at times of atmospheric depressions that develop in the region of Bay of Bengal during April and May. Even if a cyclonic storm does not impinge on the coast in this area, the impact of winds results in higher tide levels and damages field crops as flooding becomes more frequent, with higher levels and longer duration. Many lower lands remain in fallow in the *Rabi-Boro* season because farmers are not confident of harvesting *Rabi-Boro* crops from these lands. A similar

³ Public Works Department (PWD) datum is universally used throughout Bangladesh.

situation of developing depressions in the Bay and higher tide levels also occur during October and November and this affects both yield and harvesting of *T Aman* crop.

14. The five major *khals* and their branches that drain the area and also supply tidal water for irrigation and other uses in the dry season have all silted up to different degrees. Drainage congestion commonly occurs during heavy local rainfalls as the *khals* cannot drain local rain water quickly. Tidal floodwaters inundate the subproject area during atmospheric depressions and cannot drain out quickly to release lands for subsequent cultivation.

15. Net cultivated land accounts for about 90% of the total subproject area. The land is tidally flooded mainly in the rainy season. Rice is the principal crop grown in the monsoon and dry seasons. Non-rice crops are grown during the dry season. Flooding at high tides, poor drainages and water availability for irrigation limit crop production in the subproject area. The cultivated land in the subproject area is highly suited to transplanted rice cultivation. The crop production can be increased with protection of crops from inundation by local floods and increase in irrigation area.

16. Average land ownership in the subproject area is below 0.66 ha. The household sample survey conducted during preparation estimated the distribution of households according to landownership as shown in Table 1.

Table 1: Subproject Beneficiary Households by Landholding Category

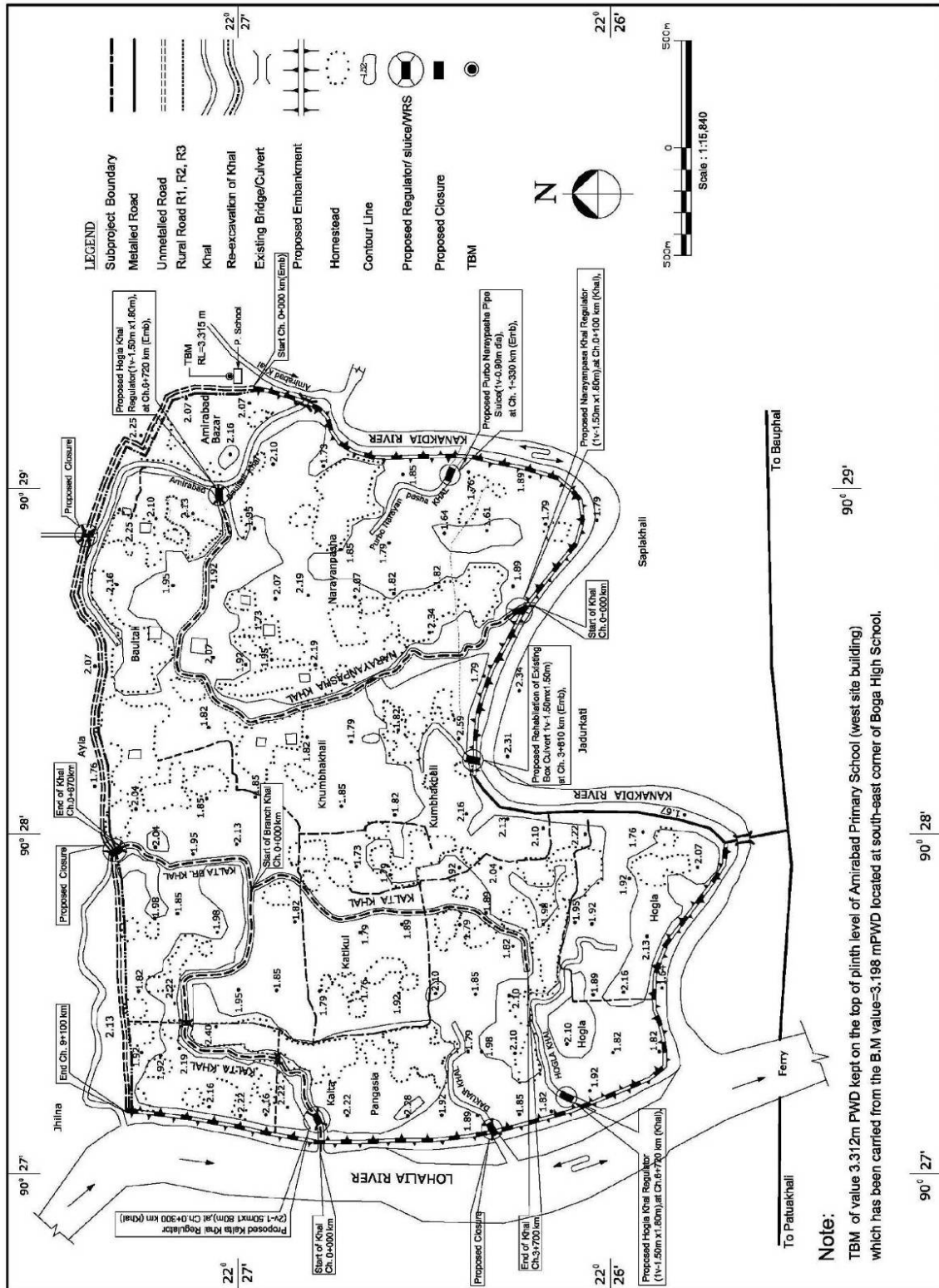
Category	Poor	%	Non-Poor	%	Total	%	%
Small	16	62	10	38	26	100	33
Landless	20	80	5	20	25	100	32
Medium	3	25	9	75	12	100	15
Marginal	4	36	7	64	11	100	14
Large	0	0	5	100	5	100	6
Total	43	54	36	46	79	100	100

B. Work Proposed at the Subproject Site

1. Subproject Objectives

17. Local people have requested protection from tidal floods and drainage congestion facilities to provide tidal water through *khals* for dry season irrigation and other uses. They have requested polder development for their area similar to polders developed by the Bangladesh Water Development Board (BWDB) in other areas nearby. The objectives of the subproject are (i) to protect crops in the proposed subproject area from damages due to tidal flooding and flooding caused by rain water – mainly during the pre-monsoon and post-monsoon periods; and (ii) to address the shortage of water supply from the rivers for irrigation and other uses in the dry season. The work to be undertaken at the subproject site is described below and shown on Figure 3.

