

THE INSPECTION PANEL

**REPORT AND RECOMMENDATION TO THE EXECUTIVE
DIRECTORS OF THE INTERNATIONAL DEVELOPMENT
ASSOCIATION**

on

REQUEST FOR INSPECTION
BANGLADESH: JAMUNA BRIDGE PROJECT (Credit 2569-BD)

Table of Contents

Introduction.....	3
Project Background.....	4
Request for Inspection	5
Events Following Filing of Request	7
Management Response	8
Panel Process	9
Panel Report.....	11
Recommendation	17

Annexes

1. Request for Inspection
2. IDA Management Response
3. "Extension of Initial Review Period", Memorandum from the Chairman of the Inspection Panel to the Executive Directors of IDA, (INSP/R96-1)
4. The Jamuna Multipurpose Bridge: The Other View, JCIPD, Dhaka, May 1996, pp. 10-19
5. Draft Entitlement Matrix for Erosion and Flood Affected Persons (EFAPs), under the Jamuna Bridge Project
6. Draft Timetable for Implementation of the EFP: September 1996 to June 1997
7. Memorandum from the Chairman of the Inspection Panel to the Senior Vice President and General Counsel, dated October 30, 1996
8. Memorandum from the Senior Vice President and General Counsel to the Chairman of the Inspection Panel, dated November 4, 1996

Abbreviations

ADB	Asian Development Bank
CSC	Construction Supervision Consultant
EFP	Erosion and Flood Policy
EIA	Environmental Impact Assessment
EMAP	Environmental Management Action Plan
GOB	Government of Bangladesh
IDA	International Development Association
IRP	Independent Review Panel
JCIDP	Jamuna Char Integrated Development Project
JMBA	Jamuna Multipurpose Bridge Authority
JMBP	Jamuna Multipurpose Bridge Project
MC	Management Consultant
OECF	Overseas Economic Cooperation Fund (Japan)
PAD	Project Affected Dweller
PAP	Project Affected Person
POE	Panel of Experts
RRAP	Revised Resettlement Action Plan
TOR	Terms of Reference
UNDP	United Nations Development Program

Introduction

1. On August 23, 1996, the Inspection Panel ("Panel") received a Request for Inspection ("Request") which alleged violations by Management of policies and procedures of the International Development Association ("IDA") in relation to the Jamuna Bridge Project (Credit 2569-BD).

2. On August 26, 1996, the Chairman notified the Executive Directors and IDA's President of receipt of the Request (meaning "Registration" under the Panel's *Operating Procedures* ["OP"]).¹ On September 23, 1996, the Panel received Management's Response to the Request ("Response").

3. The Panel initiated the preliminary review provided under paragraph 19 of the Resolution that established the Panel ("Resolution") and paragraph 34 of its OP. It concluded that the Request appeared to meet in principle the eligibility criteria set forth in paragraphs 12 to 14 of the Resolution, but that more work was needed before making a recommendation to the Executive Directors as to whether the Request should be investigated. To this end the Chairman requested and the Executive Directors agreed on a no objection basis to an extension of the initial review period until December 11, 1996.

4. This report summarizes: firstly, salient points of project background; secondly, principal concerns of the Requesters; thirdly, actions undertaken by the Executing Entity and Management after the Request was filed; fourth, the Response; and fifth, the Panel process for this Request. Finally, the Report outlines

the findings of this initial review. The Report concludes that the Request meets the eligibility criteria under paragraphs 12-14 of the Resolution and makes a recommendation to the Executive Directors on whether the Request should be investigated pursuant to paragraph 19 thereof.

