

**PEOPLES REPUBLIC OF BANGLADESH
GOVERNMENT OF NEPAL**

Resettlement Policy Framework

**ADAPTABLE PROGRAM LOAN ON
STRENGTHENING CROSS-REGIONAL
COOPERATION FOR WILDLIFE PROTECTION
IN ASIA**

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1. Introduction

Subproject interventions proposed under this project are expected to be small and cause minimal negative social impacts. Land acquisition and resettlement are unlikely and discouraged under the project. However, as a precautionary measure, a Resettlement Policy Framework has been prepared to address unavoidable impacts that may arise from: (i) loss of structures; (ii) loss of livelihood systems/income opportunity (due to the lost of productive land or impact to a structure where a livelihood activity is being carried out); and (iii) loss of community property resources (religious structures, grazing land). The framework guides the compensation for lost assets, livelihoods, community property, and resettlement and rehabilitation of project affected people in accordance with the World Bank's Operational Policy 4.12 on Involuntary Resettlement and GOB and GON guidelines and legislation for similar circumstances. Stakeholder consultations and social screening during the feasibility stage of each activity will identify and categorize the level of impacts and what modalities need to be followed for defined losses to the project.

2. Definitions

General Definitions

For purposes of this framework, the following definitions will be applicable:

Project Affected Persons (PAP) includes any person or persons, households, a firm, or private or public institution who, in the context of acquisition of assets and change in land usage, as of the cut-off date, on account of the execution of the project, or any of its subcomponents or part, would have their:

- Standard of living adversely affected;
- Right, title, or interest in any house, land (including residential, commercial, agricultural and grazing land) or any other moveable or fixed assets acquired or possessed, in full or in part, permanently or temporarily adversely affected; or
- Business, occupation, places of work or residence or habitat adversely affected, with or without displacement provided such occupation is legal under applicable law.

PAP means persons or affected household and consists of all members of a household residing under one roof and/or operating as a single economic unit, who are adversely affected by a project or any of its components.

Household (HH) is a group of persons who commonly live together and would take their meals from a common kitchen.

Replacement Cost means and includes an amount needed to replace an asset at current value including depreciation and overhead expenses of the transaction, including stamp duty and registration charges, as follows:

- Agricultural land based on its productive potential;
- Residential land based on market value;
- Houses and other related structures based on current market prices of building materials and labor, without depreciation and deductions for salvaged building materials, plus transaction costs (such as administrative charges, registration and titling costs), etc.;
- Trees, crops and plants on current market value; and;
- Other productive assets like shops and commercial assets based on market value of similar location attribute, i.e. premium, etc.

Cut-off date is the date prior to which the occupation or use of the project area makes residents/users of the project area eligible to be categorized as affected persons. In many projects, the cut-off date coincides with the commencement of the census of affected persons within the project area boundaries. Persons not covered in the census will not be eligible for compensation and other entitlements. *For PAPs with legal titles the cut-off date would be the date of issue of legal notice under the Land acquisition act. For those without titles, the cut-off-date will be the date of commencement of census.*

Land: The term land refers to land acquired under the land acquisition act of the given country or through private transactions.

Squatters are persons who occupy / possess an asset without legal title.

Encroachers are those owners of land adjacent to public property, who have illegally extended their land holdings or structures into the public land.

Vulnerable groups: These are distinct groups of people who might suffer disproportionately or face the risk of being marginalized from the effects of the project and include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) elderly households with no means of support and landlessness, and (v) indigenous people or ethnic minorities.

Severely Affected households: These are households that will be affected by any one of the following :
(i) Significant loss of income (> 50%) and (ii) Loss of accesses to common property resources for those whose livelihoods depends on these.

3. Impacts & Mitigation Measures

Categories of Impacts

Following basic categories of issues/impacts may take place under this project, though land acquisition and large scale loss of livelihood are highly unlikely:

- a) Loss of structure;
- b) Loss of source of livelihood;
- c) Loss of access to common resources and facilities;
- d) Loss of standing crops, trees and perennial trees; and
- e) Loss of public infrastructure.