Figure 3: The Subproject Area



2. Construction Activities

18. To achieve these objectives, a Flood Management and Drainage (FMD) subproject has been proposed with flood protection embankments along the banks of Lohalia and Kanakdia Rivers developed by upgrading (essentially raising and widening) existing low earthen dykes together with construction of sluices/regulators on the outlets of intercepted drainage *khals*. These dykes also serve as roads, thus the subproject will improve access around the subproject area. Some of the major *khals* will be re-excavated to improve their drainage capacity this work also improve their capacity to store and supply irrigation water during the dry season. The physical works proposed for the subproject are:

- Re-Sectioning/Upgrading of Existing Rural Roads and Road-Cum-Dykes - 8.10km
- Re-Excavation of Drainage Channels:
 - Narayanpasha Khal - 3.15km
 - Kalta Khal - 3.70km
- Construction of Structures:
 - Narayanpasha Khal Regulator
 - Kalta Khal Regulator
 - Hogla Khal Regulator
 - Purba Narayanpasha Khal Pipe Sluice
 - Amirabad-Baultali Khal Pipe Sluice
 - Modification of Existing Box Culvert to Gated Regulator

C. Review and Analysis of Socioeconomic Survey Data

1. The Subproject Area

19. The subproject area covers four villages of Bauphal upazila in Patuakhali District. The extent of impact varies by location. The villages are located along *khals*, embankments and rivers. The approximate land requirement for the subproject by village and type of land is shown in Table 2. All the required lands are along the embankments.

Table 2: Estimated Land Requirement by Land Type (Ha) and Village

Village Land Type	Kolta		Hogla		Kumbkhali		Nayan Pasha		Total	
	Ha	%	Ha	%	Ha	%	Ha	%	Ha	%
Agriculture Land	0.51	98	3.43	60	0.65	74	0.69	90	1.94	78
High Land (<i>Vita</i>)	0.01	2	2.27	40	0.23	26	0.07	9	0.53	21
Homestead Land	0	0	0	0	0	0	0.01	1	0.01	1
Total	0.52	100	5.70	100	0.88	100	0.77	100	2.48	100

20. The proposed subproject area is characterized by low ridged tidal area located in the Karkhana-Lohalia River Flood Plain of the southern region of Bangladesh. The soil in this area gets enough silt as it gets flooded each monsoon to 1.0-1.5 m depth. The subproject area is also characterized by an active deltaic floodplain with associated physical and socioeconomic features. With the process of frequent floods, river bank erosion and accretion of land in the river bed and along the bank, inhabitants of this area are very much habituated to be displaced and accommodated within the vicinity of both sides of the river bank and on the *chars* (accreted land). Loss or gain of agriculture land is more prominent than that of physical dislocation of homesteads in this subproject area.

2. Land Use and Settlement Pattern

21. At present most of the area affected by the subproject is being used as agriculture land. It is a rural area with a primary economy based on agriculture. Table 2 demonstrates that more than three quarters (78%) of the required land is used for agricultural production. The majority of this agriculture land is double cropped and a significant part of the single cropped area is being used for ponds in the monsoon for cultured fish cultivation. The remainder is single cropped remaining submerged in the monsoon and receiving insufficient water during the dry season. About 21% of the land is identified as high land (*vita*) and of which one quarter is occupied by commercial business enterprises (CBEs) while the rest is used for plantation and cropping. Less than one percent of the affected area is occupied by housing. The survey could not identify any negative impact on any common property resources such as mosques, schools, or Union Parishad buildings.

22. The current land use pattern is mixed. Major agricultural production is from *Aus*, *Aman*, and *Boro* paddy crops and pulses. Pulses, ground nut, and other *Rabi* crops are grown in *char* lands. However, these crops are at risk of early flooding. Some crops are damaged by drainage congestion. There are many people involved in fisheries activities, catching fish on open water as well as in cultured fisheries. However, no fisherman was found who would be negatively affected by the subproject; most would appear to benefit, though this will be reassessed during the Detailed Measurement Survey (DMS) carried out upon completion of the detailed design (DD).

3. Methodology and Data Collection

23. Consultants, including women staff, made a reconnaissance survey and carried out stakeholder meetings with farmers, when necessary in agriculture fields.⁴ Initially all the potentially Affected People (APs) were listed and considered as a household as unit on the RoW. In this case canals, rivers, embankments, sluice gates, and regulators constitute the RoW. Reconnaissance survey shows very limited negative impact on the affected people due to land acquisition of this subproject area. People will be affected mostly along the embankment. Seventy percent of the APs were selected as sample for the socioeconomic survey (SES). The sample households were interviewed using structured questionnaire (Annex A). Table 3 shows the distribution of the affected Persons by village of the subproject area.

Table 3: Number of Affected Households by Village

Village	Affected Households	Percentage
Narayanpasha	94	33
Hogla	90	31
Kalta	53	19
Kumbha Khali	50	17
Total	287	100

24. Focus Group Discussions (FGDs) were also conducted in four location including the river *ghat*, markets, Union Parishad offices and on roads where APs of all categories are available gathered in social groups. Such social groups tended to include persons of a wide

⁴ Bartrika Beacon Consultancy Services Limited (BCS) of Dhaka was subcontracted to collect detailed data by conducting a socioeconomic survey through a detailed questionnaire on a sample of APs along the tentative subproject RoW.

variety of socioeconomic status, both genders, as well as occupational and professional groups as well the people both directly and indirectly affected. No indigenous population (IP) was encountered in the subproject area.

25. In addition to that the market value of land of different categories and locations and affected properties were assessed through collecting market values from different groups. This market price has been used to prepare the tentative budget of this subproject RP.

4. Socioeconomic Profile of APs

26. A socioeconomic profile was prepared, based on interviewing 70% of the 287 affected HHs. The affected HHs will encounter various types of losses. About 39% of APs will lose their CBEs and 36% will lose trees. Some 19% will lose limited land and 6% will be displaced from their homestead (Table 4), although in case of the latter this will be finalized during detailed design and once alignments/further design details are agreed.

Table 4: Estimated Number of Affected HHs by type of Losses and Village

Village Type of Losses	Kolta		Hogla		Kumbkhali		Nayan Pasha		Total	
	No	%	No	%	No	%	No	%	No	%
CBE	40	56	16	18	23	50	32	40	111	39
Trees	24	33	56	64	16	33	08	10	104	36
Land	8	11	16	18	08	17	24	30	56	19
Homestead	0	0	0	0	0	0	16	20	16	6
Total	72	100	88	100	47	100	80	100	287	100

27. Total households to be affected due to displacement from homestead, CBEs, losing trees and losing land is 287 (population 1,578). The percentage of male population seems to be higher than that of female population (Table 5). More than one quarter of the population is below 19 years of age and about 15% of the population is above 60 years of age. Almost all the adult population is married, and all the households are Muslim. Household size ranges from 2 to 11 with average size at 5.5. This is slightly higher than the national average of 4.9. About 20% of households are extended in nature and the remainder are nuclear. About 8% of households are headed by women.

Table 5: Village wise Estimated Number of Affected Population by Sex

Village Population	Kolta		Hogla		Kumbkhali		Nayan Pasha		Total	
	No	%	No	%	No	%	No	%	No	%
Male	210	59	369	57	97	41	193	57	869	55
Female	145	41	282	43	137	59	145	43	709	45
Total	355	100	651	100	234	100	338	100	1,578	100

28. The survey identified 9 types of occupation among the active population of affected households. Business and service were followed by agriculture as the most frequent occupations among the male members of the affected households. Contrastingly household work was the main occupation of the majority of the female members; and only a small number of women were involved in business or service. The young population, irrespective of sex, is attending school. More than 90% of household heads (HHs) are literate; but the literacy rate seems to be much higher among total population than among the affected population. The younger generation has an almost 100% literacy rate, and their level of education is also

relatively high. Literacy and education are much higher among the male population. Only one household had a disabled family member.

