

RESETTLEMENT FRAMEWORK

A. INTRODUCTION

1. A Resettlement Framework (RF) was prepared with the aim of (i) establishing the resettlement policy and principles for the project to guide DWASA in preparing, implementing and monitoring Resettlement Plans (RP) consistent with GOB and ADB policy, (ii) assisting DWASA to properly compensate project Affected Persons (APs), (iii) providing a binding document to ensure that APs are paid compensation, and (iv) demonstrating GOBs compliance with an ADB requirement in approving the loan.

2. The project will deliver major improvements in infrastructure over a six-year period (2008-2013) and institutional development of DWASA to raise their capability and service. Infrastructure will be built in six Components and will involve improvements in: water supply (new surface water intake, 50 Deep Tube Wells, treatment (pre-treatment works, one new Treatment Plant; transmission (15 km raw water main, 47 km primary main); distribution (800 km new pipes, 1300 km lining of existing pipes); and domestic service connections (250,000 house connections, community connections in slums).

3. Action taken to reduce land acquisition and resettlement includes:

- locating treatment works, tube-wells and overhead tanks on government-owned land to avoid the need for land acquisition;
- using trenchless technology to lining and replace existing pipes and install new pipes where practicable, to limit the construction of new trenches;
- locating the 15 km raw water main in the ROW alongside a new highway, ensuring that fences are erected to prevent development in the pipeline corridor;
- laying new pipes within roads to avoid the need to acquire land or relocate people, and reduce disturbance of shops and residents by trenches and excavated soil;
- Loss of business by shops will also be reduced by local practice in Dhaka, where construction in main roads is only allowed at night to avoid disrupting traffic.

4. The project will however involve major construction in a large, overcrowded urban area over a six-year period, so it is inevitable that there will be some resettlement impacts. These were estimated by transect walks along 5% of each area in which impacts are expected, which are 360 km of minor roads (in which daytime working will be permitted) and 47 km of major roads where installation of large-diameter pipes will require daytime working. Results are shown in Table 1, which indicates that impacts should be limited to temporary loss of income by shops, employees and hawkers for the few days that construction work is near their business. However this will affect large numbers of businesses (15,220 shops; 1,100 hawkers) and people (67,726 shop employees).

5. The RF outlines the objectives, policy principles and procedures for the provision of compensation and other assistance to those affected by the DWSP, and this account summarises the main elements.

Table 1: Summary of Resettlement Impacts expected during implementation of DWSP

	Minor Roads	Major Roads	Dhaka Total
Permanent Impacts			
Land Acquisition (ha)	0	0	0
Affected Structures or Assets	0	0	0
Community Resources	0	0	0
Affected Persons (AP)	0	0	0
Vulnerable APs	0	0	0
Temporary Impacts			
Affected Shops ¹	10,460	4,760	15,220
Owner-Shopkeepers	1,100	1,240	2,340
Tenant-Shopkeepers	9,360	3,520	12,880
Hawkers ²	0	1,100	1,100
Vulnerable APs	0	0	0
Socio-economic data (Tk)			
Average shop income (pd)	4,278	26,990	
Average employee wage (pd)	500	500	
Average hawker income (pd)	NA	961	

B. RESETTLEMENT FRAMEWORK AND POLICY

6. The RF compares Bangladeshi law (Acquisition and Requisition of Immovable Property Ordinance 1982) and the DWASA Resettlement Policy Framework 2006, with ADB requirements according to their Policy on Involuntary Resettlement 2003. ARIPO falls short of ADB requirements in several areas and in particular does not cover persons without title (e.g. squatters), or provide social rehabilitation of persons losing their livelihoods, and does not give special provisions for vulnerable groups. The DWASA RPF is modelled on World Bank procedure and thus complies with ADB policy in most respects, although it also does not include a social preparation phase or provide a clear mechanism for involving APs in planning the project, and does not class indigenous peoples as vulnerable. From this analysis a resettlement policy was developed for the DWSP, which complies with ARIPO and the policies of DWASA and ADB, and contains measures to bridge gaps between them. This is shown in the Entitlement Matrix (Table 2).

¹ Main types of shop are: general store, pharmacy, domestic hardware, and electrical goods.

² Main items sold by hawkers are: fruit and vegetables, hot food, tea and cigarettes.

