

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF WATER RESOURCES



BANGLADESH WATER DEVELOPMENT BOARD (BWDB)

COASTAL EMBANKMENT IMPROVEMENT PROJECT (CEIP-I)

RESETTLEMENT ACTION PLAN (RAP)

First Package

Polders 32, 33, 35/1, 35/3 & 39/2C

VOLUME I

RESETTLEMENT ACTION PLAN

**(Project Interventions, Consolidated Impacts, Policy Framework for Impact Mitigation,
Budget and Implementation Arrangements)**

Reviewed and Revised by
Independent Social Consultant
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VOLUME I

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Implementation Arrangements)**

VOLUME II

**Resettlement Information of Polders including Socioeconomic Profile of PAPs, Project
Impacts, Mitigation Budget and Implementation Organization**

Volume II.A	Resettlement Information of Polder 32
Volume II.B	Resettlement Information of Polder 33
Volume II.C	Resettlement Information of Polder 35/1
Volume II.D	Resettlement Information of Polder 35/3
Volume II.E	Resettlement Information of Polder 39/2C

Resettlement Action Plan

Polders 32, 33, 35/1, 35/3 & 39/2C

EXECUTIVE SUMMARY

E.1. **The Project.** Coastal Embankment Improvement Project (the Project) is the first phase operation of the Coastal Embankment Improvement Program (CEIP) developed by Bangladesh Water Development Board (BWDB) for strategic improvement of the Coastal Embankment System (CES) to accommodate climate change impact on water management problems. The first phase CEIP (CEIP-I) has selected 17 out of the 139 polders in the coastal zone for improvement of embankment system that will withstand severe cyclones and climate change impacts. The project includes detail design of 5 polders in Khulna (polders 32 & 33), Bagerhat (polder 35/1 & 35/3) and Pirojpur (polder 39/2C) for first year construction package. The first year construction includes 33 km of new embankment, 6.7 km forward embankment and 26.35 km retired embankment. The project interventions in the five polders are shown in Table E-1.

Table E-1: Land Acquisition and Resettlement Impacts

Work components	Unit	Polder 32	Polder 33	Polder 35/1	Polder 35/3	Polder 39/2C	Total
Resectioning of embankment	km	0	48	49.7	35	18	150.7
Construction of retired embankment	km	3.5	1.5	6.3	5.05	10	26.35
Construction of forward embankment	km	0.7	0	6	0	0	6.7
Construction of new embankment	km	0	0	0	0	33	33
Construction of drainage sluice	nos.	13	13	15	4	13	58
Construction of flushing inlets	nos.	2	12	17	10	12	53
Repair of flushing inlets	nos.	21	5	3	1		30
Demolishing flushing inlets	nos.	0	2	0	0	0	2
Re-excavation of drainage channel	km	17.5	63.21	70.5	23.5	57.23	231.94
Bank protection work	km	1.5	1.45	1	1.7	2	7.65
Slope protection of embankment	km	4.3	6	12.75	0.9	2	25.95
Construction of canal closure	no.	1	0	0	0	8	9

Source: CEIP-I Detail Design Report, September 2012

E.2. **Land Acquisition and Displacement.** Resectioning and retirement of embankments and construction of drainage structures will require acquisition of about 259 ha land of mostly private lands in five polders. Implementation of the project will cause physical and economic displacement of 6203 households of which 3115 will be displaced from their housing, 2029 will lose their business premises, 41 will be losing only trees and 1315 will lose their agricultural lands. A total of 184 common proper structures will also be affected including educational and religious institutions and other public and private facilities used by the communities. Bank Policy on Involuntary Resettlement (OP 4.12) triggered the project. There are some indigenous people or communities in coastal region but none of them are living within the selected polders and are not

among affected persons. Bank Policy on Indigenous Peoples (OP 4.10) therefore, did not trigger the project. The involuntary resettlement impacts by Polder are given in Table E-2.

Table E-2: Land Acquisition and Resettlement Impacts

Category of loss by PAHs	Unit	Polder 32	Polder 33	Polder 35/1	Polder 35/3	Polder 39/2C	Total
PAHs losing land	PAH	32	3	140	62	1078	1315
PAHs losing only trees	PAH	0	0	0	1	40	41
PAHs losing residence	PAH	1016	661	579	136	426	2818
PAHs losing business premises	PAH	360	460	499	144	231	1694
PAHs losing both residential and business premises	PAH	113	121	41	14	8	297
PAHs losing fish pond/ghers	PAH	0	1	7	27	3	38
Total PAHs	PAH	1521	1246	1266	384	1786	6203
Land acquisition	ha	67	20	60	15	97	259
Common Property Structure	No.	38	56	44	14	32	184

Source: KMC Census and Socioeconomic Survey, Dec 2011-Feb 2012

E.3. **Resettlement Action Plan.** Avoiding additional land to the extent feasible, avoiding embankment retirement, forwarding embankment towards the rivers, and section specific crest height were among the design considerations to minimize land acquisition and population displacement. The unavoidable impacts related to land acquisition and population displacement have been identified through census and socioeconomic survey during Dec 2011 to Feb 2012 along with community consultation. A separate survey on landholding status of affected embankment settlers (squatters and encroachers on the existing embankment) was conducted in November 2012. The findings were used to prepare this Resettlement Action Plan (RAP) following the national law on land acquisition¹ and the WB Policy on social safeguards (OP 4.12) and the CEIP Social Management and Resettlement Policy Framework (SMRPF). This RAP covers the five polders for policy implications, impacts, mitigation measures, budget, and implementation arrangements as the main volume (Vol. I) and will be read with polder specific social impact assessment (SIA), budget and implementation organizations presented in separate volume for each of the five polders. The RAP will be submitted to the Bank for safeguard review and clearance and disclosed locally in country and in the Bank InfoShop before appraisal.

E.4. **Community Consultation and Strategy.** The disclosure and community consultation were carried out first during social assessment under the feasibility study of the CEIP-I and then during the census and socioeconomic survey of affected persons following the detail design of the first year construction. The potential affected persons and their communities were consulted through group meetings and personal contacts. The opinion of the different levels stakeholders regarding the project was sought and considered in preparation of this RAP. The consultation process and community engagement will be continued during implementation of the project and this RAP. The communities will be engaged through Water Management Organizations (WMO) in the decision-making and implementation of the RAP. The other instruments for engagement of the communities during implementation of the RAP are Grievance Redress Committees (GRC),

¹ The Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance II of 1982 with amendments up to 1994)

Property Assessment and Valuation Committees (PAVC) and Physical Relocation Assistance Committees (PRAC).

E.5. Resettlement-related brochures, leaflets and other communications materials in the local language (Bangla) will be published and distributed among the project affected persons (PAPs) and other stakeholders. These materials will also be available in the Union Parishad (UP), Upazilas and BWDB field offices (FOs). Further steps will be taken to (i) keep the affected people informed about compensation policies and payments, resettlement plan, schedules and process of payment of resettlement benefits, and (ii) ensure that project-affected persons are involved in making decisions concerning their relocation and implementation of the RAP.

E.6. **Legal and Policy Framework.** Lands for the project will be acquired using the Bangladesh Ordinance II of 1982 for compensation and transfer of title to BWDB by the respective Deputy Commissioners (DC). Since the 1982 Ordinance falls short of the requirements of the WB OP 4.12 on involuntary resettlement, the project resettlement policy has been developed following the Ordinance and the OP 4.12. The Acquisition and Requisition of Immovable Property Ordinance (ARIPO) 1982 will be the instrument to legalize acquisition for the first year polders, and the WB OP 4.12 will be the basis to implement impact mitigation measures. The project resettlement policy has also been benefited from the experience in resettlement of similar other projects within BWDB and other infrastructure agencies of the Government of Bangladesh (GoB).

E.7. BWDB will undertake and complete land acquisition before the start of civil works construction. However, land acquisition will be avoided or minimized to the extent feasible and displacement of people will be kept the least. The project will not acquire any land owned by the indigenous peoples or affect their livelihood and cultural resources. Where adverse impacts are found unavoidable, BWDB will compensate the affected persons at full replacement cost irrespective of title and tenure status. Displaced households including squatters/encroachers will be assisted for their relocation and livelihood restoration. Affected common property structures will be compensated and assisted for reconstruction at alternative sites.

E.8. **Eligibility of Entitlements.** Owners of land and physical assets on the land to be acquired are eligible for CUL. The non-titled users of public and private lands and persons losing their livelihoods due to the project interventions will be entitled for assistance under this RAP. However, eligibility of compensation and assistance will be governed by cut-off dates. The dates of census of affected persons and the dates of the first notification of acquisition by DCs will be considered as the cut-off dates for socially and legally identified affected persons respectively. The PAPs recognized for their loss will receive compensation for loss of assets and income, and assistance for relocation and livelihood restoration. Entitlements of eligible PAPs (EP) against their estimated losses have been adopted in the RAP as follows:

1.	<i>Loss of land (agricultural, commercial, homestead, fish pond and others)</i>
	<ol style="list-style-type: none"> 1. Compensation under law (CUL), which includes 50% premium on current market price, or replacement value (RV), whichever is higher. Where CUL will be less than RV, the differentials will be paid by BWDB. 2. Transition allowance (TA) for income loss from agri-lands at the rate of Bangladesh Taka (BDT) 1000 per decimal to persons losing more than 20% of their productive land holding.
2.	<i>Loss of houses/structures used for living & commercial activities</i>

1.	Legal owners
	<ul style="list-style-type: none"> a. CUL which includes 50% premium, or the RV, whichever is higher. b. House Construction Grant (HCG) at the rate of 10% of RV of structure. c. Vulnerable and female headed households will get one time special cash assistance @ BDT 5000 per household. d. All house/structure owners are permitted to retain the salvageable building materials.
2.	Squatters/Encroachers
	<ul style="list-style-type: none"> a. RV of structures determined by PAVC. b. House transfer grants (HTG) @ 5% of RV and HCG @ 10% of RV of structures. c. Structure transfer grant (STG) for shifting of temporary structures on legs @ 5% of RV of structure. d. Homestead development allowance (HDA) for land development or house platforms @ BDT 50 per sft of affected structures. e. Structure strengthening grant (SSG) for temporary relocation of landless squatters @ 10% of RV of structure. f. Vulnerable and female headed households will get one-time special cash assistance for relocation @ BDT 5000 per household. g. All house/structure owners are permitted to retain the salvageable building materials.
3.	Tenants: Tenants will be given advance notice and assisted with finding alternative accommodation and be given shifting grant for goods and belongings (SGB) @ 5% of RV of structure.
3.	<i>Loss of timber and fruit tress</i>
	<ul style="list-style-type: none"> 1. Compensation will be determined based on the following principles: <ul style="list-style-type: none"> (a) Net Present Value or (b) Currentage, life span, productivity and current market price of output 2. Compensation will be shared with partners for trees grown under public/Non-governmental Organization (NGO) sponsored program. 3. Owners will be permitted to fell and retain the trees and fruits.
4.	<i>Loss of standing crops and fish stock</i>
	<ul style="list-style-type: none"> 1. Advance notice to be issued in time to harvest the standing crop. If not possible the value of the crop at full harvest price is to be paid to the cultivator (owner cultivator or tenants). 2. Compensation (market price) for fish stock (PFS) to affected titled owners of pond and gher if they cultivate themselves. In otherwise the tenants will be entitled for PFS. In any case, the cultivator will be allowed to harvest the fish stock.
5.	<i>Loss of business income from displaced commercial premises</i>
	<ul style="list-style-type: none"> 1. Compensation for loss of business/trading income equivalent to 45 days income for fully displaced premises. 2. Affected business squatters/encroachers opting for temporary relocation will receive compensation for the actual number of days the businesses remain closed or needed to complete the civil works not exceeding 45 days. 3. Partially affected business owners will receive compensation for the number of days needed to repair and reopen the businesses not exceeding 45 days.

4.	Compensation for loss of rental income from rented-out premises on the right of way equivalent to three months' rent to owner of the rented out premises to owners of affected private land and squatters/encroachers on the embankments.
6.	<i>Temporary loss of income (wage earners in commerce & industry)</i>
1.	Grant to cover temporary loss of income (GTL) from wage employment to employees of affected business and commerce.
2.	GTL will be equivalent to 90 days wage at the rate of daily wage at current market price determined by PAVC.
3.	Minor children of the business owners, who assist on a part time basis, are not eligible for this grant.
7.	<i>Loss of usufruct rights in mortgaged-in, leased-in and khai-khalashi lands</i>
1.	CUL by DC for loss of rights constituted through legal agreements to the rights holder.
2.	Compensation for loss of rights established under verbal agreement will be shared by the legal owner upon receipt of CUL from the DCs as per the agreement.
3.	Where CUL is smaller than RV, legal owner will get the top- up from BWDB (i) if all liabilities are already paid up; (ii) if not, the legal owner will get the residual after all liabilities are paid up. If the liability exceeds the amount to be paid by the BWDB, the landowner will pay it.
8.	<i>Loss of access to VNR property</i>
1.	Agricultural Land: Three times the estimated value of all crops produced in the acquired land in the year or preceding year of acquisition.
2.	Homestead Land: (a) if only a portion of the land is acquired, the user is allowed to live on the remaining land and assisted to relocate his/her houses with HTG and HCG as stipulated for Loss of Houses/structures. (b) If the land is fully affected and the households needs to relocate elsewhere, six month's rental allowance (RA) @ BDT 1000 per month for comparable living accommodations to owner users of lands under vested property status without lease.

E.9. **Relocation and Livelihood Restoration Strategy:** The project will cause to relocate 3115 households affected in their housing and 2029 in their business and commercial premises (297 households are losing both residence and commercial premises). The project affected households (PAHs) are largely squatters on existing embankments and their relocation will be a major challenge of the RAP. About 46% of the affected embankment settlers are landless (zero landholding) and 48% have high lands suitable for settlement. It was understood during the surveys and consultation that the affected embankment settlers may choose to self-relocate in their own lands or lands they will be able to purchase inside the polder. The landless squatters (embankment settlers having no land of their own elsewhere suitable for homestead) may opt to self-relocate in groups on piece of land they will be able to buy with the compensation they will receive for their structures. There may still be some squatters/encroachers who are anticipated to fail finding out land on their own even with the compensation money. The project therefore, adopted the strategy of self-relocation, group relocation and temporary relocation. Project will provide civic facilities in the sites where around 30 squatters/encroachers will relocate in group.

E.10. The affected households including the squatters will be relocated in their close proximity and no permanent impact on their livelihood is therefore, expected. However, they may experience temporary loss of workdays and income for which they will receive allowance to bridge the gap before they will resume in their livelihood activities. Vulnerable PAHs including poor and female headed, elderly headed, and disabled headed households will be given additional support for their subsistence during relocation. Long-term income restoration and livelihood reconstruction program (including skill training and linking with social protection supports and financial resources) will be designed and executed for rehabilitation of the affected households losing their livelihood.

E.11. **Institutional Arrangements.** The GoB will implement the project under the overall responsibility the Ministry of Water Resources (MoWR). A Project Steering Committee (PSC) would provide the forum for overall guidance, policy advice and coordination of the project activities and addressing the inter-agency issues. The proposed project will be implemented by BWDB under the MoWR. BWDB shall be responsible for the execution and implementation of the Project through the Project Management Unit (PMU) established at Dhaka and three FOs established at suitable locations in the field.

E.12. The PMU will be headed by a Project Director (PD) of the rank of Chief Engineer, and will report directly to the Director General (DG). The PMU will have a Social, Environment Communication Unit (SECU) having its staff resources at the headquarters and at three FOs, one at Khulna, one at Bagerhat and one at Patuakhali or at Barguna. The FO will be headed by a Project Manager (PM) of the rank of Executive Engineer, recruited by the project. The SECU will be supported by an experienced and reputable NGO for social mobilization, establishment of WMO, and activities related to implementation of the RAP. The NGO activities will be directly supervised by the PMs with assistance from the Design and Supervision Consultant (DSC). A Monitoring and Evaluation (M&E) consultant will provide support in the supervision of RAP implementation. The PMU will also be assisted by an Independent Panel of Expert (IPOE) for oversight of all aspects of the project including social safeguards.

E.13. **Grievance Redress Mechanism (GRM).** Through public consultations and distribution of the public information booklet, PAPs will be informed that they have a right to resolve any grievance/ complaints they may have regarding resettlement issues. Grievances will be settled with full representation in GRCs constituted by the MoWR with representatives from the BWDB, the implementing NGO, local government institutions (LGI) and the PAPs. The PAPs will call upon the support of the NGO to assist them in presenting their grievances to the GRCs. The GRCs will review grievances involving compensation and resettlement assistances, relocation and livelihood restoration. Grievances will be redressed within two weeks days from the date of lodging the complaints. GRCs will be formed at each Union with a polder area and convened by the PM at the FOs.

E.14. **Cost Estimate and Budget.** The total estimated cost for implementation of the RAP is BDT 1,575 million, equivalent to USD 19.20 million. It includes payment of compensation for assets and resettlement assistance, operation cost of the implementing NGO and independent monitoring and reviewing of the RAP implementation. The total estimated budget is shown in the Table E-3.

Table E-3: Land Acquisition and Resettlement Budget (Million BDT)

Polders	Compensation	Resettlement	Relocation	Training	Implementation	Total
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Coastal Embankment Improvement Project (CEIP-I)
Bangladesh Water Development Board (BWDB)

		Assistance	support		cost	
Polder 32	150.18	45.82	5.00	1.00	33.40	235.40
Polder 33	141.64	57.95	5.00	1.00	33.76	239.34
Polder 35/1	218.82	85.91	5.00	1.00	44.27	355.00
Polder 35/3	67.80	12.77	1.00	1.00	15.96	98.53
Polder 39/2C	520.01	50.35	5.00	1.00	70.84	647.20
Total	1,098.45	252.80	21.00	5.00	198.22	1,575.47

E.15. **Monitoring and Evaluation.** The SECU at PMU will set up a system of internal monitoring of RAP implementation with assistance from the FOs and the implementing NGO. RAP implementation guideline will be prepared by the DSC and adopted by the PD. The Land Acquisition and Resettlement Specialist of the DSC will supervise and monitor implementation of RAP as per the guideline as well as assessing the ability of PAPs to restore their living standards and livelihoods to pre-project levels. An external monitoring agency will be engaged by BWDB for periodic review of RAP implementation and evaluation at the end.

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GLOSSARY

1. **Compensation:** Payment made in cash to the project affected persons (PAPs)/households for the assets acquired for the project, which includes the compensation provided under the *Acquisition and Requisition of Immovable Property Ordinance 1982* and others stipulated in this Resettlement Action Plan (RAP).
2. **Compensation-Under-Law (CUL):** Refers to the compensation assessed for the acquired lands and other assets, such as trees, houses/structures, etc., by different government agencies as per the methods provided in the Land Acquisition Ordinance, and paid by the Deputy Commissioners (DC).
3. **Consultation Framework:** In view of their stakes and interests in the project or polder, the framework is prepared to guide the project preparation team about who are to be consulted about the overall project and its positive and negative social impact implications and to seek their inputs and feedback in the different stages of the project cycle.
4. **Cut-off Dates:** These are the dates on which censuses of the PAPs and their assets to be affected are commenced in a particular area (mauza/village). Assets like houses/structures and others which are created after the cut-off dates, and the persons or groups claiming to be affected, become ineligible for compensation and assistance. For private lands, these dates will however not constitute ‘cut-off dates’, if the legal Notice under Section 3 (Notice-3) is already issued before the censuses are taken. In such a situation, the Notice-3 dates are considered ‘cut-off dates’, as the acquisition ordinance prohibits changes in the appearance of the lands after issuance of Notice-3. In this project, the commencement date of the survey that is 22 December 2011 is the cut-off date for polder 33, 35/1 and 35/3 and 15 January for polder 32 and 39/2-C.
5. **Encroacher:** Households or persons having land of their own attached to the public land/embankment or elsewhere but occupy the land proposed for acquisition or in the existing embankment (for residence and/or income earning) without legal arrangements with the GoB or any of its concerned agencies are defined as encroacher. These persons are rich and influential in the community and use their social or political influence in occupying the lands.
6. **Entitlement:** Refers to mitigation measures, which includes cash payments by DCs and BWDB, as well as any non-cash measures stipulated in this RAP (e.g., allowing the PAPs to keep felled trees, salvageable building materials, etc.), for which compensation is already paid.
7. **Household:** A household is a group of persons who commonly live together with common incomes and take their meals from a common kitchen.
8. **Income Restoration:** Refers to re-building the capacity of the project affected households (PAHs) to re-establish income sources at least to restore their living standards to the pre-acquisition levels.
9. **Involuntary Resettlement:** The situation arises where the State’s power of eminent domain requires people to acquiesce their rights to personal properties and re-build their lives and livelihood in the same or new locations.
10. **Khas Land:** Khas lands are public lands those are not recorded in the name of any private citizen/entity of the country as per latest settlement record or owned by any government agencies. DC in a respective district is the custodian of all khas lands in a district.
11. **Khai-khalashi Right:** It is an usufructuary right to a land for a specified period obtained through a loan given to the land owner that is recovered through produces from the land during that period. The lender cultivates the land or leases it out either to the borrower or to

any other farmer. Though the land is mortgaged against a specific amount of credit, no interest is paid to the lender for this loan.

12. **NGO:** Non-Government Organizations (NGO) are private voluntary organizations registered in Bangladesh with the Department of Social Welfare, NGO affairs bureau or with the Joint Stock Company. NGOs, as per World Bank (WB) definition (WB OD 14.70), pursue activities to relieve suffering, promote the interests of the poor, protect the environment, provide basic social services, or undertake community development. There are a number of NGOs and firms in Bangladesh having specific experience in dealing with social surveys and involuntary resettlement as per Bank guidelines (OP 4.12).
13. **Participation/Consultation:** Defined as a continuous two-way communication process consisting of: ‘feed-forward’ the information on the project’s goals, objectives, scope and social impact implications to the project beneficiaries, and their ‘feed-back’ on these issues (and more) to the policymakers and project designers. In addition to seeking feedback on project specific issues, the participatory planning approach also serves the following objectives in all development projects: public relations, information dissemination and conflict resolution.
14. **Physical Cultural Resources:** Defined as movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Physical cultural resources may be located in urban or rural settings, and may be above or below ground, or under water. Physical cultural resources are important as sources of valuable scientific and historical information, as assets for economic and social development, and as integral parts of a people’s cultural identity and practices. Their cultural interest may be at the local, provincial or national level, or within the international community.
15. **Project-Affected Person/Household:** Persons/households whose livelihood and living standards are adversely affected by acquisition of lands, houses and other assets, loss of income sources and the like, due to undertaking of the project.
16. **Rehabilitation:** Refers to improving the living standards or at least re-establishing the previous living standards, which may include re-building the income earning capacity, physical relocation, rebuilding the social support and economic networks.
17. **Relocation:** Moving the project-affected households to new locations and providing them with housing, water supply and sanitation facilities, lands, schools and other social and health care infrastructure, depending on locations and scale of relocation. [Homestead losers may also relocate on their own in any location they choose.
18. **Replacement Cost:** The WB’s OP 4.12 on Involuntary Resettlement describes “replacement cost” as the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets is not taken into account. For losses that cannot easily be valued or compensated for in monetary terms (e.g. access to public services, customers, and suppliers; or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard.
19. **Squatter:** Household or person occupying public lands without legal arrangements with the GoB or any of its concerned agencies is a squatter to the lands. Households/persons those displaced by riverbank erosion, cyclones or landlessness squat embankment slopes for residential, commercial and community purposes. Many of these embankment squatters have their own land elsewhere inside the polder but they took refuge on the embankment to enjoy

the advantage of flood free land, good communication, and trading as the embankments are also used as road and at some locations as market centres.

20. **Stakeholder:** Refers to recognizable persons, and formal and informal groups who have direct and indirect stakes in the project, such as affected persons/households, shop owners, traders in *haats/bazaars/kitchen markets*, squatters, encroachers, community-based and civil society organizations.
21. **Subproject:** Refers to improvement of individual polders under the Coastal Embankment Improvement Project within the jurisdiction of an O&M Division of Bangladesh Water Development Board in the coastal area.
22. **Top-Up Payment:** Refers to BWDB's payment supplement replacement cost of land and other assets where the CUL determined and paid by DCs is less than the replacement cost.
23. **Tribal People:** Tribes, minor races, ethnic sects and communities living in the Chittagong Hill Tracts and dispersed in other plain districts in Bangladesh are distinct indigenous cultural groups having customary cultural, economic, social, or political institutions separate from those of the mainstream society and culture; and they have their own indigenous language different than the mainstream Bangla language. These small groups of peoples have similar characteristics of indigenous peoples recognized in the World Bank OP 4.10.
24. **Vested and Non-Resident (VNR) Property:** Originally known as "enemy properties", these have been left behind by the people of minority communities who migrated to India and other countries as a result of the independence and partition of India in 1947. Some of these properties have been identified through 1984, and have since been leased to private citizens or allocated to various government agencies. The act is known to be controversial and has been widely abused.
25. **Vulnerable Household:** Households those may suffer disproportionately or face the risk of being marginalized from the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled headed households with dependents, (iii) nationally designated poor households, (iv) elderly headed households with no means of support and landlessness, and (v) poor indigenous peoples or ethnic minorities.