Table 6: Percentages of Principal Occupations by Sex (10 Yrs and Above), by Village

Village Principal Occupation	Kolta		Hogla		Kumbkhali		Nayan Pasha		Total	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Agriculture	13.0	0	19.4	00	14.3	0	15.8	0	16.1	0
Business	30.4	0	36.8	00	42.8	0	26.3	7.1	33.3	1.5
Service	21.7	0	8.9	00	28.6	0	26.3	0	17.2	0
Household Work	0	81.2	00	76.0	00	72.7	0	78.6	00	77.3
Labor	8.8	0	0	0	0	0	5.2	0	3.5	0
Rickshaw and van puller	0	0	5.3	0	0	0	0	0	2.3	0
Teacher	4.4	6.3	0	0	0	0	0	0	1.1	1.5
Students	21.7	12.5	7.9	16.0	14.3	18.2	26.4	14.3	16.1	15.1
Others	0	0	21.7	8.0	0	9.1	0	0	10.4	4.6
Total	100	100	100	100	100	100	100	100	100	100

29. Annual income of the affected households ranges from Tk 10,000 to 200,000, with a concentration towards Tk 50,000 to 100,000. The estimated average annual income is Tk 90,000. Most of the active male members, other than household head, have some kind of income, but most of the women said they do not have any income, although they participate very intensively in post harvesting activities.

Table 7: Percent of Annual income by Sex (10 Years and Above), by Village

Village Annual Income (Tk)	Kolta		Hogla		Kumbkhali		Nayan Pasha		Total	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Nil	34.8	100	38.2	100	25.0	90.9	33.3	92.9	35.1	97.1
1-10,000	0	0	0	0	0	0	0	0	0	0
10,001-20,000	0	0	7.7	0	0	9.1	0	0	3.3	1.4
20,001-30,000	8.7	0	15.4	0	12.5	0	0	0	9.9	0
30,001-40,000	26.1	0	7.7	0	37.5	0	14.2	0	16.5	0
40,001-50,000	13.0	0	15.5	0	0	0	14.3	7.1	13.2	1.5
50,001-60,000	13.0	0	2.6	0	25.0	0	23.8	0	12.1	0
60,001-70,000	0	0	2.6	0	0	0	0	0	1.1	0
70,001-80,000	0	0	0	0	0	0	4.8	0	1.1	0
80,001-90,000	0	0	2.6	0	0	0	4.8	0	2.2	0
90,001-100,000	4.4	0	2.6	0	0	0	4.8	0	3.3	0
100,001-110,000	0	0	0	0	0	0	0	0	0	0
110,001-120,000	0	0	5.1	0	0	0	0	0	2.2	0
Total	100	100	100	100	100	100	100	100	100	100

30. No tenant farmers were found in the potentially affected area. All the agricultural lands are cultivated by the owners and all potentially affected CBEs and trees are located on the land owned by the existing owner. This subproject has very insignificant impact on the property or livelihood of the affected households in all respects. According to the local people, they will get more benefit from the subproject compared to their losses. More than 83% of the land losers will lose less than 10% of their agriculture land for the subproject. Table 6 shows the affected HHs

losing agriculture land, by village. Some 3% of affected HHs will lose 30% to 40% of their agriculture land.

Table 8: Project Affected HHs Losing Agriculture Land, by Village and Percent

Village Percentage	Kolta		Hogla		Kumbkhali		Nayan Pasha		Total	
	No	%	No	%	No	%	No	%	No	%
<= 10%	8	89	13	81	5	62	22	92	48	84
10%-20%	1	11	0	0	2	25	2	8	5	9
20%-30%	0	0	2	13	1	13	0	0	3	5
30%-40%	0	0	1	6	0	0	0	0	1	2
Total	09	100	16	100	08	100	24	100	57	100

31. Their small portion of residual land left by the subproject will make the 16% affected HHs losing more than 10% of their agricultural land vulnerable. Special attention will be given to those households as well as female headed households and families with disabled family members. The vulnerability level will also be determined on the basis of poverty, which will be identified during the DMS.

32. The subproject area is covered with various types of trees. This is one of the characteristics of the coastal belt of Bangladesh. It is estimated that about 145 trees will be affected by the subproject. About 42% of them are medium sized, followed by 32% small sized trees and 18% big trees, the rest are very small (*charas*). Tree losers will be compensated for the trees (timber as well as fruit) and will be allowed to take away the timber.

33. Although all the affected structures are made of tin, these people are not very poor in the context of general socioeconomic condition of the rural population of Bangladesh. All the CBEs are owned and operated by the owner. The APs are aware of the importance of sanitation as well as capable to have it, as is clear from the Table 7. About 17% of households have *pucca* (masonry) latrines and about 81% use a slab latrine; the rest have a *katcha* (non-masonry) latrine. None of the affected households use the open space as a latrine. All affected HHs have tubewells for drinking water. According to the local people this area is free of arsenic contamination.

Table 9: No. of Affected HHs by Use of Type of Latrine, by Village

Village Type of Latrine	Kolta		Hogla		Kumbkhali		Nayan Pasha		Total	
	No	%	No	%	No	%	No	%	No	%
Slab	56	78	79	91	32	66	64	80	231	80
Pucca	16	22	8	9	8	17	16	20	48	17
Katcha	0	0	0	0	8	17	0	0	8	3
Total	72	100	87	100	48	100	80	100	287	100

34. Indirectly affected APs are almost nil. Agricultural lands are mainly cultivated by the farmer-owners with help of some hired laborers only when required. Only a portion of the land will be acquired, and these laborers also work in other fields in the locality. All CBEs are operated by the owner himself. In some cases there are workers, but they are very few. Affected CBE structures are by in large make shift. With the implementation of the subproject these CBEs will shift within the vicinity and continue their business. CBEs will also continue their employment.

35. About 78% of the affected households have taken credit from different sources including NGO, banks and local people. Majority of women are members of NGOs and have taken credit but the money is mainly operated by the male members mostly for small business followed by buying inputs for farming. One quarter of these households took credit from the bank, mainly Krishi bank for agriculture inputs. Only about 4% borrowed money from local money lenders and relatives.

Table 10: AHHs With Loans from Different Organizations, by Village

Village Organization	Kolta		Hogla		Kumbkhali		Nayan Pasha		Total	
	No	%	No	%	No	%	No	%	No	%
Loan from NGO	40	71.4	24	60.0	48	100	48	60.0	160	71.4
Loan from Bank	16	28.6	16	40.0	00	00	24	30.0	56	25.0
Loan from Others	00	00	00	00	00	00	07	10.0	07	3.57
Total	56	100	40	100	48	100	80	100	287	100

36. The majority of the APs who participated in group discussions and stakeholders meetings have expressed their high expectation in terms of social and economic benefits from the subproject. Local administration and peoples' representatives such as Chairmen and Members of the Union Parishads have assured the Project authority that they will extend full cooperation to implement the subproject. Potentially affected persons also expected that this subproject will protect their land from floods, and they felt they would be able to retain some monsoon water inside subproject area for irrigation in the winter. They also expected that fishing (open water and cultured) will be enhanced which will help in improving their socioeconomic conditions.