Project Background

5. Project planning began many years ago. The first feasibility study was carried out in 1971, followed by an additional study in 1976 to install a gas pipeline. A multipurpose bridge study in 1986 -- phase 1 -- a second in 1987 -- phase 2 -- and a draft feasibility report in 1988 was followed by meetings between IDA, the United Nations Development Program ("UNDP"), the Government of Bangladesh ("GOB"), the Jamuna Multipurpose Bridge Authority ("JMBA"), the Asian Development Bank ("ADB"), the Government of Japan ("OECF"), the United Kingdom Overseas Development Administration ("ODA") and the High Commission of Canada. In 1988 an Environmental Impact Assessment ("EIA") was prepared, followed by an additional feasibility study in 1989. The appraisal mission for this project was conducted in September 1993. Despite the lengthy preparation period the approximate location of the bridge could only be decided in 1992 mainly due to the changing morphology of the Jamuna river. The location of the bridge access was fixed precisely in 1994.

6. A development credit of SDR 143,600,000 (about US\$200 million equivalent) for the project was approved by the Board of Executive Directors on February 25, 1994 which became effective on August 12, 1994. ADB and OECF are each providing \$200 million of financing.

¹ See The Inspection Panel, *Operating Procedures* (August 1994) at para. 36.

As of October 31, 1996, \$130,261,530 of IDA financing has been disbursed. Completion of the bridge construction is now expected by mid-June 1998.

7. According to the Development Credit Agreement (Schedule 2), "the objectives of the Project is to connect the eastern and western part of the country through the construction, operation and maintenance of a bridge over the Jamuna River, thereby stimulating economic growth by facilitating cross-river transport of passengers, freight and transmission of power."

The project's civil works include:

"Construction of a bridge, about 4.8 km long, 18.5 meters wide across the Jamuna River, with a foundation to carry a railway and capable of supporting an electric interconnector, a gas pipeline and telecommunications facilities."

"Construction of viaducts, about 128 meters each, connecting the bridge to the approach roads," and

"Construction of two guidebunds, of about 2.2 km each and a flood protection bund on the east bank to regulate the river at the bridge construction site."

8. Pursuant to IDA policies adopted in the late 1980s a project must include measures to mitigate the adverse effects on people involuntarily displaced or whose livelihood and environment is affected. Such measures are included in a resettlement plan, in this case known as the Revised Resettlement Action Plan ("RRAP") adopted in October 1993. To mitigate adverse environmental effects, an Environmental Action Plan ("EMAP") was prepared in January 1995. Both plans have been later supplemented by an Erosion and Flood Policy ("EFP") adopted on September 7, 1996.

Request for Inspection

9. There are thousands of mid-channel islands, known as *chars*, in the Jamuna river "that periodically emerge from the river-bed as a result of accretion. *Chars* may be seasonal or survive for several decades."² *Choura*, or *char* people -- now estimated at more than 2 million -- live on and/or derive their income from the *chars*, depending on the ever changing cycle of erosion and accretion in the Jamuna. Some 75 *chars* with over 70,000 inhabitants are said to be located in the project area.

10. The Request was prepared and filed solely by a local non-governmental organization -- the Jamuna Char Integrated Development Project ("JCIDP") -- that represents *char* people in the project area (Annex 1). About 3,000 signatures are attached to the Request.

11. The Request alleges in substance that IDA failed to include *char* people in the process of planning, designing and implementing resettlement and environmental measures that are both preventive and mitigative. The Requesters claim that project execution and their omission from the process has resulted in specific damages in some *chars* for which they have not been appropriately compensated, and will potentially lead to additional direct and material adverse effects on the *chars*, *char* people and their livelihood. In this regard, the Requesters

² "Riverbank Erosion, Flood and Population Displacement in Bangladesh: A Report on the Riverbank Erosion Impact Study", prepared by K. Mauhood Elah (Jahangirnagar University) and John Ro Rogge (University of Manitoba), Dhaka, October, 1990.

allege violations relating to the following IDA policies:

- Environmental Assessment (OD 4.00 and Annexes)
- Involuntary Resettlement (OD 4.30)
- Involvement of NGOs in Bank-supported Activities (OD 14.70)

12. Nevertheless, it should be noted that the Requesters reiterated to the Panel their strong support for the bridge project as beneficial to the country.

