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Bangladesh: Flood and Riverbank Erosion Risk Management Investment Program - Tranche 2

Prepared by the Bangladesh Water Development Board, Government of Bangladesh for the Asian Development Bank (ADB).

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Government of the People's Republic of Bangladesh



Bangladesh Water Development Board

**Flood and Riverbank Erosion
Risk Management Investment Program
Project-2**

ADB Loan Number 4107- BAN (COL) & GoN Grant 0799-BAN (EF)

**Semi-annual Social Safeguards Monitoring Report
Period: July - December 2023**

Abbreviations and Acronyms

ADB	:	Asian Development Bank
AHH	:	Affected Household
AP	:	Affected Person
ARIPA	:	Acquisition and Requisition of Immovable Property Act
BWDB	:	Bangladesh Water Development Board
CRO	:	Chief Resettlement Officer
CPR	:	Common Property Resource
CSRN	:	Consulting Service Recruitment Notice (CSRN)
DC	:	Deputy Commissioner
DDM	:	Department of Disaster Management
DLAC	:	District Land Acquisition Committee
DPP	:	Development Project Proforma
FGD	:	Focus Group Discussion
FHH	:	Female Headed Household
FRERMIP	:	Flood and Riverbank Erosion Risk Management Investment Program
GoB	:	Government of Bangladesh
GoN	:	Government of Netherlands
GRC	:	Grievance Redress Committee
HH	:	Household
INGO	:	Implementing Non-Government Organization
ISPMC	:	Institutional Strengthening and Project Management Consultant
JVT	:	Joint Verification Team
LAP	:	Land Acquisition Plan
LR	:	Livelihood Restoration
MFF	:	Multi-tranche Financing Facility
MIS	:	Management Information System
MoWR	:	Ministry of Water Resources
NGO	:	Non-Government Organization
PAM	:	Project Administration Manual
PD	:	Project Director
PMO	:	Project Management Office
PVAT	:	Property Valuation Advisory Team
RF	:	Resettlement Framework
RP	:	Resettlement Planning
SMO	:	Sub-Project Management Office
SPS	:	Safeguard Policy Statement

Glossary of Terms

Affected Person (AP): includes any person, affected households (AHs), firms or private institutions who, on account of changes that result from the project will have their (i) standard of living adversely affected; (ii) right, title, or interest in any house, land (including residential, commercial, agricultural, forest, and/or grazing land), water resources, or any other movable or fixed assets acquired, possessed, restricted, or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence, or habitat adversely affected, with physical or economic displacement

Assistance: means support, rehabilitation and restoration measures extended in cash and/or kind over and above the compensation for lost assets

Compensation: means payment in cash or kind for an asset to be acquired or affected by a project at replacement cost at current market value

Entitlement: means the range of measures comprising cash or kind compensation, relocation cost, income restoration assistance, transfer assistance, income substitution, and business restoration which are due to AHs, depending on the type and degree /nature of their losses, to restore their social and economic base

Household: A household includes all persons living and eating together (sharing the same kitchen and cooking food together as a single-family unit)

Inventory of losses: mean the pre-appraisal inventory of assets as a preliminary record of affected or lost assets

Project: Flood and Riverbank Erosion Risk Management Investment Program (FRERMIP)-Project-2 Project funded jointly by Asian Development Bank (ADB) and Government of Netherlands.

Relocation: means displacement or physical moving of the DPs from the affected area to a new area/site and rebuilding homes, infrastructure, provision of assets, including productive land/employment and re-establishing income, livelihoods, living and social systems

Replacement cost: means the value of assets to replace the loss at current market price, or its nearest equivalent, and is the amount of cash or kind needed to replace an asset in its existing condition, without deduction of transaction costs or for any material salvaged.

Resettlement: means mitigation of all the impacts associated with land acquisition including restriction of access to, or use of land, acquisition of assets, or impacts on income generation because of land acquisition

Structures: mean all buildings including primary and secondary structures including houses and ancillary buildings, commercial enterprises, living quarters, community facilities and infrastructures, shops, businesses, fences, and walls, tube wells latrines etc.

Vulnerable Person: The vulnerable group/persons may include (i) persons below nationally defined poverty line; (ii) indigenous people or adibasis; (iii) poor women-headed households; (iv) landless and marginal farmers; (v) people with disability (vi) elderly; (vii) people without legal title to land; (viii) any other groups or persons found to be disproportionately affected by project impacts.

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Executive Summary

After the successful completion of the Tranche-1 project (Project 1) of the Flood and Riverbank Erosion Risk Management Investment Program (FRERMIP) under the Multi-tranche Financing Facility (MFF) agreement between the Government of Bangladesh (GoB) and the Asian Development Bank (ADB) that started in July 2014, the Tranche-2 project (Project-2) has been approved by ADB and the loan became effective in April 2022. The associated Resettlement Framework was prepared in May 2021¹.

The Bangladesh Water Development Board (BWDB) is the executing agency of the project under the Ministry of Water Resources of GoB. The Department of Disaster Management (DDM) under the Ministry of Disaster Management and Relief is the implementing agency for community-based flood risk management activities. The MFF availability period and Project 2 both end on 26 June 2024. Project 2 has a total cost estimated at \$212.8 million (reduced to \$182.8 million after partial loan cancellation of \$30.0 million) and applies the same technologies and methodologies developed under Project 1, except for minor improvements that consider the actual site conditions, such as latest erosion and river morphology, and lessons learned from Project 1. The structural measures under Project 2 consist of:

- (i) 51.52 km of riverbank protection with innovative technologies
- (ii) 2.53 km of climate-resilient flood embankment.
- (iii) 20.94 km of strengthening of underwater riverbank protection works following an adaptive approach.

A Resettlement Framework (RF) had been developed during project preparation in concurrence with ADB and approved by Government of Bangladesh². The primary objective of the RF is to provide guidance in:

- i) project resettlement planning on policy and entitlements.
- ii) resettlement planning for possible project impacts.
- iii) resettlement planning for any unanticipated impacts, particularly during project construction.