37. In general, the community responded positively to the subproject. However, some concerns were raised, mostly related to proper and timely compensation payments for lost assets and income. The concerns were over delays in compensation payment and harassment in receiving compensation payment from the Government:

- The APs may face delays, harassments and even deprivation from getting the rightful compensation. Unclear documentation of ownership of the lands may also create problems. The participants desired support and assistance from the Project in simplifying the acquisition and compensation payments.
- For security reasons and for convenience of the APs, the payments will be made at camps set up locally in the vicinity of the areas affected.
- The Project should assist APs having not formalized their land ownership in the mutation of lands in the Deputy Commissioner's (DC) office to obtain their land ownership documents.

D. Objectives, Resettlement Policy Framework and Entitlements

1. GoB Laws and ADB's Policy Requirements

38. The Resettlement Framework (RF) provides *guidelines* for the formulation of subproject resettlement plans under the Project and is not a planning document. It is based on national land acquisition and requisition laws (specifically, *Acquisition and Requisition of Immovable Property Ordinance, 1982*), the draft *National Policy on Resettlement and Rehabilitation (NPRR), 2007* and ADB's *Involuntary Resettlement Policy (1995)*. The RF will apply to all

subprojects to be prepared under the Project. It will ensure that all APs – titled and non-titled – will be eligible for appropriate compensation packages under the Project.

2. Land Acquisition and Resettlement Principles

39. Land acquisition and resettlement of the APs, and providing special assistance to vulnerable and indirectly APs in re-establishing their livelihood and income will be conducted in accordance with the GoB's *Acquisition and Requisition of Immovable Properties Act of 1982* and the ADB's *Policy on Involuntary Resettlement* as well as by following 'best practice' followed in Bangladesh, viz: (i) avoiding involuntary resettlement where feasible, (ii) minimizing displacement by considering all alternatives where population displacement is unavoidable, and (iii) ensuring that displaced people receive assistance so that they would be at least as well off as they would have been in the absence of the project. The following are major elements of the policies/practices to be adopted by the Project:

- (i) Involuntary resettlement and loss of livelihood will be avoided where feasible;
- (ii) Where population displacement is unavoidable, it will be minimized by exploring all viable project options;
- (iii) People unavoidably displaced will be compensated and assisted, so that their economic and social future will be generally as favorable as it would have been without the Project;
- (iv) Vulnerable APs will be provided with resettlement facilities or support to resettle in proximity to their social groups and good communication network with employment opportunities;
- (v) People affected will be informed fully and consulted on resettlement and compensation options;
- (vi) Gender equity will be maintained in resettlement planning and implementation;
- (vii) Existing social and cultural institutions of resettlers and their hosts will be supported and used to the greatest extent possible, and resettlers will be integrated economically and socially into host communities;
- (viii) The absence of a formal title to land by some effected groups will not be a bar for compensation, particular attention should be paid to households headed by women and other vulnerable groups, such as indigenous people and ethnic minorities, elderly and disable persons and appropriate assistance provided to help them improve their status;
- (ix) As far as possible involuntary resettlement will be conceived and executed as part of the project;
- (x) People who will be affected indirectly will be facilitated to regain their livelihood and socio-economic status
- (xi) Participation of the local community will be ensured through incorporating them in different committees involved in planning through implementation process of RP
- (xii) The full cost of resettlement will be included in the presentation of Project costs and benefits.

3. Compensation Framework

40. The compensation framework contains the following packages, which are designed to cover compensation for lost assets and restore or enhance the livelihoods of all categories of the APs (Table 11).

Table 11: Compensation/Resettlement Framework and Beneficiaries

Sl. No	Compensation Packages	Beneficiaries
1.	<ul style="list-style-type: none"> o Replacement agriculture land/cash value titled owners by DC office o Additional cash grant based on MARV to match market value of the land 	<ul style="list-style-type: none"> o Households affected by loss of agricultural land o Households affected by loss of agricultural land
2	<ul style="list-style-type: none"> o Cash grant in Tk (to be assessed from type of crop production and return from one harvest) for the loss of access to land by cultivator/tenant/sharecroppers/ 	<ul style="list-style-type: none"> o Cultivator/tenant/share croppers affected by land acquisition for RoW
3	<ul style="list-style-type: none"> o Compensation for crops, trees, perennials and fish ponds by DC office o Additional cash grant to match market value of the asset (if applicable) 	<ul style="list-style-type: none"> o Households affected by loss of crops/trees/ponds-fish o Tenant farmers to receive 50% of the compensation for crop loss (if applicable)
4	<ul style="list-style-type: none"> o Cash for homestead land (by owners) at market value 	<ul style="list-style-type: none"> o All homestead/house plot owners affected by the project
5	<ul style="list-style-type: none"> o One time cash grant for alternative housing to APs without titles to homestead land/structure 	<ul style="list-style-type: none"> o Renters, leaseholders, squatters affected by the project
6	<ul style="list-style-type: none"> o Cash compensation for residential/commercial structures at replacement cost o Cash compensation to owners/renters/non-title Commercial & Business Enterprises (CBEs) for loss of commercial premises by CBEs 	<ul style="list-style-type: none"> o Households/CBEs (owners only) affected by the project o One-time cash grant to CBEs to re-establish business
7	<ul style="list-style-type: none"> o Transfer/shifting cost for relocation o Additional Assistance to female headed/vulnerable households 	<ul style="list-style-type: none"> o All APs (renters/squatter included) to assist in the relocation o Female-headed/vulnerable households to hire lands/structure for relocation
8	<ul style="list-style-type: none"> o Cash/credit/skill training assistance for income restoration o Canal side plantation and Social Forestry Program 	<ul style="list-style-type: none"> o All affected households/CBEs employees and indirectly affected persons for loss of work, income and business o Vulnerable groups such as women and landless people for alternative income generation program
9	<ul style="list-style-type: none"> o Reconstruction of community facilities (like school, mosque, temple, church, madrasa etc.) or resource affected by the project 	<ul style="list-style-type: none"> o All partial and fully affected community facilities will be reconstructed in consultation with affected communities
10	<ul style="list-style-type: none"> o Civic amenities in host areas to increase carrying capacity of the host village 	<ul style="list-style-type: none"> o Relocated areas/villages where APs will move in small groups
11	<ul style="list-style-type: none"> o Social Development Fund to assist restoration of income and livelihood in post-resettlement period 	<ul style="list-style-type: none"> o Affected households with particular attention to female households and other vulnerable groups and those under the official poverty line.

41. The subproject resettlement activities will be carried out in consultation with the APs, and all efforts will be made to minimize disruption during the Project implementation. A Detailed Measurement Survey (DMS), including a full census will be conducted once the Detail Design has been approved. The date of the census will be the cut-off date for resettlement benefits; and any encroachers/informal settlers after that date will not be entitled to resettlement benefits. For land title-holders, notification under Section 3 by the DC under the LAA will constitute the cut-off date.

4. Entitlement Matrix

42. The entitlement matrix (Table 12) identifies the categories of impact based on surveys carried out in the four subproject areas and shows the entitlements for each type of loss. If new impacts are identified later during preparation of RPs for future subprojects then such losses will be included in the entitlement matrix and the RP will be the appropriately revised.