Involuntary Resettlement

13. The fundamental complaint is that IDA did not include the *char* people in the RRAP:

“the people whose land has been submerged due to the construction have not been incorporated in the mitigation plan. Even the people of the acquired land have not received proper compensation yet in many cases. The inundation of the agricultural land and homestead, intensified scouring in the *char*, the increased water level in the river Jamuna as result of the closure of the northern intake of the Dhaleswari [November 1994] and above all, the changes in the river morphology will substantially be detrimental to the *char* people and consequently these people would be plunged into a situation of being evicted from their ancestor’s land. (Request, p. 5)

The land acquisition is not the problem for the vast majority of the *char* people. People expressed their worry about erosion and distraction [sic] of the *char*. The compensation

package developed by JMBA only includes the people whose land will be acquired for the construction of the bridge. It does not deal with the *char* people as [their] lands have not been acquired.” (Request, p. 7)

Consultations/Participation

14. The Requesters allege that the rights and interests of *char* people were not included in the RRAP because the existence of *char*land and *char* people was not dealt with in the EIA and therefore they were never consulted. They point out that:

“The environmental impact assessment (EIA) of Jamuna Bridge has not followed the sequence and synchronization of the events necessary for EIA....

One of the basic parameters of the EIA is to ensure the participation of the people. The project is lacking the participation of the people. So, the existence and the interest of the *char* people have not been reflected in the EIA and subsequent mitigation plan devised on the basis of EIA....

[Reference to *chars*] is mostly based on secondary data. We only find existence of the *char*land while the questions relating to wildlife action plan and fisheries mitigation plan come up.” (Request p. 7)

Based on interviews conducted by the JCIDP, the Request goes on to illustrate the concerns and worries of people on several *chars* about the potential threat of the impact of the project on their land and livelihood, noting that 74% of those interviewed said there had been no official attempt to inform them about plans having a direct impact on

them. "They came across the issues through hearsay."

15. The Request then itemizes examples of harm already suffered on a number of *chars* allegedly due to bridge construction.

16. Attached to the Request (as Annex 04) is a table entitled "Basis for Assessment of Damages". Prepared by the JCIDP, it identifies 75 *chars* by name and indicates for each its settlement pattern, main agricultural products, nature of vegetation, type of housing, economic activities of char people other than agriculture, and provides a brief socio-economic assessment.

Additional Information

17. Subsequently, the Panel received additional material from the Requesters—a report entitled "The Jamuna Multipurpose Bridge: The Other View", ("JCIDP"), May 1996. The JCIDP acknowledges that the report is not a "complete document of what we have intended to bring to light.... As usual, we have focused chiefly on the *char* people and their interests." The report notes that:

"After a preliminary review of the Bridge project we undertook a field-based study in order to shed light on the people's view -- what they think, how they measure the losses and the damages etc. This report is the outcome of our humble effort to highlight the social, environmental and other pertinent issues from the people's point of view...."

and that:

"A study was initiated to look into the catastrophic scenario. The study covered a total of 75 *chars*, within a

span of 10 kilometers of the Bridge site both up and down stream, covering more than 70,000 people spread over some 13,000 households...."

Relevant pages (pp.10-19) of this study which show the results in table form are attached to this report as Annex 4.

Events Following Filing of Request

BOX 1

August 28, 1996. Staff asked an Independent Review Panel (IRP) -- a group of consultants appointed in June 1996 by the cofinanciers -- to expand their work to cover concerns of the *char* people as set forth in the Request for Inspection (see para. 39-41 of this report).

August 29, 1996. The IRP met with representatives of the Requesters.

September 2, 1996. The IRP's initial analysis and record of the meeting with representatives of the Requesters was faxed to the staff (see Attachment 21 to the Response).

September 7, 1996. An Erosion and Flood Policy (EFP) "Guidelines for Compensating Erosion and Flood Affected Persons" was accepted by JMBA.