Impacts and Entitlement Framework

Entitlements for compensation and rehabilitation assistance to different categories of PAPs that are likely to be applicable for this project are described in the following sub-sections of this section:

I. PAPs losing Agricultural Land

- (a) When the portion of the land to be lost represents 20% or less of the total area of the landholding, cash compensation at full replacement value, will be provided to the PAP except where the portion of a landholding is critical to livelihoods such as alluvial plains. Where significantly large or entire land holding is affected by the project, the general mechanism for compensation of lost agricultural land will be through provision of "land for land" arrangements of equivalent productivity and at location acceptable to the PAP. In case suitable replacement land is not available, at the PAPs request cash compensation at replacement cost will be provided. Because many rural dwellers and poor people may be unaccustomed to managing large sums of cash, compensation payments would be made with supervision by appropriate personnel to assure that the beneficiary makes good use of the compensation received. In cases where only partial land is affected but the remaining land becomes economically unviable, the PAP will be entitled to compensation for entire holding at full replacement value or land-for-land option.
- (b) The replacement agricultural land will be provided to the PAP free of any tax, transfer costs, registration fee or charges.
- (c) PAPs whose land is temporarily taken by the works under the Project will be compensated at replacement cost for their net loss of income, damaged assets, crops and trees, as the case may be and their landholding will be restored at least to its original condition or improved.
- (d) Affected tenants and leaseholders on the agricultural land will be compensated for the market value of the gross harvest for one year's production or the remaining period of the tenancy agreement/lease, whichever is greater.
- (e) Affected agriculture labor will be compensated for the loss of income and will be paid compensation equivalent to the six months wages and assisted in getting alternative employment.
- (f) Squatters and encroachers will not be entitled to compensation for affected land.

II. PAPs losing Structures

- (a) The mechanism for compensating loss of other structures if established legally or is considered as a right as per the country regulations (example: benefits defined for indigenous peoples) will be cash compensation reflecting full replacement cost of the structures, without depreciation.
- (b) Affected households will also be entitled to a transfer/shifting allowance and a transition allowance for three months. Vulnerable squatters will also be provided with relocation assistance through viable options and assistance packages to choose from.

III. Loss of Income or employment

Alternatively, income rehabilitation package would be provided to the PAPs for re-employment, training in other trades and skills, agricultural inputs and extension services support, or for starting a new business depending upon their needs and priorities. The type and level of assistance required will be decided in consultation with the PAPs. Furthermore, parties that will be temporarily affected will not be eligible for cash compensation but will be consulted to have a minimization of impacts.

IV. Loss of standing crops and trees

- (a) PAPs will be entitled to cash compensation equivalent to market value of crops and trees *based on the type, age and productive value of affected trees*.
- (b) Compensation for all types of affected assets will be provided at replacement cost.
- (c) PAPs will be provided with compensation at full replacement cost, without depreciation for any other fixed assets affected in part or in full by the project.
- (d) All PAPs severely affected by the project due to the loss of productive assets, incomes and employment will be entitled to the income rehabilitation assistance including income restoration programs, training to improve skills or other assistance for self-employment depending upon the needs and priority of the affected PAPs. These rehabilitation measures would specifically focus severely affected PAPs, vulnerable groups and those who are either below the poverty line or those severely affected by the project due to the loss of productive assets or are likely to fall below the poverty line.
- (e) In cases where community infrastructure such as religious facilities, water resources, roads, etc. is affected, project implementing agencies will ensure that alternatives will be provided at no cost to the community. Furthermore alternative routes will be identified if necessary.
- (f) PAPs without any legal title or ownership right to the land they occupy will be compensated for all their lost assets such as structures, fixed assets, etc. at full replacement cost and provided assistance in finding suitable relocation site. The relocation site would, as far as possible, contain the access to facilities and services better than or at least equivalent to the one lost and provided with tenure security.
- (g) In case of other unforeseen impacts not covered above, appropriate measures would be determined keeping in mind the overall objective of this policy.