Table 12: Entitlement Matrix and Responsible Implementation Agencies

SI No	Nature of Loss	Definition of Entitled Person (EP)	Entitlements	Relevant Policy/Legal Section	Implementation Issues	Implementation Responsibility
1	Loss of Land (Agriculture, Commercial, Homestead, Pond, <i>Gher</i> (Shrimp Ponds) <i>Boroj</i> (Betel Leaf Production Land)	Legal owner of the land at the time of serving notice under Section 3 of LA Laws	<ul style="list-style-type: none"> i. Replacement land or CCL (Market value assessed by DC plus premium as per Law) i. Additional grant to cover Maximum Allowable Replacement Value (MARV) of land. i. Stamp duty to facilitate land purchase v. Compensation for standing crops assessed by DC/PVAT v. Land development cost for homestead loser (if applicable) assessed by PVAT 	The Acquisition and Requisition Of Immovable Property Ordinance, 1982 (Ordinance No. II of 1982) & amendment by Ordinance VIII of 1993	<ul style="list-style-type: none"> a. Assessment of quantity and quality of land b. Assessment of Market Value c. Assessment of MARV by Land Market Survey (LMS) d. Title updating e. Payment of CCL f. APs will be fully informed of the entitlements and procedures regarding payment g. Additional cash grant to cover the replacement value of land. h. Stamp duty will be due to an EP in case of land purchase within one year of receiving CCL from DCs i. Compensation for standing crop crops from DC 	<ul style="list-style-type: none"> a. DC, LGED b. DC, LGED c. EA/WMCA/UP d. DC e. DC f. EA/WMCA/UP, LGED g. EA, CRO h. LGED-CRO/EA i. DC
2	Loss of Under Water Land (<i>Char</i> land) ⁵	Legal owner(s) of land (DCs in case of <i>khas</i> land after legally established AD ⁵ line), the previous private owners of <i>khas</i> land identified at the time of eroding the land into river/ <i>khal</i> below the AD line as per land rent record	<ul style="list-style-type: none"> i. As 1 if DC cannot declare the land <i>khas</i>, ii. Case of <i>Khas</i> - cash compensation under CCL to respective DCs without 50% Premium iii. Value of eroded <i>khas</i> land assessed by PVAT - to the previous owners whose land was eroded iv. Stamp Duty to facilitate land purchase 	The Acquisition and Requisition Of Immovable Property Ordinance, 1982 (Ordinance Bo. II of 1982)	<ul style="list-style-type: none"> a. Assessment of quantity and quality of land b. Assessment of Market Value c. Assessment of MARV by LMS d. Title verification e. Payment of CCL f. APs will be fully informed of the entitlements and procedures regarding 	<ul style="list-style-type: none"> a. DC, LGED b. DC, LGED c. EA/WMCA/UP d. DC e. DC f. EA/WMCA/UP, LGED-CRO

⁵ Alluvial and Diluvial Line, generally the lowest water level on a river bank slope.

SI No	Nature of Loss	Definition of Entitled Person (EP)	Entitlements	Relevant Policy/Legal Section	Implementation Issues	Implementation Responsibility
				& amendment by Ordinance VIII of 1993	<p>g. Additional cash grant to cover the Replacement Value of land.</p> <p>h. Stamp duty will be due to an EP in case of land purchase within one year of receiving CCL from DCs</p>	<p>g. LGED CRO/EA</p> <p>h. LGED CRO/EA</p>
3	Loss of Homestead/ Commercial and Other Infrastructure by Owner	Legal owner of the land at the time of serving LA notice Section 3 as recorded in the LA award Book	<p>i. CCL (Market value plus 50% premium as per Law)</p> <p>ii. Additional grant to cover market value of the structure</p> <p>iii. Transfer grant(TG) @ 12.5% of the value of non-masonry (<i>kutchha</i>) and semi-pucca and 5% for masonry (<i>pucca</i>) structure assessed by PVAT</p> <p>iv. Owner will be allowed to take all salvageable materials (free of cost) without delaying the project work</p> <p>v. Re-construction grant (CG) @ 12.5% of the value of all structures assessed by the PVAT for titled owners</p> <p>vi. Special assistance for Female Headed/Vulnerable Households @ Tk 2000, Tk 3000 and Tk 5000 for <i>kutchha</i>, semi-pucca and pucca structure</p> <p>vii. Land/Homestead Development Grant assessed by PVAT</p> <p>viii. Special Assistance of Tk 5000/ for Vulnerable Households having disabled member in the family</p>	The Acquisition and Requisition Of Immovable Property Ordinance, 1982 (Ordinance Bo. II of 1982) & amendment by Ordinance VIII of 1993	<p>a. Assessment of no. and quality of structure</p> <p>b. Assessment of market value</p> <p>c. Assessment of MARV by LMS</p> <p>d. Title updating</p> <p>e. Payment of CCL, plus 50% premium</p> <p>f. APs will be fully informed of the entitlements and procedures for getting those</p> <p>g. Additional grant to cover the MARV of the structure land</p> <p>h. Allowed to take away the salvageable</p> <p>i. Transfer grant @ 12.5% of the assessed value of the structure</p> <p>j. Construction Grants @ 12.5% of the assessed value of the structure</p> <p>k. Special Assistance to Female Headed Households by category of the structure</p> <p>l. Homestead loser will be eligible to get Homestead</p>	<p>a. DC, LGED</p> <p>b. DC, LGED</p> <p>c. IA/WMCA/UP</p> <p>d. DC</p> <p>e. DC</p> <p>f. EA/WMCA/UP, LGED CRO</p> <p>g. LGED CRO/EA</p> <p>h. LGED CRO/EA</p> <p>i. LGED CRO/EA</p> <p>j. LGED CRO/EA</p> <p>k. LGED CRO/EA</p> <p>l. LGED CRO/EA</p>

SI No	Nature of Loss	Definition of Entitled Person (EP)	Entitlements	Relevant Policy/Legal Section	Implementation Issues	Implementation Responsibility
					Development And Reconstruction Grant m. Special assistance to Vulnerable Households with disabled family member	m. LGED CRO/EA
4	Loss of Access to Cultivable Land By Farmers, Tenant/ Sharecroppers including cultivators of Khas land	Farmers, tenants and sharecroppers of the land under contract as identified by the SES to be conducted during implementation of RP	i. Transition Allowance equivalent to one year's net income from the cultivable land to farmer, tenant/ sharecropper, based on Market Value of the crops/fish	The Acquisition and Requisition Of Immoveable Property Ordinance, 1982 (Ordinance Bo. II of 1982) & amendment by Act XX of 1994	a. Individuals identified by the census/SES as farmer , tenant or sharecropper of land b. Cash grant as determined by assessment will be paid after taking possession of the land c. The legal owner certifies the tenancy d. SES will identify the farmer (cultivator of khas land), tenant /share cropper and endorsed	a. EA/WMCA/UP, LGED b. LGED CRO/EA c. LGED d. LGED
5	Loss of Trees/Perennials	Persons with legal ownership of the land where the trees are located and crops are grown at the time of serving notice u/3 or as recorded in the LA award book	i. Compensation at the market value, based on productivity and age of trees and value of the fruit assessed by Property Valuation Assessment Team (PVAT) ii. Additional 30% of assessed value as compensation for fruit bearing trees with timber iii. One time crop of each grown up tree (like banana tree) iv. Tree losers will be encouraged to plant more trees by providing 5 saplings free of cost to each affected households.	The Acquisition and Requisition Of Immoveable Property Ordinance, 1982 (Ordinance Bo. II of 1982) & amendment by Ordinance VIII of 1993	a. Assessment of loss and market value of the loss b. Payment of Cash Compensation for the losses c. Additional cash grant to cover the replacement value of the lost tree/perennials (if necessary) d. Owner will be allowed to fell and take the tree and fruits, after payment of compensation	a. DC, LGED b. DC c. LGED