September 30, 1996. Drafts of an "Entitlement Matrix for Erosion and Flood Affected Persons (EFAPs) under the Jamuna Bridge Project," and a "Timetable for Implementation of the EFP: September 1996 to June 1997" were prepared by JMBA and a Joint IDA/OECF/ADB Mission (Annex 5).

Management Response

18. IDA Management's response is accompanied by letters from the cofinanciers, ADB and OECF.

19. In its response, Management maintains that it complied with all applicable IDA policies and procedures, adding that "IDA has shared for some time the concerns of the Requesters." The Response (attached as Annex 2), after providing a general description of the project and answering the main concerns raised by the Requesters, refers in detail to each of the Requesters allegations in a matrix. The thrust of the Response is that, consistent with OD 4.30, *char* people were intended to be covered by the RRAP of October 1993.

20. The Response explains that the RRAP provides for a phased approach. It includes a comprehensive and detailed program only for the first phase of land acquisition in the eastern bund area. The Requesters were intended to be covered by category 14 of the matrix of losses and entitlements set forth in the RRAP, which mentions the likelihood of possible losses occurring as a result of project induced flooding or erosion. In September 1994, IDA and its cofinanciers requested the GOB to "prepare and adopt a suitable policy providing for compensation for project induced erosion and flooding." The Response points out that the EFP was approved by the Jamuna Multi-Purpose Bridge Authority (JMBA) Board on September 7, 1996 and that compensation for *char* people will be based on it (para. 10).

21. The EFP is described as "generous and simple" representing a new era in environmental legislation and practice in

Bangladesh, covering compensation for all erosion as well as increased flooding that adversely affects crops in the bridge impact areas. "The EFP defines the bridge area of impact on erosion to include 10 kms downstream and 8 kms upstream. For flooding effects, the EFP defines 12 kms upstream of the bridge as the possible impact distance. The EFP is time-bound for 5 years after construction of the closure dam on the west in 1995, based on expert estimates of the time required for morphological changes in the river to stabilize. This means that erosion and/or flooding impacts could occur for up to 5 years after construction starts, and that affected people would be correspondingly compensated. IDA would request that this time span be reviewed in light of actual data, as needed, in the future. The EFP provides for compensation of affected *char* dwellers and flood plain occupants, as soon as they are identified" (Response para. 11).

22. According to the Response, *char* people likely to be affected by the project could not be identified until after the final location of the bridge was decided. Due to the ever-changing behavior of the Jamuna River, the location of the bridge structure and guide bunds could only be finalized during construction. The Response states that although the Jamuna Bridge project studies indicate that "some erosion is a likely result," the river training is also likely to contribute to stabilizing some of the *chars*.

23. The policy defining the impact area and compensation modalities was adopted on September 7, 1996. This being done, the Response explains that more specific guidelines have to be worked out before the policy is made operational and that the socio-economic survey of affected persons

will begin in November 1996 and after this year's monsoon, effects can be identified.

24. As far as participation of the *char* people goes, the Response points out that:

"Until now, specific groups of char dwellers have not been identified as PADs.... Until a clear erosion policy was approved, the design and location of the bridge finalized, and information available about impacts, consultation with large numbers of people would have caused confusion, raised unrealistic expectations, and possibly caused exaggerated or false claims for compensation, as occurred in other parts of the project. On the west bank, thousands of structures were erected in attempt to obtain unlawful gains in 1994/95. A special law had to be enacted to deal with this issue and set out criteria to distinguish between genuine and unlawful structures. As an example, out of 2,600 houses surveyed by the District Commissioner in July 1995, and after applying the new law, only about 600 were judged genuine structures. Unfortunately, the people with unlawful intentions were well organized and powerfully connected, which meant that considerable Government and IDA effort and time was required to resolve the issue. It would be prudent to avoid similar episodes. For these reasons, it was agreed to defer consultations with char dwellers." (para. 23)

Panel Process

25. The Panel's task was to ascertain whether Management had complied with IDA's policies and procedures applicable to the claims of the Requesters, and/or whether

the actions and policies, agreed upon between the Borrower, JMBA and IDA after the Request was submitted to the Panel, could be regarded as evidence that Management intends to comply with such policies and procedures and meet the Requesters' concerns.