Social Implications to be taken into Consideration

Mitigating adverse impacts: Before taking possession of structures and before start of activities, PAPs will be paid compensation and other assistance in full. Where PAPs are entitled to relocation, the relocation site will be fully developed before the PAPs are displaced. The project will ensure that the standard of living of all affected persons is restored to the level enjoyed before the commencement of the project, and, if possible, improved.

Compensation at Replacement Cost: Market surveys are required to establish fair rates for assets lost by squatters, so that they may replace those at current prices and for crops and trees lost by share-croppers, tenant farmers and lease-holders.

Entitlements to affected people without legal rights to land: Lack of ownership does not imply ineligibility for compensation rights. The lack of legal tenure to land or assets will not be regarded as a criterion for withholding financial compensation or assistance in relocation in the project. The affected squatters will be carefully screened to ensure that resettlement and rehabilitation assistance is provided only to vulnerable families who are screened out.

Measures to avoid illegal occupation of land identified for project activities. The preparation of a Resettlement Plan will require that an early cut-off date, preferably at the time of the baseline survey, is established. The implementing agency will ensure that the information on cut-off date and eligibility are provided to the people with the clear understanding that anyone illegally occupying the land after the cut-off date will not be entitled to any compensation and/or assistance. The implementing agencies will also take appropriate measure to ensure that all lands that is identified for project activities remains clear of squatters. Experience shows that the most effective means of preventing reoccupation of cleared land is to enlist local communities in the prevention and reporting of such occupations.

Relocation of displaced squatters: Affected households will be provided with viable options for relocation to choose from that may include, among others: self-relocation; special package for transfer to the place of origin; and relocation to a suitable resettlement site on other public lands in the vicinity. Where attempts to find suitable relocation sites are not successful or the locations of identified sites are not acceptable to the PAPs, other options will be considered in consultation with the World Bank.

Social Networks: Planning must take into account existing social networks such as families, clans, religious groups, cooperative labor arrangements and the like. The goal of any dislocation or land acquisition should be to minimize disruption of existing social networks.

Entitlements: Compensation amounts will be based on the principle of replacement value. The exact value of compensation and replacement cost will be different for each activity and will be based on an economic and social survey of the area of the activity and of affected persons. Entitlement matrix is provided in Annex 6.

4. Assessments and Documentation

Preliminary Screening

During the identification and preliminary stages of any activity preparation, the implementing agency will employ the screening check-lists designed for the project. If displacement of people such as squatters is expected a preliminary Assessment to identify the types, degree and scale of potential social impacts of the activity will be undertaken via the check-list (attached in Annex-4 of Environment and Social Management Framework). In cases where the preliminary assessment indicates that the potential adverse impact of the proposed project will be significant, appropriate preparation will be done for further surveys and consultation with key stakeholders.

Activity Preparation

It is understood that given the short time allowed between the identification and the actual implementation of those activities with social implications, the preparation time for activities will be minimal. Given the above time constraints, there will not be enough time to conduct a full scale Poverty and Social Impact Assessment (PSIA) for each activity. However where the check-lists demonstrate that displacement of squatters is expected (on public lands, or on private lands) the implementation agency will be responsible for the production of a Resettlement Plan (RP.) The census and the inventory of affected assets will cover all PAPs, regardless of entitlement or land ownership. Criteria for vulnerability of PAPs should be paid particular attention in order to provide additional assistance. All data should be maintained on computerized data management system to facilitate analysis and M&E.

Displacement of squatters may induce the loss of business income, on either a temporary or permanent basis. The Inventory of Losses must record these impacts and, and these must be mitigated in accordance with the Entitlements to ensure that livelihoods are restored.

