



**Health, Population and Nutrition Sector Development
Program (HPNSDP)**

SOCIAL MANAGEMENT FRAMEWORK

**Ministry of Health and Family Welfare
Government of the People's Republic of Bangladesh**

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TABLE OF CONTENTS

	Page
<i>Acronyms & Abbreviations</i>	<i>ii</i>
A. INTRODUCTION: SOCIAL SAFEGUARDS & MITIGATION ISSUES	1
SMF Objectives.....	1
Program Activities & Social Safeguards Implications....	2
Basic Principles.....	3
Safeguard Screening & Mitigation Guidelines.....	4
Implementation Arrangement.....	4
Training & Capacity Building.....	5
Grievance Redress.....	5
SMF Disclosure.....	7
B. GUIDELINES FOR LAND ACQUISITION & RESETTLEMENT	8
National Policy and Regulatory Framework	8
DP Social Safeguard Requirement.....	9
Land Needs & Resettlement Issues.....	10
Impact Mitigation Objectives	10
Applicability and Impact Mitigation Plan	11
Guidelines for Land Donation and Direct Purchase.....	11
Land Acquisition & Impact Mitigation Principles.....	12
Eligibility for Compensation/Assistance	14
Compensation Principles & Standards	15
Compensation Payment	18
Entitlement Matrix	19
Preparation of Mitigation Instruments	22
Contents of RP and ARP.....	22
Community/Stakeholder Consultation.....	23
Documentation	24
Monitoring & Reporting	24
Land Acquisition & Resettlement Budget	25
C. FRAMEWORK FOR INDIGENOUS PEOPLES PLAN	26
Introduction	26
Objectives of IPP	26
Defining the Indigenous Peoples	27
Indigenous Peoples Plan	27
IPP Basic Principles	27
IP Participation & Consultation	28
Contents of Indigenous Peoples Plan	29
IP Socioeconomic Characteristics & Concerns	30
Impact Mitigation & Mitigation Measures.....	31

<i>Annex A1: Social Safeguard Screening Forms</i>	32
<i>Annex A2: Definition Of Selected Terms.....</i>	38
<i>Annex B1: Suggested Methods for Market Price Surveys</i>	41
<i>Annex B2: Application Guidelines for Mitigation Measures.....</i>	43
<i>Annex B3: Monitoring Land Acquisition, and Preparation & Implementation of Impact Mitigation</i>	48
<i>Annex C1: Indigenous Peoples' Consultation Matrix.....</i>	50

ACRONYMS & ABBREVIATIONS

ARP	<i>Abbreviated Resettlement Plan</i>
APD	<i>Additional Program Director</i>
CBO	<i>Community-Based Organization</i>
CRO	<i>Chief Resettlement Officer</i>
CUL	<i>Compensation-Under-Law</i>
DC	<i>Deputy Commissioner</i>
DLAC	<i>District Land Acquisition Committee</i>
ESAC	<i>Environmental & Social Assessment Consultants</i>
GOB	<i>Government of Bangladesh</i>
GRC	<i>Grievance Redress Committee</i>
HCG	<i>House Construction Grant</i>
HTG	<i>House Transfer Grant</i>
IDA	<i>International Development Association</i>
IP	<i>Indigenous People</i>
IPP	<i>Indigenous Peoples Plan</i>
LAP	<i>Land Acquisition Proposal</i>
NGO	<i>Non-Governmental Organization</i>
MOHFW	<i>Ministry of Health and Family Welfare</i>
OP 4.10	<i>Operational Policy 4.10 on Indigenous Peoples</i>
OP 4.11	<i>Operational Policy on Physical Cultural Resources.</i>
OP 4.12	<i>Operational Policy 4.12 on Involuntary Resettlement</i>
PAH	<i>Project Affected Household</i>
PAP	<i>Project Affected Person</i>
PD	<i>Program Director</i>
PMU	<i>Program Management Unit</i>
RO	<i>Resettlement Officer</i>
RP	<i>Resettlement Pan</i>
SMF	<i>Social Management Framework</i>
SMC	<i>Supervision & Monitoring Consultants</i>
UH&FWCs	<i>Union Health & Family Welfare Centers</i>
VNR	<i>Vested Non-Resident</i>
WB	<i>World Bank</i>

A. INTRODUCTION: SOCIAL SAFEGURDS & MITIGATION ISSUES

1. This Social Management Framework (SMF) is proposed to deal with social safeguard issues that are likely to arise under the proposed Health Population and Nutrition Sector Development Program (HPNSDP). The program is being prepared, and will be implemented, by the Ministry of Health and Family Welfare (MOHFW), Government of Bangladesh (GOB). Starting in July 2011, the activities under this multi-component program will be implemented over a five-year period. A number of development partners (DPs) including the World Bank are supporting MOHFW for program preparation and will co-finance its implementation.

2. It is expected that civil work activities, such as upgrading/renovation of existing facilities and construction of health care and educational facilities, proposed under component II “Strengthening Health Systems” of HPNSDP would involve issues related to the World Bank’s and other Development Partners (DPs) operational policies on social safeguards. Social safeguards issues are generally expected to relate to the World Bank’s Operational Policies on Involuntary Resettlement (OP 4.12) and Indigenous Peoples (OP 4.10), and other DP safeguard principles. The nature and magnitude of impacts will be determined on a continuing basis with finalization of facility location and engineering designs. As the impact details become available, the proposed SMF will provide the basis to prepare and implement Resettlement Plans (RPs) and Indigenous Peoples Plans (IPPs), as and when required to mitigate adverse impacts due to the physical facilities development. The SMF will be applicable to the activities financed by the World Bank and/or the pooled funds.¹

The SMF Objectives

3. The SMF is intended to provide the necessary bases to determine applicability of the World Bank and DP safeguard policies, identify the safeguards impacts, and prepare and implement RPs and IPPs as and when required. The core principle behind the SMF is to avoid, minimize and mitigate issues relating to land acquisition and resettlement, and impacts on indigenous people. As proposed here, it also provides general policies, guidelines, and procedures for integration of social safeguard issues into selection, design and implementation of the civil works. Besides, this SMF seeks to address the gap of the existing legal provisions to meet the social safeguard requirements of the DPs including the World Bank. The objective of the SMF is to help MOHFW to ensure that the program:

- Enhances social outcomes of the activities implemented for the physical facilities development under the program

¹ There is a possibility that a few of the DPs will pool their resources with the World Bank into a multi-donor trust fund (MDTF). (IDA credit and the MDTF and other DPs’ fund disbursed directly to the pool account will constitute the “pooled funds”.) MOHFW will prepare separate procurement plans for activities to be financed out of the pooled funds and the SMF will apply to these activities. If funds are not pooled, the SMF will apply only to the activities financed by the Bank, which will be tracked through separate procurement plan(s).

- Identifies and mitigates adverse impacts that the selected development interventions might cause on people, including protection against loss of livelihood activities, with culturally, socially and economically appropriate measures; and
- Is prepared and implemented in compliance with the World Bank's and other DPs' social safeguards policies.

Program Activities & Social Safeguards Implications

4. The multi-component HPNSDP aims to establish a people oriented and people responsive health care delivery system which will be gender sensitive and concentrate more on children, elderly and adolescent, poor and the marginalized. Furthermore, MOHFW intends to develop an efficient and sustainable health care delivery system with special emphasis on the development of a sustained health service delivery system. The program components are: Component IA: Improving Health Services; Component IB: Improving Service Provision; and Component II: Strengthening Health Systems. Component II aims to strengthen the various health systems required to effectively implement the various service delivery activities. Main activities will include extension/upgrading and renovating existing facilities and build new ones at the Union, Upazila and district levels. Major physical facilities that may be upgraded/extended and built anew are as follows:

5. Community clinic: MOHFW has plans to operationalize 18,000 community clinics. Some of these facilities already exist and renovation work is required. The rest will be newly built. Community clinics are the first point of contact at the village level.

6. Union Health & Family Welfare Centers (UH&FWCs): This is the smallest of the facility provided at the union level. According to the MOHFW plans, many of the Union Sub-Centres (USCs), which are presently inadequate in terms of space and are in dilapidated condition, will be replaced with new buildings, and new ones will be built in unions where there are no USCs or UH&FWCs. It is expected that in most cases existing USC sites would be sufficient to build new UH&FWCs which, with prototype designs, require a land area of 30 decimals. For the new UH&FWCs, MOHFW expects to obtain land on private donation or on direct purchase from the landowners at the prevailing market rates.

7. Upazila Health Complex: Rise in local demand for health care services requires substantial upgrading of the existing physical facilities, particularly bed-capacity of hospitals in many of the existing Upazila Health Complexes (UZHCs) and other renovation works. As seen under the previous program, extension of bed capacity will generally involve addition of new floors on top of the existing buildings and, in some cases, construction of new buildings within the UZHC compound. Renovation works generally involved repair of the existing facilities along with maintenance of the facilities. Since all physical works are expected to be carried out within the existing UZHC compound, where land belongs to the MOHFW and is free of encumbrances, no resettlement issues are expected to arise.

8. Upazila Stores (UZ Stores): These are small two-storey buildings, with 2000 to 3000 sft of total floor area, which would be used for family planning services. Most of these are likely to be built within the existing compound of the UZHCs. However, as seen under the previous program, some UZHCs may not have enough space to accommodate a new

building. In such cases land may have to be obtained on private donation or by direct purchase from the landowners at the prevailing market prices.

9. Nurses Training Institutes (NTIs) and Other Major Facilities: Even though not much is still known about the scope of the civil works, the NTIs at the district level and other facilities, such as a 500-Bed Hospital, a Blood Transfusion Center, and a Skill Birth Attending Center, etc, are relatively larger facilities. Almost all of these are likely to be built in urban and peri-urban areas and are likely to require substantial amounts of lands, some of which may have to be acquired. Public lands in urban areas, wherever available, may not always remain free of encumbrances. As often seen, depending on locations it is likely that some of the lands might have been under unauthorized private uses.

10. Medical College Hospital (MCH): These are the largest facilities and require large amounts of lands. MOHFW has a plan to build a number of MCHs in several districts. As it stands now, MOHFW is currently in the process of selecting sites.

11. Availability of land on private donation or direct purchase may or may not materialize for all new UH&FWCs. Depending on the actual situation on the ground, some of the UZ Stores and UH&FWCs may as well require private lands. Lands for NTIs, MCHs and other larger facilities are likely to be obtained through acquisition and by resuming public lands from authorized and unauthorized private uses. Some of the facilities are likely to be located in the Chittagong Hill Tracts (CHT) which are heavily populated by Tribal peoples. Also, given Tribal People's presence all over the country, impacts on Tribal peoples in the plains districts cannot be ruled out either. It is thus concluded that the Bank and other DPs' social safeguard policies, on Involuntary Resettlement and on Indegenous Peoples, will apply to the physical works anywhere in the country, which will be financed by the Bank and/or out of the pool funds.