ACRONYMS AND ABBREVIATIONS

ARIPO	Acquisition and Requisition of Immovable Property Ordinance
BDT	Bangladesh Taka
BWDB	Bangladesh Water Development Board
CEIP	Coastal Embankment Improvement Project
CI	Corrugated Iron
COD	Cut-Off-Date
CPS	Common Property Structure
CSS	Census and Socioeconomic Survey
CUL	Compensation-Under-Law
DBE	Displaced Business Enterprises
DC	Deputy Commissioner
DCE	Displaced Community Establishments
DG	Director General
DLO	Displaced Land Owners
DLR	Director, Land and Revenue
DRC	Displaced residential-cum-commercial units
DRH	Displaced Residential Households
DSC	Design and Supervision Consultant
EA	Executing Agency
ECRRP	Emergency 2007 Cyclone Recovery and Restoration Project
EP	Entitled Persons
FGD	Focused Group Discussion
FO	Field Office
GoB	Government of Bangladesh
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
GTL	Grant to Cover Temporary Loss of Income
HDA	Homestead Development Allowance
HCG	House Construction Grant
HTG	House Transfer Grant
IDA	International Development Association
IGA	Income Generating Activity
IPOE	Independent Panel of Expert
JVS	Joint Verification Survey
KMC	Knowledge Management Consultant
LAP	Land Acquisition Plan/Proposal
LARS	Land Acquisition and Resettlement Specialist
LCS	Labor Contracting Societies
LGI	Local Government Institution
M&E	Monitoring and Evaluation
MoWR	Ministry of Water Resources
NGO	Non-government Organization
OP	Operational Policy
PAH	Project Affected Household
PAP	Project Affected Person
PAU	Project Affected Unit
PAVC	Property Assessment & Valuation Committee
PD	Project Director
PFS	Market Price of Fish Stock
PM	Project Manager

PMU	Project Management Unit
PPR	Project Progress Report
PRAC	Physical Relocation Assistance Committee
PSC	Project Steering Committee
PVS	Property Valuation Survey
PWD	Paleo Water Depth
RA	Rental Allowance
RAP	Resettlement Action Plan
RV	Replacement Value
SECU	Social, Environment and Communication Unit
SGB	Shifting Grant for Goods and Belongings
SIA	Social Impact Assessment
SMRPF	Social Management and Resettlement Policy Framework
SS	Social Specialist
SSA	Special Subsistence Allowance
SSG	Structure Strengthening Grant
SSS	Senior Social Specialist
STG	Structure Transfer Grant
TA	Transition Allowance
UP	Union Parishad
USD	United States Dollar
VNR	Vested and Non-Resident
WB	World Bank
WMO	Water Management Organization
XEN	Executive Engineer

RESETTLEMENT ACTION PLAN (RAP)

Polders 32, 33, 35/1, 35/3 & 39/2C

CHAPTER 1 INTRODUCTION

1.1 PROJECT BACKGROUND

1. Bangladesh Water Development Board (BWDB) has constructed the CES comprising of 139 polders² in 14 coastal districts³ for protecting the low-lying coastal areas from frequent inundation caused by high tides and salinity intrusion. These polders have about 6,000 km of embankments that protect 1.2 million hectares (ha.) of agricultural lands and people residing in the coastal areas. The existing coastal embankments have mainly been constructed since 1961 under Coastal Embankment Project (CEP). As a part of the maintenance of these polders, BWDB implemented the Coastal Embankment Rehabilitation Projects (CERP and 2nd CERP) after the severe cyclones of 1991 and 1997. However, regular flood, tidal surge, and recent cyclones including the most recent cyclones Sidr in 2007 and Aila in 2009 brought substantial damage to these embankments. In response, BWDB developed a strategy on protecting agricultural lands, homesteads and people against cyclones. This strategy is a part of the GoB long term plan to upgrade the CES to better withstand severe cyclones and accommodate climate change impacts on flood inundation and salinity intrusion. As a result, BWDB plans to rehabilitate the coastal embankments under the ongoing Emergency 2007 Cyclone Recovery and Restoration Project (ECRRP)⁴ to facilitate restoration and recovery of the infrastructure that have been damaged by cyclones. At present, BWDB, on behalf of GoB, is undertaking Coastal Embankment Improvement Program (CEIP) with long term perspective program spread over a period of fifteen to twenty years, comprising of three to four phases. Phase I of CEIP (CEIP-I) will be implemented by BWDB with financing from the International Development Association (IDA) of the WB group. Part of the proceeds from ECRRP has been used for preparation of the CEIP-I (the Project).

2. BWDB has engaged a project preparation consultant (PPC)⁵ for development of a Strategic Plan for the CES and a Feasibility Study of CEIP-I for improvement of selected polders including detailed design of a batch of priority polders (that need to be repaired and restored) within CES. The Feasibility Study includes 17 polders prioritized through multi-criteria analysis of all the 139 polders. A programmatic approach has been taken for design and implementation of CEIP-I. Out of the 17

²A Polder is an embanked hydrological unit that is connected with active tidal rivers and creeks in the coastal zone of Bangladesh through regulators and other water controlling structures for draining and flushing the polder areas.

³ The 139 polders are located in Khulna, Satkhira, Bagerhat and Jessore districts under Khulna Division; Pirojpur, Barguna, Patuakhali, Barisal and Bhola districts under Barisal Division; and Noakhali, Laxmipur, Feni, Chittagong & Cox's Bazar districts under Chittagong Division.

⁴ Rehabilitation of the coastal embankments by BWDB is one of the 6 components of the ongoing ECRRP implemented by FAO/DAE, BWDB, LGED, DMB, and Ministry of Planning. One of the components covers CEIP-I preparation.

⁵ BWDB has engaged the Joint venture of Consulting Engineering Services (India) Pvt. Ltd., India, Devconsultants Limited, Bangladesh, Kranti Associates Ltd., Bangladesh and Design Planning & Management Consultants Ltd., Bangladesh for preparation of the project.

priority polders for improvement under CEIP-I, detailed design has been prepared for five polders for construction under the first year contract.

3. Implementation of the CEIP-I will enhance climate resilience of the coastal embankments and the polders and help protect the agricultural lands and people living in the polder areas from tidal inundation and salinity intrusion as well as reduce the risks of damages from several cyclones.

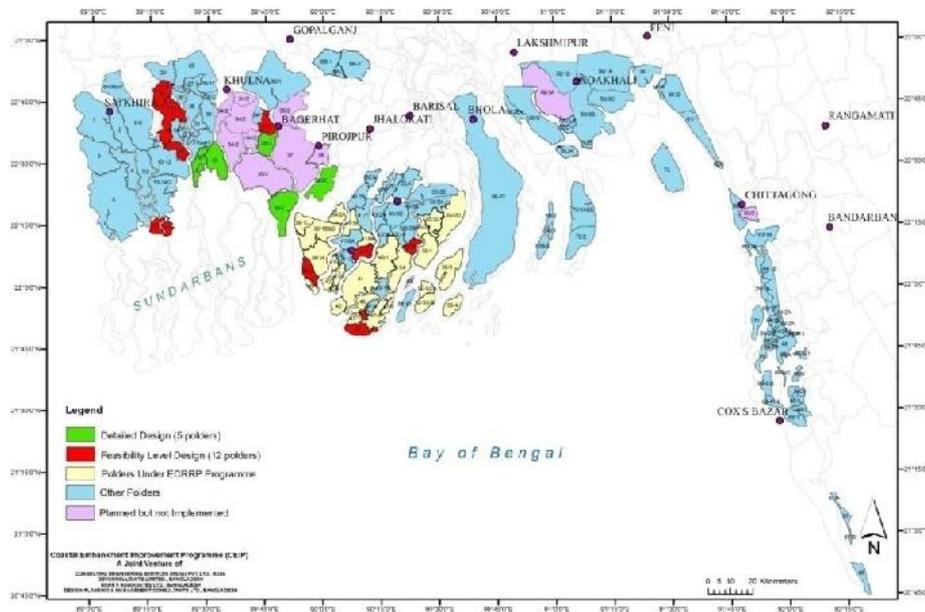


Figure 1: Polders (139) in the Coastal Zone of Bangladesh

4. The physical components of the project in the five polders will, however, involve land acquisition and displacement of people and thus will trigger the WB Operational Policy (OP) 4.12 on Involuntary Resettlement. None of the beneficiaries or likely displaced persons in the five polders is from the indigenous communities and therefore, OP 4.10 on Indigenous People will not be triggered during the project interventions under the first year contract. BWDB has developed Social Management Policy Framework (SMPRF) at the project preparation stage to deal with these social safeguard compliance and other social issues likely to arise during project design and implementation. All stakeholders including the beneficiaries and likely displaced persons have been consulted for preparation of the SMPRF as well as detailed design of project interventions, identification of adverse social impacts and development of measures for impact mitigation.

1.2 PROJECT INTERVENTIONS AND AREAS OF IMPACT

5. The Coastal Embankment Improvement Program (CEIP) covers 14 districts with 139 polders in coastal region of Bangladesh. CEIP-I Feasibility Study and the Conceptual Design have been prepared for 17 polders in 13 upazilas under six coastal districts – Khulna, Bagerhat, Barguna, Patuakhali, Pirojpur and Satkhira. Gross protective area of these 17 polders is 99,854 ha and the population inside the 17 polders is 721,184. The main components of the project are strengthening of embankment by re-sectioning them and construction of retired embankment, sluice gate, flushing inlets, pipe inlets, etc. Engineering survey and detailed design of five priority polders have been

carried out as part of the CEIP-I preparation for construction under the first year contract. The five priority polders include two in Khulna, two in Bagerhat and one in Pirojpur districts (Figure-2).

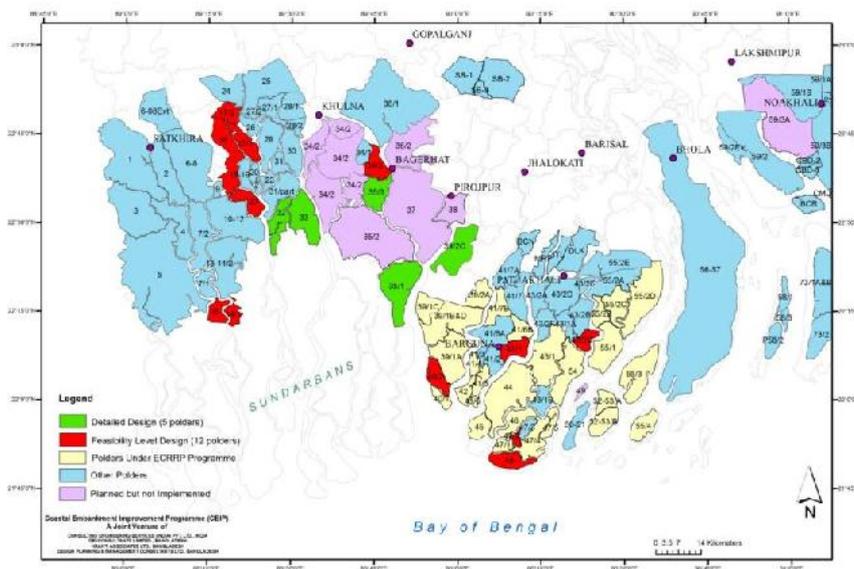


Figure 2 : Polders under Coastal Embankment Improvement Project (CEIP-1)

6. The engineering survey identified 210.50 km sections of the total 261 km embankments in five polders for re-sectioning as per new design standard developed under the study⁶. As presented in Table 1, a total of 32.80km new embankments will be constructed to close the open sections, and protective works have been designed for 8.65km riverbank at risk of erosion and 33.45 km of embankment slopes from wave actions. A total of 146 new hydraulic structures will be constructed for improvement of the five polders. The interventions also include re-excavation of drainage canals (*khals*) as per standard design.

Table 1 : Project Interventions for the First Year Contract Package

District	Polder ID No.	Total embankment (km)	Embankment re-sectioning (km)	Retired/New Embankment (km)	Bank Protection work (km)	Slope Protection Work (km)	New Hydraulic Structures (nos.)
Khulna	32	49.5	47.00	3.00	1.50	4.30	49
	33	52.5	51.00	1.00	1.45	6.00	23
Bagerhat	35/1	63	51.70	11.30	1.00	17.25	38
	35/3	40	32.50	7.50	1.70	0.90	14
Pirojpur	39/2C	55	22.00	10.00	3.00	5.00	22
Total		260	210.50	32.80	8.65	33.45	146

Source: Project Preparation Consultant, Draft Detail Design Report, May 2012

7. Project interventions in the five first year polders (Polders 32, 33, 35/1, 35/3 and 39/2C) are discussed hereafter.

⁶ Technical Feasibility Studies and Detailed Design for Coastal Embankment Improvement Programme (CEIP), Contract Package No. BWDB/D2.2/S3

(1) POLDER 32

8. Polder 32 is located in Dacope Upazilla under Khulna District. Total length of embankment in the polder is 49.50 km and the design crest level is 4.27 m Paleo Water Depth (PWD). It has 16 drainage sluices and 35 flushing inlets serving through 45.00 km drainage channel inside the polder. Gross protected area is 8,097 ha and net benefited area is 6,500 ha. The embankment and water control structures as well as the drainage channels have got performance restrictions due to low crest height of embankment, damages happened to the structures and silt deposition in the drainage channels. The design crest level has been proposed to 4.50 m PWD from km 5.50 to km 44.00 and to 5.00 m PWD from km 0.00 to 5.50 and from km 44.00 to 49.50. A total of 67.00 ha of land has been proposed for acquisition for improvement of the polder. The project proposed afforestation on 58.00 ha of land (preliminary estimate) along the improved embankment for protection of the embankments. The proposed interventions for improvement of the polder under CEIP1 are as follows:

- Construction of retired embankment : 3.50 km
- Construction of forward embankment : 0.70 km
- Construction of drainage sluice under CEIP : 7 nos.
- Construction of drainage sluice under Aila : 6 nos.
- Construction of flushing inlets : 2 nos.
- Repair of flushing inlets : 21 nos.
- Re excavation of drainage channel : 17.50 km
- Bank Protection work : 1.50 km
- Slope Protection of embankment : 4.30 km
- Construction of canal closure : 1.00 no.

(2) POLDER 33

9. Polder 33 is located in Dacope Upazilla under Khulna District. Total length of embankment in the polder is 52.50 km and the design crest level is 4.2 m PWD. It has 13 drainage sluices and 19 flushing inlets serving through 100.00 km drainage channel inside the polder. Gross protected area is 8,600 ha and net benefited area is 7,600 ha. The embankment and water control structures as well as the drainage channels have got performance restrictions due to low crest height of embankment, damages happened to the structures and silt deposition in the drainage channels. The design crest level has been proposed to 4.50 m PWD all along. A total of 20.00 ha of land has been proposed for acquisition for improvement of the polder. The project proposed afforestation on an estimated 72.00 ha of land along the improved embankment for protection of the embankments. The proposed interventions for improvement of the polder are as follows:

- Re-sectioning of embankment : 48 km
- Construction of retired Embankment : 1.50 km
- Construction of Drainage sluice : 12 nos. (replacement)
- Construction of Drainage sluice under Aila : 1 no.
- Construction of Flushing inlets : 12 nos.
- Repair of flushing inlets : 5 nos.
- Demolished of flushing inlets : 2 nos.
- Re excavation of Drainage Channels : 63.21 km

- Bank protection works : 1.45 km
- Slope protection of embankment : 6.00 km

(3) POLDER 35/1

10. Polder 35/1 is located in Sharankhola and Morelganjupazilas under Bagerhat district. Total length of embankment in the polder is 62.50 km and the design crest level is 4.88 m PWD. It has 14 drainage sluices and 23 flushing inlets serving through 56.00 km drainage channel inside the polder. Gross protected area is 13,058 ha and net benefited area is 10,700 ha. The embankment and water control structures as well as the drainage channels have got performance restrictions due to low crest height of embankment, damages happened to the structures and silt deposition in the drainage channels. The design crest level has been proposed to 5.50 m to 6.00 m PWD all along. A total of 50.00 ha of land have been proposed for acquisition for improvement of the polder. The project proposed afforestation on an estimated 22.00 ha of land along the improved embankment as protective green strip. The proposed interventions in the polder are the following:

- Re-sectioning of embankment : 49.70 km
- Construction of retired Embankment : 6.30 km
- Forwarding of embankment : 6.00 km
- Construction of sluice : 15 nos.
- Repairing of sluice : 2 nos.
- Construction of Flushing inlets : 17 nos.
- Repair of flushing inlets : 3 nos.
- Re excavation of Drainage Channels : 70.50 km
- Bank protection works : 1.00 km
- Slope protection of embankment : 12.75 km

(4) POLDER 35/3

11. Polder 35/3 is located in Rampal and Bagerhat Sadar upazilas under Bagerhat district. Total length of embankment in the polder is 40.00 km and the design crest level is 4.27 m PWD. It has 3 drainage sluices and 11 flushing inlets serving through 75.00 km drainage channel inside the polder. Gross protected area is 6,790 ha and net benefited area is 5,090 ha. The design crest level has been proposed to 4.50 m PWD all along. A total of 15.00 ha of land have been proposed for acquisition for improvement of the polder. The project proposed afforestation on an estimated 26.00 ha of land along the improved embankment as protective green strip. The proposed interventions for improvement of the polder are the following:

- Re-sectioning of embankment : 35 km
- Construction of retired embankment : 5.05 km
- Construction of Drainage sluice : 4 nos.
- Construction of Flushing inlets : 10 nos.
- Repairing of Flushing Inlets : 1 no.

- Re excavation of Drainage Channels : 23.50 km
- Bank protection works : 1.70 km
- Slope protection of embankment : 0.90 km

(5) POLDER 39/2C

12. Polder 39/2C serves part of Bhandaria and Mathbaria upazillas under Pirojpur district and Kathalia upazilla under Jhalakati district. This is an incomplete polder and only about 28 km of the embankment has been constructed out of 61.50 km. No sluices have been constructed and all the internal canals were kept open to the river. As the peripheral boundary is not covered by embankments, people of the area have been suffering from tidal inundation twice a day. It becomes disastrous during high spring tides and monsoon due to drainage congestion in the low pockets area. The polder embankment will be completed including interior dyke along the banks of Balaswar and Ponarivers and marginal dyke along the Bahar Khal and Bhuter Khal. Design crest levels of the embankment have been proposed from 4.5 m, 5.00 m and 5.5 m PWD. A total of 97 ha of land have been proposed for acquisition for improvement of the polder and another 22.5 ha land (preliminary estimate) will be used for afforestation along the new embankments for natural protection. Gross protected area of the complete polder will be 10,748 ha and net benefited area will be 8,500 ha. The proposed interventions for improvement of the polder are the following:

- Total length of Embankment : 61.50
- Total number of Drainage sluice : 13 no
- Total number of Flushing inlets : 12 no
- Bank protection works : 2.00 km
- Slope Protection works : 2.00 km
- Re excavation of Drainage channels : 57.23 km
- Re-sectioning of embankment : 18 km
- Retired embankment : 10 km
- Construction of new Embankment : 33 km
- Construction of Closure : 8 nos.

1.3 SCOPE OF LAND ACQUISITION AND RESETTLEMENT

13. The major physical works that may require private land acquisition and taking back of the public land from private uses are the improvement of embankment, construction of retired/new embankments and new hydraulic structures. SIA conducted under the feasibility study in the last quarter of 2011 and census of affected households following the detailed design of the five polders (to be repaired and reconstructed during the first year) conducted in January-February 2012 indicate that a huge number of embankment settlers (squatters) will be temporarily displaced from their houses and many will also lose their business operated on the embankment slopes.

14. Re-sectioning work will not require land acquisition in most cases as per the design except in the case of polder 39/2C. But land acquisition will be required for retirement of embankment in some portions where the existing embankment is vulnerable and for construction of the water management structures such as sluice gates, flushing inlets, etc. BWDB had constructed embankment in polder

39/2C on the private land without acquisition on an emergency basis right after cyclone Sidr. The affected landowners will need to be addressed under this project. Moreover, this polder does not have embankment in all areas especially in marginal dyke area (about 28 km). In the interior dyke (river bank), the embankment is mostly vulnerable and needs upgrading. About 259 ha of land have been proposed for acquisition for all five polders for re-sectioning, retirement, and construction of new of embankment and water management structures (Table 2).

15. A total of 6387 project affected units (PAU) including displaced residential households (DRH), displaced land owners (DLO), displaced tree owners (DTO), displaced business enterprises (DBE), displaced residential-cum-commercial units (DRC), displaced community establishments (DCE) have been identified in these five polders.⁷ As shown in Table 2, 1559 out of the total PAUs will be affected in polder 32, 1302 in polder 33, 1310 in polder 35/1, 398 in polder 35/3 and 1818 in polder 39/2C. The PAUs includes 2818 DRHs, 1694 DBEs, 38 fish pond and gher (FPGs), 297 DRCs and 184 DCEs. An estimated 1315 DLOs have also been identified losing only land.

Table 2 : Land Acquisition and Resettlement Impacts

Polder Nos.	LA (ha)	# DLOs	# DTOs	# DRHs	# DBEs	#FPGs	# DRCs	# DCEs	# Total
Polder 32	67	32	-	1016	360	0	113	38	1559
Polder 33	20	3	-	661	460	1	121	56	1302
Polder 35/1	60	140	-	579	499	7	41	44	1310
Polder 35/3	15	62	1	136	144	27	14	14	398
Polder 39/2C	97	1078	40	426	231	3	8	32	1818
Total	259	1315	41	2818	1694	38	297	184	6387

Source: Census of PAUs conducted by KMC in Dec 2011-Feb 2012

16. The proposed interventions will cause physical and economic displacements of people due to relocation of residential and commercial structures and taking over of productive private lands (agricultural lands). Owners of acquired private lands, residential households, business enterprises, community establishments including squatters/encroachers on existing embankments will need to be relocated permanently or temporarily based on civil works requirement and the extent of displacement.

1.4 MEASURES TO MINIMIZE RESETTLEMENT

17. Improvement of the five polders to increase climate resilience have been planned through design modifications for improved slope, slope and bank protection, higher crest level and water management structures. Necessary efforts have been made to minimize impacts on land and assets,

⁷ Displaced households are persons are defined as households/persons losing their land, place of residence, sources of livelihood and income. DLOs are persons losing their titled land to the project, DTOs are persons losing their trees only (trees on acquired/public land/embankment by customary right), DRHs are households losing their place of residence, DBEs are persons losing their business/business premises, FPG owners are persons losing their fish pond and or gher (shrimp culture bed), DRCs are households losing both their residence and place of business, DCEs are displaced community establishments or common property structures (like religious and educational institutions, social institutions, and private and public offices).

and avoid disruption of livelihoods during the design phase to the extent feasible. Land acquisition and displacement of people will take places in cases of re-sectioning, retirement and construction of new embankments. The planned key efforts to minimize impacts of the project interventions in the first year contract comprise of the following:

- Closing of open sections of embankments has been designed to use the original alignment with provisions of bank protection.
- Slope protection will be provided for existing sections vulnerable to immediate erosion avoiding retirement and acquisition of additional land.
- Embankment sections through villages, markets and lands of higher elevation have been designed severally to avoid displacement.
- Extensive consultations have been conducted with the affected communities and people living along the embankment alignments to consider their views and incorporate them in the polder design, as far as possible.
- The affected squatters on the existing embankment slopes will be notified and relocated only when the civil works will be carried out in those sections.
- Efforts will be made to plan the construction works in such a way that the fishing activities of the PAPs as well as school final examinations are minimally affected.
- In sections with some constraints of construction of embankment in full section, retaining wall will be constructed to avoid displacement of households and shops.
- The crest level by sections and polders will be decided through technical analysis of recurring events of floods and cyclonic storms. The crest level was confirmed in the PSC meeting after review of the technical reasoning.

1.5 RESETTLEMENT ACTION PLAN

1.5.1 Objectives

18. This RAP has been prepared for the five first year construction package of CEIP-1 for mitigation of adverse social impacts in compliance with the Bank policy on involuntary resettlement (OP 4.12) and the Bangladesh Acquisition and Requisition of Immovable Property Ordinance 1982. Identified impacts include displacement of people from their housing, businesses, community structures and productive assets. This RAP establishes the provisions for resettlement assistance of displaced households (DH) and DCE and income restoration assistance to the poor and vulnerable households irrespective of title of land. The primary objective of this RAP is to identify impacts of the project interventions under the first year contract and to plan measures to mitigate them. The RAP presents (i) type and extent of loss of assets, including land and structures; (ii) principles and legal framework applicable for mitigation of these losses; (iii) the entitlement matrix, and (iv) land acquisition, resettlement and rehabilitation budget; (v) institutional framework for the implementation of the plan, including M&E.

1.5.2 Methodology

19. Social impacts and risks of project interventions in the candidate polders were initially screened with the SIA carried out in June 2011 along with the feasibility study. Based on recommendations of the SIA, the detailed engineering design and the land acquisition requirement for the first year contract under phase I CEIP, a 100% census and socioeconomic survey (CSS) was

conducted in all the five first year polders during December 2011 to February 2012. The five polders are located in Khulna, Bagerhat and Pirojpur districts in the southwest coastal region of Bangladesh.

20. The affected persons and their communities were consulted through open community meetings and focused group discussions (FGD) for their views on design to avoid or minimize impacts and on mitigation of social impacts. Market survey was carried out to determine current market price of land, structure, trees and other assets. The surveys and consultation in the impact areas of the five polders (Polders 32, 33, 35/1, 35/3, 39/2C) while carrying out the CSS.