26. In accordance with paragraph 19 of the Resolution, the Panel examined the Request and the Response. The Response in substance appeared to contradict to some extent the Requesters' allegations.

27. The Panel decided that it could not undertake -- within 21 days following receipt of the Management's response to the Panel -- consultations with the Borrower, JMBA and the Requesters and carry out the analysis necessary to make a recommendation to the Board of Executive Directors, as provided in paragraph 19 of the Resolution. Estimating that it would require up to an additional thirty-day period to prepare its recommendation, the Panel requested an extension of the initial processing period until December 11, 1996.³ The Executive Directors approved this on a no objection basis on October 30, 1996.

28. As explained to IDA's Executive Directors in the Panel's request for extension of the preliminary review period, "Management and the Requesters disagree on basic issues such as which are "permanent *chars*" in the area, and the extent or likelihood of harm caused by the project to people living or working on the *chars*. Also, the numbers of possibly affected people vary widely in the estimation of the Requesters and Management, and a census as an integral

³ See INSP/R96-1 "Bangladesh: Jamuna Bridge Project (Credit 2569-BD) Extension of Initial Review Period" attached to this Report as Annex 3.

part of a socioeconomic survey of the affected area has yet to be carried out. Detailed implementation plans for mitigation measures are still under preparation, and basic information about the effects of this year's monsoon season is not yet available. In addition, Management, together with other co-financiers, has retained a group of consultants called the "Independent Review Panel" which was to report on several relevant aspects of project implementation by the end of October, 1996. Finally, the reference to the broadly defined category 14 -- concerning losses and entitlements of people adversely affected by the bridge through changes in water levels or "in unforeseeable ways" -- which will make assistance available to them only after they are identified as already affected --- obviously has caused doubts among the Requesters about the applicability and enforceability of the RRAP with regard to their interests, and the matter requires further clarification."

Meetings with Staff and IRP members in Washington

29. Before, during and after the field visit, Panel members met with a number of staff involved with the project, and requested and were provided with more documentary information and field observations. Prior to its site visit, the Panel had the opportunity to meet with two members of the IRP (see para. 41 below) who were in Washington, D.C. to consult with IDA's Management on the finalization of their Report on aspects of the project.

Field Visit

30. In preparing this report, the Panel considered information obtained during Mr. Ernst-Günther Bröder's review conducted in the project area between October 21 and 25, 1996. The Inspector met with the Requesters during a site visit to a

number of *chars* — including Dorata, Boro Koira, Madhurbari and Goila Hosain — in the project area, representatives of the Requesters and members of civil society. He also met with members of the Bank's Resident Mission in Dhaka, GOB and JMBA officials and members of the POE (Panel of Experts), representatives of the Danish Hydraulic Institute, and of management and engineering consultants. In accordance with para. 21 of the Resolution, the Panel also consulted the IDA Executive Director representing Bangladesh. His advice, as well as the particularly extensive support and arrangements set by the Bank resident mission in Dhaka, were invaluable in the successful mission of the Panel to the project site.

Panel Report

31. The Management Response notes that:

“Although the Request states many allegations, all of which are addressed in the attached matrix, the thrust of JCIDP’s concern is that by failing to address the project’s effects on *char* people, OD 4.30 (Involuntary Resettlement) is not being complied with.”

32. The Panel notes that the ADB’s letter of support for IDA Management’s Response to the Request, cites as the four main issues raised by the Requesters: (i) impact of the project on *char* people; (ii) degree of participation in the resettlement process; (iii) eligibility for compensation; and (iv) adequacy of resettlement sites.