The resettlement plan for acquiring land needed for the construction of 830 meters of the new embankment reach was updated and concurred by ADB on 29 January 2024. The resettlement NGO was engaged on 29 February 2024. Joint Verification Team (JVT), Property Valuation Advisory team (PVAT) and Grievance Redress Committee (GRC) were formed duly. Total no. of affected household is 231. The total number of titled landowner affected by the project has been found as 624 by the DC office considering current records. This figure may be changed during payment due to different such as death of any land owner. The JVT identified a total of 80 vulnerable APs. No non-titled APs were found in the project area.

¹ The resettlement framework is under <https://www.adb.org/projects/documents/ban-44167-015-rf>, a draft resettlement plan is under <https://www.adb.org/projects/documents/ban-44167-015-rp-0> and other related documents are under <https://www.adb.org/projects/44167-015/main>

² The RF was approved by GoB on 24th January 2023 via Letter 42.00.0000.035.14.029.22.4

A total 80 (69 males and 11 females) vulnerable APs received 3- days livelihood restoration training. 70 of them chose for training on Beef fattening, Cow & Goat Rearing and rest 10 opted for Poultry Rearing training.

The NGO supported the DC office for preparing the estimates for the compensation. After several administrative processing, the fund for the compensation for the land acquisition was transferred to the DC office on 26th June 2024. The APs are yet to get the compensation from the DC office after necessary verification of the legal documents.

Moreover, the individual consultant for external monitoring of social safeguards under the package C-17 has completed his assignment on 26th June 2024 and reported to the ADB timely.

1. Introduction

1.1 Project Background

The Flood and Riverbank Erosion Risk Management Investment Program (FRERMIP) is financed by the Asian Development Bank (ADB), Government of The Netherlands (GoN), and GoB. The Bangladesh Water Development Board (BWDB) is the executing agency. The DDM under the Ministry of Disaster Management and Relief is the implementing agency for community-based flood risk management activities. The investment program is to be financed through an MFF. The MFF provides loan amounts of up to a maximum of \$255 million; further financing is provided by the GoB and GoN. The investment program total cost is approximately \$480 million. The objectives of the program are to:

- sustain economic growth, poverty reduction and livelihoods of people, living in the areas threatened by riverbank erosion
- enhance resilience to flood and riverbank erosion risks through strengthening the flood and riverbank erosion management system, including the knowledge base and underlying institutions
- establish integrated non-structural and structural risk management measures at priority erosion sites and addressing their sustainability

The investment program was designed to be implemented over nine years and financed in three tranches. Due to implementation delays experienced under Project 1 and preparation of the subsequent tranches, which have been exacerbated by COVID-19 induced lockdowns, the government proposed to: (i) combine the remaining tranches into a single and final tranche (hereinafter known as Project 2), and (ii) to extend the MFF availability period until 26 June 2024.

1.2 Project 2 Interventions

The structural interventions under Project-2 fall into two categories:

- (i) riverbank protection
- (ii) construction / reconstruction of flood embankments

The works under Project 2 were a continuation of those under Project 1, which continued the actions of the road map of the Framework Financing Agreement (FFA) of the MFF by integrating the long-term stabilization approach beyond emergency response to critical erosion and introducing suitable measures for more systematic river stabilization to result in a more stable river corridor. The major construction work under FRERMIP Project-2 under five sub-projects are:

- (i) 51.52 km of riverbank protection with innovative technologies
- (ii) 2.53 of climate-resilient flood embankment.
- (iii) 20.94 km of strengthening of underwater riverbank protection works following an adaptive approach.

Project 2 applied the same technologies and methodologies as developed during Project 1, except for minor improvements that consider the actual site conditions, such as latest erosion and river morphology, and lessons learned from Project 1. Importantly, Project-2

applied a different approach to construction as a lesson learned from the Project-1 (Tranche-1) project and comply with the Loan Agreement, Schedule 4, Section 6, which states:

'The Borrower shall ensure, or cause BWDB to ensure, that no Works contract is awarded which involves involuntary resettlement impacts until the Borrower has caused BWDB to prepare and submit to ADB the final version of the relevant RP based on the detailed design for the activities to be implemented in the relevant Subproject area and obtain ADB's clearance of such RP.'

A Resettlement Framework (RF) for FRERMIP was originally formulated and adopted in 2014 following SPS 2009 and Bangladesh legal and policy framework and subsequently revised in 2018 for Tranche 1. The RF was updated for Project 2 in May 2021³ and the RP based on the 2021 updated version has been prepared to guide, screen, categorize, prepare, and implement the respective sub-project resettlement plans under Project 2 in accordance with the legal and policy framework of GoB, and ADB's SPS (2009).