21. The inventory of losses was prepared following the layout plans developed against the detailed engineering design of project interventions for the five polders. An experienced social survey firm⁸ was engaged for carrying out the surveys, public consultation, and data processing. A video filming of the structures on the project's right of way was carried out to prevent fraudulent claims in the future and restrict policy abuse and influx of outsiders onto the project right of way after the cut-off date. Each of the surveyed PAUs in the five polders has been marked with serial numbers for future reference.

22. A wide range of data, for example, demography, age/sex distribution, education, occupation, income/poverty, types of businesses, types and ownership of affected structures and other assets was captured through the CSS. All data have been computerized and analyzed by gender and vulnerability. The resettlement and relocation measures for PAPs of the project interventions under the first contract have been developed following the results of the CSS and feedback from community consultation.

23. The project in the first year contract will displace a total of 6203 households from their housing, business and productive assets. None of the affected households are from the indigenous communities and the project interventions in the first year construction are not affecting any physical cultural resources. The scale and severity of impacts required a full resettlement plan as per OP 4.12. The RAP will be submitted to the WB for safeguard review, clearance and public disclosure. The RAP will be disclosed locally and uploaded in the BWDB website and in Bank Infoshop before appraisal. A Bangla summary of the RAP will be kept in the division and subdivision offices of BWDB and in local UP offices for comments by interested persons before finalization. The RAP will be finalized before appraisal incorporating comments and feedback from affected persons, their communities and other stakeholders.

1.5.3 Structure of the RAP

24. In view of the location of the polders, administrative boundary, BWDB field management and packaging of the project interventions for civil works construction, a single RAP has been prepared for the 5 first year polders with polder specific SIA, budget and implementation arrangements. The RAP has been discussed in one main volume (Volume I) and five individual volumes for each of the five polders. Volume I presents the RAP and covers project interventions, policy implications and social safeguard compliance issues, and social management arrangements. Sub-volumes of Volume II covers project interventions, socioeconomic profile of PAPs, social impacts and mitigation arrangements.

25. Discussion under Volume I (Main Volume) consists of 8 Chapters. Chapter 1 provides the introduction covering project background, proposed interventions, scope of resettlement, objectives and methodology of preparing the RAP, and need for its future updating. Chapter 2 summarizes the

⁸ Knowledge Management Consultants (KMC), Banani, Dhaka

project impacts, the social safeguard compliance issues and inventory of losses. Chapter 3 presents the consultation process and the future consultation strategy during implementation. Chapter 4 discusses the legal and policy framework governing the RAP and its implementation. Chapter 5 provides the scope and strategy for relocation of project affected physical units and the scope and strategy for income and livelihood restoration of the PAPs. Chapter 6 discusses the implementation arrangement and implementation schedule. Chapter 7 is the discussion of consolidated budget for land acquisition and resettlement covering all five polders. Monitoring program and the reporting requirements are described in Chapter 8.

26. Polder specific physical interventions, socioeconomic profile of PAPs and mitigation arrangement have been discussed in separate sub-volumes for each of the five polders. Sub-volume II.A covers polder 32, II.B covers Polder 33, II.C covers Polder 35/1, II.D covers Polder 35/3 and II.E presents issues under Polder 39/2C. Social impacts and issues for social impact management in each sub-volume have been discussed under 7 relevant heads: (1) Introduction, (2) Socioeconomic Information, (3) Community Consultation, (4) Project Impacts and Inventory of Losses, (5) Relocation and Livelihood Restoration Strategies, (6) Land Acquisition and Resettlement Budget, and (7) Implementation Organization.

1.5.4 Updating the RAP

27. Inventory of losses has been developed with data from the CSS on project affected PAH and common property structures (CPS)⁹ based on engineering design and estimate of land acquisition. The inventory will be updated once the land acquisition plans (LAP) for the five polders are finalized. BWDB will initiate land acquisition for the five polders through the DCs in respective districts at least 12 months before award of civil works contract. This RAP will be reviewed prior to implementation and the budget will be revised to reflect any changes in inventory of losses compared with those identified during detail design. The updated RAP will be shared with the Bank task team for review and clearance before implementation.

⁹ Common property structures (CPS) are physical establishments and institutions used by communities/groups for educational, religious, cultural and other social purposes. The CPSs likely to be affected by this project include educational institutions (general and religious education), religious worship houses (Muslim and Hinduism), social institutions (sociocultural and social services) and public institutions.

CHAPTER 2 SOCIOECONOMIC INFORMATION AND IMPACTS

28. A CSS was carried out in all the 5 polders on PAHs as well as common and community establishments likely to be affected due to the project interventions. Socioeconomic information of the project affected population, project's involuntary resettlement impacts, the budget and implementation organization for each of the five polders have been discussed in Volume II part of respective polders. This Chapter summarizes the involuntary resettlement impacts associated with the project interventions proposed for the five polders.

2.1 PROJECT AFFECTED HOUSEHOLDS AND PERSONS

29. The project in the first year package will affect 6203 households in their residence, place of business and other assets. The PAH include 2818 PAHs affected in their housing, 1694 affected in their commercial premises, and 297 in their housing and commercial premises. The rest of the PAHs will be losing trees, fish ponds/ghers and agricultural land. A total of 27,295 PAPs belongs to these 6203 PAHs (Table 3). The project impacts and inventory of losses have been discussed in this chapter in the following subsections.

Table 3 : Project Affected Households and Persons

Category of Loss	No. of Project affected households (PAHs) by Category		
	Titled	Squatters/encroachers (defined in Glossary)	Total
Only Tree (without land)	0	41	41
Only fish pond/gher	11	27	38
Only Land	1315	0	1315
Residential (with/without land)	446	2372	2818
Commercial (with/without land)	85	1609	1,694
Residential/Commercial (with/without land)	7	290	297
Total	1864	4339	6,203
Total PAPs	8703	18592	27,295

Source: *KMC Census and Socioeconomic Survey, Dec 2011-Feb 2012*

30. About 30% of the PAHs (1864 PAHs) own lands under proposed acquisition and the rest 70% are non-title holders (4339 PAHs) largely squatters on the existing embankments in the 5 polders. The same communities will also be losing 184 CPS within the rights of way of the five polders.

2.1.1 Affected Legal Title Holders

31. The PAHs in five polders include 1864 title holders affected with their fish ponds and/or gher, agricultural land, residences and businesses. Polder-wise, the highest proportion of PAHs is in polder 39/2C and the lowest in polder 33. About 80% of the PAHs are in polder 39/2C followed by polder 35/1 (13%), polder 35/3 (4%) and polder 32 (3%). Table 4 presents the details of the project impact on the title holders.

Table 4 : Affected Legal Title Holders (PAHs)

Category of losses	Polder 32	Polder 33	Polder 35/1	Polder 35/3	Polder 39/2C	Total
Fish pond/gher	0	0	3	5	3	11
Only Land	32	3	140	62	1078	1315
Residential structure	26	0	68	14	338	446
Commercial structure	3	0	19	1	62	85
Residential/Commercial structure	0	0	3	0	4	7
Total	61	3	233	82	1485	1864
Proportion by polder (%)	3.27	0.16	12.50	4.40	79.67	100.00

Source: *KMC Census and Socioeconomic Survey, Dec 2011-Feb 2012*

2.1.2 Affected Non-title Holders

32. The census in the five polders have identified 4339 non-titled PAHs (without legal title to the land they occupy within project right of way) affected with their trees, fish ponds and/or gher, agricultural land, residences and businesses. The non-titled PAHs are largely squatters on the existing embankments in the five polders. Polder-wise, the highest proportion of the non-titled PAHs is in polder 32 and the lowest in polder 39/2C. About 34% of the non-titled PAHs are in polder 32 followed by polder 33 (29%), polder 35/1 (24%) and polder 35/3 (7%). Table 5 presents the details of the project impact on the non-title holders.

Table 5 : Affected Non-title Holders (PAHs)

Category of losses	Polder 32	Polder 33	Polder 35/1	Polder 35/3	Polder 39/2C	Total
Loss of Tree	0	0	0	1	40	41
Fish pond/gher	0	1	4	22	0	27
Only Land	0	0	0	0	0	0
Residential	990	661	511	122	88	2372
Commercial	357	460	480	143	169	1609
Residential/Commercial	113	121	38	14	4	290
Total	1460	1243	1033	302	301	4339
Proportion by polder (%)	33.65	28.65	23.81	6.96	6.94	100.00

Source: *KMC Census and Socioeconomic Survey, Dec 2011-Feb 2012*

2.1.3 Usufruct Rights Holder

33. The project in the five polders is likely to affect usufruct rights holders as well. A total of 86 usufruct rights holders including 78 lessees of public land and 8 sharecroppers of private land will be affected due to undertaking of the project interventions. There are no sharecroppers of private land in polder 32 and 33 except one lessee of public land in each. Public land lessees are largely represented in the polder 39/2C where 69 out of 72 usufruct rights holders of land will be affected and only 3 are sharecroppers of private land. Only 7 usufruct rights holders have been identified in each of polder 35/1 and 35/3. Table 6 provides details of the impact on usufruct rights holders in the five polders.

Table 6 : Affected Usufruct Rights Holders

Polder	Lessee	Sharecropper	Total	%
32	1	-	1	1
33	1	-	1	1
35/1	4	2	6	7
35/3	3	3	6	7
39/2C	69	3	72	84
Total	78	8	86	100

Source: KMC Census and Socioeconomic Survey Feb 2012

2.1.4 Owners of Vested and Non-Resident Land

34. VNR properties are lands left behind by the people of minority communities who migrated to other countries as a result of the independence and partition of India in 1947. These lands were initially designated as ‘enemy property’ under Enemy Property Act 1965. An investigation through 1984 designated some of such properties and leased to private citizens on an annual basis, or allocated to various government agencies. There still remains an unknown amount of such properties, which are used by people claiming to be related to the original owners. If the legal documents possessed by the present users are found unsatisfactory during acquisition for the CEIP subprojects, DCs will declare them VNR property and disqualify them for the CUL. However, with the enactment of the Vested Property Release Act 2001 (amended in 2012 by Act 22), Government is releasing VNR lands back to the owners (those were wrongfully designated as VNR). Owners of VNR land will only be identified by the DCs during the process of acquisition of land.

2.2 PROJECT IMPACTS ON LAND AND OTHER PHYSICAL ASSETS

2.2.1 Land

35. The first year program package in 5 polders requires acquisition of 259 ha lands of which highest quantum of agricultural land is single-cropped (85.96ha), followed by orchard (72.13ha), homestead (49.04ha), Multi-cropped (13.93ha) and double cropped (13.86ha). A total of 12 ha land is under fish/shrimp cultivation and 7.07ha under other categories of use. As shown in Table 7, about 97 ha of the land proposed for acquisition is for polder 39/2-C, over 67 ha for Polder 32, 60ha for Polder 35/1, 20ha for Polder 33 and only 15ha for Polder 35/1.

Table 7 : Distribution of Land for Acquisition by Polders

Categories of land by use	Proposed Land Acquisition (in hector)					Total
	P 32	P 33	P 35/1	P 35/3	P 39/2C	
Homestead	0.59	3.26	30.5	3.85	10.84	49.04
Single cropped	64	14	3.6	4.26	0.1	85.96
Double cropped	2.41		10.45	0.81	0.19	13.86
Multi cropped			8.35	0	5.58	13.93
Orchard			1.26	0.62	70.25	72.13
Pond		2.74	2.5	1.2	1.16	7.6
Shrimp Culture			0.68	3.65	0.07	4.4
Canal or Beel			1.4	0.61	3	5.01
Others			1.26	0	5.81	7.07
Total	67	20	60	15	97	259
Percentage	25.87%	7.72%	23.17%	5.79%	37.45%	100%

Source: KMC Census and Socioeconomic Survey, February 2012

2.2.2 Structure

36. A total of 7127 nos. of different categories of structures having total floor area of 15,76,834sft will be affected in 5 polders. Only 3% of these structures are pucca (brick built), 9% is semi-pucca, 32% is tin house (CI sheet in fence and roof), 18% is katcha (CI sheet in roof and thatched items in fence) and 38% is thatched structures. The poor and destitute peoples are using thatched and katcha structures, while relatively solvent families are using tin houses. Only the rich people use pucca houses. Table 8 provides inventory of various types of affected structures by polder.

Table 8 : Affected Primary Housing Structures

Type	P 32	P 33	P 35/1	P 35/3	P 39/2C	Total	%
Pucca	823	4693	15591	1331	26986	49424	3
Semi-pucca	34475	26069	39622	5769	34919	140854	9
Tin	49729	110779	118525	18221	208028	505282	32
Katcha	66299	67631	78457	29137	47381	288905	18
Thatched	274247	189585	62124	37302	29111	592369	38
Total	425573	398757	314319	91760	346425	1576834	100
%	27	25	20	6	22	100	

Source: KMC Census and Socioeconomic Survey, February 2012

37. Apart from the primary structures, some secondary structures such as latrine, tube well, boundary wall, pillar, etc. are affected by the project. A total of 949 latrines (Pucca-71, Slab-858 and katcha-31), 31 tube wells, 1716 feet boundary wall and 7350 sft of Chatal (paddy drying platform) have been affected. Besides, Pillar, Gate, Water tank, etc. are also affected by the project interventions.

Table 9 : Affected Secondary Structures

Sl. No	Category of Structure	Polder 32	Polder 33	Polder 35/1	Polder 35/3	Polder 39/2-C	Total
01	Pucca Latrine (No.)	9	9	15	5	33	71
02	Slab Latrine (No.)	201	198	290	23	146	858
03	Katcha Latrine(No.)	3	12	1	2	2	20
04	Tube Well (No.)	7	7	2	5	10	31
05	Boundary Wall (rft)	402	180	442	161	531	1716
06	Chatal (sft)	0	0	0	7350	0	7350
07	Pillar (No)	8	10			0	18
08	Gate (No)	529	68	187	30	0	814
09	Stair (rft)		110				110
10	Water Tank (Cft)	180	0	1319	100	0	1599

Source: KMC Census and Socioeconomic Survey, February 2012

2.2.3 Shiftable and Non-Shiftable Structures

38. A total of 1,576,834 sft of primary structures will be affected by the project in the five polders. The structures are largely shiftable built with construction materials like bamboo and timber frame and corrugated iron sheets or thatches in roof and fences. About 88% of the affected structures are shiftable and only 12% are non-shiftable. Although not separated in the database, the shiftable structures also include few movable structures on legged frames those can be moved intact without dismantling. Table 10 provides estimates of shiftable and non-shiftable structures affected by the project.

Table 10 : Affected Shiftable and Non-shiftable Structures

Polder	Non-Shiftable		Shiftable		Total (sft)
	sft	%	sft	%	
32	35298	8.29	390275	91.71	425573
33	30762	7.71	367995	92.29	398757
35/1	55213	17.57	259106	82.43	314319
35/3	7100	7.74	84660	92.26	91760
39/2c	61905	17.87	284520	82.13	346425
Total	190278	12.07	1386556	87.93	1576834

Source: KMC Census and Socioeconomic Survey, February 2012

39. The affected structures will be specifically classified during joint assessment by the PAVC prior to implementation of the RAP.

2.2.4 Trees and Perennials

40. A total of 235,119 trees on private lands will be affected in 5 polders. Out of the total affected trees, 90580 are fruit bearing trees, 90342 are timber trees, 40646 are banana plants and 13571 are bamboos. About 36% of the trees are small by size, 22% is big, 21% is medium and 21% is seedling/plant. The trees likely to be affected are largely identified in Polder 39/2C. About 86% of the trees will be affected in polder 39/2-C, 9% in polder 35/3, 5% in 35/1, 265 in polder 32 and only 6 trees in polder 33. Fruits have been considered for valuation of trees.

Table 11: Project Affected Trees on Land to be Acquired

Types of trees	Big	Medium	Small	Plant	Total
Fruit bearing	29243	19068	20034	22235	90580
Timber	939	15485	53213	20705	90342
Banana	17227	10819	8290	4290	40626
Bamboo	3826	4463	4240	1042	13571
Total	51235	49835	85777	48272	235119

Source: KMC Census and Socioeconomic Survey, December 2011- February 2012

41. The project will also affect 12 ha of pond area and shrimp ghers (shrimp culture bed). Fish stock in these cultivated ponds and ghers will be compensated with the acquisition of land. Standing crops will be assessed during taking over land and compensated for land acquisition.

2.3.4 Income and Employment

2.3.4.1 Loss of Business Income

42. The project interventions in five polders will affect 1991 PAHs losing their business premises. Out of these PAHs, 297 will be affected with their business and housing and 1694 will be affected with their business/ structure only. However, 1626 PAHs are currently running their business in 1860 business premises (1.14 shops per person). The rest 365 PAHs have closed their business. Number of affected business premises currently on operation by polder has been shown in Table 12.

Table 12 : Loss of Businesses Income (No. of Shops)

Polders	Titles	Complete displacement			Partial displacement			Total		
		Owner Operator	Tenant	Total	Owner Operator	Tenant	Total	Owner Operator	Tenant	Total
Polder 32	Titled	2	0	2	1	0	1	3	0	3
	Non-titled	335	48	383	7	0	7	342	48	390
Polder 33	Titled	0	0	0	0	0	0	0	0	0
	Non-titled	442	121	563	8	2	10	450	123	573
Polder 35/1	Titled	11	29	40	3	15	18	14	44	58
	Non-titled	315	117	432	12	0	12	327	117	444
Polder 35/3	Titled	0	0	0	1	0	1	1	0	1
	Non-titled	97	6	103	1	0	1	98	6	104
Polder 39/2C	Titled	54	100	154	3	4	7	57	104	161
	Non-titled	95	30	125	1	0	1	96	30	126
Total	Titled	67	129	196	8	19	27	75	148	223
	Non-titled	1284	322	1606	29	2	31	1313	324	1637
Total		1351	451	1802	37	21	58	1388	472	1860

Source: KMC Census and Socioeconomic Survey, December 2011- February 2012

2.3.4.2 Loss of Rental Income

43. A total of 506 PAHs will be losing rental income on titled and non-titled lands. All the rental income earners in polders 32, 33 and 35/3 are non-title holders. Only 8 PAHs in polder 35/1 and

39/2C are renting out residential premises on their titled land and 47 PAHs in all polders except 35/3 are renting out residential premises on non-titled land or on existing embankments. Rental income earners from commercial premises on titled land are identified only in polder 35/1 (29 PAHs) and in polder 39/2C (100 PAHs). Out of 322 PAHs earning rental income include 121 in polder 33, 117 in polder 35/1, 48 in polder 32, 30 in polder 39/2C and only 6 in polder 35/3. Table 13 provides the details of the impact on rental income earners in the five first year polders.

Table 13: Households and Persons Losing Rental Income

Polders	Residential		Commercial	
	Titled	Non-titled ¹⁰	Titled	Non-titled
Polder 32	0	3	0	48
Polder 33	0	16	0	121
Polder 35/1	2	21	29	117
Polder 35/3	0	0	0	6
Polder 39/2C	6	7	100	30
Total	8	47	129	322
Total by Category	55		451	

Source: KMC Census and Socioeconomic Survey, December 2011- February 2012

2.3.4.3 Loss of employment

44. Table 14 provides information on impact on employment due to likely displacement of commercial premises in the five polders. The affected business enterprises are mostly self-operated. Only 112 business enterprises have paid employees and the rest are owner-operated. A total of 212 persons are employed in the 112 shops in the five polders including 11 in polder 32, 45 in polder 33, 77 in polder 35/1, 21 in polder 35/3 and 58 in polder 39/2C. Table 14 provides the position of loss of employment in the five polders.

Table 14 : Affected Employed Population

Polder	Self- Employed	Employed for more than 6 months
Polder 32	384	11
Polder 33	543	45
Polder 35/1	459	77
Polder 35/3	97	21
Polder 39/2C	265	58
Total	1748	212

Source: KMC Census and Socioeconomic Survey, December 2011- February 2012

¹⁰ Affected persons without legal title to the land under acquisition and those occupying the existing embankment slope (the land in the existing embankment of BWDB) like the squatters and encroachers.

2.4 OTHER IMPACTS AND VULNERABILITIES

2.4.1 Impact on Economic Activities

45. There is diverse mix of professions among the PAPs in the five polders proposed for improvement. The occupations include agriculture, business, service, day labor and fishing. Employment of additional wage laborers during construction may impact on local economic activities including agriculture and fishery. However, there is likelihood that unemployed local youths and women will enjoy employment and businesses during construction. Regular agricultural and fishing activities in the polder areas can be affected by project interventions unless appropriate civil works schedule is adopted. Movement of local peoples will not be restricted anyway during the construction period so that their usual economic activities remain uninterrupted.

2.4.2 Impact on Students

46. About 26% of the affected population in the five polders belongs to attending students. Again 29 schools and 14 *madrashas* (Islamic educational institution) will be affected due to the project interventions. As a result, their education activities will be disrupted and many children may drop out of schools, if appropriate relocation strategy is not taken specific to the individual institutions. Schedule of examinations will be taken into consideration in designing the relocation plan. No educational institutions will be relocated unless alternative sites are not re-established.

2.4.3 Impact on Women and Vulnerable Groups

47. Among the affected population, 46% are women. Almost half of the women are housewives. There are 982 widows, 100 abandoned and 46 divorced women identified among the affected population in the five polders. In terms of women's employment, 2493 women in the 5 polders are involved in different economic activities like day labor, business, service, fishing, and tailoring. Moving out to new places will be challenging for women especially for the widows, singled and divorced women. The employed women, at their present location, have established their connection and social acceptance to work outside of their home. These women will find them in temporary isolation if relocated out of their current proximity.

48. About 57% of the PAHs in the five polders can be considered as ultra-poor households based on their income level (less than BDT 60,000 per year per household). According to BBS11 lower poverty line of rural population in Khulna Division is BDT 1132 per person/month. Considering the average household size of the PAHs (4.41 persons), per capitamonthly income of the affected households stands at BDT 4992 (rounded to BDT 5000/-). All these households will be pushed to further vulnerability if they are relocated out of their current economic proximity or livelihood restoration measures are not taken. Loss of regular income of the household heads will affect the poor households and the 535 female headed PAHs in the five polders will be in difficulty if their lost workdays during relocation are not compensated.

2.5 IMPACT ON COMMUNITY STRUCTURES

49. The project interventions in the five polders will not affect any physical and cultural resources. However, a total of 184 different types of community establishments including educational

¹¹HEIS regional poverty line as of 2010.

institutions, religious institutions, and other public and private establishments accessed by the local communities. The CPS affected in the 5 polders include 38 in polder 32, 56 in polder 33, 44 in polder 35/1, 14 in polder 35/3 and 32 in polder 39/2C. Out of total affected CPSs 58 are mosque, 26 are mandirs, 46 are educational institutions, five are public institutions and the rest are private establishments used by communities (Table 15). Volume of affected community structures is included in the affected structures in Table 10.

Table 15 : Affected Community Property Structures

Category	CPSs	P 32	P 33	P 35/1	P 35/3	P 39/2C	Total
Religious institutions	Mosque	9	3	20	9	17	58
	Mandir	5	18	1	0	2	26
Educational institutions	School/Pathshala	13	10	2	0	4	29
	Madrasha	1	2	4	2	5	14
Public institutions	Government Office	1	1	1	1	1	5
Social institutions	Graveyard	0	0	3	0	0	3
	Club House	6	8	2	1	1	18
	Samity House	2	8	2	1	0	13
	Asrayon Project	0	0	1	0	0	1
	PSF (NGO)	0	0	5	0	0	5
	Community latrine	1	5	2	0	0	8
	Political Party office	0	0	0	0	1	1
	Clinic	0	0	0	0	1	1
	Passenger Shed	0	1	1	0	0	2
	Total	70	89	44	14	32	184

Source: KMC Census and Socioeconomic Survey, December 2011 - February 2012

CHAPTER 3 COMMUNITY CONSULTATION

3.1 DISCLOSURE AND CONSULTATION PROCESS

50. Goals and objectives of the project have been disclosed with the affected people and their communities through open meetings and FGDs. The disclosure and community consultation were carried out first at the social assessment during the feasibility study of the Phase I CEIP and then during the census and socioeconomic survey of affected persons following the detail design of the first year construction package of 5 polders. This RAP has been prepared based on the findings of consultation with the project stakeholders and the participatory CSS. The RAP will be disclosed in country and in the Bank InfoShop before appraisal. A summary of the RAP will be disclosed in Bengali language.

51. The primary stakeholders of the project include the local farmers, business community and the affected persons, women groups, and the like. Secondary stakeholders include the community groups, fishermen, boatmen and LGI. Other stakeholders include Bangladesh Water Development Board, under the MoWR as the EA, Department of Forest, the WB and other government agencies. The other stakeholders include the businessmen groups like contractors, sub-contractors and suppliers during the construction period. An implementing NGO will be engaged to assist BWDB for implementation of this RAP.

52. The local potential affected persons along with local community leaders and other stakeholders were consulted through group meetings and personal contact. The opinion of the different levels stakeholders regarding the project was sought and considered in preparation of RAP. A total of 19 formal stakeholders meetings were held with different communities along the right of way of which 3 meetings in polder 32, 5 meetings in polder 33, 4 meetings in polder 35/1, 3 meetings in polder 35/3 and 4 meetings in polder 39/2-C. Different types of stakeholders i.e. concerned UP Chairman/member, Teacher, Imam, Local Community Leader, Political Leader, farmer, shop keepers and other affected people attended the sessions.