SI No	Nature of Loss	Definition of Entitled Person (EP)	Entitlements	Relevant Policy/Legal Section	Implementation Issues	Implementation Responsibility
6	Loss of Residence/Commercial Structures by Owner or Squatters	Owner of the structure identified by SES	<ul style="list-style-type: none"> i. Cash compensation for the structure at market value ii. Transfer grant(TG) @ 12.5% of the value of <i>kutch</i>a and semi-<i>pucca</i> and 5% for <i>pucca</i> structure assessed by PVAT iii. Owner will be allowed to take all salvageable materials (free of cost) without delaying the project work iv. Re-construction grant (CG) @ 12.5% of the value of all structures assessed by the PVAT for titled owners v. One time special assistance for female headed, vulnerable households @ Tk 2000, Tk 3000 and Tk 5000 for <i>kutch</i>a, semi-<i>pucca</i> and <i>pucca</i> structure 	Measures in RP as per ADB guidelines	<ul style="list-style-type: none"> a. Payment of structure cost b. Verification of SES and other records c. APs will be fully informed about their entitlement and assisted in obtaining it d. A Transfer Grant to each household will be paid before/during vacating the project sites e. Removal cost for commercial structure at the same rate to the owners of structures f. Reconstruction Grant for each structure (household/commercial) will be paid before/during vacating the Project site g. Special assistance to Female Headed/Vulnerable Household 	<ul style="list-style-type: none"> a. LGED-CRO/IADC b. LGED c. LGED d. LGED-CRO/EA e. LGED-CRO/EA f. LGED-CRO/EA g. LGED-CRO/EA
7	Loss of access to house/commercial structure (rented or leased)	Tenants renting/leasing the property as identified by the socio-economic survey	<ul style="list-style-type: none"> i. One-time cash grant for facilitating alternative housing /structure assessed by PVAT 	Measures in RP as per ADB guidelines	<ul style="list-style-type: none"> a. Verification of SES Records and other Records b. A Shifting Allowance per unit will be paid before relocation from project sites 	<ul style="list-style-type: none"> a. LGED b. LGED-CRO
8.	Loss of residence by informal settlers/encroachers or unauthorized occupants	Heads of Household occupying homestead land illegally or squatting on RoW as identified by SES	<ul style="list-style-type: none"> i. Compensation for the lost structure (if owner) as per assessed values/price by DC provided certified by the land owner ii. The owner's income is under the poverty line will 	Measures in RP as per ADB guidelines	<ul style="list-style-type: none"> a. CCL for structure if recognized by DCs b. Verification of SES data and the Award Book c. Compensation for loss of structure (as mentioned in SI No. 6) 	<ul style="list-style-type: none"> a. DC b. LGED c. LGED-CRO

SI No	Nature of Loss	Definition of Entitled Person (EP)	Entitlements	Relevant Policy/Legal Section	Implementation Issues	Implementation Responsibility
			get grant /training from the Social Development Grant iii. Cash grant for shifting of the house from RoW		d. Transfer or shifting cost per household (as mentioned in SI NO. 6)	d. LGED-CRO/EA
9	Loss of Business by shops/business owners due to dislocation	Owner/Operator of the business as recorded by the Socio-economic Survey	i. Business Restoration Grant to owners, renters and leaseholders assessed by PVAT ii. Non tilted shop owners above the poverty line will not be eligible for business restoration grant	Measures in RP as per ADB guidelines	a. All persons recorded by the SES b. Cash grant to be paid before leaving the project land	a. LGED b. LGED-CRO/EA
10	Loss Of Income, Employment/ Work Opportunity Of Full-Time /Part Time Workers	Workers of affected business as recorded in the SES	i. One time cash grant for 30/90 days at the rate of local wage rate (30 days in commercial area and 90 days in agriculture area)	Measures in RP as per ADB guidelines	a. All persons recorded by the SES b. Cash grant to be paid before taking possession of land c. Involvement of the EP in Project civil works	a. EA/LGED-CRO b. LGED-CRO/EA c. EA/LGED-CRO
11	Loss Of Access To Utility Services Such As Piped Water Supply, Gas, Electricity, Sewerage Line, or Telephone.	Legal owner of the structure with utility services at the time of serving LA notice Section 3 as recorded in the LA Award Book. Or only the legal owner of the Utility Service as identified by SES	i. Cash compensation for the utility facilities at Market Value ii. One time Cash grant to transfer/re-installment the utility service to new location	The Acquisition and Requisition Of Immovable Property Ordinance, 1982 (Ordinance Bo. II of 1982) & amendment by Ordinance VIII of 1993	a. Payment of CCL for the losses b. Verification of SES and other records c. APs will be fully informed about their entitlement and assisted in obtaining it d. A transfer/ re-installment grant for identified utilities to each household/ structure owner (renter) will be paid during or after vacating the project sites	a. DC b. EA/LGED c. EA/LGED d. LGED-CRO
12	Loss of community facilities/common property resources by APs	Community as a whole where the APs will relocate	i. CCL for structure ii. Transfer Grant iii. Reconstruction/Improvement Of The Community Facilities/Common Property	The Acquisition and Requisition Of	a. CCL b. Cash grant for transfer /reconstruction of structure	a. DC b. LGED-CRO/IA

SI No	Nature of Loss	Definition of Entitled Person (EP)	Entitlements	Relevant Policy/Legal Section	Implementation Issues	Implementation Responsibility
			Resources	Immovable Property Ordinance, 1982 (Ordinance Bo. II of 1982) & amendment by Ordinance VIII of 1993		
13	Adverse impact on the Host Communities due to relocation of APs during and after Project implementation	Affected or host area /village where the APs will relocate	i. Provision for additional civic amenities (roads, tube well for drinking water, community slab latrines, to community facilities)	N/a	a. Assessment of community needs b. Consult the host population and provision for common property resources c. Implement the mitigation programs	a. LGED b. LGED c. LGED-CRO/EA

E. Consultation and Disclosure

1. Consultation and Stakeholders' Participation

43. Consultation and communication with APs and other stakeholders during the preparation stage of the subprojects will be an integral part of gathering relevant data for impact assessment, and facilities and development of appropriate options for resettlement of APs. The resettlement framework will be disclosed to the affected community in *Bangla* in FGDs to obtain the views of APs and other stakeholders on the compensation and resettlement provisions as per Government laws and ADB guidelines. As appropriate, the contribution of APs and beneficiary groups will be included in the subproject RPs

2. Grievance Redress Mechanisms

44. Section C.5 of the draft Resettlement Framework, paras 24 to 25 describes Grievance Redress Mechanisms.

F. Resettlement Budget

1. Resettlement Budget and Financing

45. Section B.3 of the draft Resettlement Framework, paras 12 to 15 describe Resettlement Budget and Financing.

46. Based on the background of this subproject the entire amount for land acquisition, resettlement and rehabilitation and training is estimated to be Tk **5,356,963**.⁶ An indicative budget for this subproject is presented in Table 13.