33. In addition, the Request contains specific allegations of damage caused by the construction process and *char* people opinions on the most likely outcome of events and their impact on the *chars*. While the Inspector observed widespread erosion to *chars*, the Inspection Panel had not planned to address the technical question of quantifying past specific damage. In this respect, it is important to point out, that as far as allegations of past damage are concerned, Management has reiterated that *char* people already affected will be adequately compensated regardless of the cause.

34. This report addresses the broad thrust of the Requesters’ concerns in relation to IDA’s policies on resettlement, the environment and participation and concludes with an assessment of whether IDA

Management’s past actions and proposed remedial measures meet the concerns of the Requesters.

1. Resettlement of *Char* People

35. The Requesters claim they were forgotten. Indeed, project documents reviewed by the Panel seem to indicate that IDA did not single out *char* people as a separate and distinct particularly vulnerable group of potentially affected people during project and EIA preparation. The Panel has not received satisfactory evidence that the potential threat to *char* people was taken into account early in the project cycle, as required under OD 4.00 and Annexes, and OD 4.30.

36. Although IDA files show that staff initially thought that *char* people warranted special attention, they seem to have been thereafter forgotten. The first TOR of October 24, 1989 for a Resettlement and Rehabilitation Consultant stated that:

“The construction and operation phases of the Jamuna Bridge project are expected to entail acquisition of land or impacts on land upon which families or entire communities depend for livelihood, which requires preparation of an involuntary resettlement plan designed to restore the economic and social productivity of the affected people.”

and singled out *char* land for special attention. The consultant was to:

“Determine the numbers of people affected by all project works, including construction site, contractor camps, borrow areas, quarries, laydown areas, access roads, spoil disposal area, etc.

Special attention should be paid to "char" land or depositional land in the Jamuna River itself, which may be affected by dredging, changed water flows and so forth" [Emphasis added].

37. However, the RRAP was prepared in October 1993 without specific reference to the *chars* and *char* people. In February 1994, prior to the project being presented to the Executive Directors for approval, an Executive Director raised the issue of displacement of the *char* people. An internal staff memorandum answered as follows:

"This eventuality is covered by the resettlement policy (No. 14: People adversely affected by bridge, i.e., change in water levels upstream or downstream, or in unforeseeable ways). In the budget, there is an allocation of 50 million Tk under this item. Affected people will be compensated according to approved resettlement policy for other PAPs.... Compensation and resettlement under the project will take place in different phases. The Revised Resettlement Action Plan (RRAP) details the actions only for the first two phases (on the East bank - in 1994). Later actions will be planned and prepared in the course of 1994. (see RRAP). *As for char settlers, JMBA will have to determine the criteria for determining hydrological impacts caused by the project, and carry out a census of the population on the potentially affected chars*" [emphasis added]. (See full text in attachment 6 to the Management Response).

38. Later, in September 1994, the Joint Supervision Mission of cofinanciers, without mentioning the *chars*, requested the preparation of compensation plans for erosion and other damages as follows:

"The [Construction Supervision Consultants] CSC should liaise with the JMBA-EU in the preparation of plans for compensation of persons affected by erosion, situation drainage congestion or any damage resulting from Bridge construction (and any mitigation measures possible) where not covered by existing Plans or the responsibilities of the CSC following the Additional Studies (Irrigation and Drainage, Overland Flow). The linkage between the Additional Studies and the budget of Taka 20 million set against the Erosion and Drainage sub-component of the Monitoring and Management of Water Resources EAP, should be clarified and protocols for the disbursement of these funds agreed by JMBA, CSC and [Management Consultant] MC."

Further, on April 8, 1996 the Task Manager of the project sent a fax to JMBA stating that:

"It is important that the effect of the bridge on char land be finalized. We propose that you ask the CSC/MC with cooperation from the POE and possibly DHI to determine:

- (i) the positive/negative effects of the bridge on the char (particularly on the West Side);
- (ii) the distance US [upstream] and DS [downstream] the bridge that are

under such positive or negative effect.

We realize, however, that the char lands are unstable and they change considerably with the magnitude of the flood. Please request the experts to advice on ways to distinguish between the effect of the bridge and that which results from the natural magnitude of the flood, if possible.