3.2 COMMUNITY CONSULTATION OUTCOMES

53. The process for determining affected people, nature of the work, compensation payment procedure, WB's policy on involuntary resettlement, cut-off-date for listing property etc. were discussed in the meetings. The project design, compensation, relocation options, benefits and adverse social impacts were discussed with the affected persons and their community. Stakeholders were asked for their views on the project overall as well as more specific discussion about occupying the government land, compensation process, relocation requirements, and views on alternative options. Women and other vulnerable groups were also consulted concerning the specific project impacts and their livelihood aspects.

54. Consultative meetings along with FGDs were held in affected communities. The WB Resettlement Specialist, BWDB senior officials, and the consultant team including resettlement Specialist visited the impact area and consulted with the affected households, shops and community establishment representatives. The PAPs expressed their views in favor of the project and wanted quicker implementation to protect themselves from the tidal surge and disaster like Aila and Sidr. In most cases the people expressed opinion to protect river bank rather construction of the embankment.

This is from fears of Aila and Sidr they have faced. They demanded adequate compensation and other benefits for their lost assets & livelihood and alternative place for relocation of their houses and business, if possible. Views of PAPs were shared with BWDB especially on needs of resettlement assistance and payment of adequate compensation for lost assets at their door steps and relocation facilities within the project area on BWDB or any government land to be sponsored by the project. The provisions of the WB policy on involuntary resettlement and Government laws on unauthorized occupants, relocation requirements, availability of alternative lands in the surrounded area suitable for relocation, etc. were disclosed to the PAPs. The inputs from the stakeholders meetings have been used to develop measures and principles for mitigation of loss of PAPs.

Table 16 : Topics and Discussion of the Meetings

Topics/Issues discussed	Outcome of the discussion meetings
<ul style="list-style-type: none"> i. Attitude and perception of the community towards the project including changing/adjustment of alignment ii. Project concept, design and benefits, iii. Cut-off-date of listing the affected properties, iv. WB policy on involuntary resettlement, v. Land acquisition and compensation procedure by DC vi. Procedure of determining compensation for land, structure, trees, and other assets, relocation assistance, etc. vii. Adverse effects of the project & mitigation measures, viii. Compensation payment procedure and entitlements, ix. Relocation and resettlement options, people demanded facilities to be relocated in a particular site with some civic amenities x. Major problems relating to the projects and special attention to the vulnerable group etc. xi. Relocation of common property resources 	<ul style="list-style-type: none"> a. Affected people are informed about the project objectives, goals and aware of the probable project impacts b. Informed about the cut-off date of the survey and known that after the cut-off date no changes in land and structure quality and quantity would be entertained c. They are known about upcoming project activities such as land acquisition, relocation, construction of sluice gate, earth filling on the embankment, etc. d. They can assume about probable positive impacts of the project such as strengthening of the embankment; improve communication, protection from the tidal surge, etc. e. They are also aware of the negative impacts of the project such as mandatory displacement from the present location, struggle to cope with new environment, financial problem, relocation f. People may take away their material salvaged from the affected structure g. Aware of the requirements of relocation in a new site which may be sponsored by the project h. They are aware of their right to be relocated in a resettlement site i. It is known to them that they may have preferential employment in the civil construction j. This is also known that they have every right to get information about their future plan matching with project schedule k. Finally they are known that all sorts of project activities will be taken into account by consultation with them and the project is for betterment of the local people, coastal region, and as well as country as a whole.

Source: KMC Community Consultation during CSS (Dec 11 – Feb 12)

3.3 IMPLEMENTATION LEVEL CONSULTATION PLAN

55. During the preparation of the RAP, PAPs and their communities have been informed, closely consulted, and encouraged to participate in the meeting. Consultation is a continuous process and will also be carried out during implementation and monitoring. During the implementation phase, the WMOs including the water management groups (WMG) and water management associations (WMA) will be sought to provide cooperation from various stakeholders in the decision-making and implementation of the RAP. Through public consultations, the PAPs will be informed that they have a right to grievance redress from the BWDB. The PAPs can call upon the support of Implementing NGO to assist them in presenting their grievances to the GRCs. The GRCs will review grievances involving all resettlement benefits, relocation and other assistance. Union based GRCs will be formed and the *grievances will be redressed within two weeks from the date of lodging the complaints*. The GRC as well as the PAVC will be formed by the MoWR and activated during RAP implementation process to allow PAPs sufficient time to lodge complaints and safeguard their recognized interests.

56. The areas for participation of the primary stakeholders include: (i) identify alternatives to avoid or minimize resettlement; (ii) assist in inventory and assessment of losses; (iii) assist developing alternative options for relocation and income restoration; (iv) provide inputs for entitlement provisions; and (v) identify likely conflict areas with resettlers.

57. BWDB will continue the consultation process during implementation of the RAP. Resettlement-related brochures, leaflets and other communications materials in the local language (*Bangla*) will be published and distributed among the displaced households and other stakeholders. These materials will also be available in the *UP, Upazilas and BWDB field and project office*. Further steps will be taken to (i) keep the displaced people informed about compensation policies and payments, resettlement plan, schedules and process of payment of resettlement benefits, and (ii) ensure that project-affected persons are involved in making decisions concerning their relocation and implementation of the RAP.

58. The consultation and participation will be instrumented through individual contacts, FGDs and open meetings. The larger goal of consultation is to ensure that adequate and timely information is made available to the displaced people and communities and sufficient opportunities are provided to them to voice their opinions and concerns and participate in influencing upcoming project decisions.

CHAPTER 4 LEGAL AND POLICY FRAMEWORK AND ENTITLEMENTS

4.1 LEGAL FRAMEWORK

59. The principal legal instrument governing land acquisition in Bangladesh is the Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance II of 1982 including amendments up to 1994 - ARIPO 1982) and other land laws and administrative manuals relevant to alluvion/ diluvion land, and char and khas land administration in Bangladesh. The 1982 Ordinance requires that compensation be paid for (i) land and assets permanently acquired (including standing crops, trees, houses); and (ii) any other damages caused by such acquisition. The Ordinance provides certain safeguards for the owners and has provision for payment of “fair value” for the property acquired. In addition to the Ordinance, another relevant law that applies to the Project due to acquisition of bankline for riverbank protection works and shifting of embankment towards the river on naturally accreted land, is the State Acquisition and Tenancy Act 1950 (East Bengal Act No. XXVIII of 1951, Section 86 and 87) that defines the ownership and use right of alluvion (payosti) and diluvion land (sikosti), and of land gained by accession from recess of river or sea in the country. Legally, GoB owns the bankline and eroded land in the river and any land accessed from recess of river. However, the “original” owner(s) of private land eroded into rivers can claim the land if it reappears in a natural process within 30 years from the date of erosion. Due to river training and other protection measures, landowners might lose access to new land in situ or original site. Therefore, land acquired for the first year polders, where includes bankline and newly accreted land, would be considered for compensation after a joint review of the alluvion and diluvion (AD) line established by the DCs of the four districts – Khulna, Bagerhat, Pirojpur and Jhalokathi.

60. The DCs in all the cases, determine market value of acquired assets on the date of notice of acquisition (notice under section 3 of the Ordinance). The DCs then add 50% premium of the assessed value for cash CUL of all acquired assets except standing crops due to compulsory acquisition. The CUL paid for land is generally less than the “market value” as owners customarily report undervalued land transaction prices in order to pay lower stamp duty and registration fees. If land acquired has standing crops cultivated by tenant (bargadar) under a legally constituted written agreement, the law requires that part of the compensation money be paid in cash to the tenants as per the agreement. Places of worship, graveyard and cremation grounds are not to be acquired for any purpose. The law requires that the salvaged materials upon payment of compensation will be auctioned out by the government. Under the 1982 Ordinance, the Government is obliged to pay compensation only for the assets acquired. Households and assets moved from existing land (acquired already) of the executing agencies for project purpose are not included in the acquisition proposal and therefore considered for CUL. Lands acquired for improvement of polders cannot be used for any other purpose by BWDB.

4.2 WORLD BANK OP 4.12 ON INVOLUNTARY RESETTLEMENT

61. The project interventions in the first year contract will acquire additional private lands and displace people from the existing embankment and from lands proposed for acquisition. The interventions will thus induce involuntary resettlement of persons displaced from their housing, productive resources and means of livelihoods. As per census of PAPs, communities will also lose places and establishments of their common interest. The project triggers the WBOP 4.12 on Involuntary Resettlement that requires that the economic, social, and environmental risks out of

involuntary resettlement are mitigated and livelihoods of the displaced persons are restored. Involuntary resettlement may cause severe long term hardship, impoverishment, and damage unless appropriate measures are carefully planned and carried out. For these reasons, the overall objectives of the policy of involuntary resettlement are the following:

- (a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
- (b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits.
- (c) Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- (d) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

62. The policy requires that the following measures are taken to achieve the above objectives:

- (a) The resettlement plan includes measures to ensure that the displaced persons are
 - i. informed about their options and rights pertaining to resettlement;
 - ii. consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and
 - iii. provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.
- (b) If the impacts include physical relocation, the resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are
 - i. provided assistance (such as moving allowances) during relocation; and
 - ii. provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, convenient relocationsites, and other factors is at least equivalent to the advantages of the old site.
- (c) Where necessary to achieve the objectives of the policy, the resettlement plan also include measures to ensure that displaced persons are
 - i. offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and
 - ii. provided with development assistance in addition to compensation measures such as land preparation, credit facilities, training, or job opportunities.

63. The policy links implementation of resettlement plan to the implementation of the investment component of the project to ensure that displacement or restriction of access does not occur before necessary measures for resettlement are in place. Resettlement measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons.

64. The Bank policy does not bar compensation and assistance to the displaced persons under the resettlement plan in absence of their legal title to land. The non-titled rights may come from continued

possession of public land where the government has not sought eviction or from customary and traditional law and usage.

4.3 SOCIAL SAFEGUARDS POLICY COMPLIANCE

65. Legal framework on land acquisition in Bangladesh is only compensatory and lacks any measures for livelihood restoration and social inclusion of the affected persons. It covers only the legal title holders and does not recognize the non-titled persons like squatters/encroachers, informal tenants of acquired lands and lease-holders without legally constituted agreement. The legal framework does not deal with social and economic consequences of land acquisition or population displacement due to vacating project sites for civil works construction. Under legal framework compensation for assets is provided at market price determined through legal procedure which does not ensure RV of the property acquired. Payment of compensation is conclusive for dispossession of the acquired property. Relocation and livelihood restoration rest solely with the affected persons receiving compensation. As a result, land acquisition potentially diminishes productive base of farm families and imposes risks of impoverishment of those affected and displaced by the project.

66. Following are the specific short-fall of the legal framework in Bangladesh with respect to the WB OP 4.12:

- (1) The affected persons including land owners are not informed about their options and rights pertaining to resettlement.
- (2) They are not consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives.
- (3) They are not provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.
- (4) Any physical relocation is not assisted and supported with residential housing, or housing sites, or, as required, agricultural sites equivalent to the advantages of the acquired sites.
- (5) The affected persons are not offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living.
- (6) The affected persons are not provided with development assistance other than compensation such as assistance for land preparation, credit facilities, training, or job opportunities.
- (7) No efforts are taken for ensuring socially inclusive design and implementation of project interventions.
- (8) The embankment settlers are not covered under the land acquisition law and hence evicted without any assistance.

4.4 PROJECT'S SOCIAL MANAGEMENT AND RESETTLEMENT POLICY

67. Since the 1982 Ordinance falls short of the requirements of the WB safeguard policies, the project SMRPF has been developed following the Ordinance and in compliance with the WB's social safeguard requirements including OP 4.12. The ARIPO 1982 will be the instrument to legalize acquisition for the first year polders, and the WB OP 4.12 will be the basis to implement impact

mitigation measures. The project resettlement policy has also been benefited from the experience in resettlement of similar other projects within BWDB and other infrastructure agencies of the GoB. In keeping with OP 4.12, BWDB will use the following principles and guidelines to acquire private lands and resume public lands from private uses, for the first year polders and implement impact mitigation measures.

4.4.1 Policy Principles

68. BWDB will undertake land acquisition at least one year ahead of award of civil works contracts so that DCs can complete land acquisition for respective polders before the start of civil works construction. If any change in design and alignment happen during construction, BWDB will prepare LAPs for the same and submit to concerned DC office for processing with prior consultation with the land owners. An informed agreement will be documented with the potential land owners that civil works construction will continue pending compensation payment but compensation will be paid to all legal owners without dispute on titles within six months of signing the agreement. Compensation funds will be placed with the DCs for payment and the payment process will be coordinated to ensure timely disbursement to the land owners.

69. In addition to the above, BWDB will use the following principles to minimize adverse impacts on affected persons and their community:

- Avoid or minimize acquisition of private lands and use as much public land as possible;
- Avoid or minimize displacement of people from homesteads, land valued higher in terms of productivity and uses, buildings/structures that are used for permanent business and/or commercial activities, dislocation of squatters/encroachers; and impacts on community facilities, such as educational institutions, places of worship, cemeteries, etc., and buildings/structures that are socially and historically important.
- Sections of the embankments will be re-designed only where it is necessary to meet the required technical and safety standards for climate change adaptation, or to avoid affecting concentrations of commercial activities.
- Where the portion of a plot remaining after acquisition becomes economically unviable, the landowner will have the option to offer the entire plot for acquisition.
- Avoid or minimize adverse impacts on Indigenous Peoples.

4.4.2 Impact Mitigation Principles

70. Where adverse impacts are found unavoidable, BWDB will plan to mitigate them in accordance with the following principles:

1. Resettlement of the PAPs will be planned and developed as an integral part of the project design.
2. Absence of legal titles in cases of public land users will not be considered a bar to resettlement and rehabilitation assistance, especially for the socio-economically vulnerable groups.
3. Vulnerability, in terms of socio-economic characteristics of the PAPs/ households, will be identified and mitigated according to the provisions in the RAP.

4. Homestead-losers, including the poor and vulnerable households squatting on embankments and other public lands, will be compensated for their physical assets on the lands and assisted with physical relocation. Provision of basic facilities like water supply and sanitation will be provided for those squatters/encroachers relocated in groups of 10-30 households in a cluster.
5. The squatters/encroachers will be encouraged for self-relocation and assisted in the process of finding out alternative lands, where necessary. Project will undertake land search and assist the affected households/squatters/encroachers in relocation and resettling on a more permanent site. The potential relocation sites can be vacant public land or unused BWDB land, untitled new lands suitable for settlement, and unproductive private lands.
6. People squatting public lands/properties under acquisition (without any legal agreement for right to use the land) will qualify for financial or any other form of assistance for relocation and resettlement, provided they are identified by census or any other form of enumeration under the resettlement policy framework of the project.
7. Assets like equipment, machinery or parts/components thereof that can be dismantled and moved away intact will not be eligible for compensation, but the owners will be paid the actual costs of dismantling and moving them.
8. No compensation will be paid for temporary inconveniences faced by business operators and traders, unless they are required to stop completely their operations during the construction period. However, to ensure sustenance of their income streams, BWDB will undertake the following measures in consultation with the concerned communities and design supervision consultant:
 - Plan and implement the construction works in a manner to avoid/minimize inconvenience and disruption to the embankment/road users, and to business/trading activities where applicable.
 - Ensure spaces for all temporarily displaced business/trading activities in the vicinities of their present locations, or allow them to relocate temporarily to spots they find suitable.
9. Where the project activities cause community-wide impacts affecting community facilities, access to common property resources, etc., BWDB will rebuild them with project finance or provide alternatives in consultation with the user communities.

4.4.3 Eligibility for Compensation and Assistance

71. Regardless of their title and tenure status to the lands used for a subproject, the PAPs/households will be eligible for compensation and assistance. BWDB will mitigate impacts on the following:

- (1) *Private Landowners*. Persons who have legal rights to the acquired lands and other assets, such as houses, other structures, trees, etc. built and grown on them.
- (2) *Squatters and encroachers (defined in Glossary – items 5 encroacher and 19 squatter)*. Squatters of existing embankment and of any other public land under acquisition and encroachers of public and private land under acquisition of the existing embankment (both without any legal title to the land but use them for residential, commercial or livelihood purpose) will not be compensated for land, but for the assets built and grown on the lands.

- (3) *Owners of Displaced Businesses.* Compensation for income loss from businesses that are: (i) displaced from private lands, embankment slopes, and those belonging to BWDB and other public agencies; and (ii) required to close down temporarily during implementation of the civil works. In both cases, compensation/assistance will apply to the actual owners of the affected businesses.
- (4) *Women headed and other Vulnerable households:* Women heading the households and the households having income level up to BDT 60,000/year¹², physically challenged, elderly members, and similar others will be eligible for a special assistance of one-time cash grants.
- (5) *Employees of Affected Businesses.* Persons who are employed in the above two types of affected businesses.
- (6) *Rental Income Earners.* Rental income from built premises situated on private or public lands by any displaced persons (title or non-title holders) .
- (7) *VNR Owners/Users.* Current users of the acquired lands and other properties designated ‘VNR properties’ during acquisition for the project. VNR land owners and users will be identified only by the DCs during acquisition of land.
- (8) *Usufruct Rights Holders.* Owners of affected business, agricultural, fisheries and other activities on leased-in government land, where lessees (formal or informal) stipulate compensatory conditions in cases where lands are taken back or acquired before lease expiration.
- (9) *Community and Groups.* Where local communities and groups are likely to lose income earning opportunities or access to crucial common property resources used for livelihood purposes.

4.4.4 Compensation Principles and Standards

72. The following principles and standards will be used to determine compensation and assistance for persons/households in the different impact categories:

(1) Acquired Lands and Other Assets

- Replacement costs for an equal amount of land of same use and quality, including the registration costs and stamp duties.
- Replacement costs of houses/structures and other immovable built items (e.g. water supply, sanitation, drainage, etc.), at current market prices of the same building materials plus the current costs of labor to build them.
- Current market prices of trees and other assets which are irreplaceable. Price of fruit trees will be determined considering the maturity and harvest price of fruits.
- Current market prices of crops in the field or on trees, if the lands are used before harvest.
- If the acquired land is agricultural and amounts to 20% or more of the total productive land owned by the affected household, a TA at three times the value of the crops produced in a year on the acquired land.

¹²Bangladesh Bureau of Statistics HEIS 2010 said that the per capita income of the rural population in Khulna division is BDT 1132 per person/month. According to the KMC census and socioeconomic survey December 2011 to February 2012, household size of the CEIP-1 is 4.41, means the per capita income of the households per month stands at 4992. Taking into account of the income level we considered the poverty line upto household income BDT 5000/month or 60,000/year/household.

(2) Displacement from Homesteads

- *Displaced from private lands:* Relocation assistance to lands the affected households can personally arrange to buy, or to public lands arranged by BWDB.
- *Displaced from public lands:* Relocation assistance` for displaced households due to acquisition of land to alternative public lands arranged by BWDB. Displaced squatters/encroachers on existing embankments will be assisted for relocation to alternative sites they will buy or arrange with assistance from BWDB. At extreme circumstances of failure to find alternative sites, the squatters/encroachers will be allowed back on the embankment after construction.
- *Displaced from VNR lands:* Relocation assistance either to lands they can personally arrange to buy, or to public lands arranged by BWDB.
- In case of group relocation, provision of pre-acquisition level basic utilities, such as water supply, sanitation, and other facilities e.g. school, medical facilities, religious centers, etc., if they are not located in the vicinity, may need to be provided.

(3) Loss of Business, Employment and Rental Income

Temporarily Closed Businesses:

Where business activities come to a complete closure during construction, the owners will be paid for income loss at rates based on average daily net income for the smaller of the number of days needed to reopen the individual businesses, or to complete the civil works. This will be applicable to owner opting for temporary relocation.

Partially Affected Businesses:

Where business premises are partially dismantled and the remainder is structurally safe and useable, compensation, calculated as above, for the smaller of the number of days needed to repair and reopen the individual businesses, or to complete the civil works.

Businesses Completely Displaced from Present Premises:

Owners of affected business will be compensated for loss of income for 45 days based on average daily net income from the business and assisted in relocating their business in new locations. Owners of businesses opting for permanent relocation will be entitled for this assistance.

Loss of Employment Income from Displaced and Temporarily Closed Businesses:

Persons who have been continuously employed by the displaced and temporarily closed businesses for at least six months up to the day of the PAP census (cut-off date) will be compensated for the period until their employers restart their operations, or for a maximum of 30 days. The daily rates will be based on their monthly/daily salary paid by the employers.

Loss of Income from Rented-out Premises:

Three months' rent at the current rates for loss of rental income from premises affected on private lands and in case of vulnerable PAPs on public/BWDB lands. PAPs' land holding and total income from all sources have to be captured for determining vulnerability.

(4) VNR Properties

Agricultural lands:

- Present users/owners will qualify for compensation of three times the value of all crops grown in one year on the acquired lands;
- Current market prices of crops in the field or on trees, if the lands are used before harvest; and
- Where acquisitions affect the lands partially, the owners/users will be allowed to use the remainder.

Acquired homesteads (including houses/structures):

To deal with partial and full acquisitions, BWDB will consider the following alternatives in consultation with the present owners/users:

- *Partially acquired homesteads (including houses/structures):*
Assistance to the present owners/users to move and rebuild the houses/structures on the remaining land.
- *Fully acquired homesteads (including houses/structures):*
Relocation assistance either to lands they can personally arrange to buy, or to public lands arranged by BWDB; or
Six months' rent for living accommodation, comparable to the affected one, in the nearby towns where such accommodation is available for rental purposes.

(5) Leasehold Lands

- *Formally leased-in from any agencies of the Government:* Compensation as stipulated in the lease agreement.
- *Formally leased-in khas land or VNR land:* Compensation, if any, stipulated in the lease agreement.

4.4.5 Eligibility Cut-Off Dates

73. Eligibility to receive compensation and resettlement assistance will be limited by cut-off date (COD). The cut-off date for CUL (Ordinance II of 1982) is considered for those identified on the project right of way land proposed for acquisition at the time of service of notice under section 3 or joint verification by DCs whichever is earlier (legal COD). Land acquisition for the first year polders will be started once the design is final and implementation is approved by the GoB.

74. The KMC CSS conducted during December 2011 to February 2012 will be considered "cut-off" date for eligibility for any non-titled persons such as squatters/encroachers or other informal

settlers living in the project right of way or similar designated date by BWDB (social COD). Start date of census survey at respective polder will be the social COD for that polder under this project. The commencement date of the census survey in polder 33, 35/1 and 35/3 is 22 December 2011 and hence Social COD for these three polders is 22nd December 2011. Likewise, social COD for polders 32 and 39/2C is 15 January 2012. Each of the structures covered under the census have been marked with a reference number maintained in the inventory database for any future scrutiny.

75. Any persons moving into the project area after the cut-off dates will not be entitled for compensation from DCs or any assistance from BWDB. However, any displaced persons (PAPs) not covered in the enumerations before the CODs can be enlisted with sufficient proof and approval from the GRCs. In case, land acquisition and RAP implementation delays more than a year, BWDB will adopt revised CODs for the applicable polders.

4.5 ELIGIBILITY AND ENTITLEMENT MATRIX

4.5.1 Eligibility Criteria

76. All PAPs irrespective of their title will be entitled to compensation and assistance based on loss and impact categories identified through census and socioeconomic survey in respect of the policy guidelines adopted for the project.¹³ Nevertheless, eligibility to receive compensation and other assistance will be limited by the cut-off date. The absence of legal title will not bar PAPs from compensation and assistance, as specified in the entitlement matrices.

77. PAPs with titles will receive CUL and those without title will receive cash entitlements under the RAP. Titled owners will receive additional assistance provided compensation under is inadequate with respect to RV determined during the time of dispossession. Vulnerable PAPs will qualify for additional assistance to facilitate them relocate and restore their livelihood status. Non-vulnerable households with structures affected will be entitled to compensation for structures and assistance for shifting and reconstruction of the same.

4.5.2 Compensation and Entitlements

78. Entitlement Matrix for each category of impact has been prepared for the first year construction on the basis of the CSS conducted for the households, shops and community assets and in compliance of the project's resettlement policy framework. The entitlement matrices identify the categories of impact based on the census and show the entitlements for each type of loss following the framework. The following tables represent compensation and entitlement matrices for various categories of impacts assessed during detail design of the five polders under the first year contract package. A person could be eligible for compensation/entitlement in more than one category of impacts and in more than one mauza. DCs will pay CUL for each mauza separately for one person whose lands/assets have been acquired in more than one mauza.¹⁴ BWDB will consult WB for any modifications to the RAP as and when found necessary for better implementation of the mitigation measures.

¹³ CEIP-I has adopted a SMRPF that details the guidelines for inventory of loss, determining compensation and assistance for any displaced persons due to undertaking of the project interventions.

¹⁴ The awards or CULs are determined under units of mauza (minimum boundary under land administration system in Bangladesh). As a result, a person becomes entitled to as many awards or CULs as the number of mauzas where his/her property are acquired. The awards are paid separately for each mauza.

79. Based on the principles proposed for impact mitigation, the following matrixes define the specific entitlements for different types of losses, EP, and the institutional responsibility to implement them.