Basic Principles

11. In consideration of the potential adverse impacts associated with land acquisition and displacement of authorized and unauthorized private activities from its own (and other public) lands, MOHFW will select, design and implement all development and construction activities in accord with the following principles:

- Prior to selection specific facilities for upgrading or new construction, MOHFW will undertake community and stakeholder consultations² about their objectives, scopes, and social safeguard implications, especially with respect to land acquisition and displacement from its own lands (and other public lands, if they are also likely to be used for the development and construction activities). Consultations will be of both formal and informal nature with the various kinds of stakeholders.
- Unless absolutely required, MOHFW will avoid private land acquisition and design the development and construction activities to the extent feasible in ways so that

² Consultation encompasses the land selection committee meetings that are in practice and will involve potentially affected stakeholders. The involvement of primary and if necessary secondary affected stakeholders will only be relevant for IDA funded packages.

displacement of economic and other activities from private and public lands are minimized.

- MOHFW will avoid, to the extent feasible, development and construction activities that will threaten cultural way of life of IPs; severely restrict their access to common property resources and livelihood activities; and affect places/objects of cultural and religious significance (places of worship, ancestral burial grounds, etc.).
- MOHFW will undertake social screening of all development and construction activities to identify potential social safeguard issues, and adopt and implement impact mitigation measures consistent with the social safeguard policies of GOB and the DPs, including the World Bank.

Safeguards Screening & Mitigation Guidelines

12. MOHFW will screen each development and construction activity to identify potential safeguards issues and impacts associated with the physical works, in order to determine applicability of the social safeguard policies of GOB and the DPs and prepare and implement the required impact mitigation plans (a Screening Form is provided in Annex A1). Where adverse impacts cannot be avoided entirely, MOHFW will select, design and implement the physical facilities development under the programs in accordance with the following guidelines:

- *Guidelines for Land Acquisition & Resettlement:* Contains principles, policies and guidelines for obtaining private land on donation, direct purchase from landowners, acquisition, and use of public lands, and impact mitigation; mitigation measures; and implementation and monitoring arrangements for mitigation plans (Section B); and
- *Framework for Indigenous Peoples Plan:* Contains principles and guidelines to identify and deal with adverse impacts on IPs, and a consultation framework for adoption of culturally and socio-economically appropriate mitigation and development measures, where development and construction activities would adversely affect them (Section C).

Implementation Arrangement

13. Joint Secretary (Development and Medical Education) of MOHFW is the person in charge of physical facilities development under the program. With designated staff at the ministry level, the JS would ensure that the provisions of the SMF are implemented as and when the individual healthcare facilities are found to raise social safeguard issues. With regards to construction/improvement works, Health Engineering Department (HED under MOHFW) and the Public Works Department (PWD) will implement the civil works in the health sector. PWD will carry out the construction of most of the larger facilities. A designated staff/consultant will assist HED and PWD to monitor and coordinate land related issues and impact mitigation activities under the supervision of the JS. At the local level, assisted by the consultants the designated HED and PWD field staff will screen the proposed facilities to identify the potential social safeguard issues, assess impacts and prepare and implement the required impact mitigation plans.

Training and Capacity Building

16. HED and PWD have little experience in dealing with resettlement and indigenous people's issues in the manner stipulated in this SMF. HED is familiar with the World Bank's guidelines for land donation and purchase, and oversaw some cases of donation and one involving purchase. It is thus proposed that both organizations will arrange to train their staff who would be designated to oversee SMF implementation, including preparation and implementation of the impact mitigation plans like RPs and IPPs. The program will support the training program.

Grievance Redress

17. The Land Acquisition Ordinance, 1982 allows landowners object to acquisitions in the beginning of the legal process. Once the objections are heard and disposed of, there is virtually no provision to address grievances and complaints that individual landowners may bring in the later stages of the acquisition process. As the Ordinance does not recognize them, no mechanism is there to hear and redress grievances of people who do not have legal titles to the acquired lands. As seen in various projects, complaints and grievances may range from disputes over ownership and inheritance of the acquired assets to affected persons and assets missed by the censuses; valuation of affected assets; compensation payment; and the like. Considering the need, MOHFW will establish a procedure to answer to queries and address complaints and grievances about any irregularities in application of the guidelines adopted in this SMF for assessment and mitigation of social safeguard impacts. Based on consensus, the procedure will help to resolve issues/conflicts amicably and quickly, saving the aggrieved persons resorting to expensive, time-consuming legal actions.

18. In view of ease in accessibility by the project affected persons (PAPs), a Grievance Redress Committee (GRC) will be formed for each development and construction activities. The GRCs will consist of memberships to ensure proper presentation of complaints and grievances, as well as impartial hearings and transparent decisions. Membership composition of the GRCs, where IPs are among the affected persons, will take into account any traditional conflict resolution arrangements that IP communities may have in practice. If the aggrieved person is a female, MOHFW will ask a female UP Member or Municipal Ward Commissioner to participate in the hearings. Females will be encouraged to be part of the GRC.

GRC Membership

Executive Engineer (HED, MOHFW/PWD)	Convener
Union Parishad Chairman	Member
Concerned Local Level Health and Family Welfare Representative	Member
Member of the community from the concerned Ward	Member
CBO representative (where available)	Member

19. During consultations for development and construction activities in areas which are significantly inhabited by IPs (Chittagong Hill Tracts and elsewhere), MOHFW will identify any existing traditional conflict resolution mechanisms used by the IP communities. If they exist, and the IPs intend, the GRCs will include at least one person from such 'traditional conflict resolution bodies' replacing one (who is unlikely to be knowledgeable of IP issues and concerns) from the memberships suggested above.

20. If a resolution attempt at the local level fails, the GRC will refer the complaint with the minutes of the hearings to the District Commissioner (DC) of the concerned area for further review in case districts. While in case of upazilas, GRC will refer the complaint to Upazila Nirbahi Officer. *A decision agreed with the aggrieved person(s) at any level of hearing will be binding on MOHFW.*

21. All cases at the local level will be heard within four weeks of their receipt; but those related to matters like compensation for poor and vulnerable will be heard in two weeks or earlier. DC's decisions on unresolved cases will be communicated to the GRC in one week of their receipt. At the ministry level, decisions on unresolved cases, if any, will be made in no more than four weeks by an official designated by the MOHFW Secretary.

22. To ensure that grievance redress decisions are made in formal hearings and in a transparent manner, the convener will use the following guidelines:

- Reject a grievance redress application with any recommendations written on it by a GRC member or any other influential persons;
- Remove a recommendation by any person that may separately accompany the grievance redress application;
- Disqualify a GRC member who has made a recommendation on the application or separately before the formal hearing and appoint another person in consultation with the District Commissioner/Upazila Nirbahi Officer ; and
- The convener will also ensure strict adherence to the impact mitigation policies and guidelines adopted in this SMF and the mitigation standards, such as compensation rates, established through market price surveys.

23. To ensure impartiality and transparency, hearings on complaints will remain open to the public. The GRCs will record the details of the complaints, the reasons that led to acceptance or rejection of the particular cases, and the decision agreed with the complainants. MOHFW will keep records of all resolved and unresolved complaints and grievances and make them available for review as and when asked for by DPs.

SMF Disclosure

24. MOHFW will disclose Bangla translation of a summary of SMF to the public in Bangladesh, and authorize the World Bank to disclose it at its Country Office Information Center and in its Infoshop. MOHFW will ensure that copies of the translated document are available at its headquarters and district offices, concerned government offices in the project districts, and other places accessible to the general public. As to disclosure, MOHFW will

inform the public through notification in two national newspapers (Bangla and English) about the SMF and where it could be accessed for review and comments.

B. GUIDELINES FOR LAND ACQUISITION AND RESETTLEMENT

National Policy and Regulatory Framework

1. Currently the only legal framework that governs land acquisition in Bangladesh is the Acquisition and Requisition of Immovable Property Ordinance, 1982. However, its provisions are not adequate to address adverse impacts associated with land acquisition and involuntary displacement and do not fully satisfy the requirements of the Bank's Operational Policy (OP 4.12) on Involuntary Resettlement or that of the international practices. In essence, the law is largely indifferent to the landowners' present socioeconomic conditions, or the long-term adverse impacts on incomes and livelihood that the acquisition and displacement may cause on the affected people. Also, there are no other policies that complement the acquisition ordinance in ways to assess, mitigate and monitor adverse impacts that the affected people may suffer. Some of the salient gaps in the existing legal framework are summarized below:

- **Avoiding/Minimizing Land Acquisition:** The law only implicitly discourages unnecessary acquisition, as lands acquired for one purpose cannot be used for a different purpose, and lands that remain unused be returned to the original owners. However, there are no mechanisms to monitor if these conditions are actually adhered to.
- **Eligibility for Compensation:** The law stipulates compensation only for the persons who appears in the land administration records as the owners. It does not recognize the rights of those, such as squatters, who do not possess legal title to the lands they live in or make a living from. There is thus no provision to mitigate the adverse impacts they suffer.
- **People who are impacted through loss of income are not recognized.** The Land Acquisition Act provides for compensation for lands and other fixed assets built and grown on them (structures, trees and orchards, crops and any other developments like ponds, built amenities, etc.). However there is no provision to assess the impacts on peoples' incomes, livelihood, loss of employment and businesses for mitigation measures to restore loss of incomes and livelihood.
- **Compensation Standards:** Although the law stipulates payment of compensation at 'market prices' for acquired lands as the just compensation, the legal assessment procedures almost always results in prices that are far below the actual market prices.
- **Relocation of Displaced Persons.** There is no provision in the existing laws for relocation of displaced families who are affected by the loss of their homesteads (land, houses/structures, etc).

- Ensuring Payment/Receipt of Compensation. The legal process to determine entitlements are too cumbersome and time consuming and do not ensure payment of compensation prior to their displacement. Lands are legally acquired and handed over to the project execution agency as soon as the authority identifies the owners (or 'awardees'), by examining the records, and sends a legal notice advising them to claim the compensation (or 'awards'). The onus is left on the affected land owners to prove, by producing an array of documents, that the acquired lands legally belong to them. As gathering these documents is a long, expensive and cumbersome process, many landowners may be unable to claim their awards. The project has meanwhile started to use the lands.
- Socio-economic Rehabilitation. Existing legal framework does not have any provisions to mitigate long-term impacts on peoples' livelihood caused by displacement. Except for the compensation at the 'market price' for the loss of land, there are no other provisions, in the acquisition or other laws that require the government to mitigate the resultant adverse impacts caused by the acquisition. Socioeconomic rehabilitation of the involuntarily displaced persons is totally absent in the legal regime of the country.

DP Social Safeguard Requirement

DP Safeguard Policies

2. The primary objective of the World Bank policy on 'Involuntary Resettlement' is to explore all alternatives to avoid or at least minimize involuntary resettlement. Where resettlement is unavoidable, the resettlement activities are to be conceived and executed as sustainable development programs, providing sufficient resources to enable affected persons to share in project benefits and assisted in their efforts to improve their livelihood and standard of living, or at least to restore them to pre-project level. The policy also requires that affected people are meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs. The policy applies to the taking of land and other assets when involuntary resettlement results in the loss of shelter, the loss of all or part of productive assets, or access to them, and the loss of income sources or means of livelihood, with or without physical displacement.

3. Measures required to ensure that resettlement has a positive outcome include:
- Providing Project-affected persons with options;
 - Permitting their participation in planning and selecting these options;
 - Prompt compensation at full replacement cost for losses;
 - Choosing relocation sites that provide, at a minimum, the same benefits as the sites they replace;
 - Providing allowances and other assistance to make a smooth transition after displacement;
 - Identifying vulnerable groups and providing special assistance to these groups; and
 - Implementing an institutional structure that supports the process to a successful end.