Table 2: Entitlement Matrix for DWSP

	Type of loss	Application	Entitled Person	Compensation Policy ³	Implementation Issues and Responsibility
1	Loss of land	Vacant land acquired for the project, that is not leased, occupied, or used for any purpose	Land owner(s) with legal title	Cash compensation equivalent to the replacement cost of land; Plus a top-up amount if needed to bring the total price to the market value of land, calculated by independent survey; Plus costs that would be incurred in purchasing new land (stamp duty, registration fee and transfer cost).	DWASA will purchase land by the “willing buyer willing seller” principle wherever possible, conducting negotiations and signing agreements openly in public; To comply with ADB policy, negotiations would be monitored by a committee set up by the project to represent APs; If a parcel of land cannot be obtained by this method, an alternative site will be sought; If no suitable alternative exists, land will be acquired by the established procedures of the ARIPO; DWASA will commission an independent survey to establish the market value of the land; If the sale price negotiated by DWASA or established by the DC is less than the market value according to the survey, the project will pay a top-up amount equivalent to the shortfall;
2	Temporary loss of livelihood	Business activity disrupted by construction work	Shopkeeper (owner or tenant); hawker; shop worker who receives a reduced wage	Cash compensation, calculated at the amount of income lost during the period of disruption; <i>Compensation will be paid regardless of whether or not the shop or hawker closes their business;</i>	The normal income of shops, employees and hawkers will be determined by a Detailed Measurement Survey (DMS) commissioned by DWASA The period of disruption will be assumed to be 5 days, based on experience from the 4 th Dhaka Water Supply Project (World Bank, 1999-2002), where this was the average period of construction at network sites;
3	Temporary loss of access	Access to houses, shops and common property resources impeded by trenches	Residents, shop customers	<i>Temporary access structures will be provided to allow pedestrians and vehicles to cross trenches safely;</i> <i>Structures will also be provided to maintain access to common property resources;</i>	Construction contracts will require Contractors to provide planks and metal sheets where necessary to allow access across trenches by pedestrians and vehicles respectively; The consultant employed by DWASA to supervise construction will ensure that Contractors have sufficient planks and metal sheets available before any trench construction begins;

³ All measures comply with DWASA policy as established by the Resettlement Policy Framework, except those shown in italics. These measures are required to comply with ADB policy on Involuntary Resettlement (in particular the requirement that APs are at least as well off as they would have been in the absence of the project) and Gender in Development (in particular that ADB projects should formulate strategies to bring about equal opportunities for men and women and encourage women's participation in decision-making).

Appendix 18

	Type of loss	Application	Entitled Person	Compensation Policy ³	Implementation Issues and Responsibility
4	Impacts on Vulnerable APs	Special Provisions (in addition to any other compensation for loss of land or income)	Vulnerable APs ³	<p>Support for alternative livelihoods: Employed preferentially in workforces created by this project (construction and O&M) if suitable;</p> <p>Provision of training in locally-needed artisanal skills (e.g. carpentry, plumbing, building trades);</p> <p>Income subsidy for those who undertake training – normal rate of income for 3 months;</p> <p>Assured involvement in project activities: Assured of representation on project-related consultative committees and other communication & planning forums;</p> <p><i>Measures to address the needs of women:</i> <i>Representation on committees as above;</i> <i>Employed preferentially in project workforces;</i> <i>Training in women's issues, small business, etc;</i> <i>Public awareness on the role and potential of women;</i></p>	<p>Construction contracts will require Contractors to employ specific numbers of vulnerable APs and women in their construction workforces;</p> <p>DWASA will adopt targets of the numbers of vulnerable APs and women to be employed long-term in O&M workforces for the project;</p> <p>Training needs and employment opportunities suitable for vulnerable APs and women will be determined and addressed by a Training Coordinator appointed by DWASA as part of the DWSP implementation arrangements;</p> <p>Representation from vulnerable APs and women will be a requirement of all committees and consultation forums for the project;</p> <p>Training for women will include elements of basic education where necessary to compensate for deficiencies in schooling</p>
5	Unidentified Losses	Any loss not already covered by this matrix	Affected Person	<p>Dealt with as appropriate during DWSP implementation according to ADB policy;</p> <p>Dealt with by adapting the above measures if the loss or situation is similar;</p>	<p>Action to address any issues will be proposed by DWASA Resettlement Cell (responsible for DWSP resettlement);</p> <p>Proposed action will follow ADB policy and adopt a similar approach as outlined above, if applicable.</p>

C. PROCEDURE FOR RP PREPARATION

7. DWSP will be implemented in six Components, and the main work of network rehabilitation will be let via two packages each of three year duration. Each package covers the work to be executed in the DWASA administrative zones 1,2,4 and 7 and zones 3,5 and 6 respectively. DWASA is the Executing and Implementing Agency and will establish a Project Management Unit (PMU) to manage the project centrally, and a PIU in each zone, to manage project implementation in their zone.

8. Resettlement across the project as a whole will be dealt with by the DWASA Resettlement Cell (RC), currently being established, who will be trained by the project and strengthened with the services of an international and a domestic resettlement specialist. DWASA will appoint an NGO to assist in setting up a Resettlement Unit (RU) in each PIU, staffed by one resettlement expert from the NGO and two staff from the PIU, who will also be trained by the project.