Table 13: Indicative Budget for Land Acquisition and Resettlement

No.	Description	Unit	Quantity	Rate (Tk)	Amount (Tk)
	Land with Types (Land to be acquired)				
	1. Settlements (Homestead/ <i>Vita</i>)	Ha	0.54	2,648,334	1,430,100
	2. Agriculture	Ha	1.94	1,152,502	2,235,854
A	Subtotal of Land Acquisition		2.48		3,665,954
B.	Stamp Duties And Registration Fees For Replacement Land Purchase (50% Will Be Able To Buy Land)	@15%			549,893
C.	Crop Compensation @ Tk 250 /Dec.	Ha	1.94	61,750	119,795
D	Transition Allowance For Loss Of Access To Agriculture Land@ Tk 250/Decimal	Ha	1.94	61,750	119,795
E.	Structure (Tin)	sq. ft.	866	250	216,500
	Trees				
	1. Large	No.	25	440	11,000
	2. Medium	No.	40	404	16,160
	3. Small	No.	27	290	7,830

⁶ According to the Feasibility Study (Supplementary Appendix F3, 30 June 2008, the total subproject cost before resettlement costs is Tk 31,078,706. The RP budget is approximately 17% of this.

No.	Description	Unit	Quantity	Rate (Tk)	Amount (Tk)
	4. Seedlings	No.	3	12	36
F	Subtotal of Trees		95		35,026
	Subtotal (A-F)				4,706,963
G.	Land Development. Transfer grant and Reconstruction grant for the lost structure (Housing/ CBEs)				100,000
H.	Special Assistance for vulnerable households				50,000
I.	CBEs/Business Reestablishment				50,000
	Subtotal (G-I)				200,000
J.	Implementing Agency Operation cost				300,000
K.	Social Development Activities				50,000
L.	Consultancy Cost				100,000
	Subtotal (K-N)				450,000
	Total Cost (Taka)				5,356,963

47. The Government and ADB will provide the funds for land acquisition and resettlement, with ADB funding cash grants outside compensation under law (COB) and similar assistance such as special assistance for vulnerable households and social development activities, for operation and consultancy costs, and for monitoring and evaluation.⁷ The Government will provide the entire fund for land acquisition and resettlement. The cost of rehabilitation and training will be provided by the Project. The fund for land acquisition by the DC will be prepared by the DC's Land Acquisition Section and sent to the IWRMU for transferring the funds to the DC's account. The additional benefits as per the framework will be paid directly to eligible persons (EPs). The PIC Resettlement Specialist will facilitate assessment of quantity of losses and EPs for resettlement benefits and deliver a resettlement budget to LGED for approval and periodic release of funds. The rehabilitation and training for APs will be provided through NGOs (already) engaged by the project for skills and livelihood support including agriculture and fisheries activities. The training program will be based on vulnerability and needs assessment carried out through a special census and consultation exercise. If acquisition begins 12 months after Joint Verification Survey (JVS), the replacement value will be increased at the rate of 10 percent per annum.

48. The IWRMU will ensure that the land acquisition and resettlement budgets are delivered to the DC on time and to WMCA/UP representative for timely implementation of the RPs. LGED will also ensure that the RPs are submitted to ADB for approval and that funds for compensation and entitlements under the RP are fully provided to APs prior to the award of the civil work contract.

G. RP Implementation

1. Implementation Schedule

49. Feasibility studies for additional subprojects, including RPs, will be prepared within the project period. The Project's institutional strengthening and capacity building activities will

⁷ This is in line with OMS F2/BP, para 4.xi. Other activities that may be funded by the ADB loan are income restoration, relocation, site development, and social preparation.

commence in the first year of project implementation; these activities will taper off towards project completion. Subproject implementation will be conducted following a rolling program over the 8 year life of the project. RPs will be implemented before the award of civil award contracts. However, the implementation schedule for subprojects will be prepared considering any possible changes from the detailed design and DMS. Time schedule for RP implementation for the first batch of subprojects is presented in Figure M1.

2. Monitoring and Evaluation

50. LGED, through the IWRMU Environment and Safeguards Section, will establish a monitoring system involving the Senior Sociologist IWRMU (who will be the Chief Resettlement Officer, CRO), district and upazila officers of LGED and PIC for collecting, analyzing and preparing Quarterly Progress Reports on the progress of RP implementation. LGED will also provide an Annual Report to ADB.

51. The RP monitoring will be conducted to provide feedback to LGED and to assess implementation effectiveness. A Mid-term Review drawing upon monitoring and evaluation reports and other relevant data will identify any action needed to improve resettlement performance. Evaluation of RP implementation will assess whether the resettlement objectives were appropriate and whether they were met, specifically, whether livelihoods and living standards were restored or enhanced. The evaluation will also assess resettlement efficiency, effectiveness, impact and sustainability, drawing upon lessons learned as a guide to future resettlement planning.

a. Internal Monitoring

52. Internal monitoring will be carried out by IWRMU's Environment and Safeguards Section with support from the CRO, field staff at LGED district and upazila offices and PIC Resettlement Specialist will establish a monthly monitoring system and prepare a Monthly Progress Report on all aspects of RP implementation. The initial Census and SES will provide the benchmark data, and periodic surveys will be carried out over the time frame indicated in Figure M1 to measure changes against this baseline data, using monitoring indicators such as found below in Table M4. Assisted by District and Upazila Engineers, and PIC Resettlement Specialist, the PD will monitor land acquisition and resettlement. The existing LGED Management Information System (MIS) can be updated accordingly to incorporate the necessary data and Environment and Safeguard Section (ESS) of IWRMU will tabulate quantitative information obtained through monitoring.

53. The Resettlement Specialist with the PIC team will supervise and monitor RP implementation for LGED. The PIC will sub-contract the external independent monitoring and evaluation of the resettlement activities to an experienced person/firm or institution that has sufficient experience and understanding of the project. The tasks of the external monitor will be to: (i) verify results of internal monitoring; (ii) assess whether resettlement objectives have been met, especially whether livelihoods and living standards have been restored or enhanced; (iii) assess resettlement efficiency, effectiveness, impact and sustainability, drawing lessons as a guide to future resettlement policy making and planning; and (iv) ascertain whether the objectives were suited to AP conditions. The external monitor will design and adopt methods and tools for data collection facilitating a comparable database of "before" and "after" resettlement conditions.

54. In addition to regular review missions, ADB will undertake a comprehensive Mid-Term Review of the RP implementation. A post evaluation of RP implementation will be carried out by the ADB to assess the resettlement impact in terms of adequacy and deficiency in planning and implementation of resettlement activities.