4. The World Bank's policy on Involuntary Resettlement requires payment of compensation and other assistance to project affected people before they are displaced from their existing locations. Further, the policy requires income rehabilitation assistance to those affected severely due to the loss of their productive assets or loss of incomes and livelihood.

5. Absence of legal title does not exclude individuals from the eligibility to receive compensation and/or other assistance. According to the policy, such affected persons like squatters are however not compensated for the lands that they may have been occupying without authorization, but for the assets (like houses, trees, etc.) which they may have created themselves.

6. The gaps in the existing legal framework of Bangladesh and the objectives and requirements of the World Bank and other multilateral agencies are well recognized. Therefore, institutional or project specific policies such as the SMF are prepared to address these gaps and to meet the World Bank and other DPs' social safeguards requirements.

Land Needs & Resettlement Issues

7. The major civil works under the program will consist of extending/upgrading of existing health care facilities and construction of new ones. As discussed in the preceding section, pending final selection of the facilities that are to be extended/upgraded and built anew and finalization of the engineering designs, it is assumed that potential resettlement issues would be associated with (i) private land acquisition; (ii) displacement of squatters and encroachers from public lands, including those owned by MOHFW; and (iii) resumption of leased-out public lands from private citizens. Considering the potential impacts, MOHFW will obtain private and public lands, which may have been under authorized and unauthorized private uses, by using the following means:

Private Lands. Wherever found absolutely necessary, MOHFW will use the present *Acquisition and Requisition of Immovable Property Ordinance, 1982*, and mitigate the associated adverse impacts in compliance with the World Bank's policies on Involuntary Resettlement and on Indigenous Peoples.

Public Lands (Including MOHFW's Own Lands)

- **Under Authorized Use:** If the required lands are presently under lease from MOHFW or any other GOB agencies, MOHFW may seek to use them by fulfilling the lease conditions.
- **Under Unauthorized Use:** MOHFW will take them back by mitigating the associated adverse impacts in accord with the World Bank's policies.

Impact Mitigation Objectives

8. The principles and guidelines proposed in this framework are to avoid or minimize adverse impacts on private landowners and public land users; mitigate the adverse impacts that are unavoidable; and assist the PAPs to improve, or at least to restore, their living

standards and income earning and production capacity to the pre-project levels. To achieve these objectives, MOHFW will consistently adhere to the following guidelines:

- Avoid or minimize private land acquisition;
- Avoid or minimize displacement of persons and households who may have been using public lands for residential, commercial and other purposes; and
- Mitigate the adverse impacts associated with private land acquisition; displacement from public lands; use of common property resources; and temporary displacement/closure of businesses and livelihood activities during implementation of civil works.

Applicability & Impact Mitigation Plans

9. The provisions of the SMF are applicable to the activities financed by the World Bank and/or out of the pooled funds. There is a possibility that a few of the DPs will pool their resources with the World Bank into a multi-donor trust fund (MDTF). (IDA credit and the MDTF and other DPs' fund directly disbursed to the account will constitute the "pooled funds".) In cases where there are no pooled funds, the SMF will apply only to the activities financed by the World Bank.

10. To mitigate adverse impacts once the site has been identified, MOHFW will prepare and implement one of the following instruments:

- Resettlement Plan (RP): Where land acquisition and resumption of public lands, including MOHFW's own, for a development and construction activity that affect 200 or more persons; or
- Abbreviated Resettlement Plan (ARP): Where the development and construction activities displace fewer than 200 persons, documenting the affected persons and valuation of affected assets, impact mitigation measures and budget, and an ARP implementation schedule.

The number of project affected persons consists of all affected persons and their household members, irrespective of their tenure status to the lands they use for any purposes.

Guidelines for Land Donation and Direct Purchase

11. As seen under the previous program (HNPSP), some of the smaller facilities like Union Health and Family Welfare Centers (UH&FWCs) have been built on lands received on voluntary private donations. There is an instance where MOHFW purchased the land directly from the landowners.³ But there are no guidelines as to who could be approached for donation or to sell his/her land and whether or not the landowners have rights to refuse such

³ MOHFW presently has a policy of buying land from private citizens at a fixed rate. But the stipulated price, which is Tk 1,000 per decimal, is not close to the current market prices -- notwithstanding the fact that land prices varies substantially depending on location and other factors. A 30-decimal piece of land was purchased from four marginal landowners for the Ranipukur UH&FWC in Birol Upazila of Dinajpur for a price of only Tk 40,000 (In addition to MOHFW's Tk 30,000, local people raised another 10,000.) When it came to the Bank's notice, MOHFW eventually paid the current market price determined by the local government.

requests. It is thus proposed that in cases where MOHFW would seek lands on private donation or on purchase under the program, the following guidelines will apply.

12. **Voluntary Donation:** MOHFW will seek and obtain private lands on donation where landowners agree to donate them without the fear of adverse consequences. Specific guidelines are as follows:

- Donations must be voluntary, and the landowners will have the right to refuse donations without the fear of reprisal.
- Donations should not be sought from small and marginal landowners who might be made impoverished by the action.
- If donations are required, the concerned landowners should be consulted very early in the facility site selection process.
- Donated lands should be free of legal disputes and claims, and documented with the information required by land administration.
- Records of donations should accompany the development and construction activities/work package documents that are sent for Bank clearance. *This will apply to both prior and post review contracts.*

13. **Direct Purchase:** The guidelines for purchasing lands directly from the private landowners are as follows:

- All purchases must be on a ‘willing buyer-seller’ basis. That is, the landowners cannot be forced directly or indirectly to sell at prices that are lower than the current market rates for similar lands.
- Prices should be negotiated and paid transparently in the presence of community leaders and organizations, NGOs, and others who are respected for fairness and integrity.
- Minutes of negotiations with names and address of the participants, and the purchase and compensation payment records should accompany the development and construction activities/work package documents that are sent for Bank clearance. *This will apply to both prior and post review contracts.*

Land Acquisition & Impact Mitigation Principles

14. In the absence of a resettlement policy, safeguard issues associated with land acquisition and displacement are presently addressed by using the Bangladesh *Acquisition and Requisition of Immovable Property Ordinance, 1982* and the Bank’s OP 4.12 together. The ordinance is used to legalize acquisition in the country’s land administration system, and the OP 4.12 provides the basis to define resettlement policy objectives, and adopt and implement impact mitigation measures. In keeping with the OP 4.12, MOHFW will use the following principles and guidelines to acquire private lands and resume public lands from private uses, and adopt impact mitigation measures.

Land Acquisition/Use Principles

15. MOHFW will select the health facilities development and construction activities and consider alternative designs with an emphasis on avoiding or minimizing adverse impacts on private landowners and those who have been using its own and other public lands with and without authorization. To minimize adverse impacts, MOHFW will use the following principles:

- Avoid or minimize acquisition of private lands;
- Use as much public lands as possible;
- Avoid or minimize:
 - Displacement from homesteads,
 - Loss of lands valued higher in terms of productivity and uses,
 - Loss of buildings/structures that are used for permanent business/commercial activities.
 - Dislocation of squatters/encroachers; and
 - Impacts on community facilities, such educational institutions, places of worship, cemeteries, etc., and buildings/structures that are socially and historically important.
- *Option to offer residual plots to acquisition:* Where portion of a plot remaining after acquisition becomes economically unviable, the landowner will have the option to offer the entire plot to acquisition.

16. *Avoid or minimize adverse impacts on Indigenous Peoples:* Where adverse impacts are found unavoidable, MOHFW will adopt appropriate mitigation measures as per the Bank's *OP 4.10 on Indigenous Peoples* (Section C).

17. *Avoid or mitigate impacts on Physical Cultural Resources:* MOHFW will plan, design and implement all development and construction activities in compliance with the DP policies and World Bank's *OP 4.11 on Physical Cultural Resources*.

Impact Mitigation Principles

18. Where adverse impacts are found unavoidable, MOHFW will plan to mitigate them in accord with the following the principles:

- Resettlement of the project affected persons will be planned and developed as an integral part of the development and construction activity design.
- Absence of legal titles in cases of public land users will not be considered a bar to assistance, especially for the socio-economically vulnerable groups.
- Vulnerability, in terms of socioeconomic characteristics of the affected persons/households will be identified and mitigated according to the provisions adopted in this SMF.
- Homestead-losers, including the poor and vulnerable households squatting on public lands, will be assisted with physical relocation and provision of basic facilities like water supply, sanitation, etc.

- People, who are economically well-off and use public lands/properties for free, will not qualify for financial or any other form of assistance⁴. However, their economic status in terms of land ownership and other income sources will be considered for eligibility for compensation in particular if the person is dependent on the structure and the activities therein being affected by the Project activity, then they may be compensated.
- Assets like equipments, machineries or parts/components thereof that can be dismantled and moved away intact will not be eligible for compensation. The owners will however be paid the actual expenses of dismantling and moving them.
- Where development and construction activities cause community-wide impacts, affecting community facilities, access to common property resources, etc., MOHFW will rebuild them with its own resources and/or provide alternatives in consultation with the user communities.

Eligibility for Compensation & Assistance

19. Regardless of their tenure status to the lands used for a development and construction activity, the affected persons/households will be eligible for compensation and assistance. Pending further investigations during implementation to identify other impacts and impacted persons, MOHFW will mitigate impacts on the following:

- **Private Landowners:** Persons who have legal rights to the affected lands and other assets, such as houses/structures, trees, etc, built and grown on them.
- **Squatters:** Socio-economically vulnerable persons/households who do not have legal rights to the affected lands, but use them for residential, commercial and livelihood purposes.
- **Owners of Displaced Businesses:** Compensation for income loss from businesses that are (i) displaced from private lands and those belonging to MOHFW and other public agencies; and (ii) required to temporarily close down during implementation of the civil works. In both cases, compensation/assistance will apply to the actual owners of the affected businesses.
- **Employees of Affected Businesses:** who are employed in the above two types of affected businesses.
- **Rental Income Earners,** from built premises situated on private lands. (Those who earn rental income by erecting buildings/structures on MOHFW and other public lands will be ineligible for compensation/assistance.)
- **Vested and Non-resident Property Owners/Users:** Current users of the acquired lands and other properties designated ‘vested and non-resident properties’ during acquisition for development and construction activities under HPNSDP.

⁴ It was found under many previous projects that well-off influential people built expensive and durable structures on public lands for their own use or to rent them out to others. Under HPNSDP, criteria related to quality of building materials and current uses and users will be used to determine vulnerability and eligibility for resettlement assistance. Structures made of bricks, reinforced cement concrete, steel, GI sheet, etc. will not be considered for compensation.

- **Leaseholders:** Owners of affected business, agricultural, fisheries and other activities on formally leased-in public lands, where leases stipulate compensatory conditions in cases where lands are taken back or acquired before lease expiration.
- **Community and Groups:** Where local communities and groups are likely to lose income earning opportunities or access to crucial common property resources used for livelihood purposes.

Compensation Principles & Standards

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

Acquired Lands and Other Assets

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

Methods to determine the replacement costs of lands, houses/structures and other replaceable assets, and market prices of trees, crops and other irreplaceable assets are suggested in Annex B1.