9. The PMU will appoint Civil Engineering Consultants (CEC) to prepare detailed designs for the infrastructure, manage the tendering of contractors and supervise construction. The principles established by the RF will be followed in preparing designs and construction contracts, so action will be taken to avoid resettlement impacts as far as possible. The RC will prepare RPs for work to be conducted during each year of the project (6 RPs in total), and these will follow the RF and a sample RP prepared during the PPTA. This should ensure that the project does not disadvantage anyone, especially the vulnerable, Indigenous Persons and women, and that wherever possible the quality of life of APs is improved.

D. INSTITUTIONAL ARRANGEMENTS

10. Table 3 shows the resettlement activities, and the institutions responsible for each.

Table 3: Institutional Responsibilities in the Resettlement Process for DWSP

Activity	Action	Approval
Institutional Strengthening		
Training and consultancy support to Resettlement Cell (RC)	PMU	Project Director
Training and consultancy support to Environment Cell (EC)	PMU	PD
Training and NGO support to PIU Resettlement Units (RU)	PMU	PD
Preparation of Resettlement Plans		
Design of DMS questionnaire	PMU-RC	RC Consultant
Implementation of DMS ⁴ , screening of vulnerable households	Consultant/NGO	PMU-RC
Calculation of average values for entitlements	PMU-RC	PICC ⁵
Preparation of Draft Resettlement Plans	PMU-RC	PD
Public consultation on RPs and entitlements	PIU-RU	PMU-RC
Incorporation of comments, preparation of Final RPs	PMU-RC	PICC, ADB
Public disclosure of RPs	PMU-RC	PICC, ADB

⁴ Detailed Measurement Survey to record and quantify resettlement impacts and affected & entitled persons

⁵ Project Implementation and Coordination Committee – provides policy guidance and overall coordination

Activity	Action	Approval
Implementation of Resettlement Plans		
Appointment of IMA	PMU	PD
Internal and external monitoring	PMU-EC, IMA ⁶	PD, PICC, ADB
Allocation of RP budgets	Finance Dept ⁷	PD
Preparation of lists of entitled persons and entitlements	PMU-RC	PD
Preparation of CEFs for each AP	PMU-RC	PD
Discussion and agreement of CEFs with each AP	PIU-RU	PMU-RC
Retention of agreed and endorsed CEFs	AP, PIU-RU	PMU-RC
Application for release of compensation funds	PIU-RU	PMU-RC
Release of funds	Finance Dept	PMU-EC
Provision of cheques to APs	PMU	Finance Dept
Provision of training and other entitlements	PMU-RC	PIU-RU
Dealing with complaints and grievances	PIU, GRC	PMU-RC
Communication of outcome of GRC cases	GRC ⁸	PMU-RC
Surveys to determine level of AP satisfaction	PIU-RU	PMU-EC

E. CONSULTATION, DISCLOSURE AND GRIEVANCE REDRESS

11. Stakeholders were involved in preparation of the RF and sample RP through face-to-face interviews (500 persons) and pilot workshops in affected communities. Disclosure involved distributing summary documents in Bengali with daily newspapers and posting full documents on DWASA and ADB websites. DWASA will employ an experienced NGO to expand this process during DWSP implementation via media campaigns, public meetings, stakeholder workshops, focus group meetings, and discussions with APs on resettlement impacts and entitlements. Draft and Final RPs will be disclosed each year on DWASA and ADB websites, and paper copies will be available from DWASA.

12. The existing DWASA Grievance Redress Mechanism (GRM) will apply to the project. This involves resolution if possible by discussion between the PIU, AP and APC⁹ representative, plus the Contractors' Chief Engineer and site manager if necessary. If a case cannot be resolved it is presented to a Grievance Resolution Committee (GRC), chaired by the PIU Director/Coordinator, with two other members, one representing residents and the other from a local NGO or CBO. The GRC meets as often as necessary and has 14 days to reach a decision, after which an AP may represent his case once on appeal.

⁶ Independent Monitoring Agency – NGO or consultant appointed by PMU to conduct external monitoring

⁷ DWASA Finance Department

⁸ Grievance Redress Committee – set up by the project to deal with complaints from APs

⁹ Affected Persons Committee - elected by citizens to represent them in dealings with PIU, Contractor, etc

F. MONITORING AND EVALUATION

13. Internal monitoring of resettlement will be conducted by the DWASA Environment Cell (EC), following normal practice established in the RPF. The project will provide training and the services of a domestic resettlement specialist to support the EC in this role. Monitoring will cover: management, budget and programme; delivery of entitlements; consultation, grievance and other issues; and benefit impacts. A consultant or NGO will be engaged as an Independent Monitoring Agency (IMA) to report to the EA and ADB throughout the project on provision of entitlements and their effects, and the adequacy of resettlement policies, staff, structures, and the process as a whole. This will include both Compliance Monitoring and Social Impact Evaluations.