Matrix I : Loss of Agricultural, Homestead and Commercial Lands

<u>A. Entitled Person</u>	<u>B. Entitlement</u>	<u>C. Application Guidelines</u>	<u>D. Implementation Issues</u>	<u>E. Responsibility</u>
<p>9. Legal owner(s) as determined by DC during CUL payment, or by court in cases of legal disputes.</p> <p>10. Co-sharers to be determined by title deeds/records and mortgage documents by DCs.</p>	<p>3. CUL, which includes 50% premium on current market price, or RV, whichever is higher.</p> <p>4. Transition Allowance (TA) for income loss from productive lands.</p>	<p>1. Current market prices of land determined by the PAVC to be the basis for determining RV and top-up payment.</p> <p>2. RV includes current market price and applicable registration cost for titling.</p> <p>3. One month's advance notice to be issued in time to harvest standing crops. If not possible, the value of crop at harvest price is to be paid.</p> <p>4. Top-up will be paid by BWDB and calculated when CUL is less than RV.</p> <p>5. TA will be paid to a person losing more than 20% of his/her total productive land area @ BDT 1000 per decimal of acquired agriculture land.</p>	<p>1. PAPs to be informed of the details of compensation policies after issuance of Notice u/s 3.</p> <p>2. Landowners to be assisted to procure any missing legal documents required to claim compensation from DCs.</p> <p>3. Mauza-wise current market prices of lands to be determined, considering their quality in terms of number and types of crops produced a year, flooding, irrigation facilities, accessibility and other factors influencing market prices.</p> <p>4. The project will not be used to collect outstanding dues or taxes on the acquired or other lands.</p> <p>5. In case PAP losses his/her land in more than one plot, Top-up will be calculated based on total CUL and total RV for the total land acquired from the owner.</p>	<p>1. BWDB is responsible for overall execution and coordination, ensuring GoB's support and timely financial disbursements.</p> <p>2. DC will pay CUL to all legal owners, and those with the legal evidence of interest in the lands.</p> <p>3. BWDB/NGO to inform PAPs of RAP policies, assist in updating records, pay Top-up and TA, and monitor and report progress on RAP implementation.</p> <p>4. DC will determine CUL and BWDB will determine RV with assistance from the projects' PAVC and the NGO.</p>

Matrix II: Loss of Ponds and Fish Stock

<u>A. Entitled Person</u>	<u>B. Entitlement</u>	<u>C. Application Guidelines</u>	<u>D. Implementation Issues</u>	<u>E. Responsibility</u>
<p>1. Legal owner(s) of the pond to get compensation for land area, while usufruct right holder (who rents or leases in), legal or socially recognized, to get compensation for fish stock.</p>	<p>1. CUL, which includes 50% premium or replacement cost of pond, including cost of land and digging, whichever is higher.</p> <p>2. PFS and PAPs are allowed to harvest and take away the fish stock.</p> <p>3. If the pond is under lease from any GoB agencies, compensation from DC as per lease conditions.</p>	<p>1. Guidelines 1, 2 and 3 as indicated for Loss Category I.</p> <p>2. If the fishpond is on public land or on vested land and not under lease from GoB, the PAP is entitled to compensation for existing fish stock at current market price, but is allowed to retain the entire fish stock.</p> <p>3. Legal owner(s) will get compensation for fish stock if he/she operates the pond/gher by him/herself.</p> <p>4. Usufruct right holders will receive compensation for fish stock and any other compensation as per lease agreement.</p>	<p>1. Magnitude of fish stock and value to be determined by PAVC according to Fishery Dept. standards and market prices.</p> <p>2. PAVC will assess the stake of the usufruct rights holders in affected pond/ghers.</p>	<p>1. BWDB is responsible for overall execution and coordination, ensuring GoB's support and timely financial disbursements.</p> <p>2. DC will pay CUL to all legal owners, and those with the legal evidence of interest in the lands.</p> <p>3. BWDB/NGO to inform PAPs of RAP policies, assist in updating records, pay Top-up and PFS, and monitor and report progress on RAP implementation.</p> <p>4. DC will determine CUL and BWDB will determine current PFS and RV of pond with assistance from the projects' PAVC and the NGO.</p>

Matrix III: Loss of Houses/Structures Used for Living & Commercial Activities

<u>A. Entitled Person</u>	<u>B. Entitlement</u>	<u>C. Application Guidelines</u>	<u>D. Implementation Issues</u>	<u>E. Responsibility</u>
1. Legal owner as determined by DC during the CUL payment process and/or determined by court in cases of legal disputes.	a. CUL, which includes 50% premium, or the RV, whichever is higher. b. HCG c. Vulnerable and female headed households will get special cash assistance. d. All house/structure owners are permitted to retain the salvageable building materials.	1. Legal Owners: Applies to all houses/structures standing on the acquired private lands at the time of issuance of Notice-3. 2. Squatters/encroachers will be eligible for compensation (replacement cost) for all structures built on public lands/BWDB embankments relocated permanently for project purpose. 3. HTG for shiftable structures (constructed with bamboo, thatch or other non-breakable walls and GI sheet or straw/leaf roofs and the like) will be @ 5% of the RV of structures and HCG @ 10% of the RV of structures;	1. PAVC to verify floor areas and materials based on Census data and recommend RV assessed through market survey. 2. The PAP Census will establish the cut-off date for all structures not covered under CUL. 3. PAVC, during joint assessment of physical structure, will categorize affected structures by categories under non-shiftable, shiftable and mobile structures.	1. DC will pay CUL for structures to all legal owners, and those with the legal evidence of interest in the lands. 2. BWDB/NGO to inform PAPs of RAP policies, assist in updating records, pay Top-up, HTG, HCG, STG, SSG and SGB, and monitor and report progress on RAP implementation.
1. Non-titled persons and squatters/encroachers those own houses/structures built on public lands/embankment slopes as found during the PAP Census. 2. Owners and users of vested land without lease (to be identified by DCs during payment of	1. RV of structures determined by PAVC. 3. HTG and HCG for houses/structures. 4. STG for shifting of mobile/temporary structures on legs. 5. HAD for land development or house platforms. 6. SSG for temporary relocation of landless squatters. 7. Vulnerable and female headed households will get special cash assistance.	4. HTG for non-shiftable structures (constructed with expensive materials e.g., brick walls with RCC roof, brick walls with GI sheet roof, cemented floor, etc.), @ 5% of RV of the structure. 5. Landless squatter households opting for permanent relocation outside the embankment will be provided with HDA @ BDT 50 (fifty) per sft of floor areas of affected residential structures, if developed relocation sites are not available for them. 6. Vulnerable households (income level up to BDT 60,000/per year, Physically handicapped	4. BWDB, in collaboration with local authorities (PRACs) will make best efforts to identify alternative housing sites for squatters/encroachers. 5. All compensation will be based on RV to be determined through market surveys.	3. DC will determine CUL and BWDB will determine RV of structures with assistance from the projects' PAVC and the NGO

compensation).	e. All house/structure owners are permitted to retain the salvageable building materials.	and old aged household head, ethnic minorities) will be eligible for one time special subsistence allowance (SSA) @ BDT 5,000 (five thousand).		
1. Tenants (those renting premises for residential and/or commercial purposes).	1. Tenants will be given advance notice and assisted with finding alternative accommodation and be given SGB (grant for shifting goods and belongings).	<p>7. Female headed households without adult male members to shoulder household responsibilities will get additional one-time SSA BDT 5,000 (five thousand).</p> <p>8. Small mobile structures on wooden or bamboo legs (poles not fixed on ground) which can be shifted without dismantling (structures on legs) are not eligible for compensation (small pan-bidi shops, groceries, tea stalls, etc.) but will be assisted in finding alternative location and given the STG at current market price to cover any damage and cost of shifting @ 5% of the replacement cost of structures.</p> <p>9. Landless squatters opting for temporary relocation during construction will be allowed back on the embankment after full sectioning. HTG will be provided during first relocation and HCG will be provided at the time of reconstruction of the structures back on the embankment. SSG will be equivalent to HCG and will be paid during reconstruction of the structure back on the embankment. SGB will be equivalent to HTG.</p>		

Matrix IV: Loss of Timber and Fruit Trees (including Bamboo and Banana Groves)

<u>A. Entitled Person</u>	<u>B. Entitlement</u>	<u>C. Application Guidelines</u>	<u>D. Implementation Issues</u>	<u>E. Responsibility</u>
<ol style="list-style-type: none"> 1. Legal owners as determined by DC during CUL assessment process. 2. Socially recognized owners, such as squatters/encroachers 3. People with valid lease from GoB agencies. 4. Groups sponsored by public agencies/ NGOs.¹⁵ 	<ol style="list-style-type: none"> 1. Compensation will be based on the following criteria <ol style="list-style-type: none"> a. Net Present Value or b. Current age, life span, productivity, current market price 2. 	<ol style="list-style-type: none"> 1. Replacement value for income restoration 	<ol style="list-style-type: none"> 1. Where ownership belongs to groups, the project authority will ensure that the compensation is distributed among the members as per agreements. 2. PAVC will identify the affected persons by the existing usufructuary rights (lease holder, NGO groups, etc.). 	<ol style="list-style-type: none"> 1. DC will determine market price of trees and pay CUL to all legal owners, and those with the legal evidence of interest in the lands.¹⁶ 2. BWDB/NGO to inform PAPs of RAP policies, assist in updating records, pay market price, Top-up, and monitor and report progress on RAP implementation. 3. DC will determine CUL and BWDB will determine RV of structures with

¹⁵ NGOs or public agencies enter into contracts with groups of community peoples under the Social Forestry Rules 2004 (revised March 2010) for social forestation on slopes of flood embankments, roads, railway embankment, riversides or any other public spaces. These groups are not owner of the land but get a share of the revenues from the planted trees (sale of logs and residues) as they are also responsible to nurse the trees under the contract.

¹⁶Interest in land in terms of legal ownership and usufructuary rights through lease, rent or customary rights.

				assistance from the projects' PAVC and the NGO.
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Matrix V: Loss of Standing Crops

<u>A. Entitled Person</u>	<u>B. Entitlement</u>	<u>C. Application Guidelines</u>	<u>D. Implementation Issues</u>	<u>E. Responsibility</u>
1. Cultivator (person who planted the crop) whether owner, lease holder, tenant, sharecropper, etc. (formal or informal arrangements) identified by Census or joint verification.	<ol style="list-style-type: none"> 1. Compensation for standing crops affected at the time of dispossession of land. 2. Cultivator will retain the crops and plants. 	<ol style="list-style-type: none"> 1. Estimated market value at harvest, to be determined by PAVC. 2. Advance notice to be issued in time to harvest the standing crop. If not possible the value of the crop at full harvest price is to be paid. 3. Share-croppers may avail of livelihood restoration Program 	<ol style="list-style-type: none"> 1. Market value at harvest will be established by PAVC through on-site verification before dispossession of land. 2. Verify whether or not crop is standing on the acquired lands at the time of dispossession. 3. PAVC will verify owner and tenant cultivators. 	<ol style="list-style-type: none"> 1. DC will determine market price of crops with assistance from District Agriculture Marketing and District Agriculture Extension and pay CUL to all legal owners, and those with the legal evidence of interest in the lands. 2. BWDB/NGO to inform PAPs of RAP policies assists in updating records, pay Top-up or market price, and monitor and report progress on RAP implementation. 3. BWDB will determine market price of crops using data on yield and market price from the same sources used by DCs and compare with the actual market price available from local market places with assistance from the projects' PAVC and the NGO.

Matrix VI: Loss of Business Income from Displaced Commercial Premises

<u>A. Entitled Person</u>	<u>B. Entitlement</u>	<u>C. Application Guidelines</u>	<u>D. Implementation Issues</u>	<u>E. Responsibility</u>
<p>1. Business operators in the affected permanent premises (title-holders and squatters/encroachers without titles), identified at the time of issuance of Notice-3, or during PAP Census.</p> <p>2. Owner of the rented-out premises situated on private lands and owners of rented out premises on public/BWDB land.</p>	<p>1. Compensation for loss of business/trading income.</p> <p>2. Compensation for loss of rental income from rented-out premises on the right of way.</p>	<p>1. Compensation for loss of business income for fully displaced premises based on average daily net income for 45 days as determined by PAVC.</p> <p>2. Affected business squatters/encroachers opting for temporary relocation will receive compensation for the actual number of days the businesses remain closed or needed to complete the civil works not exceeding 45 days.</p> <p>3. Partially affected business owners will receive compensation for number of days needed to repair and reopen the businesses not exceeding 45 days.</p> <p>4. Three months' rent to owner of the rented out premises on private land or on public land/BWDB embankment, as determined by PAVC.</p> <p>5. Affected households losing income permanently may avail of livelihood restoration program.</p>	<p>1. Eligible premises are permanently fixed to the ground with walls and roofs (not shift able in intact condition).</p> <p>2. Business type, floor area and capital investment to be recorded during PAP Census.</p> <p>3. Eligibility of business owners, and premise owners and tenants to be verified by PAVC before identification.</p>	<p>1. DC may determine compensation for loss of business income based on onsite verification jointly with BWDB or only consider business structures.</p> <p>2. BWDB will determine average net daily income from affected businesses with assistance from the projects' PAVC and the NGO and based on findings will determine compensation for loss of business/rental income.</p> <p>3. BWDB/NGO to inform PAPs of RAP policies assists in updating records, pay Top-up or market price, and monitor and report progress on RAP implementation.</p>

Matrix VII: Temporary Loss of Income (Wage Earners in Commerce & Industry)

<u>A. Entitled Person</u>	<u>B. Entitlement</u>	<u>C. Application Guidelines</u>	<u>D. Implementation Issues</u>	<u>E. Responsibility</u>
<p>1. Adult persons employed continuously for at least six months in businesses displaced from private and public lands.</p>	<p>1. Grant to cover temporary loss of income (GTL) from wage employment</p>	<p>1. Length of employment to be counted backward from the cut-off date. 2. GTL will be equivalent to 90 days wage at the rate of daily wage at current market price determined by PAVC. 3. Minor children of the business owners, who assist on a part time basis, are not eligible for this grant.</p>	<p>1. The PAVC to verify these information in relation to the number of employees in the displaced business.</p>	<p>1. BWDB will determine average daily wage rate in the polder area with assistance from the projects' PAVC and the NGO and based on findings will determine compensation for loss of business/rental income. 2. BWDB/NGO to inform PAPs of RAP policies assists in updating records, pay GTL and monitor and report progress on RAP implementation.</p>

Matrix VIII: Loss of Usufruct Rights in Mortgaged-in, Leased-in and Khai-Khalashi Lands

<u>A. Entitled Person</u>	<u>B. Entitlement</u>	<u>C. Application Guidelines</u>	<u>D. Implementation Issues</u>	<u>E. Responsibility</u>
<ol style="list-style-type: none"> 1. Persons with legal agreements. 2. Persons with customary rights. 	<ol style="list-style-type: none"> 1. Compensation as per Loss Categories I & II above, to be shared as per usufruct/mortgage contracts. 	<ol style="list-style-type: none"> 1. Legal Agreement: Legal owner and mortgagee/leaseholder will be paid CUL by DC as per the law. 2. Verbal Agreement: Legal owner will pay the outstanding liabilities to the interested persons upon receipt of CUL from the DCs. 3. In cases where CUL is smaller than RV, legal owner will get the top- up from BWDB (i) if all liabilities are already paid up; (ii) if not, the legal owner will get the residual after all liabilities are paid up. If the liability exceeds the amount to be paid by the BWDB, the landowner will pay it. 	<ol style="list-style-type: none"> 1. PAVC will verify the persons with interests in the acquired assets due to mortgage, lease or khai-khalashi right. 2. Any disputes over verbal agreements to be resolved through grievance redress procedure. 	<ol style="list-style-type: none"> 1. DC will determine and pay compensation to persons with legal agreement as per conditions laid down in the agreements. 2. BWDB with the help of implementing agency will determine and pay compensation to persons with verbal agreement as per agreed conditions. 3. BWDB will ensure that the liabilities to the lease holder are paid completely.

Matrix IX: Loss of Access to Vested and Non-Resident Property Lands

<u>A. Entitled Person</u>	<u>B. Entitlement</u>	<u>C. Application Guidelines</u>	<u>D. Implementation Issues</u>	<u>E. Responsibility</u>
<p>1. Present users of the VNR properties identified during PAP census (VNR properties will be identified by DCs during payment of CUL)</p>	<p>3. Agricultural Land: Three times the estimated value of all crops produced in the acquired land in the year or preceding year of acquisition.</p> <p>4. Homestead Land: (a) If only a portion of the land is acquired, the user is allowed to live on the remaining land and assisted to relocate his/her houses with HTG and HCG as stipulated for Loss of Houses/structures.</p> <p>(b) If the land is fully affected and the households needs to relocate elsewhere, six month's RA for comparable living accommodations to owner users of lands under vested property status without lease.</p>	<p>1. Apply only to those cases that are identified by DCs during the acquisition for this project.</p> <p>2. Will not apply to those VNR cases which were identified through 1984. Leaseholders of such lands will be treated by DCs as per agreement, and the project authority will have no obligation to deal with them</p>	<p>1. PAVC will verify whether the property was designated Vested earlier (1984 or before), or designated during acquisition for CEIP-I.</p>	<p>1. BWDB will review VNR status of acquired property and determine eligibility for compensation and make payment of the same.</p>

4.6 COMPENSATION PAYMENT

80. In cases of acquisitions, a part of the compensation for lands and other affected assets built or grown thereon will be assessed and paid to the title holding PAPs by the DCs, the head of the Acquiring Body. If this payment, CUL, is found to be lower than the replacement costs of land/structure and market prices of trees/crops/perennials, BWDB will directly pay the difference as 'Top-up' to make up for the shortfall.

81. With and without acquisition, compensation/assistance due to all other PAPs, such as squatters and encroachers, business owners and employees, and those who are not covered by the acquisition ordinance, but qualify according to this RAP, will also be directly paid by BWDB.

82. Determination and Payment of Top-up: Where an owner loses lands and other assets in more than one mauza or land administration unit, the person will be counted once, and his/her top-up will be paid as a single amount. The amount of top-up due to the affected person will be determined by comparing the total amount of CUL paid by the DCs for lands and other assets acquired in all mauzas with the total replacement costs and/or market prices thereof.

83. Partial CUL and Top-up Payment: Where DC's CUL payment is not made together for all lands and other assets acquired from an owner due to legal disputes or other reasons, BWDB will determine the top-up for the acquisitions as a whole, but pay on the lands and other assets for which CUL has been paid. Top-up for the rest will be paid whenever the CUL payment is made after resolution of the disputes.

84. Compensations/entitlements due to the PAPs, including those who are not covered by the acquisition ordinance, but eligible according to this RAP, will be paid in full before they are evicted from the acquired private and public lands.

85. The BWDB will ensure that the properties (land, structures and non-structure assets) to be acquired or displaced for the project will be compensated at their full replacement cost determined by the PAVC following the guideline of the SMRPF and the RAP.

CHAPTER 5 RELOCATION AND LIVELIHOOD RESTORATION

5.1 SCOPE OF RELOCATION

86. The project in the first year package will cause to relocate 6387 households, shops and other units. The PAU includes 3115 PAHs affected in their housing and 2029 PAH affected in their commercial premises (297 PAHs are losing both residence and commercial premises). In addition, the community groups will be affected due to relocation of 184 community establishments. The PAHs are largely embankment settlers (squatters/encroachers) and many of them are poor and landless. Only about 10% of the PAHs during census claim to have alternative lands for relocation of their housing. The rest 90% do not consider them having any alternatives but to reside on the embankments. However, the squatter survey in November 2012 revealed that about 50% of the affected embankment settlers have lands of various categories right inside the polders. The affected business enterprises (squatters/encroachers), requested assistance from the project for relocation in a particular area so that they can continue their business and restore previous standard of living.

87. People usually live in particular areas along the linear embankment (either squatter or land owners) to take advantages of existing livelihood opportunities as well as to live within their kin groups for mutual support, social identity, cultural affinity, communication, social security, etc. As the households are living in a scattered way on the long embankment, relocation of the households in particular resettlement sites (one or two in one polder) will be a challenge. Therefore, the displaced households especially the squatters/encroachers may select to temporary relocation during construction and move back on the embankment sections after construction.

5.2 EMBANKMENT SETTLERS AND LANDLESSNESS

88. The affected persons and local government representatives were consulted on relocation options during socioeconomic survey and community level consultations. It was understood that there is not enough space adjacent to the polder areas to relocate the embankment settlers. Some people who used to own land inside the polders had to take refuge on the embankment during recent cyclones and even during monsoon flood and are still there. Many of them are landless but there are households and persons occupying the embankment have lands inside the polders.

89. A separate survey conducted in November 2012 on land holding status of the embankment settlers found that only 46% of them are landless (zero landholding). About 48% of the embankment settlers have high lands where they can relocate and 1.78% of them have other categories of lands. It was also found that 4% of them identified during the CSS have left the embankment and most likely resettled in their own land inside the polder. Table 17 provides details of the findings from the squatter survey during November 2012.

Table 17 : Land Holdings of the Embankment Settlers in 5 Polders

Polder	Left Polders	Land Ownership Category			Total	Total
		Landless	High Land Holding	Other Category of Land		
Polder 32	113	833	514	38	1385	1498
Polder 33	22	611	636	27	1274	1296
Polder 35/1	17	445	596	7	1048	1065
Polder 35/3	24	63	199	7	269	293
Polder 39/2C	1	100	175	0	275	276
Total	177	2052	2120	79	4251	4428
Percentage	4.00	46.34	47.88	1.78	96.00	100

Source: KMC Squatter Survey, November 2012

90. Among the squatters/encroachers, households having high lands are found their land parcels within 1 km from their existing locations. More than 91% of the total high landholders have their own land within 1 km while 4.53% have land within 1-2 km and 1.37% has their land beyond 5 km from their present place of residence.

Table 18 : Households Having High Lands within the Project Surrounded Area

Land Quantity	Households by Distance						Total
	Within 1 km	Between 1 km to 2 km	Between 2 km to 3 km	Between 3 km to 4 km	Between 4 km to 5 km	Above 5 km	
Up to 10 dec.	820	31	4	0	15	5	875
11 to 20 dec.	559	30	11	4	5	10	619
21 to 30 dec.	179	14	4	1	3	2	203
31 to 40 dec.	227	11	2	2	4	2	248
41 to 50 dec.	59	3	2	1	0	2	67
Above 50 dec.	89	7	2	2	0	8	108
	1933	96	25	10	27	29	2120
	91.48	4.53	1.18	0.47	1.27	1.37	100.00

Source: KMC Squatter Survey, November 2012

91. The squatter survey also observed that during the last monsoon (2012) a total of 83 new households took shelter on the embankment of polder 32 and some have erected cow sheds for safe shelter of their cattle heads. No such new settlers found in any other polders.

5.2 PROJECT RELOCATION STRATEGY

92. The dynamics of squatters/encroachers' settlement have been considered in the development of relocation strategy for displaced households, business and community premises. The project identifies self-relocation (permanent), group relocation (permanent) and temporary relocation options as a strategy for relocation of the affected squatters/encroachers and other households. The PAPs will be provided with adequate subsistence assistance to mitigate the livelihood disruption during relocation and reconstruction.

93. The PD will assign the PMA the FOs to handle relocation aspects of the displaced households and commercial premises with assistance from the Social Specialists (SSs), the Revenue Staff and the PRAC at polder level. PRAC, in consultation with the District and Upazila administration, will find

out alternative land in the polder areas suitable for relocation of the squatters/encroachers and other households and shops. The potential relocation sites can be vacant public land or unused BWDB land, untitled new lands suitable for resettlement, and unproductive private lands. The PM will be responsible to report directly to the PD, PMU. The NGO will assign Relocation Specialist at the rank of Deputy Team Leader under the total manpower to handle relocation issues. Under the Relocation Specialist, one Relocation Assistant will be assigned. The NGO will conduct need assessment survey/relocation option survey among the displaced households and report to the PD through the PM. The PD, in consultation with the DS Consultant and the PM, will make decision on the relocation options of the physically displaced households and shops.

5.2.1 Self-Relocation

94. The project is taking land over a long narrow strip in most of the sections of the existing embankments. Substantial land will be taken for new embankments which is only 12.6% of the total embankment length in five polders (260km). Again the PAHs are largely squatters/encroachers (70%) who are scattered all along the existing embankments only at sections passing through or attached to any existing settlement. Developed land is scarce in the area and vacant public land is not also in plenty at suitable location to be developed for resettlement of the project affected squatters/encroachers. Organized relocation site for the PAPs is not encouraging in this situation. The project will therefore encourage permanent "self-relocation" by affected households selecting replacement homestead land in the vicinity of their own. The objective is to minimize social disruption in the resettlement process and allow people to remain together within kin groups for mutual support. Both title holders and the squatters/encroachers will be encouraged to take this option and the entitlement allocations are expected to be accommodative of such permanent relocation.

95. The squatters/encroachers will be encouraged for self-relocation and assisted in the process of finding out alternative lands, where necessary. Project will undertake land search and assist the affected households/squatters/encroachers in relocation and resettlement on a more permanent site. The affected squatters/encroachers opting for self-relocation will declare his/her decision using the format at Annex-VI.

5.2.2 Group Relocation

96. Group relocation is organized self-relocation and a permanent relocation option. In case, a number of households wish to relocate in a cluster, community infrastructure facilities like access roads, plantation, tube-wells, sanitary latrines and drainage will be provided in the relocated sites. Landless squatters can be organized in groups to facilitate their jointly purchasing alternative lands inside the polder with the compensation they will receive for RV and transfer and reconstruction of structures and move out of the embankment permanently. This option has been found to be feasible as land market in the project area permits the resettlement assistance package to afford.