21. Displacement from Homesteads

- *Displaced from private lands:* Relocation assistance in lands the affected households can personally arrange to buy, or in public lands arranged by MOHFW.
- *Displaced from public lands:* Relocation assistance for socio-economically vulnerable households in public lands arranged by MOHFW. *Displaced from VNR lands:* Relocation assistance either in lands they can personally arrange to buy, or in public lands arranged by MOHFW.
- *Provision of pre-acquisition* level basic utilities, such as water supply, sanitation, electricity, etc.

22. Loss of Business, Employment and Rental Income

Temporarily Closed Businesses:

Where business activities come to a complete closure during construction, the owners will be paid for income loss at rates based on average daily net income for smaller of

the number of days needed to reopen the individual businesses, or complete the civil works.

Partially Affected Businesses:

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

Businesses Completely Displaced from Present Premises:

- Relocation site in MOHFW's own and/or other public lands, *plus* compensation for 45 days based on average daily net income, or
- Compensation, calculated as above, for the number of days the business owners need to find alternative locations themselves, which will be paid for a maximum of 90 days.

Loss of Employment Income from Displaced & Temporarily Closed Businesses:

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

Loss of Income from Rented-out Premises:

Three months' rent at the current rates for loss of rental income from premises affected on private lands.

23. Vested and Non-Resident Properties

Lands and other properties that were not declared 'vested and non-resident' (VNR -- previously 'enemy properties' under the *Enemy Properties Act of 1965*)⁵ through 1984, and are found to be 'vested and non-resident' during acquisition for any development and construction activity under HPNSDP, the following guidelines will apply:

Agricultural lands:

- Present users/owners will qualify for compensation three times the value of all crops grown in one year on the acquired lands;

⁵ These properties have been left behind by the people who migrated to other countries in 1965. An investigation through 1984 designated some of such properties as 'vested and nonresident (VNR)', which have since been leased to private citizens on an annual basis, or allocated to various government agencies. There still remains an unknown amount of such properties, which are used by people claiming to be related to the original owners. If the legal documents possessed by the present users are found unsatisfactory during acquisition for the HPNSDP development and construction activities, DCs would declare them VNR and disqualify them for the compensation-under-the-law. MOHFW will however implement the proposed mitigation measures on the ground that without the proposed project the current users would still be using the properties.

- Current market prices of crops in the field or on trees, if the lands are used before harvest; and
- Where acquisitions affect the lands partially, the owners/users will be allowed to use the remainders.

Acquired homesteads (including houses/structures): To deal with partial and full acquisitions, MOHFW will consider the following alternatives in consultation with the present owners/users:

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

24. Leasehold Lands

- *Formally leased-in from MOHFW or other public agencies*: Compensation as stipulated in the lease agreement.
- *Formally leased-in Khas*: Compensation, if any, stipulated in the lease agreement.

25. Unforeseen Impacts

MOHFW will adopt and implement policies, in consultation with the affected persons/stakeholders as well as DPs, to mitigate any adverse impacts that may have so far remained unknown and not covered in this SMF.

26. Cut-off Dates

Will be established to identify the non-land assets that will qualify for compensation and discourage abuse of the mitigation policies by defrauding the program. These are the dates on which census of the affected persons and assets are taken. No person or his/her assets will qualify for compensation unless they are recorded in the census taken on the cut-off dates.

Compensation Payment

27. In cases of acquisitions, a part of the compensation for lands and other affected assets built or grown thereon will be assessed and paid to the title holding PAPs by the Deputy Commissioners (DCs), the heads of the Acquiring Bodies. If this payment, 'compensation-under-law' (CUL), is found lower than their replacement costs and/or market prices, MOHFW will directly pay the difference as 'top-up' to make up for the shortfall.

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

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

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

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

32. Based on the principles proposed for impact mitigation, the following matrix defines the specific entitlements for different types of losses, entitled persons, and the institutional responsibility to implement them. Further explanations and application guidelines are given in Annex B2.

ENTITLEMENT MATRIX

[Further explanations and application guidelines are provided in Annex B2.

MOHFW will consult the World Bank/other DPs for any modifications to the guidelines as and when found necessary for better implementation of the mitigation measures.]

A. LOSS OF AGRICULTURAL & OTHER LANDS

Ownership Type	Entitled Person	Entitlement	Responsibility
<i>Private</i>	<i>Legal Owners, as determined by DCs, or by courts in cases of legal disputes</i>	Compensation-under-law (CUL) or replacement costs, whichever is greater. <i>If applicable (subject to paragraph 27)</i> <ul style="list-style-type: none"> • Top-up equal to the difference between CUL and replacement costs. • Transition allowance (TA) for income loss (see Loss Category E below). 	<ul style="list-style-type: none"> • CUL paid by DCs • Top-up & TA paid by MOHFW
<i>Public Lands (including MOHFW's) under lease</i>	<i>Leaseholders</i>	<ul style="list-style-type: none"> • Contractual obligations with the public agencies, as determined by DCs, and/or • Contractual obligations with MOHFW . 	Paid by DCs and/or MOHFW
<i>Vested Non-Resident</i>	<i>Current Owners/Users</i>	Transition allowance for income loss (see Loss Category E).	Paid by MOHFW

B. LOSS OF HOMESTEAD LANDS

Location	Entitled Person	Entitlement	Responsibility
<i>Homesteads on Private Lands</i>	<i>Legal Owners, as determined by DCs, or by courts in cases of legal disputes</i>	<i>In addition to CUL & applicable top-up (as for Agricultural & Other Lands):</i> <ul style="list-style-type: none"> • Relocation assistance, including land development, where households choose to relocate on their own, <u>or</u> developed plots if they decide to relocate in public lands arranged by MOHFW. • Restoration of pre-acquisition level basic utilities (water supply, sanitation, electricity, etc.). 	By MOHFW
<i>Homesteads on Public Lands</i>	<i>Vulnerable Squatters</i>	<ul style="list-style-type: none"> • Relocation assistance, including developed plots in MOHFW or other public lands to be arranged by MOHFW. • Provision of water supply & sanitation facilities. 	By MOHFW
<i>Homesteads on VNR Lands</i>	<i>Present Owners/Users</i>	<ul style="list-style-type: none"> • Assistance to move and rebuild the houses in the same homestead, in cases of partial acquisitions. • Assistance to settle in developed plots in public lands arranged by MOHFW, where acquisition requires relocation elsewhere; <u>or</u> • Six months' rent for comparable living accommodations. • Provision of water supply & sanitation facilities. 	By MOHFW

C. LOSS OF HOUSES/STRUCTURES USED FOR LIVING, BUSINESS & OTHER ACTIVITIES

Type & Location	Entitled Person	Entitlement	Responsibility
<i>All Houses/ Structures on Acquired Private Lands</i>	<i>Legal owners</i> , as determined by DCs, or by courts in cases of legal disputes.	<ul style="list-style-type: none"> • Compensation-under-law (CUL) or replacement cost, whichever is greater. • Transfer Grant (TG) to cover the carrying costs of household goods, at one-eighth of the replacement costs of the affected structures. • Allowed to keep the salvageable materials. 	<p>CUL paid by DCs.</p> <p>TG paid by MOHFW</p>
<i>Shiftable & Non-shiftable Structures on Acquired Public Lands</i>	<i>Vulnerable Squatters</i>	<ul style="list-style-type: none"> • <i>Shiftable structures</i>: House Transfer Grant (HTG) and House Construction Grant (HCG), @ Tk 50 per sft of floor area with a minimum of Tk 4000 and maximum of Tk 6000. • <i>Non-shiftable structures</i>: HCG @ Tk 100 per sft of floor area with a minimum of Tk 5000 and maximum of Tk 7000. • Allowed to keep the salvageable materials. 	HTG and HCG paid by MOHFW
<i>Houses/ Structures on VNR Lands</i>	<i>Current Owners/Users</i>	<ul style="list-style-type: none"> • HTG and HCG (Amounts are to be determined in consultation with the current owners/users). • Allowed to keep the salvageable materials. 	HTG and HCG paid by MOHFW

D. LOSS OF TREES ON ACQUIRED PRIVATE & PUBLIC LANDS

Location	Entitled Person	Entitlement	Responsibility
<i>On private Lands</i>	<i>Legal owners</i> as determined by DCs, or by courts in cases of legal disputes	<ul style="list-style-type: none"> • Current market value of trees, based on species, size and maturity. • Current market prices of fruits on trees, if they are felled before harvest. • Owners are allowed to fell the trees and keep them. 	<p>By DCs (included in the CUL) and/or</p> <p>By MOHFW(included in the top-up)</p>
<i>On public Lands</i>	<i>Squatters</i>	As those stipulated above for trees and fruits.	By MOHFW
<i>On VNR Lands</i>	<i>Present Owner/User</i>	As those stipulated above for trees and fruits.	By MOHFW

E. LOSS OF AGRICULTURAL, BUSINESS, EMPLOYMENT & RENTAL INCOME

Impact Type	Entitled Person	Entitlement	Responsibility
Agricultural: <ul style="list-style-type: none"> If acquisition amounts to 20% or more of the total productive area If acquired VNR lands are agricultural 	Legal Owners, as determined by DCs, or by courts in cases of legal disputes.	Transition allowance equivalent to three times the harvest prices of one year's crops produced in the acquired lands.	By MOHFW
	Present Owners/Users	Transition allowance equivalent to three times the harvest prices of one year's crops produced in the acquired lands.	By MOHFW
Business: <ul style="list-style-type: none"> Temporary closure of businesses in existing premises Partially affected businesses Businesses requiring removal from the existing premises and spots 	Business Owners (premise/land owners & tenants)	Compensation, based on daily net income, for the actual number of days the businesses remain closed or needed to complete the civil works, whichever is smaller.	By MOHFW
	Business Owners (premise/land owners & tenants)	Compensation, calculated as above, for the number of days needed to repair and reopen the individual businesses, or complete the civil works, whichever is smaller.	By MOHFW
	Business Owners (premise/land owners & tenants)	<ul style="list-style-type: none"> Relocation site in MOHFW's own and/or other public lands, <i>plus</i> compensation, calculated as above, for the number of days needed to reopen the individual businesses, for a maximum of 45 days, <u>or</u> Compensation, calculated as above, for the number of days the business owners need to find alternative locations themselves, which will be paid for a maximum of 90 days. 	By MOHFW
<ul style="list-style-type: none"> Loss of employment income 	Business Employees	Compensation at current daily wage rate for the period needed to reopen the businesses, which will be for a maximum of 30 days.	By MOHFW
<ul style="list-style-type: none"> Loss of income from rented-out premises 	Legal Owners	Three months' rent at the current rates to the owners of the premises.	By MOHFW

F. UNFORESEEN LOSSES

Impact Type	Entitled Person	Entitlement	Responsibility
As may be identified during development and construction activities preparation & implementation	As identified	As determined in consultation with the DPs and the stakeholders.	By MOHFW

Preparation of Mitigation Instruments

33. Once the required civil works are finalized and land acquisition needs determined, the major preparation tasks will consist of:

- **Land acquisition proposals (LAPs):** Where lands from private and public ownerships, excepting those owned by MOHFW itself, are to be acquired, LAPs will be prepared as per the standard requirements of the acquisition authority.
- **PAP census and fixing the cut-off dates:** To prepare RPs and ARPs, will assess details of the impacts and impacted persons/households with respect, but not limited, to the impact categories and compensation/assistance eligibility criteria proposed in this SMF (paragraphs 18-25 of Section B). The dates on which censuses are taken will constitute the cut-off dates for squatters, and those on which the legal notice under Section 3 of the acquisition ordinance (Notice-3) is served will be the cut-off dates for private landowners. (Private landowners are not allowed to alter appearance of the lands by erecting new structures or otherwise, after the Notice-3 is served.)
- **Market price surveys:** To determine the replacement costs of lands, houses/structures and other replaceable, and market prices of irreplaceable, affected assets (Survey methods suggested in Annex B1).