G. RESETTLEMENT BUDGET AND FINANCING

14. Table 4 shows the resettlement budget for the project, calculated from the impacts indicated by the surveys (Table 1) and action proposed by the Entitlement Matrix (Table 2). The total of Tk 465 million (US \$ 6.7 million) is less than 5% of the expected loan of \$150 million, and 73% will be spent on providing compensation. Budgets for resettlement activities each year will be calculated by the RC in the individual RPs. All resettlement funds will be provided by the EA, based on the financing plan agreed by GOB and ADB as part of the loan approval. DWASA considers all items as integral components of the project costs.

Table 4: Estimated Budget (Tk) for compensation of resettlement effects of DWSP

Item	Quantity	Unit Cost	Total Cost	Sub-totals
Compensation for lost income: minor roads				
Shopkeepers	10,460	4,278 ¹⁰	44,747,880	
Shop employees	49,162	500 ¹¹	24,581,000	69,328,880
Compensation for lost income: major roads				
Shopkeepers	4,760	26,990 ¹²	128,472,400	
Shop employees	25,228	500	12,614,000	
Hawkers	1,100	961 ¹³	1,057,100	142,143,500
Special Assistance for vulnerable APs				
Training female shopkeepers, employees, hawkers	4,536 ¹⁴	28,000 ¹⁵	127,008,000	
Compensation for income lost when training	4,536	29,200 ¹⁶	132,451,200	259,459,200
PMU Resettlement Cell				
International Resettlement Specialist	6 months	1,400,000 ¹⁷	8,400,000	
Domestic Resettlement Specialist	24 months	200,000	4,800,000	
Training for DWASA staff	6	28,000	168,000	13,368,000
PIU Resettlement Units (6 No.)				
Domestic Resettlement Specialists	216 months ¹⁸	100,000	21,600,000	21,600,000
DWASA Environment Cell				
Domestic Resettlement Specialist	6 months	200,000	1,200,000	
Training for DWASA staff	4	28,000	112,000	1,312,000
Surveys				
Detailed Measurement Surveys (1 per year)	320 months ¹⁹	100,000	32,000,000	
Business Income Survey	6 months ²⁰	200,000	1,200,000	
Independent Monitoring Agency	12 months ²¹	200,000	2,400,000	35,600,000
Committees				
Grievance Resolution Committee	36 ²²	9,000 ²³	324,000	
Affected Persons Committees	216 ²⁴	15,000	3,240,000	3,564,000
Consultation and Disclosure				
Domestic staff	72 months ²⁵	150,000	10,800,000	
Expenses	6 years	400,000 ²⁶	2,400,000	13,200,000
TOTAL				559,575,580

¹⁰ Average shop income in minor roads is Tk 4,278 per day (Table 1); 20% of income for 5 days is Tk 4278;

¹¹ Average income of shop employees is Tk 500 per day; 20% of income for 5 days is Tk 500;

¹² Average shop income in major roads is Tk 26,990 per day; 20% of income for 5 days is 26,990 Tk;

¹³ Average hawker income is Tk 961; 25% of income for 5 days is Tk 961;

¹⁴ Assumes that 5% of shopkeepers, shop employees and hawkers are female;

¹⁵ Estimated cost of training is Tk 3,500 (US\$50) per person per week. Unit cost assumes 8 weeks each;

¹⁶ Assumes that shop employees and hawkers will lose income when attending training. Unit cost is the average daily income of these groups (Tk 730) paid for 5 days per week for 8 weeks;

¹⁷ Fees for consultants are based on current PPTA rates. International rate includes airfare, accommodation and subsistence. Domestic rate is fee only, assuming that the person lives in Dhaka;

¹⁸ Assumes one NGO resettlement specialist in each PIU-RU, working for 6 months per year, for 6 years;

¹⁹ Resettlement surveys of 5% of the network during the PPTA required 8 person-months of effort. The DMS are more complex and will cover the whole network and facility sites, so effort will be doubled;

²⁰ Assumes three domestic financial specialists working for two months each;

²¹ Assumes two monitoring specialists working for one month each per year, over six years;

²² Assumes that GRC will meet on average once every two months;

²³ Cost per meeting of GRC and APC is Tk 3,000 per member, which will cover attendance allowance, room hire, stationery and secretarial service;

²⁴ There will be six APCs, one per zone, who will meet on average every two months;

²⁵ Public consultation and disclosure will be handled by a four-person NGO team, working intermittently as needed, averaging inputs of three months each per year over the six-year period of the project;

²⁶ Includes cost of venue, advertising, refreshments and materials for the following events each year: 4 public meetings (Tk 50,000 each), 8 local meetings/workshops (Tk 10,000 each), 2 media campaigns (Tk 35,000 each), and other local events and activities (Tk 50,000). Total = Tk 400,000 per year.