5.2.3 Temporary Relocation

97. At critical circumstances of failure by the landless squatters to afford permanent alternative sites elsewhere within the polders, BWDB will allow landless squatters (having no land for homestead) back on the embankments after completion of earthwork. They will be moved temporarily in places of their choice during civil works construction by sections in affordable time of three to 6 months. After the construction is complete, they can move back again, if they choose to do so. Embankment settlers having their own land inside the polder will be encouraged to move back to their own lands. Upon the completion of the construction work, the PAPs may be allowed to move back on

the embankment on condition of no activities risking the integrity of the polder embankments. The affected squatters/encroachers opting for temporary relocation will declare his/her decision using the format at Annex-VII.

5.2.4 Relocation of Common Property Structures

98. The project will provide compensation and relocation assistance to all community groups for respective community facilities. All necessary institutional assistance will be provided as applicable to the residential households and shops. The PRAC will provide all necessary assistance including finding out alternative sites for relocation of the establishments. In case the community groups relocate in situ after civil works is done, the community installations will also be allowed back on the embankment under certain conditions.

99. According to the census and CSS, 184 common property resource i.e. mosques, temples, club, schools, public toilets, etc. will be affected in five polders within the ROW. The CPSs require relocation mainly for re-sectioning work and other interventions. Some of the CPSs are very sensitive on religious and social ground and requires consultation with the management committees and local people during relocation of these. The management committee of each community property will receive compensation/assistance from the BWDB if it is relocated. Adequate compensation has been kept in the budget so that new community structures may be built by the committee in a better shape.

100. A good number of educational institutions in the five polders will be affected and it will also affect students in the area. The project will try to minimize the negative effect to the educational institutions. If somehow the educational institutions are affected, the project will re-construct them in alternative locations before dismantling the structures. If such construction is not feasible, then BWDB will request other nearby educational institutions to accommodate students from PAHs for the interim period.

5.3 INCOME AND LIVELIHOOD RESTORATION STRATEGIES

101. Mitigation of loss of assets and livelihood is the main focus of the RAP. BWDB will effort to keep the affected households and persons in their own vicinity so that their client base and access to livelihoods remain intact. Additional measures will be taken to provide appropriate support to the livelihood restoration aspects of PAPs failing to cope with relocation. According to the impacts identified, relocation of households in new location out of their own vicinity will disrupt their normal way of living. This will take some time to adjust with the new environment and their livelihood will be disrupted for the time being. Income and livelihood restoration strategy will focus on their post relocation situation and adopt appropriate mitigation measures to uphold their standard of living. Short-term and long-term mitigation measures are suggested to undertake as per policy of the RAP. Business enterprises will also get support from the project in terms of relocation and income restoration. Adequate compensation/resettlement assistance will be given to these PAPs before relocation. In addition, vulnerable PAPs will receive special support and also get preference for employment in civil construction works. It is expected that the short-term measures of compensating loss of productive assets and income will largely mitigate the dislocations in livelihood resources. Relocation in the same vicinity and allowing the landless squatters back on the embankment will minimize the risks of loss of livelihood resources.

102. In compliance with the RAP, BWDB will identify resources, in addition to compensation, for income restoration assistance for the PAPs failing to cope with relocation. Eligible members of

affected households losing income permanently will get training on income generating activities (IGA) such as small business, poultry rearing, cow fattening, tailoring, etc. The Implementing NGO will assess needs and identify need based training programs for the particular groups under the project policy. A market assessment for using skills acquired will also be conducted to maximize the benefits of these trainings. The resettlement budget has kept provision for training on IGAs for members of the thehouseholdsexperiencing permanent loss of income. It is assumed that one person from each affected household will be brought under this training program and further assistance will be provided to start the IGAs.

103. The project has already provisioned special allowance for affected vulnerable and female headed households. In addition, the NGO will initiate with the help of BWDB and local administration to include all vulnerable PAHs to existing social safety net programs run by the government such as Vulnerable Group Feeding (VGF) Program, Vulnerable Group Development (VGD) Program, Employment Generation Programs, etc. The local government institutions (LGI) like the Union Parishads (UP - a sub-district comprised of several UPs) identify the vulnerable households and persons for VGF, VGD and other social safety net programs. BWDB will request the elected LGI representatives (chairmen and members of UPs) to include the vulnerable PAHs in the ongoing government sponsored safety net programs through the *UpazilaNirbahi* Officers(UNO - chief executives of sub-district administrations). The NGO will prepare lists of vulnerable PAHs and provide those to the LGI representatives and liaise with the UNOs and LGI representatives to operationalize the mechanism.

104. For additional support to usual income restoration assistance as mentioned above, the NGO will specifically undertake assessment of needs and skills base of PAPs of age between 15 to 45 years. The NGO will prepare a list of eligible members of affected households eligible for income restoration intervention with their relevant profile and submit to the PD for approval. The short-term livelihood regeneration assistance under the RAP and long-term income generation program under the livelihood restoration program will be organized as mentioned in Table 19.

Table 19: Livelihood Restoration Options

1. Eligible members of poor households earning maximum BDT 60,000 per year to be relocated from the project right of way.	1.1 Short-term: Compensation for structure, shifting allowance, reconstruction assistance, and priority in employment in construction. 1.2 Long-term: Needs and capacity identification, human development and skill training on IGA.
2. Eligible members from poor female headed households having no adult male members.	2.1 Short-term: In addition to support as 1.1, additional subsistence allowance. 2.2 Long-term: As 1.2 above.

105. Local people in the polder areas, whose livelihood will be affected by the project, will get preference in jobs associated with the project construction. BWDB will facilitate the affected people to form labor contracting society (LCS) in each polder with assistance from the NGO. The civil works contractors will hire local laborers through the LCSs. Affected persons will get preferential employment in project works based on their age, education and skills. After construction of the project the poor and vulnerable female members of the affected households will be deployed to take

care of the embankment as a member of the LCS. The construction jobs, in the semi-skilled and unskilled category, shall be offered to the PAPs in preference to others.

106. In the Polder areas, it has been found that women employment is very low. Only 2.3% of the women are engaged in gainful employments getting cash income. The project will provide capacity building training for women focusing on IGA and encourage them to engage in such activities. The project will try to mobilize local NGOs working on women's development to include female eligible PAPs under their existing scope.

107. The project will mobilize available local resources to better or at least restore the livelihoods of the PAPs. Project will communicate with development partners and NGOs with ongoing activities in the polder areas and recommend them to include PAPs in their programs. The Communication Specialist with the Social and Environmental Cell under the PMU will communicate with all development agencies active in the area in order to mobilize their resource and channel the development opportunities to all PAPs. One such initiative will be to pursuing active Microfinance Institutions (MFIs) in the area to set up a credit program specific to PAPs. In such way, the project will explore the readily available opportunities provided by government, NGOs or any other development partners and guide the PAPs how to benefit from these organizations and agencies.

108. The project will also consider tree plantation along the embankments and arrange benefit sharing mechanism in the Polder area through the afforestation component of the project. The NGO will form a Community Forestation Committee for the supervision and management of afforestation program and ensure that PAPs will become the beneficiary of this program.

CHAPTER 6 IMPLEMENTATION ARRANGEMENTS

6.1 PROJECT EXECUTING AGENCY

109. GoB will implement the project under the overall responsibility for project management and coordination through its MoWR. A PSC would provide the forum for overall guidance, policy advice and coordination of the project activities and addressing the inter-agency issues. BWDB under the MoWR is the Executing Agency (EA) of the Project. BWDB shall be responsible for the execution and implementation of the Project through the PMU.

6.2 PROJECT STEERING COMMITTEE (PSC)

110. The PSC would be chaired by the Secretary of Water Resources and will include the Secretaries of Finance, Agriculture, Environment, Public Health Engineering, Forestry and Wildlife, the Chief Executive officer of selected NGO, and representatives of the local/district administration as its members. The PSC will oversee the project; provide policy-level guidance and inter-agency coordination for the project. The PD of the PMU will act as the secretary of the PSC.

6.3 PROJECT MANAGEMENT UNIT (PMU)

111. BWDB will set up a PMU to oversee the development and management of the project. The PMU will be led by a PD appointed by BWDB. It will have a central project office located at the headquarters of BWDB in Dhaka. The PD will have the rank of Chief Engineer, and will report directly to the DG. The PMU will have 3 subordinate units: (i) Engineering Unit; (ii) Procurement and Finance Unit; and (iii) SECU. In addition to PMU at Dhaka, 3 FOs will be set up, each headed by a PM of the rank of Executive Engineer, recruited by the project. The FOs will be located in each of the three main project districts, namely Khulna, Patuakhali/Barguna, and Bagerhat. The role of the PMU is, therefore, largely to contract competent organizations, to carefully supervise their performance, to enable them to perform efficiently, and to ensure transparent and regular reporting to MoWR and BWDB.

112. The PMU will be supported by an experienced and reputable NGO with strong presence in the project area for social mobilization including establishment of WMOs, and activities related to resettlement compensation. The NGO will perform its activities directly under the supervision of the PD, but will coordinate with the international DSC acting as the Engineer for the project.

113. Given the size of the contracting packages, as well as the scope of overall management, designated staff will be recruited under the project to fill key positions. Positions can be filled either from BWDB's existing personnel, or through external recruitment procedures. The project will have designated procurement and financial management staff, as well as staff for the technical/engineering unit and the social, environment and forestry unit that will report directly to the PD.

114. A separate consultancy for M&E would provide support in the supervision of the implementation of the RAP, and would report to the PMU. The PMU will also be assisted by an IPOE for oversight of all aspects of the project including social safeguards.

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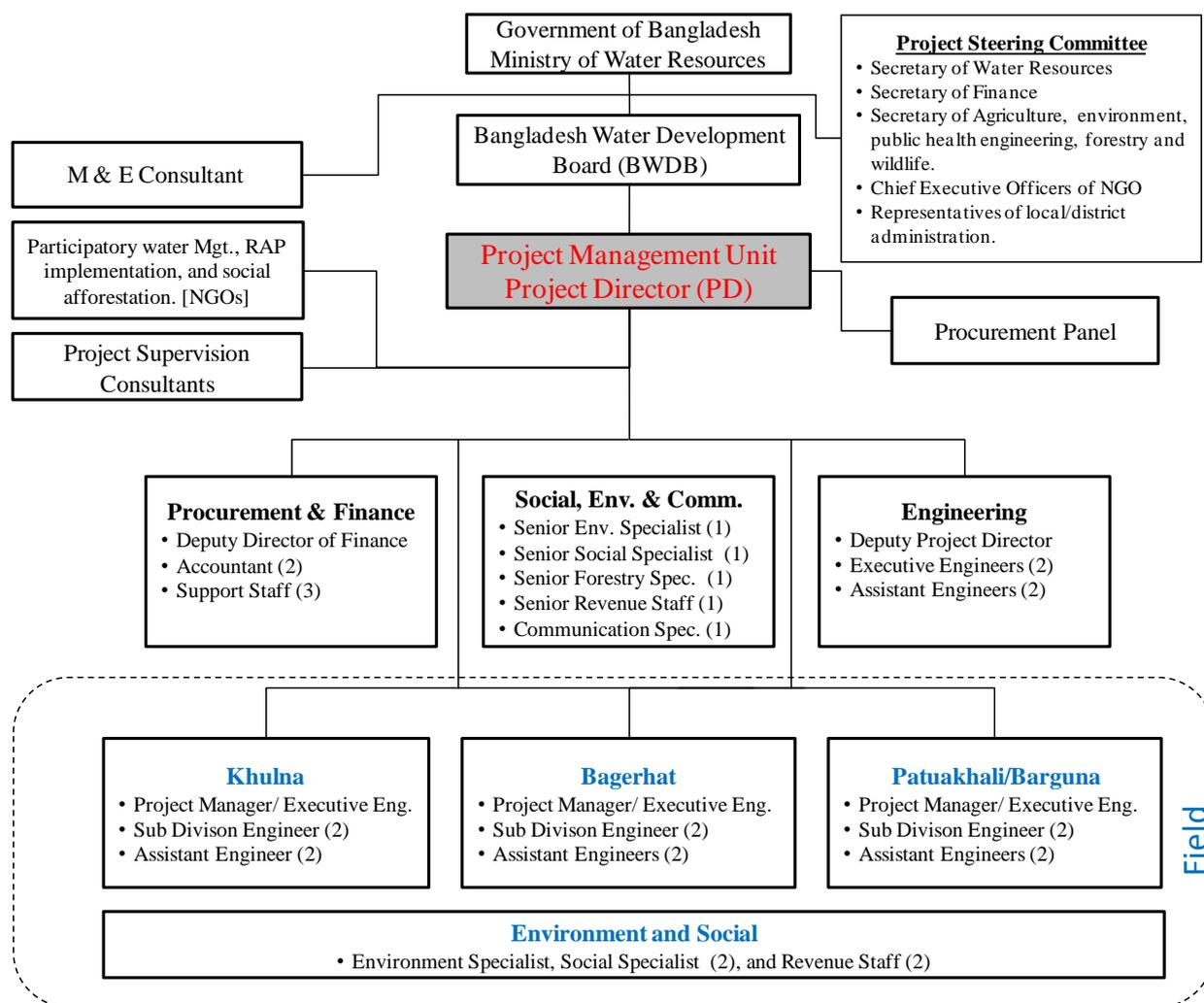


Figure 3 : Project Institutional Arrangement

6.4 MINISTRY OF WATER RESOURCES

115. The MoWR through a gazette notification will form various participatory management bodies (committees) for implementation of the RAP at the field level. The Implementing NGO will work as the member secretary for all the committees involving representatives from DC, BWDB, LGIs and PAPs. These committees will ensure stakeholders' participation and uphold the interest of the vulnerable PAPs. The powers and jurisdictions of the committees will be clearly defined in the gazette notification.

6.5 WATER MANAGEMENT ORGANIZATIONS

116. Beneficiary communities and affected persons will be involved in project conceptualization, planning and implementation. Existing WMOs will be strengthened and new WMOs will be established where necessary as per the policy and practices of BWDB.¹⁷ These WMOs will provide

¹⁷ BWDB encourages beneficiary participation in participatory scheme cycle management (PSM) following the Guidelines on Participatory Water Management (GPWM), November 2000. Water Management Organizations (WMO) were

input to the design and implementation of the project interventions and participate in preparation and implementation of RAP. The WMOs will also be involved in the M&E.

6.6 BWDB FIELD OFFICES

117. The FO of the PMU will be established one at Khulna, one at Bagerhat and one at Patuakhali or Barguna. The FOs will coordinate and manage resettlement and rehabilitation of the PAPs, disburse resettlement benefits, and ensure PAP access to development programs. The FOs will carry out the following specific tasks relating to RAP implementation:

- Liaison with district administration to support RAP implementation activities i.e. appoint PAVC members etc.;
- Discharge overall responsibility of planning, management, monitoring and implementation of the resettlement and rehabilitation program;
- Ensure availability of budget for all activities;
- Synchronize resettlement activities and handover the encumbrance free land to the contractor within the construction schedule;
- Develop RAP implementation tools and form necessary committees.
- Monitor the effectiveness of entitlement packages and the payment modality.

6.7 IMPLEMENTING NGO

118. The project will finance NGO services for social survey, following up land acquisition and implementation of this RAP and other social actions including social mobilization and formation and operation of WMOs. Services of NGOs have been recognized as instrumental in successful implementation of resettlement plans considering their experience of working with the grassroots level people. On the other hand, BWDB has limited manpower in its zone, circle and division levels to take up preparation and implementation of resettlement plans following the local law and the guidelines of the WB on social safeguards. It has, therefore, been adopted in this program to engage experienced NGOs to assist PMU and the FOs in the implementation of RAP and the Social Action Plan (SAP).

119. The principal task of the NGO would be social mobilization, formation of WMOs and training up members of WMOs with assistance from relevant government agencies including the district agriculture extension offices, identify the PAHs/business enterprises and persons relating to the enterprises, estimate their losses and dislocations, and process their entitlement as per the packages contained in the RAP of annual works program. The ultimate main task would be to assist FOs in disbursing entitlements, which are provisioned under a polder beyond the provision of the law on land acquisition of the GoB. The NGO would also play an important role in addressing legitimate grievances of the PAPs and vulnerable groups. The assigned NGO will employ experienced and trained staff for field survey, data collection, data management and development and production of implementation tools in the effect under the leadership of an experienced land acquisition and

instrumental in Integrated Planning for Sustainable Water Resources Management Project, Southwest Area Integrated Water Resources Planning and Management Project, and Water Management Improvement Projects in BWDB. WMOs include Water management groups (WMG) on hydrological units in a polder/scheme and an apex body of the groups titled Water management association (WMA). Beneficiaries/WMOs participate in project identification, planning, implementation and operation and maintenance.

resettlement specialist (LARS) and a resettlement information management specialist. Responsibility of the implementing NGO is given at Annex-IV.

6.8 DEPUTY COMMISSIONERS

120. The DCs of Khulna, Bagerhat and Pirojpur will act to legalize land acquisition and pay CUL to the owners of lands proposed for acquisition under their respective jurisdictions. The CUL is part of the replacement cost to be disbursed to the affected land owners. Any top-up of the CUL to match the RV (if the RV is higher than the CUL) will be provided directly by the BWDB with assistance from NGO. The MoWR will constitute two committees i.e. PAVC and GRC. Among these committees, PAVC will be constituted with representatives of BWDB, implementing NGO and the DCs. The DC office will appoint representatives as member(s) of the committees for quantifying losses and determining valuation of the affected properties. BWDB and NGO shall liaise with concerned DC offices to complete the tasks following the notification of the MoWR.

121. Institutional responsibilities for RAP preparation and implementation activities are further shown in Table 19.

Table 19 : Institutional Responsibilities in the Resettlement Process

Related Activities and Responsibilities	Responsibility
Recruitment of Implementing NGO	PMU
Design and reproduction of RAP Information Brochures	FO/NGO
Disclosure and public consultations	FO/NGO
Selection of members for PAVC, GRC and PRAC	FO/NGO
Design and carry out JVS by PAVC	DC/FO/NGO
Market survey on prices of affected properties by PAVC	NGO
Establishment of unit prices	PMU
Processing the JVS data of PAPs	NGO
Assessing PAHs and vulnerable PAPs to be relocated	NGO/FO
Determination of entitlements of individual PAPs	FO/NGO
Disclosure of RAP to BWDB, PAPs and other stakeholders	PMU/F/NGO
Review and concurrence of RAP	WB
Approval of RAP	BWDB
Mobilization of GRC	PMU/FO/NGO
Establishment of internal monitoring	BWDB
Budget approval for compensation and resettlement benefits	PMU
Release of funds for payment of compensation/resettlement benefits	BWDB/PMU
Payment of compensation/resettlement benefits	FO/NGO
Filing and resolution of complaints of PAPs,	FO/GRCs/NGO
Confirmation of “No Objection” for the award of civil works contract	WB
Relocation and livelihood restoration assistance	NGO/FO
Internal monitoring and supervision	PMU/FO/DSC
Independent external M&E	Independent monitor/ WB

6.9 PARTICIPATORY MANAGEMENT BODIES

6.9.1 Property Assessment and Valuation Committee

122. DCs and BWDB will conduct joint on-site verification of affected physical properties on private land proposed for acquisition for CEIP in selected polders. DCs will also assess the market price of the affected land, structure, trees and crops with data and assistance from Sub-Registry offices for land, Public Works Department for structure, Department of Forest (DoF) for trees, and Agriculture Extension and Agriculture Marketing departments for crops. As per WB OP 4.12 on involuntary resettlement, the authorized and unauthorized occupants of public land/BWDB land will be entitled for compensation and assistance following this RAP. These non-titled affected persons (persons without title to the land under acquisition) and their physical and economic losses will be assessed and RV of affected physical assets and income will be determined by a PAVC established for each FO of BWDB under the project. The PAVC will be a 5 member committee at each FO. The

members of PAVC will be nominated by the Executive Engineer of BWDB Division offices and approved by the PD, PMU, BWDB, and Dhaka.

Membership of PAVC

Sub-Divisional Engineer (PMU FO)	:	Convener
Representative of the Implementing NGO	:	Member-Secretary
Representative of concerned DC office	:	Member
Assistant Director, Land and Revenue (BWDB Circle)	:	Member
Ward Member/Councilor (concerned)	:	Member

123. The PAVC will verify and cross check the field book of the JVS conducted jointly by BWDB and the DCs at respective project area. The PAVC will also review and certify the census of affected households (titled and non-titled) and assets by the BWDB conducted through NGO/consultant. If there is major variation between Census and JVS data (more than 10%) in assessing affected properties, PAVC will consult the JVS for titled losses and the Census for non-titled losses. PAVC will assess quantity and category of affected physical property (structure, tree, business, common properties, etc.) on BWDB/public lands. RV of the affected physical property will also be determined by the PAVC based on current market price. The PAVC will design and conduct a property valuation survey (PVS) through survey and public consultation and consult secondary data to recommend RV of land and structures and market price of trees and crops as well as amount of loss of income at current market price.

6.9.2 Physical Relocation Assistance Committee

124. A PRAC will be formed for each polder under improvement with elected representatives from concerned UPs, village leaders, representatives from the affected persons, WMOs (if any), women and BWDB representations. The PRAC will be headed by the Executive Engineer, BWDB division office and authorized to undertake land search and assist the affected squatters/encroachers in relocation and resettling on a more permanent site. PRAC will look up BWDB's own resources in case of failure in finding out suitable alternative lands for relocation of the affected households, owners of affected businesses and other entities including squatters/encroachers. They will request the Director, Land and Revenue (DLR) of BWDB at circle office to allow squatters in situ in case no alternatives are found feasible.

Membership of PRAC

Executive Engineer (PMU FO)	:	Convener
Representative of the Implementing NGO	:	Member-Secretary
Local UP Member/Ward Councilor (nominated by concerned UP Chairman or Municipal/City Mayor)	:	Member
Assistant Director, Land and Revenue, BWDB Circle Office	:	Member
Representative from displaced households/persons	:	Member

6.9.3 Grievance Redress Committee

125. A GRC at local level will be formed for each Union with union level representation to ensure easy accessibility by the PAPs and communities. This local GRC and the process for resolving land acquisition grievances will be the local focal points of the project GRM. The GRM sets out the information and communications strategy to ensure that PAPs and communities are fully informed about their rights to offer suggestions and make complaints, and the different mechanisms through which they can do so, including grievances related to the land acquisition process. All grievances received through the GRM process will primarily be forwarded to the GRCs. The Secretariat for each GRC will be at the office of the Executive Engineer. If any grievance is not resolved at GRC, the aggrieved person may request the convener of GRC to forward the case to the PD at PMU, Dhaka. The GRC will officially forward the cases with their comments to the PD. Hearing of petitions with GRCs will be held at the Convener's office or at UP/Ward Councilor's office as agreed by the committee members. The membership of the GRCs will ensure proper presentation of complaints and grievances as well as impartial hearings and investigations, and transparent resolutions.

Membership of GRC

Executive Engineer (PMU FO)	: Convener
Representative of the Implementing NGO	: Member-Secretary
Local UP Member/Ward Councilor	: Member
Teacher from Local Educational Institution (nominated by Upazila Administration)	: Member
Representative from Local Women's Group	: Member
Representative from the PAP Group	: Member

126. Where IPs is among the PAP, the membership composition of the GRCs will take into account any traditional conflict resolution arrangements in consultation with the IP community leaders that IP communities usually practice. If the aggrieved person is a female, BWDB will ask the concerned female UP Member or Municipal Ward Councilor to participate in the hearings.

127. Members of the GRCs will be nominated by the Executive Engineer at division level and approved by the PD, PMU, BWDB, and Dhaka.

6.10 GRIEVANCE REDRESS MECHANISM

6.10.1 Background and Objectives

128. The law on land acquisition allows landowners to object to acquisitions at the beginning of the legal process. Once the objections are heard and disposed of, there is virtually no provision to address grievances and complaints that individual landowners may bring in the later stages of the process. Since the ordinance does not recognize them, there is no mechanism to hear and redress grievances of people who do not have legal titles to the acquired lands. As seen in various projects, complaints and grievances may range from disputes over ownership and inheritance of the acquired lands to affected persons and assets missed by censuses; valuation of affected assets; compensation payment; and the like. Considering the need, BWDB will establish a procedure to answer to queries and address complaints and grievances about any irregularities in application of the guidelines

adopted in this RAP for assessment and mitigation of social and environmental impacts. GRC will be formed for each polder at union level for receiving and settlement of grievances from the affected persons and their communities. Based on consensus, the procedure will help to resolve issues/conflicts amicably and quickly, saving the aggrieved persons from having to resort to expensive, time-consuming legal action. The procedure will however not pre-empt a person's right to go to the courts of law.

6.10.2 Grievance Resolution Process

129. All complaints will be received at the GRCs facilitated by the implementing NGO. The aggrieved persons may opt to make complaints directly to the PD or Secretary of the MoWR or even to the court of law for resolution. The Member Secretary will review and sort the cases in terms of nature of grievance, urgency of resolution, and schedule hearings in consultation with the Convener. All cases will be heard within four weeks from the date of receiving the complaints.

130. If the resolution attempt at the local level fails, the GRC will refer the complaint with the minutes of the hearings to the PD at PMU for further review. The PD will assign the Social Development and Resettlement Coordinator (SDRC) at PMU for review the grievance cases and assist PD in making decision. The SDRC will review the case records and pay field visits for cross examining and consult the GRC members and aggrieved persons, if required. If a decision at this level is again found unacceptable by the aggrieved person(s), BWDB can refer the case to the MoWR with the minutes of the hearings at local and headquarters levels (Figure 6.1). At the ministry level, decisions on unresolved cases, if any, will be made in no more than four weeks by an official designated by the Secretary, MoWR. A decision agreed with the aggrieved person(s) at any level of hearing will be binding upon BWDB.