Contents of RP & ARP

34. The RPs or ARPs will be prepared in view of the number of the persons affected by the civil works undertaken in development and construction activities. With the principles and guidelines proposed in this SMF, the mitigation plans will include the following:

Resettlement Plan (RP)

- Brief description of the upgrading/extension, new construction works undertaken on the health facilities;
- Results of census survey and summary of impact details (PAP/household level raw data will be computerized to prepare the entitlement files);
- An account of the alternatives considered to avoid and/or minimize the adverse impacts;
- An account of the consultations with the affected persons/households about the mitigation measures and implementation procedure;
- An account of the entitlements and entitled persons/households for different types of losses as per the principles and guidelines adopted in this SMF;
- An account of the households made vulnerable by the improvement works and the special assistance that are to be provided; and
- Resettlement budget with breakdowns by loss categories and the number of persons entitled to compensation/assistance, and a RP implementation schedule.

Abbreviated Resettlement Plan (ARP)

- Documentation of the private and public lands, including MOHFW's own, required for the development and construction activities, affected persons, and valuation of the affected assets;
- Description of compensation and other resettlement assistance that will be provided according to the principles and guidelines adopted in this SMF;
- An account of the consultations with the displaced persons/households about the impacts and the mitigation measures adopted in the SMF.; and
- A resettlement budget with breakdowns by loss categories and the number of persons entitled to compensation/assistance, and an ARP implementation schedule.

35. For convenience of review during implementation, the following from the SMF may be annexed to the Resettlement Plan: Entitlement Matrix; Implementation Arrangement; Market Price Survey Methods; Application Guidelines for Mitigation Measures; and Monitoring Land Acquisition and Preparation and Implementation of Impact Mitigation Plans.

Community/Stakeholder Consultation

36. Consultations will primarily include the following topics as they relate to preparation and implementation of the development and construction activities: objectives, scope, social safeguard implications of HPNSDP and development/extension/construction activities; community inputs/feedback on the design of the development and construction activities; and the rights and responsibilities on the parts of the communities themselves and the agencies involved in program preparation and implementation, such as MOHFW, World Bank and other DPs, Supervision & Monitoring consultants, etc.

- Potential impacts and their sources relating to the scope of the civil works required for the selected development and construction activities. Once the would-be PAPs are identified, MOHFW will,
 - Consult and provide information to the PAPs on specifics of the mitigation measures and the processes that will be followed to implement them;
 - Inform the affected landowners of the legal documents required to claim compensation from DCs, and explain the procedure where the landowners may need to have them processed anew (MOHFW will actively assist the landowners procure any documents required for CUL payment); and
 - Explain the functions and limitations of the Grievance Redress Committees, and how the aggrieved PAPs could lodge their complaints and grievances.

37. Stakeholder consultation will be carried out throughout the preparation and implementation of the development and construction activities, and MOHFW will consider stakeholder inputs and feedback to minimize the project's adverse impacts at any stage of the program cycle

Documentation

38. While RPs/ARPs will include summary of the impacts and impacted persons/households, MOHFW will ensure availability of the following and any other documentations as and when requested by DPs:

- Minutes of stakeholder consultation on matters like selection of particular development and construction activities and civil works, social safeguards implications of private land acquisition and displacement from public lands, mitigation measures adopted in the SMF, etc.
- Inventory of different PAP categories based on the census of affected persons/households and assets.
- Replacement costs and current market prices of different types of assets, as determined through market price surveys.
- Entitlement files of individual PAPs, with the accounts of losses, CUL payment by DCs, and top-up and any other entitlements payment by MOHFW.
- Records of complaints and grievances and the decisions given by Grievance Redress Committees and MOHFW.

Monitoring & Reporting

39. Monitoring will consist of an array of steps related to land acquisition, and preparation and implementation of impact mitigation plans. The major tasks that are to be monitored are provided in Annex B3.

40. For activities to be financed out of the pooled funds/IDA credit, MOHFW will provide DPs (when required) with the following information for review of performance and compliance with the SMF provisions adopted for involuntary resettlement:

- Quarterly updates indicating progress in land acquisition and CUL payment by DCs, and any issues that are to be addressed to facilitate the acquisitions;
- Monthly updates on MOHFW's part of the payment: (i) top-up and other applicable entitlements to the CUL recipients; (ii) compensation/entitlements to the affected squatters; and (iii) compensation/entitlements to any other persons/groups not covered in this SMF, but found later to be affected by the program activities.
- Detailed report for IDA and DP supervision missions covering the physical facilities development under the program, which will include, among other information, the latest status in land acquisition and compensation payment by DCs and MOHFW; implementation of any other applicable stipulations adopted in the RP; accounts of the GRC activities; and any issues that are to be addressed for better implementation of the resettlement activities.

41. MOHFW will conduct independent mid-term and end-term reviews to assess (i) how effectively and efficiently land acquisition has been carried out, and impact mitigation plan like RPs or ARPs have been prepared and implemented; (ii) adequacy of the mitigation

policies and measures; and (iii) the extent to which the intended social development outcomes have been achieved. For review, MOHFW will share the consultants' TORs with the DPs.

Land Acquisition & Resettlement Budget

42. Given that the land acquisition needs and the associated impacts will be known with the selection of specific facilities and design of the civil works, a land acquisition and resettlement budget for the entire program is not feasible at this stage. Under the circumstances, MOHFW proposes to ensure the following:

- The RP or ARP prepared for each development and construction activity, which is to be subjected to Bank review and clearance prior to accepting the work packages for financing, will include a budget for land acquisition and resettlement; and
- The program funding approval process of the GOB, which may involve other ministries, will provide funds to finance land acquisition and resettlement activities that could not be budgeted at this stage of program preparation.

43. The budget for each phase will be detailed with breakdowns in terms of various types of losses with their replacement costs/market prices and the number of persons entitled to compensation in each loss category.

C. FRAMEWORK FOR INDIGENOUS PEOPLES PLAN

Introduction

1. The largest proportion of the country's small indigenous population lives in the three districts of the Chittagong Hill Tracts (CHT) -- Bandarban, Rangamati and Khagrachari -- which are also heavily populated by mainstream peoples. The rest is dispersed in the plains districts where they generally live in settlements among the mainstream communities. Impact on indigenous peoples (IPs) would largely vary in terms of the nature of development and construction activities, location and land needs for different types of health care facilities etc. As seen under the on-going HNPSP in CHT, Upazila stores have been built within the premises of Upazila Health Complex where lands belong to MOHFW, or on public lands that were free of encumbrances. It is likely that smaller facilities like UH&FWCs could be located on lands owned by the government as well. But the proposed Medical College and Hospital in Rangamati would require a large amount of land, all of which is unlikely to be public or free of private uses.⁶ In any case, it will remain largely unknown whether or not, or the extent to which, the proposed medical college and hospital, or other development and construction activities would affect IPs until the sites are selected on the ground.

2. Applicability of the DPs' policy on Indigenous Peoples will depend on the existence of IPs in the development and construction activities's impact zones where they might be affected in manners that could threaten their culture and way of life, and their present livelihood activities. Since the nature and scale of impacts would remain unknown until the sites of the development and construction activities are actually selected and screened, MOHFW has decided to formally adopt this Framework for Indigenous Peoples Plan to address IP issues and concerns. *The framework outlines principles, policies, guidelines and procedure to identify impact issues and potential risks and, if required, formulate and execute Indigenous Peoples Plans (IPPs), whenever physical activities are found to affect IPs.*

Objectives of IPP

3. The primary objective is to ensure that the facility improvement and construction works funded by the Bank and other DPs do not adversely affect IPs and that they receive culturally compatible social and economic benefits. This will require MOHFW to work with the following strategic objectives:

- Screen all development and construction interventions to determine presence of IPs and, if so, ensure their direct participation in selection, design and implementation of the physical works;
- Select development and construction activities and determine their scopes to avoid or minimize, to the extent feasible, adverse impacts;

⁶ MOHFW was planning to acquire some 28 acres of private lands for the proposed Cox's Bazaar Medical College and Hospital which would have the same facilities as the one in Rangamati. .

- Adopt socially and culturally appropriate measures to mitigate the unavoidable adverse impacts; and
- Wherever feasible, adopt special measures – in addition to those for impact mitigation – to reinforce and promote any available opportunities for socioeconomic development of the affected IP communities.

Defining the Indigenous People

4. As IPs are found to live in varied and changing contexts, no single definition can capture their diversity. As such, MOHFW will use the World Bank’s guidelines to identify IPs in particular geographic areas by examining the following characteristics:

- Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
- Customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- An indigenous language, often different from the official language of the country or region.

Indigenous Peoples Plan

5. In accordance with the Bank’s and other DPs’ requirements, HPNSDP proposes the following principles, guidelines and procedure to prepare Indigenous Peoples Plans (IPPs), where development and construction works under the program are found to affect IPs. To avoid or minimize adverse impacts and, at the same time, ensure culturally appropriate benefits, MOHFW will apply the following basic principles in selection, design and implementation of the physical works.

IPP Basic Principles

6. When IPs are present in the impact zones of any development and construction activity and are likely to be affected, MOHFW will:

- Ensure that IP communities in general and their organizations are fully included in the selection of particular development and construction activities and design and implementation of the physical works.
- Carefully screen the development and construction works, together with IPs, for a preliminary understanding of the nature and magnitude of potential adverse impacts, and explore alternatives to avoid or minimize them.
- Where alternatives are infeasible and adverse impacts unavoidable, immediately make an assessment of the key impact issues, together with IPs and others knowledgeable of IP culture and concerns.

- Undertake the necessary tasks to identify the impact details and the most appropriate mitigation measures, through intensive consultations with the affected IP communities, IP organizations, civil society organization like NGOs and CBOs, professionals, and the like.
- *Not undertake a development and construction activity where the IP communities remain unconvinced to offer broad support for the project (see details below).*

IP Participation and Consultation

7. Participation of IPs in selection, design and implementation of the development and construction activities will largely determine the extent to which the IPP objectives would be achieved. Where adverse impacts on IPs are likely, MOHFW will undertake free, prior and informed consultations with the affected IP communities and those who work with and/or are knowledgeable of IP development issues and concerns. To facilitate effective participation, MOHFW will follow a time-table to consult the would-be affected IP communities at different stages of the program cycle. *The primary objectives are to examine whether there is broad community consensus in support of the development and construction activities and to seek their inputs/feedbacks to avoid or minimize the adverse impacts associated with the chosen physical works; identify the impact mitigation measures; and assess and adopt economic opportunities which MOHFW could promote to complement the measures required to mitigate the adverse impacts.*

8. Consultations will be broadly divided into two parts. Prior to selection of a development and construction activities located in an area predominantly inhabited by IPs, MOHFW will consult the IP communities about the need for, and the probable positive and negative impacts associated with the proposed physical works. Prior to detailed assessment of the impacts at household and community levels, the main objectives of consultation at this stage would be to ascertain (i) how the IP communities in general perceive of the need for undertaking the development and construction activities in question and any inputs/feedbacks they might offer for better outcomes; (ii) whether or not the communities broadly support the works proposed under the development and construction activities; and (iii) any conditions based on which the IP communities may have provided broad support to the development and construction activities, which are to be addressed in project design and IPP. To ensure free, prior and informed consultation, MOHFW will:

- Ensure widespread participation of IP communities with adequate gender and generational representation; customary/traditional IP organizations; community elders/leaders; civil society organizations like NGOs and CBOs; and groups knowledgeable of IP development issues and concerns.
- Provide them with all relevant information about the nature of development and construction activities, including that on potential adverse impacts, organize and conduct these consultations in manners to ensure full coverage of IPs in the development and construction activities and free expression of their views and preferences.
- Document and share with the Bank and other DPs the details of all community consultation meetings, with IP perceptions of the proposed works and the associated impacts, especially the adverse ones; any inputs/feedbacks offered by IPs; and the

minutes stating the conditions, if any, that have been agreed during the consultations, which may have provided the basis for broad base community support for the development and construction activities.