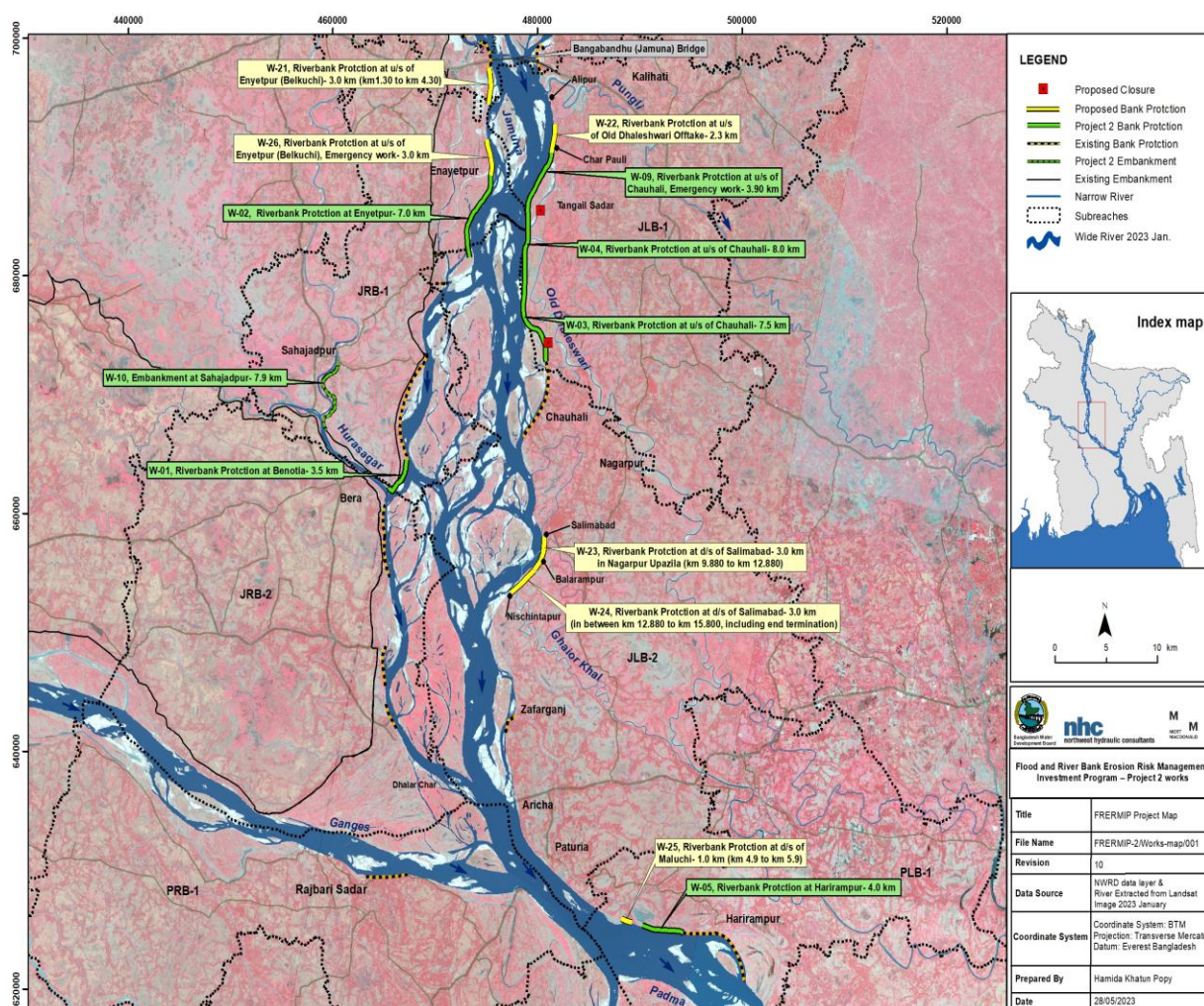
To clearly define the resettlement requirements, the contract for underwater works (below low water level or 'deluvion') and above water works (requiring land acquisition as part of the 'alluvion' or floodplain) are separated into different packages. This allows protecting the underwater part, including providing temporary wave protection along the existing bank line above low water level to stop the ongoing erosion process first, while providing the time to complete land acquisition and resettlement before constructing the above water protection, which requires to work on an approximately 25-30 meter-wide strip of the floodplain bordering the river.

1.3 FRERMIP Location and Area

The investment program is the follow-on project of the Jamuna-Meghna River Erosion Mitigation Project (JMREMP). It aims to sustain incomes and livelihoods of people living along the three main rivers of Bangladesh—the Jamuna, the Ganges, and the Padma. The planned and on-going work sites are shown in Map 1 below.

³ The RF was approved by GoB on 24th January 2023 via Letter 42.00.0000.035.14.029.22.4

Map 1: Locations of interventions



1.4 Project Implementation Arrangements

A Project Management Office (PMO) integrated into BWDB administration has been set up, headed by a Project Director (PD) who is an Additional Chief Engineer; supported by two Superintending Engineers as per Project Administration Manual (PAM) whereas approved post as per DPP is one only. In addition to the PMO in Dhaka, sub-project management offices (SMO) have been established in the divisional offices located in the project sites areas of Koitala, Tangail and Manikganj. In addition to the PD and the Superintending Engineer, the PMO is expected to be staffed with four Executive Engineers (as per PAM but two as per DPP approved), two Sub-Divisional Engineers and two Assistant Engineers. All PMO staffs work full time on the project.

Three SMOs, each headed by an Executive Engineer supported by one Sub-Divisional engineer, one Assistant Engineer, and Sub-assistant Engineers are to assist PMO in implementing resettlement activities of the Project. A Resettlement Plan Implementation Non-Governmental Organization (RP-INGO) was engaged for the land acquisition for 830 meters reach of climate-resilient flood embankment to be constructed under Project 2 in

Shahjadpur. The PD of PMO, implements the RP with the appointed RP-INGO and monitors implementation through the ISPMC. The livelihood restoration activities for the affected households has been implemented by the RP-INGO.

2. Social Safeguard Policies

2.1 Resettlement Framework (RF) and Entitlement Matrix

A Resettlement Framework (RF)⁴ had been prepared during PPTA study including an “Entitlement Matrix” (*Annex-I*) compiling the requirements stated in Project Administration Manual (PAM) of ADB. Revised RF has been prepared in concurrence with ADB and approved by Ministry of Water Resources (MoWR)⁵. This ensured the resettlement needs of the project following the procedures for involuntary resettlement in compliance with GoB applicable laws and regulations and existing ADB SPS 2009. The identification of the affected populations and consultations will be conducted as a routine activity of local people consultation process, mainly by the engaged INGO, in cooperation with the officials of BWDB and other relevant government agencies. The Resettlement Specialists of the ISPMC team will assist systematically in all cases.