H. Implementation Arrangements

55. MoLGRDC, through LGED, has overall coordination, planning, implementation and financing responsibilities. LGED fully recognizes the importance of the Project's resettlement programs. Therefore, PIC will include an international Safeguards Specialist and a national Resettlement Specialist with clearly defined tasks including establishing an income restoration program. Senior Sociologist of IWRMU will be appointed as Chief Resettlement Officer (CRO) to supervise the implementation work, with the help of existing LGED community organizers (COs) and engineers at the Upazila level.

1. Project Implementation Office, LGED

56. Section D.1 of the draft Resettlement Framework, paras 37 to 38 describe Project Implementation Office role and responsibilities.

2. The Acquiring Body

57. Section D.2 of the draft Resettlement Framework, para 39 describes Acquiring Body role and responsibilities.

3. Project Implementation Consultants

58. Section D.3 of the draft Resettlement Framework, para 40s describes Project Implementation Consultants (PIC) role and responsibilities.

4. Water Management Cooperative Association (WMCA)

59. The WMCA is central to the subproject development process including subsequent system operation and maintenance activities. As a registered cooperative the fully inclusive, community based organization is a member-based, member-owned and member-managed institution. Project based links between WMCA and UP are formed early in the subproject development process, with UP involved in identification and approval process for commencing interventions, conflict resolution and potential sharing of office facilities. Resettlement Plan implementation will be undertaken by the WMCA with representation from Union Parishad

(Chairman or Member), as a locally based civil society group fully capable of responding to its required role. Ongoing support and institutional strengthening of WMCA through overall project activities will better position the organization as a suitable entity for RP implementation.

60. Targeted training for WMCA Management Committee (and relevant sub committee members) in the main principles of IR, subproject specific role and responsibilities and procedures for implementation will be provided by the project under its capacity building plan. Close facilitation and mentoring will also be provided by PIC Resettlement Specialist. Implementation will be in coordination with the DC, LGED and the PIC (Resettlement Specialist). Outline Terms of Reference for the role of WMCA/UP representative in RP implementation process is defined in Annex M2.of the draft RF.

5. Resettlement Processing Committees/Teams

61. LGED will form various committees/teams for implementation of the RP at the field level. The WMCA/UP representative will work as member secretary for all the committees/teams involving representatives of the DC, LGED, local government institutes and APs, as the case may be. These committees/teams will ensure stakeholders' participation and uphold the interest of the vulnerable APs. The power and jurisdictions of the committees will be clearly defined in the committee notification.

a. Property Valuation Advisory Team

62. Section D.5.a. (paras 44 and 45) of the draft RF describes role and responsibilities of the Property Valuation Advisory Team (PVAT).

b. Grievance Redress Committee

63. Section C.5. (paras 24 and 25) describe procedures for grievance redress.

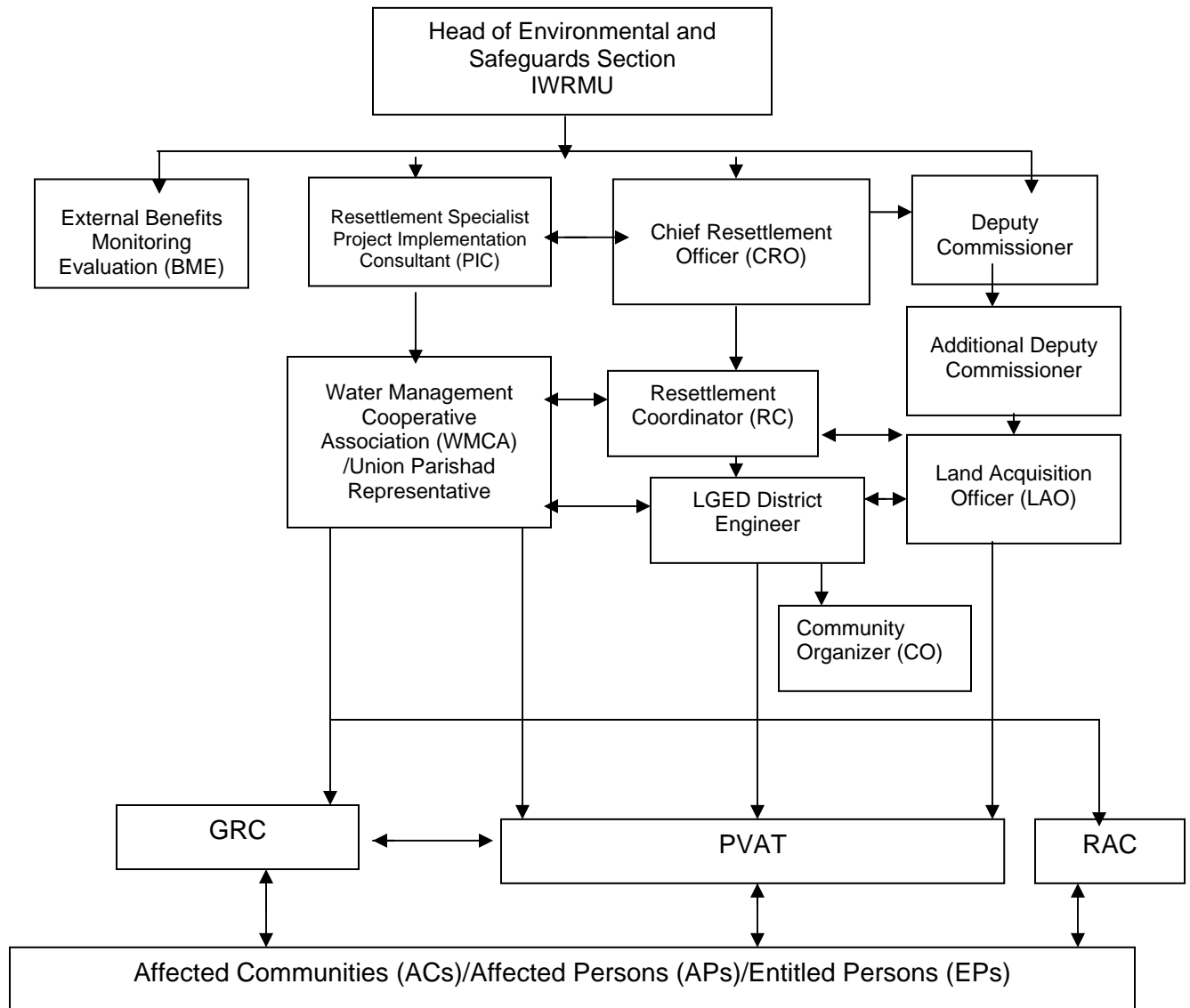
c. Resettlement Advisory Committee

64. Section D.5.b. (para 46) of the draft RF describes role and responsibilities of the Resettlement Advisory Committee.

d. RP Implementation Guidelines

65. Section D.5.c. (para 47) of the draft RF describes RP implementation guidelines.

Figure 5: Resettlement Organization Chart



- CRO - Chief Resettlement Officer
- GRC - Grievance Redress Committee
- PVAT - Property Assessment and Valuation Team
- RAC - Resettlement Advisory Committee