9. Once broad base community consensus is established in favor of the development and construction activities, MOHFW will assess the impact details at the household and community levels, with particular focus on the adverse impacts perceived by the IPs and the probable (and feasible) mitigation and community development measures. To ensure continuing informed participation and more focused discussions, MOHFW will provide IPs with the impact details, both positive and adverse, of the proposed physical works. Other than those that are technical in nature, consultations will cover topics/areas suggested under paragraph 11 (below) and those the IPs consider important. Beginning with those for broad base support for the development and construction activities, community consultations will continue throughout the preparation and implementation period, with increasing focus on the households which would be directly affected. Consultation timing, probable participants, methods, and expected outcomes are suggested in a matrix in Annex C1.

Contents of Indigenous Peoples Plan

10. The IPP will primarily aim at mitigating adverse impacts, and reinforcing and promoting any existing development opportunities in the area, with particular emphasis on the IPs who would be directly affected. The contents of the IPP will generally consist of the following:

- *Baseline data*, including analysis of cultural characteristics; social structure and economic activities; land tenure; customary and other rights to the use of natural resources; relationship with the local mainstream peoples; and other factors that have been suggested by IPs during consultations and are to be addressed in the IPP and project design. (Key areas of investigation are also suggested below.)
- *Strategy for local participation*, indicating timing of consultation and the participants, such as affected IP communities, IP organizations, and individuals and entities who could provide useful feedback and inputs.
- *Mitigation measures and activities*, which will generally follow IP preferences and priorities, including those agreed between the IP communities/IP organizations and MOHFW during consultations.
- *Institutional capacity*, taking into account MOHFW's staff experience, consulting services, and IP and civil society organizations in designing and implementing IPPs.
- *IPP implementation schedule*, taking into consideration least disruption to the livelihood and other activities of IPs.
- *Monitoring and evaluation*, with participation of IP representatives and organizations, as well as other civil society organizations that may have been operating in the area.
- *Financing the IPP*. Budgets and sources of fund needed to implement the mitigation measures and development activities agreed between the IPs and MOHFW.

IP Socioeconomic Characteristics & Concerns

11. Baseline data and identification of social concerns will primarily focus on the cultural and socioeconomic characteristics of IPs and the potential vulnerability that might be caused by the proposed development and construction activities. Data on the following socioeconomic characteristics are expected to indicate the nature and scale of adverse impacts and provide the essential inputs for IPP.

Social & Cultural Characteristics

- Relationships with areas where they live -- relating to religious/cultural affinity with the ancestral lands, existence and use of livelihood opportunities, etc.
- Use of any indigenous languages for social interactions and their use in reading materials and for instruction in formal/informal educational institutions in IP localities.
- Food habits/items that may differ from non-indigenous peoples and the extents to which they are naturally available for free or can only be grown in the IP territories, and which are considered important sources of protein and other health needs.
- Interactions and relationships with other indigenous peoples' groups in the same and other areas.
- Presence of customary social and political organizations – characteristics indicating internal organization and cohesion of the communities, and their interaction with those of the non-indigenous population in the area.
- Presence of IP organizations, like community based organizations (CBOs)/NGOs, working with IP development issues, and their relationships with mainstream organizations also engaged in community development activities.
- Other cultural aspects likely to be affected or made vulnerable by the proposed development and construction activities.

Settlement Pattern

- Physical organization of homesteads – indicating organizational patterns with the existing community facilities, such as schools, places of worship, cremation/burial grounds and others, water supply and sanitation, etc.
- The extent to which the indigenous settlements/neighborhoods are spatially separated from those of the non-indigenous peoples, indicating interactions and mutual tolerance of each other.
- Present distance between the IP settlements/neighborhoods and the selected construction and development works.

Economic Characteristics

- Prevailing land tenure -- indicating legal ownership and other arrangements that allow IPs to reside in and cultivate or otherwise use lands in the area.

- Access to natural resources -- prevailing conditions under which IPs may have been using natural resources like forests, water bodies, and others that are considered important sources of livelihood.
- Occupational structure -- indicating relative importance of household's present economic activities, and the extent to which they might be affected or benefited because of the proposed development and construction activities.
- Level of market participation -- engagement in activities that produce marketable goods and services, and how and to what extent market participation would be affected or enhanced by the development and construction activities.

Impact Mitigation & Development Measures

12. To use private and public lands and avoid or minimize adverse impacts on IPs, MOHFW will apply the same guidelines proposed in Section B for involuntary resettlement. Eligibility and standards for compensation will also use those proposed in the same section. In addition, particular attention will be paid not to intrude into the IP localities by non-local workers, or resort to actions and behavior that could be construed culturally insensitive and disrespectful by IPs.

13. Choice of appropriate and culturally compatible development measures will largely depend on preferences and priorities of the affected IPs and their communities. Such measures may include providing credits where IPs are found to engage in the production of marketable goods, such as handicrafts, handlooms, small-scale horticulture; employment in construction and maintenance activities; basic water supply and sanitation facilities; and those, such as schools, that could be used by the communities as a whole. If credit programs are found appropriate, MOHFW will call upon civil society organizations like NGOs to organize and administer them.

Annex A1

SOCIAL SAFEGUARD SCREENING FORM

Primary objective of this exercise is to ascertain whether or not there will be a need for additional lands to carry out the proposed upgrading/extension/renovation works and construction of new facilities, and how the lands would be or have been obtained. Please share separately any relevant information that may not have been covered in this form.

Part A: GENERAL INFORMATION

[Part A is to be filed in for all facilities]

1. Name and location of the Facility:
2. The Facility is located in an area where residents are:
 - All mainstream or non-indigenous peoples
 - All indigenous peoples
 - Majority mainstream or non-indigenous peoples
 - Majority indigenous peoples

If the development/extension/ construction activities is located in an area that is also inhabited by indigenous peoples, Part E of this form must be filled in.

3. Scope of the Physical works:
 - Upgrading/Extension/Renovation
 - New Construction (Smaller facilities like UH&FWC, Upazila Stores, etc.)
 - New Construction (Larger facilities like Nurses training Institute, Medical College, Hospitals, etc.)
4. Brief description of the physical works:

As may apply. the following sections are to be filled in terms of facility type and scope of physical works

Part B. UPGRADING/EXTENSION/RENOVATION WORKS

Contract Package Number:

1. Facilities requiring upgrading/extension/renovation are situated WITHIN the existing compound (e.g., of Upazila Health Complex, etc):
 - Yes No
2. Is there a need for PRIVATE land to carry out the civil works?
 - Yes No
3. If 'Yes', amount of private land needed (in decimal):
4. The land from the private owner(s) will be (or has been) obtained through:
 - Acquisition using the Land Acquisition Ordinance

- Voluntary donation by the landowner(s)
- Purchase on a “willing buyer-seller” basis
- Other means (Mention :.....)

- 5. Required land is already available: Yes No
- 6. In cases where land is or to be obtained on donation or purchased, names, addresses and telephone numbers of the donors and sellers.

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.....

If land is already received on donation or purchased, please attach copies of the legal instruments that have been executed.

Part C. NEW CONSTRUCTION

C.1 Upazila Health & Family Welfare Center (UH&FWC)

- 1. Contract Package Number:
- 2. UH&FWC will be built in:
 - The EXISTING site of Union Sub-Centre (USC) Land area in EXISTING site (dec):
 - A NEW site, because existing site is inadequate Land area in EXISTING site (dec):
 - A NEW site, because no USC exists now Land area in NEW site (dec):
- 3. If the site is NEW, is there a need for PRIVATE land to build the UH&FWC?
 - Yes No
- 4. If ‘Yes’, amount of PRIVATE land needed for the UH&FWC (dec):
- 5. The land for the NEW site will be (or has been) obtained through
 - Acquisition using Land Acquisition Ordinance Amount acquired:
 - Voluntary donation by the landowner(s) Amount donated:
 - Purchase on a “willing buyer-seller” basis Amount purchased:
 - Other means Amount obtained:

(Mention other means:))
- 6. Required land is already available: Yes No
- 7. Where land is or to be obtained on donation or purchased, names, addresses and telephone numbers of the donors and sellers.

.....
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.....
If land is already received on donation or purchased, please attach copies of legal instruments that have been executed.

C.2 Upazila Store (UZ Store)

1. Contract Package Number:
2. The UZ Store will be built:
 WITHIN the existing compound of Upazila Health Complex
 OUTSIDE the existing compound of Upazila Health Complex
3. If OUTSIDE the existing compound, the land needed for the UZ Store belongs to:
 Private landowner(s)
 Government (MOHFW, Land Ministry, or other GOB Ministries/Agencies)
4. If the land belongs to PRIVATE landowner(s), the land will be (or has been) obtained through:
 Acquisition using Land Acquisition Ordinance Amount acquired:
 Voluntary donation by the landowner(s) Amount donated:
 Purchase on “willing buyer-seller” basis Amount purchased:
 Other means Amount obtained:
(Mention other means:)
5. Required land is already available: Yes No
6. Where land is or to be obtained on donation or purchased, names, addresses and telephone numbers of the donors and sellers.
.....
.....
.....

If land is already received on donation or purchased, please attach copies of legal instruments that have been executed.

Part D. NEW CONSTRUCTION OF LARGER FACILITIES
(Nurses Training Institutes, Hospitals, Medical Colleges, etc)

1. Contract Package Number:
2. Site for the facility has been selected: Yes No
3. Total land area required (acre/decimal):
4. Required land for the facility belongs to (if more than one owner, indicate the amount from each):
 MOHFW Amount:
 Khas (owned by the Land Ministry) Amount:

Private landowners Amount:

Approximate number of private landowners:

Other GOB Ministries/Agencies Amount:

(Mention other Ministries/Agencies:
.....)

5. If the land belongs to MOHFW and/or other GOB Ministries/Agencies, it is presently being used by unauthorized private citizens:

Yes No

6. Lands from the PRIVATE ownerships, if needed, will be (or have been) obtained through:

Acquisition using Land Acquisition Ordinance Amount acquired:

Voluntary donation by the landowner(s) Amount donated:

Purchase on "willing buyer-seller" basis Amount purchased:

Other means (mention) Amount obtained:

(Mention other means:)

7. Required land for the facility is already available: Yes No

8. Where lands are to be obtained on donation and/or purchased, names and addresses and telephone numbers of the donors and sellers.