The Deputy Commissioner (DC) will pay compensation of the affected people under CCL following the Land Acquisition Act 2017. The ADB has its own integrated safeguard policy statement (SPS) to minimize displacement and require time-bound action plans with measures to restore or improve livelihood and income of those affected people by development projects. Since the LA ordinance 1982 and Act 2017 falls short of the requirements of the ADB’s safeguard policies in some respects, the project land acquisition and resettlement policies have been harmonized with ADB’s SPS. To do so, the RF sets out the policies and procedures to be adopted by BWDB for revising and updating any RPs during project implementation. The RF stipulates payments of compensation as per the assessed value of the land and structure to the affected persons (APs). In addition to compensation paid by the concerned DC, the APs will receive:

- additional assistance in cash or kind to match replacement cost (RC) which is the difference between the market value and the assessed value for lost assets (land, houses, and trees)
- transaction costs such as stamps/registration costs (in case of purchase of replacement land)
- other cash grants and resettlement assistance such as shifting and reconstruction grant, resettlement benefit for loss of work - days / income due to dislocation.

Socio-economically vulnerable households namely, female-headed households (without grown up male in the household), households below poverty line, households headed by disabled, elderly and those losing more than 10% of income from acquisition will be given additional cash assistance for relocation. The detailed entitlement matrix is annexed at the end of this report.

⁴ <https://www.adb.org/projects/documents/ban-44167-015-rf>

⁵ The RF was approved by GoB on 24th January 2023 via Letter 42.00.0000.035.14.029.22.4

2.2 Land Acquisition

The Land Acquisition process is one aspect besides the resettlement process and complex in nature in terms of following the administrative procedures from the beginning to the end. Several mandatory steps are required to complete the Land Acquisition process involving the District Land Acquisition Committee (DLAC) administered by DC in line with the Land Acquisition Acts 1982 and LA Act, 2017 of the GoB. A flow chart of different steps in the LA process that need to be chronologically followed is given below:

Figure 1: Land Acquisition Flow Chart

Stage 1	Finding suitable land at various locations for project purposes subsequently submit the proposal to the Ministry by MoWR	➔	Reconnaissance Survey
Stage 2	Administrative Approval given by the Ministry	➔	From Govt. (Ministry of Water Resources) through BWDB
Stage 3	Plot wise Topographic survey	➔	By Surveyors
Stage 4	Preparation of Mouza-wise maps and proposals for Land Acquisition	➔	Mouza (area)-wise map
Stage 5	Submission of proposals to D.C through BWDB	➔	BWDB to D.C
Stage 6	Review by D.C	➔	Proposal Review
Stage 7	Feasibility Study by D.C Office	➔	Field Visit
Stage 8	DLAC Meeting and Approval	➔	District Land Allocation Committee meeting to approve or reject
Stage 9	File LA Cases and Issue Notice under Section 4	➔	Notice under section 4 of the Acquisition and Requisition of Immovable Property Act/2017
Stage 10	Joint field verification	➔	By D.C and BWDB
Stage 11	Objection hearing – under Section-5 if objection is raised	➔	From affected landowner within 15 days period
Stage 12	Preparation of estimate and approval	➔	Sent to the div. commissioner if any objection in case of above 50 bighas (16.5 ac)
Stage 13	Sent to the Prime Minister through Ministry of Land for approval in case above 50 bighas (16.5ac) – 30 days	➔	Goes back to D.C after approval
Stage 14	Notice Under Section -7	➔	2nd Notice to landowners
Stage 15	Land value and compensation data collection	➔	Done locally by D.C / government
Stage 16	Preparation of estimate and approval	➔	Documentation sent to D.C office
Stage 17	Demand Notice for Fund	➔	D.C to BWDB and payment based on BWDB approval Stage 18 Fund Placement
Stage 18	Fund Placement	➔	Payment to D.C by issuing Demand Draft
Stage 19	Fund Collection and preparation of award	➔	Done by D.C office
Stage 20	Notice Section 8- 3rd and final Notice to landowners	➔	3rd and final Notice to landowners
Stage 21	Start payment by D.C (10 days) to Landowners & Possession Hand over -6 days	➔	Land possession handover to BWDB by D.C then BWDB to user department
Stage 22	Gazette Notification – by DC under 90 days	➔	Done afterwards through D.C
Stage 23	Mutation – no time frame	➔	To mutate land in the name of BWDB, then yearly Government Land Development Tax is to be paid by BWDB

2.3 Relevant Government Orders

The GoB formed three different committees and issued office orders regarding composition and tasks of these committees for implementing the RPs. The teams will be constituted as follows:

- 1) Joint Verification Team (JVT)
- 2) Property Valuation Advisory Team (PVAT)
- 3) Grievance Redress Committee (GRC)

Joint Verification Team (JVT)- as per approved RP

BWDB will form a Joint Verification Team (JVT) for the FRERMIP project through a notification after identification of the PAPs through a survey by the implementing NGO. The team will compare and review the physical verification data collected by the RP-INGO along with the DCs' assessment of losses of physical assets and their owners. The JVT will conduct property assessment and evaluation and both the JVT and the concerned party will sign the verification record. Disputes on property rights will be recorded. The RP-INGO will process the entitlements of the project-affected persons using the JVT data as one of the determinants. The JVT has been constituted as follows:

- a) Convener: Representative of BWDB (Sub-Divisional Engineer/Assistant Engineer or equivalent officer)
- b) Member: Representative of concerned Deputy Commissioner
- c) Member-Secretary: Representative of RP-INGO recruited by BWDB (Deputy Team Leader, Area Manager, or equivalent Officer of INGO/Specialist)

Property Valuation Advisory Team (PVAT)- as per approved RP

The PVAT will review the assessment of the market price of the property affected by the project and the replacement cost. The Implementing Agency will process the entitlements of the project-affected persons using the PVAT data as one of the determinants. The PVAT will be formed as follows:

- a) Convener: Representative of BWDB (Sub-Divisional Engineer/Assistant Engineer or equivalent Officer)
- b) Member: Representative of concerned Deputy Commissioner, Representative of RP-INGO recruited by BWDB (Deputy Team Leader, Area Manager or equivalent Officer of RP-INGO) with option for representative by co-opting with the Departments of Agriculture, Forestry, Finance and Public Works Department
- c) Member-Secretary: Sub-Assistant Engineer, concerned SMO

Grievance Redress Committee (GRC)-as per approved RP

GRCs will be formed at local level for any grievances involving resettlement benefits, relocation, and other assistance. The local GRC shall review and resolve grievances within ten days of receiving any complaints and will maintain written records of all the appeals received. A local GRC, gazette by the government, will be composed of:

- (i) Representative from BWDB—Convener (Executive Engineer (Field)/Equivalent)
- (ii) Chairman concerned Union Parishad—Member
- (iii) Representative from APs—Member
- (iv) Representative of RP-INGO recruited by BWDB (Deputy Team Leader, Area Manager or equivalent Officer of RP-INGO) and
- (v) Sub Assistant Engineer from BWDB—Member Secretary

2.4 Income and Livelihood Restoration Program (ILRP)

In addition to the compensation to be paid to APs, vulnerable groups have received other support and get preference, for income restoration assistance⁶. This will be through linking resettlement activities with gender and livelihood component of the project as the formation of community groups operating livelihood support programs. The livelihood program will target heads and members of the affected households to receive on-site trainings and residential trainings. A single NGO will be engaged for both the RP and LR implementation for Shahjadpur.

3. Status of Institutional Structure for Implementation of Safeguards

3.1 Engagement of Institutional Strengthening and Project Management Consultant (ISPMC)

Since contract signing on 21 August 2022 to till 26 June 2024, the Institutional Strengthening and Project Management Consultant (ISPMC) provided consultancy services to support project implementation in a variety of ways, including the services of a specialist to conduct resettlement monitoring, planning and management to support the PMO.

3.2 Engagement of Implementing NGO

The Resettlement Implementation NGO was engaged on 29 February 2024. The NGO supported the DC office for preparing the estimates for the compensation. The NGO also provided livelihood restoration training to 80 vulnerable APs.

3.3 Engagement of External Social Safeguards Monitor

The individual consultant for External Monitoring of Social Safeguards has been contracted on 9 January 2024 and he started his assignment on the same day. He reported regularly to the ADB.

3.4 Formation of JVT, PVAT and GRC for the project area with land acquisition and resettlement

Gazette notification for JVT, PVAT and GRC formation has been issued on 28 March 2024 by the Ministry of Water Resources.

⁶ The Loan Agreement, Schedule 4, Clause 15 states: '... the Borrower shall ensure, or cause BWDB to ensure, that no physical or economic displacement takes place in a Subproject area until: (a) ... (b) a comprehensive income and livelihood program has been established in accordance with the relevant RP.'

4. Status of Land Acquisition

During the ADB inception mission in February 2023, it was noted that there is no longer sufficient time to acquire the land for contracts W 12 to W 15 (wave protection on the upper slope of the riverbank protection works).

The Mission agreed that if the contract award for engaging a Resettlement Plan – Implementing Non-government organization (RP-INGO) requires much more time, the update of the RP for Shahjadpur embankment could instead be carried out by ISPMC to expedite the RP implementation process. On 11 May 2023 the Project Management Office (PMO) approved the ISPMC to carry out the update of the resettlement plan for the 7.9 km proposed embankment at Shahjadpur. A draft resettlement plan (RP) has already been prepared in May 2021 for Shahjadpur, in accordance with the legal and policy framework of the government and ADB's Safeguard Policy Statement (SPS) (2009).

Later, the planned reach for land acquisition was reduced to 830 meters to accommodate budget availability with the BWDB. Therefore, the RP for Shahjadpur was updated in line with the reduced length. The updated resettlement plan was concurred by the ADB accordingly. The key details of the RP are:

- The RP (830 meters) identified 4.52 hectares (ha) of land acquisition affecting 129 households with 645 affected persons, 297 structures and 3,686 trees. The land acquisition plan (LAP) of Shahjadpur embankment for 830 meters submitted to the Deputy Commissioner office in November 2023.

After issuing section-4 notice under ARIPA (2017) the land acquisition proposal was approved by the ministry of land. Then after several administrative procedures, 2nd notice to the landowners was issued under section-7 on ARIPA (2017). After that, the cost estimates for compensation for land acquisition was finalized by the DC office. The total number of titled landowner affected by the project has been found as 624 by the DC office considering current records. This figure may be changed during payment due to different causes such as death of any land owner. The required fund was transferred to DC office on 26 June 2024. Now, the payment will be made to the APs by the DC office after necessary verification. As the loan closed on 26 June 2024 and the land acquisition process is yet to complete, the contract for embankment construction was closed without construction of 830m long reach. The PMO has the plan to include the construction of remaining embankment (830 m) in the revised development project proposal (RDPP) with the government fund solely. If the government fund is not available these remaining section is likely to be included in the follow-on project.

5. Status of Resettlement Plan

5.1 Census and Inventory of Losses (IoL)

As per updated resettlement plan,

- Land acquisition for construction of the reduced river embankment spanning 830 meters in Shahjadpur will affect:
 - 129 affected households (AHHs) comprising a population of 645, of which 319 are females and 326 are males. Among the 129 AHHs, nine are female-headed households (FHHs), of which two are housewives. Among the 129 AHHs, two are in ultra poor category (significantly below poverty line) with less than Tk 60,000 annual income and 15 are below poverty line, with an annual income of Tk 60,000 – 140,000.
 - Number of structures will be affected are 297 comprising pacca, semi-pacca, tin-made and thatched houses, septic tank, boundary walls (pacca, tin-made), toilets, tube-wells, animal sheds.
 - The inventory of the various trees will be affected are a total of 3,686 including 35 saplings, 223 small trees, 2,753 medium trees and 675 fully grown trees. From the total 674 are fruit trees, 206 are timber trees, 2,401 groves, and the rest are medicinal, vegetable (sajna)

These data was updated by the JVT during implementation. Total no. of titled AHHs was found as 231. There was no non-titled AHHs.