Poverty and Social Impact Assessment (PSIA)

When the sites for specific activities are identified and if, according to the substantive social effects are anticipated a brief PSIA (based on PRA techniques) will be undertaken to identify project beneficiaries, particularly focusing on poor, impacted people and other relevant stakeholders. The PSIA's will utilize a well planned and all-inclusive communication and consultation strategy and include a baseline survey covering the prevailing status of income, employment, education, age, skills and other socio-economic aspects along with cultural and community aspects in the areas. The assessment will feed into the individual RPs created for each location and will be incorporated, along with consultation feedback from those identified in the PAP census and all other relevant stakeholders, in the development of mitigation measures, especially livelihood strategies. Generic guidelines for PSIA are provided in Annex 5.

Resettlement Plan (RP)

Abbreviated (Summary) Resettlement Plan: In cases where the impacts of the activities are without any large scale displacement due to squatters, or where the impacts are minor an abbreviated and simplified RP should be prepared. It should briefly document consultation with PAPs, provide a census survey of displaced persons and/or valuation of assets (according to current market prices determined via a market survey), demonstrate the establishment of a cut-off date via the distribution of identity cards to those entitled; description of compensation and other resettlement assistance to be provided, institutional responsibility for implementation and procedures for grievance redress, arrangements for monitoring and implementation, and a timetable and budget. In acknowledgement of the fact that that project preparation

time will be very brief, these documents can be allowed to be simplified and concise, as long as the key points mentioned above are documented.

For projects that only affect small numbers of squatters on public or private land (e.g. less than 50 families), the implementing agencies will be responsible to ensure compliance with the Bank policies including keeping records of actions undertaken (the simplified and abbreviated RP) demonstrating that appropriate mitigation actions and compensation took place before physical displacement of PAPs. It is expected that the vast majority of activities will fall in this category. The implementing agencies will be responsible for overall compliance with the requirements of this framework including applying the check-lists to all activities and for producing RPs and SIAs where necessary. Random audits will be performed on this batch of activities to ensure compliance.

Social Safeguards Monitoring and Evaluation Approach

No private land acquisition is expected to take place under the project. Since most activities will be carried out in rural settings where squatters are not widely found, no major displacement is expected. Due to nature of activities and the approach taken, as well as the exact sites of intervention are not known, the implementing agencies will use the screening procedures outlined earlier to identify, assess, evaluate, mitigate and monitor social impacts of each activity/sub-project. These procedures include the following key points.

- The Project implementing agencies will be responsible to screen all of their sub-projects using a check-list to identify possible social impacts related to either land acquisition resettlement or the presence of IPs in the project areas;
- No involuntary land acquisition is anticipated under the project. If small quantities of land are at all required for some sub-projects (though this is unlikely), it may be acquired on a voluntary basis on willing buyer-willing seller terms where permissible. All land transactions will be recorded. The RPF provides guidelines to comply with World Bank and respective government requirements.
- Although no land acquisition or displacement of squatters is anticipated under this project, if the activities/sub-projects trigger land acquisition and/or are expected to impact squatters or economically displace less than fifty families, an Abbreviated Resettlement Plan (RP) will be prepared by the implementing agency using the procedures and guidelines outlined in this chapter. For activities/sub-projects that trigger the displacement of more than fifty families, a brief Social Impact Assessment will also be carried out, based on which a more detailed RP will be produced. The implementing agency may hire specialist consultants in preparing the RP.
- For projects that only affect small numbers of squatters on public land (e.g. less than 50 families), the implementing agencies will be responsible to ensure compliance with the Bank policies (incorporated in the Resettlement Policy Framework) including producing the RP and keeping records of actions undertaken. It is expected that the vast majority of sub-projects will fall in this category. The Bank will sponsor an independent verification and validation study by a third party monitoring agency via a random audit based on a sample of activities/sub-projects to ensure that adequate safeguards were in place, in line with the provisions of the SMF.
- In addition to the above, for activities/sub-projects that are expected to economically or physically displace more than 50 families a brief SIA will be carried out based on which the RP will be produced. For this batch of activities/sub-projects as well as those involving impacts on Indigenous People a third-Party audit will be undertaken to assess compliance with the requirements. The implementing agencies will be responsible for carrying out implementation of the RPF. The Bank will review the results of the audits and conduct an independent validation and verification via a third party monitoring agency, on a sample basis.
- Potential monitoring indicator identified in Annex 7 will provide the basis to undertake audits.