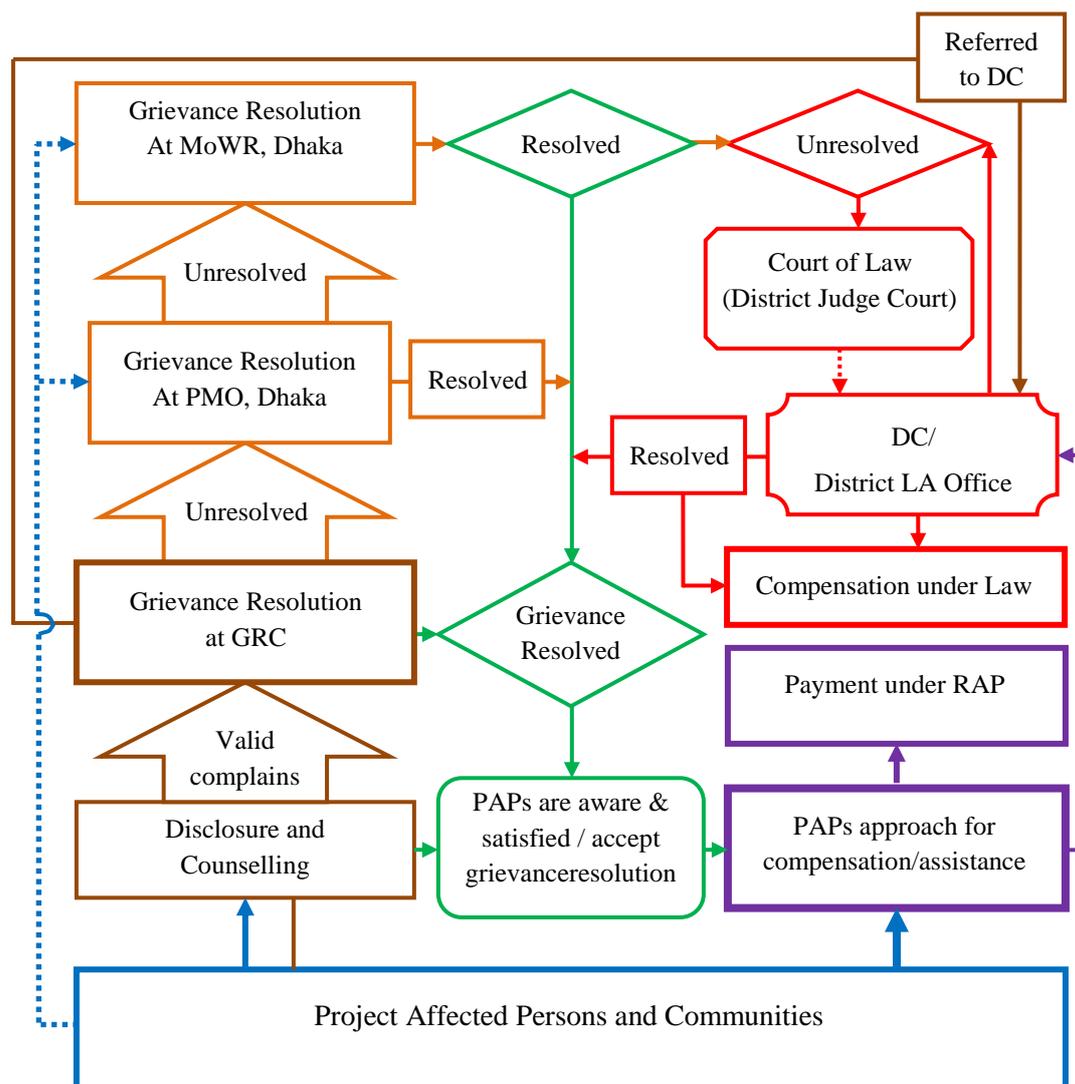
131. Various steps in the grievance process are summarized in the Table 20 in light of the institutional responsibilities furnished in Figure 6.1.

Table 20 : Steps in Grievance Resolution Process

Step 1	<ul style="list-style-type: none"> • The NGO on behalf of BWDB informs PAPs and counsels them on land acquisition and resettlement policy, compensation and entitlement modalities, entitlement packages, and eligibility and process to obtain the entitlements. • PAPs with clear understanding approach DC and EA for CUL and assistance under the RAP as applicable. • PAPs with confusion and valid complaints on land acquisition and resettlement process and entitlements approach GRC for resolution. The aggrieved persons may also opt to produce their grievances directly to the PMU or to the Secretary, MoWR for resolution.
Step 2	<ul style="list-style-type: none"> • The implementing NGO assists the aggrieved PAPs to produce a written complaint to the convener of GRC with stories, expectations and any parties. The NGO counsels the aggrieved persons on the mandate and procedure of grievance resolution. • GRC scrutinize the case records and sort out cases to be referred to the DC or the court of law and those to be resolved in GRC. • Hearing is organized on cases with merit at the GRC secretariat or at UP Offices at local level and resolution is given by the GRC in 4 weeks of receiving the complaints. • Aggrieved PAPs satisfied with the resolution approach the EA for resettlement assistance under the provision of the RAP. The agreed resolution is forward to PMU for approval by the PD before processing entitlements for the entitled person. • In case the resolution is not acceptable to the aggrieved person, he/she approaches the PMU through the GRC convener with assistance from the implementing NGO for further

	review.
Step 3	<ul style="list-style-type: none"> • Cases with all proceedings are placed with the PMU, where the PD reviews them at PMU with assistance from the Senior Social Specialist (SSS). If found necessary, field investigation is carried out and the resolutions are given within 4 weeks of receiving the complaints. • Aggrieved PAPs satisfied with the resolution approach the EA for resettlement assistance under the provision of the RAP. The resolution will be sent to the Conveners office to communicate to the aggrieved persons for acceptance. The resolution accepted by the aggrieved person is then approved by the PD. • In case the resolution is not acceptable to the aggrieved person, he/she approaches the Secretary, MoWR through the SSS at PMU with assistance from the SS at the FO.
Step 4	<ul style="list-style-type: none"> • Cases with all proceedings from GRC and from PMU are placed with the Secretary, MoWR where the Secretary appoints a reviewer to resolve the grievance in view of the merits and redirect the case records to the PD, PMU with written resolutions within 4 weeks of receiving the complaints. • Aggrieved PAPs satisfied with the resolution approach the EA for resettlement assistance under the provision of the RAP. The resolution will be sent to the Conveners office to communicate to the aggrieved persons for acceptance. The resolution accepted by the aggrieved person is then approved by the PD. • Aggrieved PAPs may opt to approach to the Court of Law, if the resolution at MoWR is not acceptable to him/her.
Step 5	<ul style="list-style-type: none"> • The resolution accepted by the aggrieved persons at any level (GRC, PMU, MoWR) is approved/nodded by the PD and forwarded back to the Conveners' office keeping records at his/her office. • Based on the approved grievance resolution, the implementing NGO processes his/her entitlements and assists EA in arranging payment.

Figure 4 : Grievance Redress Flow Chart



132. To ensure that grievance redress decisions are made in formal hearings and in a transparent manner, the Convener will apply the following guidelines:

- i) To ensure that grievance redress decisions are made in formal hearings and in a transparent manner, the Convener will apply the following guidelines:
- ii) Reject a grievance redress application with any recommendations written on it by a GRC member or others such as politicians and other influential persons.
- iii) Remove a recommendation by any person that may separately accompany the grievance redress application.
- iv) Disqualify a GRC member who has made a recommendation on the application separately before the formal hearing:
- v) Where a GRC member is removed, appoint another person in consultation with the PD.
- vi) The Convener will also ensure strict adherence to the impact mitigation policies and guidelines adopted in this RAP and the mitigation standards, such as compensation rates established through market price surveys.

6.10.3 Disclosure and Documentation

133. The affected persons and their communities will be informed of the project's GRM in open meetings at important locations and in PAP group meetings. Bangla translations of the RAP and the GRM in the form of information brochures will be distributed among the PAPs. The PAPs will also be briefed on the scope of the GRC, the procedure for lodging grievances cases and the procedure of grievance resolution at the project level.

134. To ensure impartiality and transparency, hearings on complaints will remain open to the public. The GRCs will record the details of the complaints and their resolution in a register, including intake details, resolution process and the closing procedures. BWDB will maintain the following three Grievance Registers:

- a. **Intake Register:** (1) Case number, (2) Date of receipt, (3) Name of complainant, (4) Gender, (5) Father or husband, (6) Complete address, (7) Main grievance regarding social (loss of land/property or entitlements) or environmental, (8) Complainants' story and expectation with evidence, and (8) Previous records of similar grievances.
- b. **Resolution Register:** (1) Serial no., (2) Case no., (3) Name of complainant, (4) Complainant's story and expectation, (5) Date of hearing, (6) Date of field investigation (if any), (7) Results of hearing and field investigation, (8) Decision of GRC, (9) Progress (pending, solved), and (10) Agreements or commitments.
- c. **Closing Register:** (1) Serial no., (2) Case no., (3) Name of complainant, (4) Decisions and response to complainants, (5) Mode and medium of communication, (6) Date of closing, (7) Confirmation of complainants' satisfaction, and (8) Management actions to avoid recurrence.

135. Grievance resolution will be a continuous process in RAP implementation. The PMU and FOs will keep records of all resolved and unresolved complaints and grievances (one file for each case record) and make them available for review as and when asked for by WB and any other interested persons/entities. The PMU will also prepare periodic reports on the grievance resolution process and publish these on the BWDB website. The format in Annex II may be used for periodic grievance reporting.

6.11 RAP IMPLEMENTATION SCHEDULE

136. A time-bound implementation schedule for the RAP will be prepared in accordance with the project construction schedule. The overall schedule of implementation is based on the principle that people affected by the project are paid their due resettlement benefits prior to displacement. The NGO will assist the PAPs in the process of relocation and resettlement. Individual entitlements on a household basis will be processed by the NGO. Each EP will receive an ID card and an entitlement card. The ID card will be issued by BWDB to the EPs as identified during JVS with joint signature of the BWDB representative and Field Coordinator of the Implementing NGO. Photograph of the EPs will be attested by the concerned UP Chairman and pasted on the ID card.

137. The total RAP implementation period will be 6 years. The Implementing NGO contract will be awarded at least 9 months before starting construction work so that they can arrange payment of compensation/resettlement benefits phase by phase to the EPs prior to displacement. Implementation of RAP will continue during construction (5 years) and 3 months after construction work for entertaining claims/grievances of the EPs regarding payment of compensation and other resettlement benefits. However, some of the activities for RAP implementation may extend further. The preliminary time bound implementation schedule is placed in Table 21.

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Sl. No.	Year	Year 1				Year 2				Year 3				Year 4				Year 5				Year 6				Total Month
	Quarter	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	
	Land Acquisition & Resettlement Activities																									
	to EPs by BWDB																									
12.	Redress of Grievances																									51
13.	Payment of Other Resettlement benefits based on GRC decision																									51
14.	Relocation of HHs and CBEs																									9
16.	Submission of project completion report by NGO																									1
17.	M&E																									32

CHAPTER 7 BUDGET AND SOURCES OF FINANCING

7.1 BUDGETING AND FINANCING PLAN

138. Land acquisition and resettlement cost will be arranged as per financing plan agreed by the Government and WB. The estimated budget has been prepared based on the policy of the RAP and PVS data for land structure and trees collected from different categories of people living in and around the project area. The budget includes compensation for land and structures at replacement cost, compensation for trees, relocation of structures, grants/benefits for business, wage and vulnerability. The budget also kept provision of land development cost for homestead land losers (if not relocated by the project) and extra grants for vulnerable squatters/encroachers.

139. The resettlement cash assistance as per the project policy will be paid directly by the BWDB. However, the NGO will assist the BWDB to assess the quantity of losses, validate eligible persons for resettlement and rehabilitation, and prepare resettlement budget individually for each of the five first year polders and for the first year package of construction. The BWDB will approve the budget and arrange payment of additional compensation and resettlement assistance to the eligible persons.

140. The PMU will ensure that the resettlement budgets are delivered on time to make payment of resettlement benefits to the PAPs. The PMU will also ensure that the RAP should be submitted to WB for concurrence, and that funds for payment of resettlement assistance under the RAP are fully provided to PAPs prior to award of civil works contract.

141. The RAP budget for compensation and assistance for structures, business and special assistance will be calculated using the current market rates reflecting replacement cost at the time of dispossession. The costs for relocation and special assistance will be consistent with the resettlement policy. Other costs involving project disclosure, public consultations, surveys, and training and income restoration measures have been included in the budget.

7.2 LAND ACQUISITION AND RESETTLEMENT BUDGET

142. The total estimated cost for land acquisition and resettlement for the first year program is BDT 1,575 million equivalent to USD 19.20 million (1 USD=82 BDT) including payment of compensation for land, structures, trees & other resettlement benefits to the households, commercial & business enterprises and common property resources. The budget includes payment of CULthroughDCs. The budget has kept provision for 10% contingency to meet unforeseen expenditure due to GRC and others issues. The resettlement budget includes capacity building training of the EA officials associated with the project, the operation cost of the implementing NGO and costs for independent review and evaluation.

143. Summary of the land acquisition and resettlement budget including capacity development and implementation of the RAP is given in Table 22. The cost by polder include 41% in Polder 39/2C, 23% in Polder 35/1, 15% in Polder 32, 15% in Polder 33 and only 6% in Polder 35/3. Details of the budget are given at respective discussion of land acquisition and resettlement of individual polders.

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Table 22 : Land Acquisition and Resettlement Budget (BDT)

	Head of budget	Polder 32	Polder 33	Polder 35/1	Polder 35/3	Polder 39/2-C	Total
A	Compensation for land	48,563,288	30,177,082	91,439,516	18,753,406	223,558,015	412,491,307
B	Compensation for structure	101,371,395	111,444,295	121,309,075	26,374,355	150,938,965	511,438,085
C	Compensation for Trees	245,000	15,000	6,002,850	21,856,800	145,395,500	173,515,150
D	Compensation for Fish Stock	-	1,096	68,200	817,680	121,600	1,008,576
E	Other Resettlement and Livelihood assistance	45,822,524	57,945,444	85,910,886	12,766,373	50,349,890	252,795,118
F	Capacity building training for officials of EA	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	5,000,000
G	Relocation sites and civic facilities	5,000,000	5,000,000	5,000,000	1,000,000	5,000,000	21,000,000
H	Operation cost for Implementing NGO	10,000,000	10,000,000	10,000,000	5,000,000	10,000,000	45,000,000
I	Operation cost for External Monitoring Agency	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	10,000,000
J	Contingency @ 10% of the total A-I	21,400,221	21,758,292	32,273,053	8,956,861	58,836,397	143,224,824
	Total Estimate Budget	235,402,427	239,341,209	355,003,580	98,525,476	647,200,367	1,575,473,059
	Percentage	14.94	15.19	22.53	6.25	41.08	100.00

7.3 ASSESSMENT OF UNIT VALUE FOR COMPENSATION

144. Compensation for the affected properties has been determined based on PVSs, cost of living and experience from other development projects recently implemented in the country. Compensation for land has been valued based on PVS with a structured questionnaire. At least 10 people from each affected mauza (where land is affected) from different categories of people such as potential sellers & buyers, teachers, religious leaders, and the like have been interviewed. Results of the survey have been averaged for each mauza and mauza wise average rate have been further averaged for determining polder wise rate of land. Compensation for structure and trees has been determined based on the PVS and experience from the recent development projects. Cost of materials for constructing structures has been taken into account for determining structure value. PWD rate is also consulted for valuation of non-shiftable structure. Crops and fish stocks have been valued based on other recent project experience. These rates would be reviewed by PAVC during implementation of the RAP. Polder wise rates of different categories of land have been presented in Table 23.

Table 23 : Replacement Value of Land by Polders (Feb 2012)

Type of land	Polder 32 (Per Ha in BDT)	Polder 33 (Per Ha in BDT)	Polder 35/1 (Per Ha in BDT)	Polder 35/3 (Per Ha in BDT)	Polder 39/2C (Per Ha in BDT)
Homestead	926250	1646749	1729000	1967849	3513328
Single cropped	720499	1482000	1280448	1022827	1482000
Double cropped	790400	0	1302925	1504724	2404051
Multi cropped	0	0	1443468		1914250
Orchard	0	0	1583023	1218451	2166437
Pond	0	1482000	1074450	745199	2593500
Shim Culture	0	0	1451125	999115	2099500
Canal or Beel	0	0	1074450	523393	2165943
Others	0	0	996151		2124200

Source: KMC property valuation survey Dec 2011 to Feb 2012

145. Compensation for structure and trees has been determined based on the PVS and experience from the recent development projects. Cost of materials for constructing structures has been taken into account for determining structure value. PWD rate is also consulted for valuation of non-shiftable structure. Crops and fish stocks have been valued based on other recent project experience. These rates would be reviewed by PAVC during implementation of the RAP. Rate of structure per sft and number has been presented in Table 24.

Table 24 : Replacement Value of Structure by Polder (Feb 2012)

Type of Structure	Rate in BDT per unit (sft, rft, no.)				
	Polder 32	Polder 33	Polder 35/1	Polder 35/3	Polder 39/2C
Pucca (sft)	1200	1200	1200	1200	1200
Semi Pucca (sft)	600	600	600	600	600
Tin Made (sft)	380	380	380	380	380
Katcha (sft)	275	275	275	275	275
Thatched (sft)	150	150	150	150	150
Katcha Latrine (No.)	2000	2000	2000	2000	2000
Slub Latrine (No.)	3000	3000	3000	3000	3000
Pucca Latrine (No.)	12000	12000	12000	12000	12000
Tube well (No.)	16000	16000	16000	16000	16000
Boundary Wall (Pucca) (rft)	300	300	300	300	300
Gate (rft.)	500	500	500	500	
Pillar (No.)	300	300			
Stairs (rft)		1000			
Water Tank (cft.)	1200		1200	1200	
Chatal(sft.)				50	
Bench(No.)				10000	

Source: KMC property valuation survey Dec 2011 to Feb 2012

146. Unit rate of trees have been assessed through market survey among the wood businessmen, local people, etc. Rate of the trees taken from different people have been averaged to determined polder-wise unique rate. Polder wise rate of trees has been presented in Table 25.

Table 25 : Polder Wise Rate of Affected Tree

Type of Tree	Polder 32	Polder 33	Polder 35/1	Polder 35/3	Polder 39/2C
Large	4000		4000	4000	4000
Medium	2500	2500	2500	2500	2500
Small	500		500	500	500
Plant	100		100	100	100
Betel-Nut	1000		1000	1000	1000
Banana	300		300	300	300
Bamboo	0		250	250	250

Source: KMC property valuation survey Dec 2011 to Feb 2012

147. The methodologies followed for assessing unit compensation values of different items are as follows:

- All categories of affected lands have been valued based on actual transactions prevailing at the respective Mauzas/areas during the last 12 months from the date of survey. A structured questionnaire was used to collect information on land price from the local people of various occupational groups such as potential seller and buyer, School Teacher, religious leader, deed writer, etc. All prices collected from the people were averaged (Mauza wise) and further averaged all Mauzas to reach a standard rate for each polder by category of land.
- Structures have been valued at replacement cost based on cost of materials, type of construction, labor, transport and other construction costs. No deductions have been applied for depreciation and transaction costs.
- Compensation for trees has been determined based on species and girth categories. The price of the trees and perennials was collected through questionnaire survey among the local people.
- Business restoration grant has been determined based on invested capital and annual turnover of the business. Different categories of business were found affected by the project in terms of nature and invested capital. Equal grants for all categories business enterprises have been considered in budget.
- Special assistance for vulnerable households has been determined based on income level, female headed household, etc.

148. Resettlement assistances under the policy of this RAP have been proposed in the budget based on income and expenditure, standard of living, and labor cost in the area. The amounts of various assistances proposed for preparation of the RAP budget are as follows:

- A. RA for owner users of homestead under VNR Property at the rate of BDT 1000 per month for six months.
- B. One time cash grant of BDT 3000 for tenant households and shops for shifting their goods and belongings.
- C. Wage rate in the local area is BDT 250 (Two hundred fifty) assessed as of February 2012.

7.4 APPROVAL OF THE BUDGET

149. The resettlement budget included in the RAP will need to be approved by the MoWR along with the RAP and the DPP prepared by BWDB.

150. The Implementing NGO will assist BWDB to prepare resettlement budgets covering all eligible loss and entitlements confirmed through joint verification and determination of replacement price of properties by PVAC. This budget will be approved by BWDB through appropriate authorities and made available for placement with the resettlement account of the BWDB- PMU as per a requisition from the PD.

7.5 MANAGEMENT OF COMPENSATION AND FLOW OF FUNDS

151. The BWDB does not have any set codified rules for payment of benefits to PAPs for resettlement of affected persons. Under the circumstances, a detailed administrative guideline (payment modality) will be required to implement the RAP at the field level. The BWDB will prepare the administrative guideline (payment modality). Both the BWDB-FO and the implementing NGO will follow the administrative guideline after its approval from the PD. The modality should include definition of various resettlement terms, the entitlements, the detailed procedure for identification of eligible persons for resettlement entitlements of the RAP, and assess loss and entitlement of individual PAPs, process payments, effecting their disbursement and documentation.

152. The PMU, with requisition of payments from the FO, will place funds with the regional accounting centre (RAC) to make payment of compensation/resettlement benefits. The RAC will prepare cheques for individual PAPs according to an indent/demand note to be sent from the PMU. The administrative guidelines will contain details of the management aspects and monitoring mechanism. Vouchers on payment will be prepared in quadruplicate: one for FO-Field, one for PMU records, one for the NGO, and one for the RAC. The RAC according to procedure will make payment and vouchers will be signed by concerned officials of BWDB.

CHAPTER 8 MONITORING AND EVALUATION

8.1 SUPERVISION, MONITORING AND EVALUATION

153. BWDB as the EA, through the Project Management Office, will establish a monitoring system involving the Executive Engineer (XEN), FO, and the DS Consultants for collection, analysis, reporting and use of information about the progress of resettlement, based on the RAP policy. These stakeholders will be made responsible to monitor the progress of all aspects of resettlement and income generation. The EA will report to the WB on resettlement and income regeneration by PAPs in the quarterly reports, including identification of significant issues. Besides, a project completion report stipulating all efforts and outcome will be sought by the WB from the BWDB.

154. The RAP implementation monitoring will be done internally to provide feedback to BWDB upon M&E reports and other relevant data to identify any action needed to improve resettlement performance or respond to the changing circumstances. Evaluation of the resettlement activities will be undertaken during and after implementation of the RAP to assess whether the resettlement objectives were appropriate and whether they were met, specifically, whether livelihoods and living standards have been restored or enhanced. A qualified independent monitor will be engaged as third party monitor during RAP implementation. The evaluation will also assess resettlement efficiency, effectiveness, impact and sustainability, drawing lessons as a guide to future resettlement planning. Budgetary provision has been kept in this RAP for independent monitoring.

8.2 INTERNAL MONITORING

155. Monitoring will be undertaken by the PMU through the FO and NGO. The NGO will gather information on RAP implementation covering relevant activities as per the schedule. All activities listed will be illustrated in Gantt Charts showing the target dates for completing resettlement activities. Monitoring reports on RAP implementation will be included in the quarterly Project Progress Report (PPR). The EA will make semi-annual reporting to WB on monitoring. The report of the FO will contain: (i) accomplishment to-date, (ii) objectives attained and not attained during the period, (iii) challenges encountered, and (iv) targets for the next quarter. The internal monitoring report will then be integrated by the PMU with the overall PPR submitted to WB. Measurable set of indicators for monitoring with achievable targets will be developed and agreed with the Bank during inception of the RAP implementation. Table 27 below shows the potential monitoring indicators that will be reported. The draft RAP implementation monitoring framework is attached in *Annex-V*.

Table 26 : Potential Monitoring Indicators

Monitoring Issues	Monitoring Indicators
Budget and Timeframe	<ul style="list-style-type: none"> • Have all resettlement staff been appointed and mobilized for field and office work on schedule? • Have capacity building and training activities been completed on schedule? • Are resettlement implementation activities being achieved against agreed implementation plan? • Are funds for resettlement being allocated to resettlement agencies on time? • Have resettlement offices received the scheduled funds? • Have funds been disbursed according to RAP? • Has the land made encumbrance free and handed over to the contractor in time for project implementation?
Delivery of PAP Entitlements	<ul style="list-style-type: none"> • Have all PAPs received entitlements according to numbers and categories of loss set out in the entitlement matrix? • How many affected households relocated and built their new structure at new location? • Are income and livelihood restoration activities being implemented as planned? • Have affected businesses received entitlements? • Have the squatters, encroachers of BWDB land displaced due to the project, been compensated? • Have the community structures (e.g. Mosque, etc.) been compensated for and rebuilt at new site? • Have all processes been documented?
Consultation, Grievances and Special Issues	<ul style="list-style-type: none"> • Have resettlement information brochures/leaflets been prepared and distributed? • Have consultations taken place as scheduled including meetings, groups, community activities? • Have any PAPs used the grievance redress procedures? What are grievances were raised? What were the outcomes? • Have conflicts been resolved? • Have grievances and resolutions been documented? • Have any cases been taken to court?
Benefit Monitoring	<ul style="list-style-type: none"> • What changes have occurred in patterns of occupation compared to the pre-project situation? • What changes have occurred in income and expenditure patterns compared to pre-project situation? • Have PAPs income kept pace with these changes? • What changes have occurred for vulnerable groups?