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If lands (or parts thereof) have been already received on donation or purchased, please attach copies of legal instruments that have been executed.

Part E. ADDITIONAL INFORMATION ON INDIGENOUS PEOPLES (IPs)

(This section must be filled in if the development/extension/construction activities are located in areas that are also inhabited by indigenous peoples.)

1. Names of IP community members and organizations who participated in screening:

.....
.....

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.....

2. *Have the IP community and the would-be affected IPs been made aware of the potential positive and negative impacts and consulted for their feedback and inputs?*

Yes No

3. Has there been a *broad base community consensus* on the proposed works?

Yes No

4. *Total number of would-be affected IP households:*

5. *The would-be affected IP households have the following forms of rights to the required lands:*

Legal: # of households:

Customary: # of households:

Lease agreements with MOHFW& other GOB agencies: # of households:

Others (Mention): # of households:

6. *Does the development/extension/construction activities affect any objects that are of religious and cultural significance to the IPs?*

Yes No

7. *If 'Yes', description of the objects:*
.....
.....

8. *The following are the three main economic activities of the would-be affected IP households:*

a.

b.

c.

9. *Social concerns expressed by IP communities/organizations about the works proposed under the development and construction activities:*

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10. *The IP community and organizations perceive the social outcomes of the development and construction activities:*

Positive Negative Neither positive nor negative

11. *In respect of any conditions that may have been agreed for the broad base community consensus, and the social impacts on IPs and their concerns, is there a need to,*

Undertake an in-depth Impact Assessment study? Yes No

Prepare an Indigenous Peoples Plan? Yes No

This Screening Form has been Filled in by:

Name: Designation:

Signature: Date:

Annex A2

DEFINITION OF SELECTED TERMS

Compensation: Payment made in cash to the program affected persons/households for the assets acquired for the development and construction activities, which includes the compensation provided in the *Acquisition and Requisition of Immovable Property Ordinance 1982* and others stipulated in this Social Management Framework.

Compensation-Under-Law (CUL): Refers to the compensation assessed for the acquired lands and other assets, such as trees, houses/structures, etc., by different government agencies as per the methods provided in the Land Acquisition Ordinance, and paid by the Deputy Commissioners.

Consultation Framework: In view of their stakes and interests in the development and construction works, the framework is prepared to guide the preparation team about who are to be discussed/ consulted about the development and construction activities and its positive and negative social impact implications and to seek their inputs and feedback in the different stages of the program cycle.

Cut-off Dates: These are the dates on which censuses of the affected persons and their assets are taken. Assets like houses/structures and others, which are created and the persons or groups claiming to be affected, after the cut-off dates, become ineligible for compensation and assistance. For private lands, these dates will however not constitute ‘cut-off dates’, if the legal Notice-3 is already issued before the censuses are taken. In such a situation, the Notice-3 dates are considered ‘cut-off dates’, as the acquisition ordinance prohibits changes in the appearance of the lands after issuance of Notice 3.

Entitlement: Refers to mitigation measures, which includes cash payments by DCs and MOHFW, as well as any non-cash measures stipulated in this SMF (e.g., allowing the affected persons to keep felled trees, salvageable building materials, etc.), for which compensation is already paid.

Income Restoration: Refers to re-building the capacity of the project affected households to re-establish income sources at least to restore their living standards to the pre-acquisition levels.

Indigenous Peoples: Unless they are already recognized, the Indigenous Peoples are identified in particular geographic areas based on these four characteristics: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the development/construction area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) an indigenous language, often different from the official language of the country or region.

Involuntary Resettlement: The situation arises where the State’s power of eminent domain requires people to acquiesce their rights to personal properties and re-build their lives and livelihood in the same or new locations.

Participation/Consultation: Defined as a continuous two-way communication process consisting of: ‘feed-forward’ the information on the development and construction activities’s goals, objectives, scope and social impact implications to the beneficiaries, and their ‘feed-back’ on these issues (and more) to the policymakers and program designers. In addition to seeking feedback on development and construction activities specific issues, participatory planning approach also serve the following objectives in all development projects: public relations, information dissemination and conflict resolution.

Physical Cultural Resources: Defined as movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Physical cultural resources may be located in urban or rural settings, and may be above or below ground, or under water. Physical cultural resources are important as sources of valuable scientific and historical information, as assets for economic and social development, and as integral parts of a people’s cultural identity and practices. Their cultural interest may be at the local, provincial or national level, or within the international community.

Physical Cultural Property: Includes monuments, structures, works of art, or sites of “outstanding universal value” from the historical, aesthetic, scientific, ethnological, or anthropological point of view, including unrecorded graveyards and burial sites, and unique natural environmental features like canyons, forests and waterfalls. Within this broader definition, cultural property is defined as sites and structures having archaeological, paleontological, historical, architectural, or religious significance, and natural sites with cultural values.

Project-Affected Person/Household: Persons/households whose livelihood and living standards are adversely affected by acquisition of lands, houses and other assets, loss of income sources, and the like.

Rehabilitation: Refers to improving the living standards or at least re-establishing the previous living standards, which may include re-building the income earning capacity, physical relocation, rebuilding the social support and economic networks.

Relocation: Moving the project-affected households to new locations and providing them with housing, water supply and sanitation facilities, lands, schools and other social and healthcare infrastructure, depending on locations and scale of relocation. [Homestead losers may also relocate on their own in any location they choose.]

Replacement Cost: The World Bank’s Policy on Involuntary Resettlement describes “replacement cost” as the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets are not taken into account. For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard.

Stakeholder: Refers to recognizable persons, and formal and informal groups who have direct and indirect stakes in the development and construction activities, such as affected persons/households, shop owners, traders in *haats/bazaars/kitchen* markets, squatters, community-based and civil society organizations.

Top-Up Payment: Refers to MOHFW 's payment in cases where the compensation-under-law (CUL) determined and paid by DCs falls short of the replacement costs/market prices of the affected lands and other assets.

Vested Non-Resident Properties: Originally known as “enemy properties”, these have been left behind by the people who migrated to India and other countries since the independence and partition of India in 1947. Some of these properties have been identified thru 1984, and have since been leased to private citizens or allocated to various government agencies.

Annex B1

SUGGESTED METHODS FOR MARKET PRICE SURVEYS

In line with the proposed compensation principles, MOHFW, assisted by the project consultants, will conduct market price surveys to determine replacement costs of the acquired lands, houses/structures and other replaceable assets and market prices of irreplaceable assets by using the methods suggested below.

Lands of All Kinds

The surveys will explicitly take into consideration the quality of the lands under acquisition. Quality will take into account current uses, cropping intensity and value of crops produced, accessibility from the existing roads, and any other characteristics that influence the lands' market value. The surveys will be conducted on the following three groups of respondents:

- A random sample of 10-15 landowners in the *mouza* in which the lands under acquisition are located and in those adjacent to it;
- As many of most recent buyers and sellers of similar lands can be found in the same and adjacent mouzas; and
- Deed writers, as many can be found and agree for interviews, at the land registration offices, who recently handled transactions of similar lands in the same or adjacent mouzas. (They will be asked about the actual prices, not those written in the deeds.)

Market value of the lands will be determined in the following manners:

- *If variations in average prices reported by the three respondent groups are insignificant (or, are 10% or less), current value of the lands will be fixed at the average of the prices reported by the three groups.*
- *In cases of significant differences (more than 10%), the current prices will be negotiated in open meetings with the affected and other landowners, community leaders, CBOs/NGOs and the like.*

Replacement costs of land will equal the market price, plus the registration cost or stamp duty. The registration cost will be calculated on the current market price.

Houses and Other Built Structures

Replacement costs will be based on the current prices of various building materials, labor and other cost items in the local markets. The costs of building materials, such as bricks, cement, steel, sand, bamboo, timber, GI sheet, roofing materials like straw, golpata, etc, and labor will be based on:

- Survey of current prices of different types of materials with five or so dealers/manufacturers in the local markets.
 - *The replacement cost of the house/structure will be based on the lowest quoted price for each type of material, plus their carrying costs to the sites.*
- The current costs of labor with different skills will be determined by interviewing local contractors, MOHFW staff, or local construction workers.

Replacement costs of any other replaceable affected assets will also be based on the current prices of materials, transportation and labor costs, etc.

Trees & Other Irreplaceable Assets

Market prices of different varieties of trees will be determined by surveying the prevailing prices paid by five or so lumber and fuel-wood traders in the local markets. *The compensation for trees will be fixed at the highest prices offered by a trader.*

Compensation for all other irreplaceable assets will also be based on survey of their prevailing prices with dealers/traders in the local markets.

Fruits and Other Crops

Compensation will be fixed at the harvest prices of the fruits and other crops. Harvest prices of different varieties of fruits and crops will be collected from a sample of 7-10 dealers in the local markets. *The compensation for each type of fruit and crop will be fixed at the highest price offered by a trader.*

The market price surveys will begin as soon as locations of the required acquisitions are identified on the ground. MOHFW will document the replacement costs and market prices of various affected assets and make them available as and when asked for review by IDA/DP.

Annex B2

APPLICATION GUIDELINES FOR MITIGATION MEASURES

The following guidelines are based on the compensation eligibility of PAPs and mitigation principles and standards, and correspond to the entitlements proposed in the Entitlement Matrix.

1. LOSS OF AGRICULTURAL & OTHER LANDS

Entitlements for Legal Landowners

Compensation-Under-Law (CUL): As per Land Acquisition Ordinance, CUL covers lands and other assets, such as house/structures, trees, and other items of value, that are built and grown on the acquired lands.

CUL is assessed by the Deputy Commissioners (DCs) and paid only to the persons who have legal titles (and legal agreements in cases of leased-in assets) to the acquired lands and other assets.

Replacement Cost: Current cost of purchasing land of same quality and use, equal to the amount acquired, PLUS the registration cost or stamp duty.

Current cost will be determined by MOHFW through local market price surveys for different types of lands, by using the methods suggested in Annex B2.

Stamp Duty and Registration Cost: Charged on the price at which the land is being bought or sold.

Stamp duty and registration cost will be calculated on the current market prices that will be determined through land market surveys.

Top-Up: Equals the positive difference between the total replacement cost and the total CUL paid by DCs.

- *Top-up will apply only to the landowners who have legal titles (DCs identify the titleholders) to the affected lands and other assets.*
- *Top-up will be paid in cases where total CUL paid by DC to an affected property owner is found smaller than the total replacement costs/market prices of all affected assets determined through the market price surveys.*
- *Individual top-ups will be determined by taking into account all acquired assets (re: paragraph 23, Section B), but will be paid for the parts for which CUL is paid by DCs (re: paragraph 24, Section B). (Partial CUL and top-up payment may occur in situations where lands are acquired from an owner are located in more than one mouza, or are under more than daag, or involve legal disputes.)*

Top-up will be determined in the following manner:

Sum of the replacement costs and market prices (as may apply) of all affected assets, MINUS the total amount of CUL paid by DC to a landowner for lands and other assets affected in any number of mouzas (re: paragraph 23 in Section B).

Transition Allowance: Will apply to certain landowners and 'vested non-resident (VNR)' land owners/users. Operational guidelines are provided under Loss Category 5 below.