5. Grievance Redressal Mechanism

Despite best efforts to arrive at fair rewards in a project involving possible livelihood compensation and moving of squatters, there are always a few unsatisfied citizens. The implementing agency will make efforts at project level to resolve grievances through negotiations *involving community leaders and PAP's representatives*. In case dispute is not resolved at local level, the matter will be placed before a Grievance Resolution Committee to be established at the regional level.

The Grievance Resolution Committee (GRC) shall be constitute a panel of at least four Members, one of whom shall be the field-based project staff (at the respective sites), to be selected by the implementing agency. S/He will be responsible to provide secretarial support to the panel. It will include a representative from the residents of the project area, who would be publicly known to be a person of integrity, good judgment and commands respect, who can be considered independent and will chair the GRC. Other persons would be at least one representative from local Government bodies or NGO/CBOs and a representative from the PAPs in the area.

The designated project staff shall:

- Convene meetings of the committee as necessary at such place or places in the project area as s/he considers appropriate; and
- Provide all necessary secretarial support to the committee including recording of the committee meeting discussions and dissemination of deliberations and decisions taken to all concerned parties.

The chair of the GRC shall:

- Conduct the proceedings in an informal manner as s/he considers appropriate with the object to bring an amicable settlement between the parties;

The report of the members shall be recorded in writing and attested copies thereof shall be provided to the parties. In case of continuing differences and notwithstanding the provisions of nationally applicable legislation, the GRC can take a decision regarding entitlement and compensation. The decision taken during negotiations and GRC meetings shall be formally recorded for future reference and presentation in the court, if necessary.

If the matter cannot be resolved at the regional level, complaints will be referred to the Project Director, who will head a committee that includes the Social Management Specialist, the respective PAP representative and members of well-known national level NGO/Community-Based Organization (CBOs). All expenses incurred in arranging grievance negotiations and meetings of GRC as well as logistics required, shall be arranged by project-executing agency. These will be part of the project's administrative expenses.

The aggrieved PAP, if not satisfied with the decision of Grievance Resolution Committee, has the right to refer his / her petition to court of law.

6. Public Consultation and Participation

Public consultation is the cornerstone of all project activities. As such, the PAPs will receive prior information of the compensation, relocation and other assistance available to them where applicable; planning and implementation for the acquisition of land and other assets will be carried out in consultation with the PAPs.

The implementing agency will be responsible to carry out continued consultation with and information dissemination to the key stakeholders regarding:

- The relevant details of the project;
- The resettlement plan and various degrees of project impact;
- Details of entitlements under the resettlement plan and what is required of PAPs in order to claim their entitlements (a copy of the entitlement matrix will be provided to the PAPs);
- Compensation process and compensation rates;
- Relocation and resettlement site development operation in order to obtain agreement and support of affected people in participating in these operations;
- Implementation schedule with a timetable for the delivery of entitlements, and
- Detailed explanation of the grievance process.

The implementing agencies shall enlist the help of community leaders and other influential community officials in encouraging the participation of the PAPs in resettlement activities. Finally, they shall attempt to ensure that all vulnerable groups and indigenous peoples/ethnic minorities understand the process and that their needs are specifically taken into consideration.

Public participation will be performed and information will be made available during preparation and implementation of the resettlement plan and at the minimum includes community meetings and focus-group discussions. Public consultation must be appropriately documented.