5.2 Identification and Verification of APs

The identification and verification of APs and setting up of an updated AP management information system (MIS) database are carried out too. Key socio-economic profile of the affected population has been presented in the updated RP. The APs were provided with ID cards.

5.3 Identification of Loss and Entitlement

The estimates from the DC office stands at BDT 293,677,100.36 of which about 78% is for compensation for land. The share of the compensation for the structure is 14% and the rest amount will be used for compensation for trees and other miscellaneous cost of the Dc office. The required budget for some other items like top-up can only be finalized after payment from the DC office.

5.4 Meaningful Consultations, Disclosure and Participation

Public consultation meetings (PCMs) and focus group discussions (FGDs) were carried out during the RP update survey and provided the AHHs opportunities to express their concerns about land acquisition, compensation, and resettlement. The participants were however, concerned about the compensation and the livelihoods restoration and the activities proposed under the project which were clarified in detail.

Further leaflets were prepared and distributed to the AHHs before the survey. It must be noted the households were aware of the project owing to the RP survey carried out earlier and were in positive acceptance of the project.

The RP-INGO also carried out PCMs and FGDs during their service.

5.5 Income and Livelihood Restoration Program (ILRP)

A total 80 (69 males and 11 females) vulnerable APs received 3- days livelihood restoration training. 70 of them chose for training on Beef fattening, Cow & Goat Rearing and rest 10 opted for Poultry Rearing training. Concerned government offices and specialist from the subject matter worked as the resource persons in those training programs.

6. Monitoring and Evaluation

A database of estimated impacts and losses has been prepared based on the surveys carried out. This database and information to be collected in future together will form land acquisition and resettlement databank. The databank will act as the key source of information for implementation, monitoring and evaluation purposes. An automated Affected Persons file, covering all the losses of individual household, has been prepared for using it as an input towards preparation of entitlement cards and payment statement. These automated files will reflect all the identified losses, all the entitlement, the entitlements paid and the amount pending.

There is a computerized resettlement management information system (MIS) which will enhance the institutional capacity of both BWDB and the INGO in land acquisition and resettlement management for the project.

The external monitor engaged provided periodic reporting on compliance with the FRERMIP RF, ADB SPS (2009) to the ADB.

7. Conclusions and Recommendations

The land acquisition process is yet to be completed. The fund for the land acquisition was transferred to the DC office on 26 June 2024. The payment should be completed as soon as possible. After the payment by the DC office, some additional payment may need to be made to comply the ADB SPS (2009).

ANNEX 1

Project Entitlement Matrix

Table 6: Eligibility and Entitlement Matrix

General Implementation Issues and application Guidelines	
1.	<p>Property Valuation Advisory Team (PVAT) BWDB will setup a PVAT at each locality. The tasks of this PVAT are:</p> <ol style="list-style-type: none">Recommend replacement cost (RC) based on current market price (CMP) analysis for land, structures, trees and standing crops.Current Market Price (CMP) will be assessed for every affected mouza.The land acquisition price will be determined by the standard procedure according to the land acquisition law. Updated in September 2017For all private land, the market price will be enhanced by 200% for cash compensation under law (CCL). For <i>khas</i> land (government land, DC is the owner at respective districts on behalf of the government), CCL will be the assessed market price without enhancement.RC for structure considering the cost of materials, labour inputs and land development cost at current market rates.RC /CMP will be approved by the Project Director.
2.	<p>Implementing NGO (INGO) BWDB will engage a local NGO to support implementation of resettlement plan i.e., to support the implementation of all land acquisition and resettlement activities. The recruited NGO for implementation of RP is called Implementing NGO (INGO) which will:</p> <ol style="list-style-type: none">Utilise the database prepared by the Institutional Strengthening and Project Management Consultant (ISPMC) to identify all persons who have interest in the lands that will be acquired under the project (owner, tenants, operators etc.Utilise the database prepared by the ISPMC to identify all informal occupier/ settler on the right of way of new embankment, rehabilitation embankment and RBP works.Make the landowners / tenants / informal occupiers aware about details of land acquisition process, compensation entitlement, payment procedure/ mechanism, resettlement benefit offered by the project.Legal owners will be assisted by INGO to organize legal documents in support of their ownership.The INGO will identify loss and entitlement of female owners and co-sharers through share determination at the field upon receipt of payment data from the DC office.The INGO will inform the APs of the details of the land acquisition and compensation process, resettlement package and payment procedure.The INGO shall encourage APs to consider purchasing land or investing the money in productive/income generating activities.In addition, the INGO shall support APs in purchasing low-cost, low-lying land by bundling resettlement benefits. The land will then be filled by the project with dredged material to be built up to homestead land level.
3.	<p>Joint Verification Team (JVT)</p> <ol style="list-style-type: none">The loss inventory items and quantities as well as the displaced persons (DPs) shall be verified in the field through JVT formed by DC. The members of PVAT will attend field verification by JVT.The JVT will verify the socially recognized user as identified by the census.
4.	<p>BWDB field office (Executive Engineer) will do title updating for usufruct and other rights before issuance of notice with assistance from INGO.</p>
5.	<p>DC will pay CCL for the loss items. If RC is higher than CCL, the difference will be</p>

paid by BWDB with assistance from INGO.

6. Compensation for Structures:

- i. Joint verification (DC and BWDB) and/or census will identify (record floor areas and category) of structure.
- ii. Compensation must be paid before AP dismantle and remove the structures as per civil works requirement.
- iii. The date of service of notice will be recognized as the cut-off date for structures not recognized by DC. In case of major differences identified between databases, BWDB will verify the data through the JVT.
- iv. The owner is allowed to take all salvageable material.
- v. The RC will be the cost of the structures at market price without depreciation.