Leaseholders of Public Lands

If such lands come under acquisition, the DCs, who execute the lease agreements, will determine and settle the contractual obligations in the form of CUL.

2. LOSS OF HOMESTEAD LANDS (VITAA)

Homesteads on Private Lands: For homesteads on private lands, the proposed assistance measures will apply in addition to the compensation for the lands as per provisions described above, and for the houses and other assets as per the provisions described below.

- *Where the affected households can no longer live in the present homesteads (vitaa), they can either directly purchase replacement lands at locations of their choice, or relocate on public lands that MOHFW would arrange. Wherever they decide to relocate, additional relocation assistance will consist of:*
 - Development of the lands to the level of other homesteads in the locality and provision of access roads.
 - Restoration of pre-acquisition level basic utilities, such as water supply and sanitation, electricity, etc.

Homesteads on Public Lands (Squatters): Relocation assistance will apply to poor and vulnerable households, which will consist of:

Development, as above, of MOHFW's own or other public lands that MOHFW would designate for their relocation, as well as provision of water supply and sanitation facilities.

Homesteads on VNR Lands: Relocation assistance as follows:

- *Where parts are acquired and the remainders of the homestead lands are adequate to move and rebuild the houses:* Compensation/assistance will consist of moving and rebuilding costs.
- *Where acquisitions require physical relocation elsewhere – Relocation assistance will consist of relocation plot in public lands to be arranged and developed by MOHFW, and moving and rebuilding costs; OR*
- *Six months' rent for living accommodations comparable to the affected ones. The rent will be determined based on the prevailing rates in the nearby towns/urban settlements, including Upazila headquarters and the like.*

3. LOSS OF HOUSES/STRUCTURES

Legal Owners

Compensation-Under-Law (CUL): Assessed by the DCs on all houses/structures standing on the acquired private lands at the time of issuance of Notice-3 under the Land Acquisition Ordinance.

Replacement Costs: Assessed by MOHFW, will include current costs of the same building materials, labor and any other cost items to rebuild the affected houses/structures.

- *Costs of materials, labor and other cost items will be determined by surveying their current prices in the local markets by using the methods suggested in Annex B1.*
- *Where houses/structures are partially affected and the remainders are structurally safe and useable, replacement costs will be determined on the affected portions.*

Squatters

Socio-economically vulnerable squatters are entitled to House Transfer Grant (HTG) and House Construction Grant (HCG) for shiftable and non-shiftable houses.

- *HTG and HCG will apply to shiftable houses/structures built with materials/components that can be dismantled without much damage and the materials can be used to rebuild them. Shiftable houses/structures are generally built with bamboo thatch, GI sheets, wood, plastic sheets, and other inexpensive, generally non-breakable materials.*
- *HCG applies to non-shiftable houses/structures generally built with materials/components that cannot be dismantled intact. These are likely to be built with mud walls, mud-plastered walls of straw/bamboo/jute stalks and similar cheap materials, and straw roofs.*

The following exceptions will apply for HTG and HCG:

- *Both shiftable and non-shiftable houses/structures will be ineligible for compensation if (a) they are not used by the owners themselves, or (b) rented out to others.*
- *No affected structures built after the cut-off dates will be eligible for compensation.*

Vested Non-Resident Property Users/Owners

Are eligible for HTG and/or HCG, which will be determined in consultation with the present users/owners.

- *Both HTG and HCG will apply where houses/structures are to be moved and rebuild.*
- *HCG will apply where houses/structures are partly affected and the remainders are structurally safe and usable.*
- *Where houses/structures are partly acquired, the current users will be allowed to use the remainder.*

4. LOSS OF TREES ON ACQUIRED PRIVATE & PUBLIC LANDS

Compensations for trees affected on private lands will be assessed by the District Forestry Department, and those grown on public and VNR lands by MOHFW.

Compensation for Trees: Will be based on the survey of current prices in the local markets by using the methods suggested in Annex B1. The compensation will take into account the species, size, maturity and other characteristics of the affected trees that influence their market value.

In addition to the above compensation, the owners will be allowed to fell the trees and keep them. The owners will however not fell the trees unless MOHFW asks them to do so after it verifies, as and when necessary, the assessment by the Forestry Department.

Compensation for Fruits on Trees: Will apply if the trees need to be felled before the fruits are harvested.

MOHFW will use the standards of Agriculture Department to estimate the amount of fruits on individual trees, and determine their value based on the survey of current harvest prices in the local markets (as suggested in Annex B1).

5. LOSS OF AGRICULTURAL, BUSINESS, EMPLOYMENT & RENTAL INCOME

Agricultural Income: The transition allowance (TA), three times the value of crops grown a year, will be applied as follows: (a) *Legal Owners:* if acquisition amounts to 20% or more of the total productive area; and (b) *VNR Owners/Users:* for any amount of land acquired. The TA will be determined as follows:

In cases of multiple crops: *Sum of the harvest prices of the crops produced in the acquired land in each cropping season in the year, MULTIPLIED by three.*

In cases of single and perennial crops: *Total harvest price of the crop, MULTIPLIED by three.*

MOHFW will use the standards of Agriculture Department to determine the amount of various crops produced per unit of land, and the market surveys for harvest prices (as suggested in Annex B1).

Business Income: Applies to the owners of all businesses affected on private and public lands.

Unless proper bookkeeping is practiced by the business owners, use of the method suggested for determining loss of business income may become difficult. In order to corroborate the income loss determined based on information given by the owners, MOHFW will examine, if available, previous year's income tax returns and VAT payment records.

Compensation for Temporarily Closed Businesses: Average daily net income, exclusive of expenses like rent, staff salary, utilities, etc., based on a period of 30 days.

Compensation will be paid for the number of days needed to reopen the individual businesses, or complete the civil works, whichever is smaller.

Compensation for Partially Affected Businesses: Applies to those which are affected partially and can still operate from the remainders of the premises.

Compensation, calculated as above, will be paid for the number of days needed to repair and reopen the individual businesses, or complete the civil works, whichever is smaller.

Compensation for Businesses Requiring Physical Relocation: Applies to businesses that are to be removed entirely from the present spots.

- In addition to their own initiatives to find alternative locations, the business owners will be allowed to relocate on MOHFW lands, if any in the vicinity, OR
- In public lands arranged by MOHFW, in consultations with the affected business owners, and the municipal committees, Union Parishads and the like.
- Compensation based on average daily net income, exclusive of expenses like rent, staff salary, utilities, etc., based on a period of 30 days. Compensation will be paid as follows:
 - *Self-relocation:* For the number of days needed to reopen the individual businesses in locations the business owners choose, for a maximum of 90 days.
 - *Relocation on MOHFW/Public Lands:* For the number of days needed to reopen the individual businesses, for a maximum of 45 days.

Employment Income Loss: Will apply to persons who would be (i) found continuously employed in the affected businesses for at least six months up to the date of PAP census (cut-off date); and (ii) remain employed in those establishments at the time the businesses are required to vacate the lands.

- *Employees of businesses requiring temporary closure during construction will be compensated for the actual number of days needed to reopen the individual businesses, or for a maximum of 30 days.*
- *Employees of businesses requiring relocation will be compensated for the actual number of days needed to relocate them, or for a maximum of 45 days.*

The daily compensation rates will be based on the individual employee's current monthly salary or daily wages.

Rental Income Loss: Applies to the legal owners of the affected built premises located on private lands, which have been rented out to others. *The three months' compensation will be based on monthly rent paid by the current tenants.*

Unforeseen Losses

MOHFW will take into account any impacts/losses that are unique to any development/extension/construction activities not covered in this SMF, and consult IDA/DP and other DPs to adopt measures and application guidelines required to mitigate them.

Annex B3

MONITORING LAND ACQUISITION, AND PREPARATION & IMPLEMENTATION OF IMPACT MITIGATION PLANS

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

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

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

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

- Census of the project affected persons (PAPs) and assets, and fixing of the cut-off dates for squatters.
- Survey of replacement costs and market prices of the affected lands and other assets.
- Consultation and information dissemination with regard to compensation payment procedure and the documents required to claim compensation from the DCs (a continuing activity).
- Formation of the Grievance Redress Committees (GRCs).
- Preparation of Compensation Budgets for squatters and others not covered by the acquisition ordinance, and top-up for titleholders.

- Preparation and submission of RP/ARP for IDA/DP review and clearance.
- Preparation of the individual entitlement files for different PAP groups, with all applicable entitlements.
- Approval of the Compensation Budgets by MOHFW.
- Continuing monitoring and reporting progress in payment of CUL, top-up and other applicable entitlements to titleholders and squatters and similar PAPs; and relocation of homestead losers, and displaced businesses and other activities.

Any other tasks that may have remained unknown will be included in the monitoring system. Progress in land acquisition and resettlement planning and implementation activities will be reported in appropriate formats.

Annex C1

INDIGENOUS PEOPLES' CONSUTATION MATRIX

Timing	Consultation Participants		Consultation Method	Expected Outcome
	Project Authority	IP Community		
<i>Reconnaissance of facility under consideration</i>	MOHFW, NGOs/CBOs and others working with IP issues	IP Communities, including organizations, community leaders/elders	Open meetings & discussions, visit of IP settlements & surroundings	<i>First-hand assessment of IPs' perception of potential social risks and benefits, and prospect of achieving broad base support for the project</i>
<i>Preliminary Screening of the facility</i>	MOHFW, NGOs/CBOs and others working with IP issues	IP Communities, including would-be affected IPs, IP organizations, community leaders/elders, key informants	Open meetings, focus group discussions, spot interviews, etc.	<i>Identification of major impact issues, feedback from IP communities and would-be affected persons/households, and establishing broad base community support for the project</i>
<i>Feasibility Study taking into consideration, inter alia the conditions that led to community consensus</i>	MOHFW, project consultants (Social Scientists), NGOs/CBOs, other knowledgeable persons	Would-be affected IPs, IP organizations, community leaders/elders, key informants	Formal/informal interviews; focus group discussions; hotspot discussion on specific impacts, alternatives, and mitigation; etc.	<i>More concrete view of impact issues & risks, and feedback on possible alternatives and mitigation measures; estimates of displacement from homesteads; inventory of common property resources; and information on other key impacts</i>
<i>Social Assessment</i>	MOHFW, project consultants (Social Scientists)	Adversely affected individual IPs/households	Structured survey questionnaires covering quantitative & qualitative information	<i>Inputs for IPP, and identification of issues that could be incorporated in engineering design</i>
<i>Detailed Design</i>	MOHFW, project consultants (Social Scientists) and other stakeholders	IP organizations, community leaders/elders, adversely affected IPs	Group consultations, hot spot discussions, etc.	<i>Preparation of IPP, and incorporation of SA inputs into engineering design to avoid or minimize adverse impacts, and IP development programs</i>
<i>Implementation</i>	MOHFW, project consultants (Social Scientists) & other stakeholders	Individual IPs, IP organizations, community leaders/elders & other stakeholders	Implementation monitoring committees (formal or informal)	<i>Quick resolution of issues, effective implementation of IPP</i>
<i>Monitoring & Evaluation</i>	MOHFW, IDA/DP, project consultants (Social Scientists), NGOs & CBOs	IP organizations/groups and individuals	Participation in review and monitoring	<i>Identification & resolution of implementation issues, effectiveness of IPP</i>