8.3 COMPLIANCE MONITORING

156. Compliance monitoring of RAP implementation will cover (i) project compensation and entitlement policies, (ii) adequacy of organizational mechanism for implementing the RAP, (iii) restoration of PAPs incomes, (iv) settling complaints and grievances, and (v) provisions for adequate budgetary support by BWDB for implementing the RAP. The DS Consultants will assess if the PAPs: (i) have been paid proper compensation and resettlement benefits; (ii) have reestablished their structures; (iii) have reestablished their business; and (iii) were extended assistance to restore their incomes from pre-project

levels. It will also appraise the accounting documents used in recording the payments of compensation to PAPs by the EA.

8.4 VERIFICATION OF MONITORING

157. In order to implement the RAP properly, independent monitoring by third party to the EA, the design supervision consultant and the implementing NGO, by a qualified individual or organization, has been provided for whole period (intermittently) of the resettlement implementation. Through independent verification of monitoring, it will be possible to identify bottlenecks and amend/improve the RAP implementation procedure or payment modality through executive order, if found necessary. A Terms of Reference of the independent monitor is attached in *Annex III*. The major objectives of engaging the independent monitor are to:

- Assess the overall approach of land acquisition and resettlement activities in the polders;
- Verify results of internal monitoring;
- Assess whether resettlement objectives have been met; specifically, whether livelihoods and living standards have been restored or enhanced;
- Assess resettlement efficiency, effectiveness, impact and sustainability drawing lessons as a guide to future resettlement policy making and planning; and
- Ascertain whether the resettlement entitlements were appropriate in meeting the objectives, and whether the objectives were suited to PAP conditions.

ANNEX I: TASKS AND RESPONSIBILITY MATRIX FOR BWDB

Main tasks	Specific activities	PMU, BWDB HQ	BWDB FOs	Consultant/ NGO
Social impact assessment (SIA)	Selection of polders and other components	PD,SSS	PM, SDE, SS	TL &ND
	Identification of land requirements	PD, SSS, SRS	PM, SDE, SS	TL & LARS
	Social screening and public consultation	PD, SSS	PM, SDE, SS	LARS
	Census and inventory of losses	PD, SSS	PM, SDE, SS	LARS
	Preparation of resettlement plans	PD, SSS, SRS	PM, SDE, SS	LARS
Land acquisition	Preparation of LAPs	PD, SSS, SRS	PM, SDE, SS	LARS, NGO
	Obtaining administrative approval on land acquisition	PD, SRS	PM, SDE, SS	
	Participation in joint verification and valuation	SSS, SRS	PM, SDE, SS	LARS, NGO
	Providing funds for land acquisition	PD, SRS	PM, SDE, SS	
	Following up land acquisition process by DCs and ensure payment to all affected persons	PD, SSS, SRS	PM, SDE, SS	LARS, NGO
	Taking over land and handing over to contractors	PD, SRS	PM, SDE, SS	LARS
Implementation of mitigation plans	Identification of affected persons entitled for resettlement assistance	SSS, SRS	PM, SDE, SS	LARS, NGO
	Preparation of resettlement budgets and requisition to PMU		PM, SDE, SS	LARS, NGO
	Allocation of funds for resettlement & rehabilitation	PD		
	Payment of top-up and other cash assistance to PAPs		PM, SDE, SS	LARS, NGO
	Relocation of PAPs	SSS, SRS	PM, SDE, SS	LARS, NGO
Supervision and monitoring	Land acquisition	PD, SSS, SRS	PM, SDE, SS	LARS
	SIA	PD, SSS	PM, SDE, SS	LARS
	Implementation of mitigation plans	PD, SSS	PM, SDE, SS	LARS

PD = Project Director, SSS = Senior Social Specialist, SRS = Senior Revenue Staff, SS = Social Specialist, SDE= Sub-divisional Engineer, PM = Project Manager (Executive Engineer) LARS = DS Consultant's Land Acquisition and Resettlement Specialist, TL = Team Leader of NGO

ANNEX II: BIENNIAL GRIEVANCE REPORT

Period from ____ to ____, 20__

Project Phase: _____

Case No.	Complainant's name, gender and location	Nature of complaints and expectation of complainant	Date of Petition submitted	Method of resolution with dates	Decisions and date of communication to the complainant	Agreement with and commitment to complainant	Progress (solved/pending)	Reason, if pending

ANNEX III: DRAFT TERMS OF REFERENCE FOR INDEPENDENT EVALUATION

Objectives

The primary objectives for engaging independent evaluation consultant are to review the planning and implementation of land acquisition and involuntary resettlement and its results, and provide feedback to BWDB and the WB on: (a) the project's achievements and shortcomings in respect of land acquisition; and (b) policy improvement and enhancement of the implementation process. The consultants will review the implementation process as per the policies set out in the RAP, assess the achievement of resettlement objectives, the changes in living standards and livelihoods, the restoration of the economic and social base of affected people with special focus on women and vulnerable groups, the effectiveness, impact and sustainability of entitlements, the need for further mitigation measures if any, and identify strategic lessons for future policy formulation and planning.

Scope of Work

The scope of work of the consultants will include the following tasks:

- Review the policies and procedures for land acquisition and involuntary resettlement under CEIP-I, and the monitoring processes and their outputs, and summarize the results based on the available monitoring data.
- Evaluate and assess the adequacy of compensation given to the PAPs and the livelihood opportunities offered, including those for vulnerable women and TPs, and the effects on incomes as well as the quality of life of PAPs of project-induced changes.
- Review the quality and suitability of the relocation sites from the perspective of the both affected and host communities.
- Identify the categories of impacts and evaluate the quality, timeliness and sufficiency of delivery of entitlements (compensation and rehabilitation measures) for each category in relation to the approved policy. Assess how the entitlements were used and evaluate their impact and adequacy to meet the specified objectives of the Plans.
- Review the results of internal monitoring and evaluate the claims through checks at the field level to assess whether land acquisition/resettlement objectives have been generally met. Involve the affected people and community groups, including vulnerable women and TPs, in assessing the impact of land acquisition.
- Evaluate the adequacy and effectiveness of the participatory and consultative process with PAPs, particularly vulnerable groups and women, including the adequacy and effectiveness of grievance procedures and legal redress available to the affected parties, and dissemination of information about these.
- Provide a quantified assessment of the types of conflicts and grievances reported and resolved and the consultation and participation procedures.
- Assess the adequacy of budget for resettlement activities.
- Evaluate whether land acquisition and involuntary resettlement was implemented (a) in accordance with the RPs/TPPs, and (b) in accordance with the stated policy, define the socio-economic impacts on PAPs, and assess whether the project social development goals were achieved and adverse impacts avoided.

- Identify the strengths and weaknesses of the land acquisition/resettlement policies, objectives and implementation strategies applied, and make recommendations on policy improvement and enhancement of the implementation process.

Qualification and experience

The independent consulting organization that carries out the evaluation will have extensive experience in SIA including census and socio-economic surveys, stakeholder consultation, and analyzing social impacts including gender issues in compliance with the social safeguard policies of international development financing institutions and in planning, implementation and monitoring of resettlement plans. Institutional capacity analysis and implementation arrangements for preparation and implementation of tribal people's plans, gender action plans etc. will be treated as an additional qualification. It is required to have knowledge of the latest social safeguard policies of the WB.

The consultant team should constitute with a livelihood specialist, a LARS and a computerized database specialist. The livelihood specialist should have at least masters in economics and 5 years' experience in livelihood related operation. The LARS should have masters in sociology or any other social sciences and 10 years practical experience in relevant field. The database specialist should be a science graduate with professional experience of 5 years in development and management of computerized database including at least 2 years in management of involuntary resettlement.

Time Frame and Reporting

At the commencement of each works package the consultants will: (a) review the CEIP-I land acquisition/resettlement policies, objectives, implementation strategies and procedures; (b) design in consultation with BWDB the impact evaluation methodology, sampling frame and field survey procedures; and (c) collect and analyze baseline data.

Prior to project mid-term of each works package the consultant will expand the collection and analysis of baseline data, and conduct and analyze sample impact evaluation surveys including field consultations.

Towards end of each works package, the consultant will carry out all additional work necessary, including field data collection and analysis and field consultations, to complete the evaluation study.

At each of the three stages of the work the consultants will submit a draft report for review by BWDB and the WB, and finalize the report incorporating the comments and feedback received.

**ANNEX IV : ROLES AND RESPONSIBILITIES OF BWDB OFFICIALS
AND IMPLEMENTING NGO**

1. Project Management Unit, BWDB

A. Project Director

Overall responsibility: Coordinating preparation and implementation of the land acquisition and resettlement activities in time.

Specific responsibility:

- Routinely reviews and updates the schedules for polders selection, and design & implementation of civil works and other tasks, and coordinates them with the process tasks required for land acquisition, and RAP preparation and implementation.
- Coordinates, facilitates and monitors all activities performed at PMU and FO levels and ensures that all process tasks leading to polder selection; design of the rehabilitation/improvement works with land acquisition needs and their ground locations; and placement of acquisition funds with DCs, are all completed in time.
- Monitoring the PAP censuses and other tasks for RAP preparation and implementation, and that the PAPs are paid their compensations/entitlements in full before they are evicted from the acquired lands.
- Ensures that the phase-wise RAPs are prepared in time for review and approval by the Bank before the civil works packages are accepted for IDA financing.
- Liaises with and appraises the MoWR to resolve any issues that are deemed instrumental for land acquisition and preparation and implementation of the resettlement activities.
- Ensures that all information on land acquisition, RAP preparation and implementation activities, which are transmitted from Zone and Circle levels, are collated and reported to IDA on a monthly basis, and status reports are prepared for all formal review missions.

B. Senior Social Specialist (SSS)

Overall responsibility: Responsible for overseeing and coordinating the process tasks required for preparation and implementation of land acquisition and resettlement activities in time, analyzing and collating all related information in the PMU and transmitting them to FO.

Specific responsibility:

- ❖ Review, update and coordinate with project schedules for polder selection, design and implementation of civil works and other tasks, vis-a-vis the process tasks required for land acquisition, and RAP preparation and implementation.
- ❖ Coordinate and facilitate all activities contained in Resettlement planning such as social survey, public consultations etc. and LAP preparation by respective Social Development and Resettlement Officer at FO level in association with the Resettlement Specialist of DSC and approval thereof by MoWR and DCs/DLACs; and placement of funds for acquisition.

- ❖ Coordinate and -facilitate PAP censuses, market price surveys and other process tasks for RAP preparation and implementation, and monitors the RAP implementation process ensuring that 'the PAPs are paid their compensations/entitlements in full before they are evicted from the acquired lands. Ensure that all information related to land acquisition and resettlement are generated and collected from the field and secondary sources and are analyzed, collated and instruct DSC to prepare the phase-wise RPs. Routinely monitor progress in land acquisition and RAP implementation activities and keep PD informed on a monthly basis, and assist with the preparation of formal status reports for IDA review missions.
- ❖ Facilitate the land acquisition activities by liaising, as and when necessary, with the DCs and other GoB departments in the District level.

2. BWDB Zonal Office

A. Chief Engineer

Overall responsibility: Overseeing and coordinating the process tasks required for civil construction and preparation & implementation of land acquisition and resettlement activities in time, analyzing and collating all related information in the Zones and transmitting them to PMU.

Specific responsibility:

- ❖ Review, update and coordinate with PD the Zonal schedules for polder selection, design and implementation of civil works and other tasks required for land acquisition, and RAP preparation and implementation under the CEIP.
- ❖ Coordinate and facilitate all activities contained in the project polders, social screening and public consultations; design of the civil works identifying the land acquisition needs and their ground locations; LAP preparation by respective XENs in association with the Assistant Director Land and Revenue, and approval thereof by MoWR and DCs/DLACs; and placement of funds for acquisition.
- ❖ Coordinate and -facilitate PAP censuses, market price surveys and other process tasks for RAP preparation and implementation, and monitors the RAP implementation process ensuring that 'the PAPs are paid their compensations/entitlements in full before they are evicted from the acquired lands.
- ❖ Ensure that all information related to land acquisition and resettlement are generated and collected from the Circles and Divisions, and are analyzed, collated and sent to PMU to prepare the phase-wise RAPs.
- ❖ Routinely monitor progress in land acquisition and RAP implementation activities and keep PMU informed on a monthly basis, and assist with the preparation of formal status reports for IDA review missions.
- ❖ Facilitate the land acquisition activities by liaising, as and when necessary, with the DCs and other GoB departments in the Zone

B. Superintending Engineer

Overall responsibility: Coordinate with Chief Engineers and XENs at Zone and Division levels the process tasks leading to, and oversee preparation of the LAPs by DLR staff, review and approve the land acquisition budgets from DCs, and actively assist DLR staff and XENs follow through the acquisition process.

Specific responsibility:

- ❖ Oversee LAP preparation by DLR staff in coordination with engineering design of the rehabilitation/ improvement works and their ground locations.
- ❖ Reviews and approves land acquisition budgets prepared received by XENs, and monitors placement of acquisition funds with DCs. a Review and approve the top-up and other compensation (for those not covered by the acquisition law, but provided in the Resettlement Policy Framework) budgets.
- ❖ Facilitate the overall acquisition process by helping the XENs and DLR staff resolve any acquisition-related issues.

C. Assistant Director, Land and Revenue

Overall responsibility: Prepare LAPs, liaise with the land acquisition officials and follow through the acquisition process, and assist affected landowners in procuring any missing legal documents required to claim CUL.

Specific responsibility:

- ❖ In close consultation with the PM and SS, prepare the formal LAPs including all the documents as required by the acquisition authority (acquiring body).
- ❖ Liaise with the land acquisition officials and follow through the acquisition process, including CUL payment by DCs.
- ❖ Monitor the NGO activities in assisting PAPs in procuring any missing legal documents that are required to claim CUL from DCs.
- ❖ Assist SS (at FO), SSS (at PMU) and others in collecting CUL payment information from DCs by keeping liaison with Land Acquisition section of DC office.
- ❖ Participate in physical relocation assistance procedure of the displaced households. Play role as member of the PRAC and make aware of the affected people in relocation process.
- ❖ Perform other tasks that are pertinent to land acquisition and resettlement.

3. Field Office (FO)

A. Project Manager (Executive Engineer XEN)

Overall responsibility: Monitoring the process tasks of preparing and implementing land acquisition and resettlement activities in time, analyzing and collating all related information in the FO and report to PMU.

Specific responsibility:

- ❖ Review, update and coordinate with Project schedules for polder selection, design and implementation of civil works and other tasks, vis-a-vis the process tasks required for land acquisition, and RAP preparation and implementation.
- ❖ Coordinate preparation of LAP in association with the Resettlement Specialist of DSC and send them to the PMU for getting approval from MoWR and sending to DCs for necessary acquisition process.
- ❖ Perform as convener of the GRC and ensure that all APs are aware of their right to make grievance on valid ground regarding land acquisition, resettlement and environmental issues. Ensure that all grievances so far received by the GRC are heard and resolved in time in a transparent manner as prescribed in the RAP.
- ❖ Coordinate and -facilitate PAP censuses, market price surveys and other process tasks for RAP preparation and implementation, and monitors the RAP implementation process ensuring that 'the PAPs are paid their compensations/entitlements in full before they are evicted from the acquired lands.
- ❖ Ensure that all information related to land acquisition and resettlement are generated and collected from the field and secondary sources and are analyzed, collated and instruct DSC to prepare the phase-wise RAPs.
- ❖ Routinely monitor progress in land acquisition and RAP implementation activities and keep SSS and PD informed on a monthly basis, and assist with the preparation of formal status reports for IDA review missions.
- ❖ Facilitate the land acquisition activities by liaising, as and when necessary, with the DCs and other GoB departments in the District level.

B. Sub-Division Engineer (SDE)

Overall responsibility: Monitoring the data collection and assessing valuation of affected property, providing assistance to DC office regarding land acquisition and to SSS in resettlement activities, analyzing and collating all related information in the FO and reporting to PMU.

Specific responsibility:

- ❖ Assist SS in project schedules for polder selection, design and implementation of civil works and other tasks, vis-a-vis the process tasks required for land acquisition, and RAP preparation and implementation.
- ❖ Preparation of LAP in association with the Resettlement Specialist of DSC and other officials of F and submit to SS for sending them to the PMU.
- ❖ Perform as convener of the PAVC and ensure that all properties within the proposed area have been enumerated and RV of the affected properties has been determined in a transparent manner.

- ❖ Coordinate and -facilitate PAP censuses, market price surveys and other process tasks for RAP preparation and implementation, and monitors the RAP implementation process ensuring that 'the PAPs are paid their compensations/entitlements in full before they are evicted from the acquired lands.
- ❖ Ensure that all information related to land acquisition and resettlement are generated and collected from the field and secondary sources and are analyzed, collated and instruct DSC to prepare the phase-wise RAPs.
- ❖ Routinely monitor progress in land acquisition and RAP implementation activities and keep SS informed on a fortnightly basis, and assist with the preparation of formal status reports for IDA review missions.
- ❖ Facilitate the land acquisition activities by liaising, as and when necessary, with the DCs and other GoB departments in the District level.

C. Social Specialist

Overall responsibility: Prepare LAPs, liaise with the land acquisition officials and follow through the acquisition process, and assist affected landowners in procuring any missing legal documents required to claim CUL with assistance from the AD, Land and Revenue at the zonal office.

Specific responsibility:

- ❖ In consultation with the XENs, prepare the formal LAPs with the documentation as required by the acquisition authority (acquiring body).
- ❖ Liaise with the land acquisition officials and follow through the acquisition process, including CUL payment by DCs.
- ❖ Assist PAPs in procuring any missing legal documents that are required to claim CUL from DCs.
- ❖ Assist XENs, Resettlement Specialist, and others in collecting CUL payment information from DCs which are required to determine top-up payment. Participate in grievance redress procedure as member-secretary and keep detailed records of grievances and the hearings, and assist to report the outcomes as per the format provided in the Resettlement Policy Framework.
- ❖ Perform other tasks that are pertinent to land acquisition and resettlement.

4. Implementing NGO

Overall responsibility: Assist BWDB in social mobilization, formation and operation of WMOs, preparing/updating and implementing the resettlement plans for subprojects/works packages. The principal tasks will be to identify the PAHs/business enterprises and persons relating to the enterprises, estimating their losses and dislocations, and processing their entitlements. The next main tasks would be to assist BWDB in disbursing entitlements.

Specific responsibility:

❖ **Social Mobilization**

- Review rules, regulations and policy guidelines on participation water management applicable for the project and identify areas of participation by the beneficiary communities in project implementation process.
- Review and analyze project objectives and approach of social mobilization in the light of the GPWM and experience of IPSWAM.
- Develop workable approach and interventions for social mobilization under guidance of the design and supervision consultant and the PMU.
- Identify the beneficiaries, existing WMOs, demarcate areas for water management groups and motivate them on participatory water management.
- Educate and refresh the BWDB relevant staff in division offices on social mobilization and participation of beneficiaries in project process through personal contact and local level meetings and consultation workshops.
- Develop awareness on social mobilization and participation of WMOs through formal or informal meetings, discussion sessions, training, and workshops.
- Review and study the identified problems related to social mobilization and assist BWDB to overcome the problems.
- Monitor the roles of WMOs in context of their development, performance, relation with the community people/other stakeholders related to water management issues.
- Prepare position and progress reports on social mobilization and participation for the PD.
- Any other activities as instructed by the PMs at FOs and the PD, PMU.

❖ **Resettlement and Rehabilitation of PAPs**

- Design and carry out disclosure campaign including tools for disclosure and information dissemination among the potential displaced persons and their feedback.
- Liaise with the DCs' offices in the process of land acquisition including joint verification, notifications and payment of cash compensation.
- Carry out social surveys and public consultations under the guidance and supervision of the Social Development and Resettlement Officer at FO level and the Resettlement Specialist of DSC.
- Carry out PAP censuses, market price surveys and other process tasks under the guidance of the PAVC VA for RAP preparation or updating and implementation ensuring that the PAPs are paid their compensations/entitlements in full before they are evicted from the acquired lands.
- Assist BWDB in preparation of LAP and following up of the land acquisition process by DCs.
- Participate in grievance redress process and facilitate the aggrieved PAPs and their communities in producing grievance petitions to the GR focal points. Communicate GRC decisions to the PAPs and take necessary measures as per the decisions agreed by the aggrieved persons.
- Develop PAP database tapping information from the DCs' payment of CUL, PAP census and inventory of losses by the PAVC and design and operate automated Management Information System (MIS) for determining and making payment of entitlements to the eligible PAPs and generate reports on progress M&E.

- Identify eligible PAPs and determine their loss and entitlements based on DC's payment data, updated inventory of losses and GRC decisions. Assists the MIS staff at PMU to process the data for cross checking the resettlement budgets, as required to prepare and implement the phase-wise RAPs.
- Identify relocation sites and facilitate eligible PAPs in finding alternative sites for lone or group relocation with project support as per RAPs and the SMRPF.
- Prepare loss and entitlement cards (LEC) for individual EPs and process payment of entitlements on behalf of the BWDB division offices.
- Assist BWDB division offices in documenting issuance of photo ID cards and payment of entitlements including ID register, payment register, payment vouchers and advice notes.
- Assist eligible PAPs in opening Bank accounts for receiving payment of entitlements.
- Assist titled PAPs in organizing documents for receiving CUL from the respective DCs' offices.
- Identify problems and place them with the resettlement officers of BWDB and the resettlement specialist of the DSC for corrective measures.
- Document updates on land acquisition, payment of CUL, identification of EPs, payment of entitlements, grievance resolution and relocation, and include them in the monthly progress reports for submission to the PMU and the SMOs.
- Assist BWDB in preparing any updates and reports time to time required.

ANNEX V: MONITORING LAND ACQUISITION AND PREPARATION & IMPLEMENTATION OF IMPACT MITIGATION PLANS

The following indicators will be used to monitor the status of major tasks involved in land acquisition and in preparation and implementation of resettlement activities.

A. Land Acquisition: *Engineering Designs* are a pre-requisite for starting the land acquisition activities. Once the design decisions are finalized determining the acquisition needs and their ground locations, the following tasks will be monitored to assess progress in land acquisition:

- Preparation of the LAPs, by using standard formats required by land acquisition authority.
- Dates LAPs submitted to the MoWR for administrative approval.
- Dates LAPs submitted to the DCs.
- Dates LAPs approved by the District Land Allocation Committees (DLACs) and, if required, the Ministry of Land.
- Dates Notice-3 issued by DCs of the project districts (These dates serve as cut-off dates for the legal owners of the lands under acquisition).
- Dates Joint Verifications by acquisition officials and BWDB completed in the individual project districts.
- Dates Notice-6 issued by DCs of project districts.
- Dates Compensation Estimates submitted by DCs to BWDB.
- Dates BWDB sent the Compensation Estimates to MoWR.
- Dates MoWR approved the Compensation Estimates.
- Dates BWDB placed the compensation funds with DCs.
- Dates Notice-7 issued by DCs in the project districts.
- Dates DCs started the CUL payment process in the project districts.
- Continuing monitoring of progress in CUL payment by DCs.

B. Preparation & Implementation of Mitigation Plans. Preparation of impact mitigation plans begins once decisions on engineering designs are finalized and ground locations of the acquisitions are identified. The following are the major tasks that will be monitored during preparation and implementation:

- Census of the PAPs and assets, and fixing of the cut-off dates for squatters/encroachers.
- Survey of replacement costs and market prices of the affected lands and other assets.
- Consultation and information dissemination with regard to compensation payment procedure and the documents required to claim compensation from the DCs (a continuing activity).
- Formation of the GRCs.

- Preparation of Compensation Budgets for squatters/encroachers and others not covered by the acquisition ordinance, and top-up for titleholders.
- Preparation and submission of RAP/ARP/TPP for WB review and clearance.
- Preparation of the individual entitlement files for different PAP groups, with all applicable entitlements.
- Approval of the Compensation Budgets by BWDB.
- Continuing monitoring and reporting of progress in payment of CUL, top-up and other applicable entitlements to titleholders and squatters/encroachers and similar PAPs; and relocation of homestead losers, and displaced businesses and other activities. Data on following indicators will be essentially collected for continuous monitoring and reporting:
 - PAPs are aware of their entitlements, and of the procedures for receiving them, before start of land acquisition;
 - PAPs are satisfied that they were properly consulted at all relevant stages of project identification, selection, design and implementation with focus on land acquisition;
 - PAPs are aware of the GRM and their grievances are satisfactorily resolved;
 - PAPs are fully compensated in accordance with the entitlement matrix for all assets at full replacement cost;
 - Valuation of land and other assets was done in a participatory method to ensure replacement cost;
 - PAPs receive their entitlements (CUL, top-up, & other allowances) prior to taking possession of land for project civil works construction; and
 - Livelihoods of the PAPs are fully restored.

Any other tasks that may have remained unknown will be included in the monitoring system. Progress in land acquisition and Resettlement Planning and implementation activities will be reported in appropriate formats on land acquisition and resettlement. Format on land acquisition process will update on the status of land acquisition including preparation of LAP, administrative approval, submission of LAP to DCs, notifications under the law, assessment, valuation, and placement of fund and disbursement of CUL. Format on resettlement will provide updates on payment of resettlement assistance including top-ups for RV after CUL, relocation assistance, vacating project right of way and livelihood restoration measures.