7. In case of conflict between government rules and ADB SPS, ADB SPS will prevail

Unit of Entitlement	Entitlements	Applicable Laws	Additional Services
Loss Item 1: LOSS OF AGRICULTURAL LAND			
Legal owner(s) as identified by Deputy Commissioner (DC) in the process of CCL payment and non-titled holders with recognizable claims. ⁷	1. Replacement Cost (RC) ¹ of agricultural land.	ARIPA 2017 ADB SPS 2009	
Loss Item 2: LOSS OF HOMESTEAD, COMMERCIAL, INDUSTRIAL LAND AND COMMON PROPERTY RESOURCES			
Legal owner(s) as identified by DC in the process of CCL payment and non-titled holders with recognizable claims	1. Replacement Cost (RC). 2. 10% of CMP as transaction allowance such as stamp duty and registration cost, VAT etc. No matter whether she/he purchase land or not	ARIPA 2017 ADB SPS 2009	BWDB will assist to purchase of above land(s) jointly with INGO on negotiated price and homestead land development (earth filling, if needed) with internal road links
Loss Item 3: LOSS OF WATER BODIES (PONDS, BOTH CULTIVATED AND NON-CULTIVATED)			
Legal owner(s) as identified by DC in the process of CCL payment and non-titled holders with recognizable claims	1. Replacement Cost (RC) of the water body (private land). 2. Allowance of one-year fish harvest to be recommended by PVAT	ARIPA 2017 ADB SPS 2009	.
Loss Item 4: LOSS OF RESIDENTIAL STRUCTURES			
Legal owner(s) as identified by DC in the process of CCL payment and non-titled holders with recognizable claims	1. Replacement Cost (RC) of residential structure 2. Transfer Grant @ Tk. 15 per sq. ft. of affected structure 3. Reconstruction and Homestead Development Grant (RHDG) Tk. 10,000.00. 4. Transitional support and	ARIPA 2017 ADB SPS 2009	Non-cash assistance in relocation and reconstruction, such as consultation and facilitation of documentation

⁷ Recognizable claims are those having (i) customary ownership or (ii) possess any other legal document to establish ownership.

	development assistance, such as land development, credit facilities, training, or employment opportunities		
Loss Item 5: LOSS OF COMMERCIAL/INDUSTRIAL/COMMON RESOURCE PROPERTY (CPR) STRUCTURES			
Legal owners as identified by DC in the process of CCL payment and non-titled holders with recognizable claims.	1. Replacement Cost (RC) of commercial, industrial, CPR structure 2. Transfer Grant @ Tk. 15 per sq. ft. of affected structure 3. Reconstruction Grant of TK12,000.00. 4. Transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities ⁸	ARIPA 2017 ADB SPS 2009	Non-cash assistance in relocation and reconstruction, such as consultation and facilitation of documentation
Loss Item 6: LOSS OF RESIDENTIAL, COMMERCIAL AND OTHER PHYSICAL STRUCTURES			
1.non-titled but with recognizable claims. 2.non-titled without recognizable claims. 3. both built structures on the RoW	1. Replacement cost structures as determined by PVAT 2. Structure Transfer Grant (STG) @ Tk. 15 per sq.ft. of affected structure 3. Reconstruction and Homestead Development Grant (RHDG) Tk. 15,000.00. 4. Transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities	ARIPA 2017 ADB SPS 2009	Non-cash assistance in relocation and reconstruction, such as consultation and facilitation of documentation
Special Implementation Issues and application Guidelines:			
1. The Non-title holder (with recognizable claims and without recognizable claim) structure losers are entitled to replacement cost of affected structure provided they are in the impact area prior to the cut of date. The Non-title holder (with recognizable claims and without recognizable claim) structure losers are entitled to replacement cost of affected structure provided they are in the impact area prior to the cut of date. A document to verify landlessness will be presented to JVT to establish vulnerability. A document to verify landlessness will be presented to JVT to establish vulnerability. 2. The INGO will assist the APs with self-relocation by undertaking a market assessment and assisting them in identification of land, linking them with available government housing schemes and supporting them to avail of credit facilities from financial institutions 3. In the case of physical displacement, the DPs will be given advance notice of at least 3 months (90 days) from the date of receipt of compensation to relocate themselves			
Loss Item 7: LOSS OF TIMBER AND FRUIT BEARING TREES, BAMBOO AND BANANA GROVES			
1. Legal owner(s) as	1. Timber trees and bamboo:	ARIPA 2017	INGO to explain RP

⁸ There is no physical relocation in-kind (e.g., housing) provided under the resettlement framework as in the consultation process APs expressed preference for cash compensation.

identified by the DC in the process of CCL payment.	Current Market Price (CMP) of trees and bamboo	ADB SPS 2009	policies regarding compensation for the trees of different categories and size and make the APs aware that they could take the timber and fruits free of cost
2. Socially recognized owners of trees grown on public or other land	2. Fruit-bearing trees without timber: if the tree is at or near fruit-bearing stage, the estimated current market value of the fruit. 3. Fruit-bearing trees with timber: CMP for the timber and estimated current market value of fruit and the market value of the fruit of the remaining estimated productive life of the fruit trees. 4. Banana groves: CMP of all trees 5. Owners will be allowed to fell trees and take the timber, free of cost after payment of CCL or RC as applicable		
Special Implementation Issues and application Guidelines:			
1. The INGO will provide guidance in plantation and post-plantation care			
Loss Item 8: LOSS OF STANDING CROPS/FISH STOCK			
1. Legal owners identified by the DC in progress of CCL payment	1. RC of standing crops/fish stock	ARIPA 2017 ADB SPS 2009	INGO will assist APs in the process of claiming compensation from DC offices for organizing necessary documents
2. Socially recognized owners	2. Owners will be allowed to harvest crops and fish stock		
Loss Item 9: LOSS OF LEASED /MORTGAGED IN LAND/PONDS			
1. Leaseholder with legal papers	1. CMP of crops/ fish stock for one year as compensation	ARIPA 2017 ADB SPS 2009	1. INGO will assist in ensuring that the lessee receives all eligible payments. 2. INGO will mediate refund of outstanding lease money by the owner to the lessees
2. Socially recognized lessee or sharecropper, in case of customary informal tenancy arrangements, including socially recognized agreements	2. Outstanding lease money back to the lessee by the owner as per agreement		
	3. The leaseholder will be allowed to take the crops/fishes free of cost within the date declared by BWDB		
Special Implementation Issues and application Guidelines:			
1. With legal agreement: DC will pay CCL to legal owner and mortgagee/leaseholder in accordance with the law. With customary tenancy agreements, including socially recognized verbal agreements: Legal owner will receive CCL from DC. The legal owner will pay the outstanding liabilities to the lessee/mortgagee. Under the following conditions: (i) all contractual liabilities are already paid up (ii) if not, the legal owner will get the residual payment after all liabilities are paid up (iii) BWDB will ensure RC of crops to the cultivator with direct payment of the difference, if CCL is less than RC, with assistance from INGO (iv) Dislocation Allowance will be paid to the actual cultivator of the acquired land by BWDB with assistance from INGO			
Loss Item 10: LOSS OF INCOME FROM DISPLACED COMMERCIAL/ INDUSTRIAL PREMISES			
Any proprietor or	Employment in the Project	ARIPA 2017	DPs will be brought

businessperson or artisan operating in premises	construction work, if possible Moving assistance (one time) for tenant. Tk 5000.00	ADB SPS 2009	under income and livelihood regenerating program (ILRP)
Special Implementation Issues and application Guidelines:			
1. All the business operators will be entitled for grant against loss of wages. The one-time moving assistance will be provided to the tenants only			
Loss Item 11: TEMPORARY LOSS OF INCOME (WAGE EARNERS IN AGRICULTURE, COMMERCE & SMALL BUSINESS, AND INDUSTRY)			
Regular wage earners affected by the acquisition	Allowance of Tk 4,000.00 Per HH Allowance of Tk 5,000.00 per FHH DPs to be included in the Income and Livelihood Restoration Program (ILRP)	ADB SPS 2009	1. APs will be brought under the ILRP
Special Implementation Issues and application Guidelines:			
DP must have been an employee of landowner or business located in the acquired lands for at least twelve months, as identified by Joint Verification and/or a contracted institution or a consulting company's census			
Loss Item 12: LOSS OF INCOME FROM RENTED -OUT AND ACCESS TO RENTED IN RESIDENTIAL/COMMERCIAL PREMISES			
1. Owner of the rented-out premises 2. AH/person rented-in any such structure	Dislocation Allowance of Tk. 5,000.00 for each unit of premises to both the renter and the rentees	ARIPA-2017 ADB SPS 2009	DPs will be brought under the ILRP
Special Implementation Issues and application Guidelines: Guidelines: In case of any conflict between Government Act/Rules & ADB SPS 2009, later will prevail			
Loss Item 13: VULNERABLE AHs SPECIAL ASSISTANCE			
Vulnerable Assistance	AH One-Time Special Assistance Grant of Tk 18,000 Skill training and credit support under ILRP No AH will get the grant if their family members do not participate to the proposed skill training	ADB SPS 2009	APs will be brought under the ILRP.
Special Implementation Issues and application Guidelines:			
1. Vulnerable AHs are those (i) below the poverty line, (ii) the landless, (iii) the elderly, (iv) women and children, (v) Indigenous Peoples, and (vi) those without legal title to land.			
2. Loss of income will be assessed as per actual loss of productive resources (land and businesses) to the project and the total income of the affected households from all sources through Census of all AHs.			
3. JVT will verify the percentage of loss comparing the actual loss and the total income from all sources of the affected households.			
4. Households turning into landless due to acquisition of agricultural land will be eligible for larger credit from the ILRP for longer duration			
Loss Item 14: ADVERSE IMPACT ON HOST POPULATION DUE TO RELOCATION OF APs			

Households' self-relocated to the host villages	Enhancement of carrying capacity of common civic amenities/utilities of the host communities as per assessment by BWDB	ARIPA 2017 ADB SPS 2009	1. Investment in the host area to improve health, education, and other public services 2. Forestation in the host area
Special Implementation Issues and application Guidelines: Community needs for enhancement of common facilities in host areas will be assessed through a needs assessment survey			
Loss Item 15: LOSS OF SUBMERGED LAND (ERODED LAND)			
1. Legal owner(s) of land (DC's khas land after legally established AD Line) and non-titled holders with recognizable claims. 2. Previous private owners of land below alluvial and diluvial (AD) Line	1. In absence of legally established AD line, all entitlements as provisioned for Loss Item 1. In case of khas land, CCL to respective DCs Resettlement cost (RC) of khas land to previous owner(s)	ARIPA-2017 ADB SPS 2009	
Loss Item 16: UNFORESEEN ADVERSE IMPACTS			
Households/persons affected by any unforeseen impact identified during implementation	Entitlements will be determined as per the RP resettlement policy		As appropriate
The unforeseen impacts and affected persons will be identified with due care as per policy framework and proposed to the MoWR and the ADB for approval including quantity of losses, their owners, and the entitlements			

AD = alluvial and diluvial; AHH = affected household; APs = affected persons; BWDB = Bangladesh Water Development Board; CCL = cash compensation under the law; CMP = current market price; DC = deputy commissioner; FHH = female-headed household; HH = household; ILRP = income and livelihood regenerating program; INGO = implementing nongovernment organization; JVT = Joint Verification Team; MoWR = Ministry of Water Resources; PVAT = Property Valuation Advisory Team; RP = resettlement plan; RC = replacement cost; SPS = Safeguard Policy Statement, 2009