We also suggest that you create a Public Information Center (PIC) at JMBA (HQ) and at site, which should be accessible to the interested public. The PIC should contain all pertinent information about the project.”

JMBA replied by fax, dated May 14, 1996, that:

“...a Physical Model Study by RRI and a Mathematical Model Study by DHI is now in progress to determine the effects of the bridge during and after construction. We hope that the points raised by you could be well addressed from the findings of the above studies.

Under the circumstances, we do not feel any need to conduct a separate study by CSC/MC for this purpose.”

No specific study other than the physical and mathematical models was therefore, carried out.

The Independent Review Panel

39. The terms of reference of the group of consultants retained by Management and the cofinanciers to act as an independent review panel (IRP) directed them to:

“(a) evaluate the GOB’s EMAP and RRAP and their implementation; and

(b) propose revisions to the content and schedule for the EMAP and RRAP to improve their effectiveness through the life of the project and the capacity to achieve their intended objectives.”

The TOR did not include any explicit reference to an evaluation of the situation of the *chars* or *char* people.

40. A few days after the Request was filed, the IRP was asked by Management to look into the question of the *chars* as an addition to their other tasks.

41. On October 9, 1996 Panel members met with two members of the IRP who were in Washington to discuss and finalize the IRP draft report with Management. According to the TOR, the IRP’s Final Report was due October 15, 1996. The Panel was told that the Report would be final by the end of October. As stated in the Chairman’s Memorandum to the Executive Directors of October 10, 1996, the Panel requested an extension of the initial review period in part because it was thought necessary to consider the final report of the IRP before making a recommendation to the Board. (see Annex 3 para. 6) Now the Panel has been informed by the Region that the IRP’s “draft final report” is being reviewed by IDA and the other relevant parties and “will be discussed and decided upon during the 7th Milestone Meeting, December 9-11, 1996 and that the Report will be finalized immediately thereafter.”⁴ Nevertheless, the Panel has decided not to

⁴ Email dated November 19, 1996, from Mrs. M. Robinson, Chief, SA11N, to Mr. E. Abbott, Executive Secretary of the Panel.

delay submission of its recommendation to the Executive Directors -- especially since members of the IRP shared their views with the Panel earlier, in particular with regard to their view that implementation will be complex and will require careful monitoring. There was also a consensus that *chars* would be adversely affected by the project and that the *char* people had not been singled out as a particularly affected group.

2. Adverse Effects

42. The Requesters allege specific past damage due to construction including river training. The Response claims that it was impossible to identify damage until after the 1996 monsoon since bridge construction did not begin until 1995.

Identification of Impact Area

43. The available data and experts interviewed stressed the possibility that there would be erosion caused by the project but it could not be quantified with certainty in advance. In addition, water could be expected to rise and adversely affect the *char* structure and their inhabitants. This should have been considered with as much precision as possible during project design and appraisal.

44. There appears to be agreement among the experts that project induced erosion or flooding cannot easily be distinguished from the natural. Therefore, the GOB and IDA have taken a practical approach by recently adopting a policy to compensate all adversely affected people regardless of the cause by erosion within the following geographical boundaries:

“Northern Boundary: A straight line drawn between the southern end of the Serajganj hardpoint on the West Bank and the northern end of the

Bhuapur hardpoint on the East Bank. Southern Boundary: An East-West line drawn across the River Jamuna at a distance of 10 km due south of the East End Pier of the Bridge” (EFP 4.1).

or by flooding:

“Northern Boundary: An East-West line drawn across the River Jamuna at a distance of 12 km due north of the East End Pier of the Bridge being the upstream limit of increased flooding due to the bridge.

Southern Boundary: An East-West line drawn across the River Jamuna through the East Pier of Bridge being the downstream limit of increased flooding due to the bridge” (EFP 4.2).

Such compensation is to be provided until “3 years from the date of completion of the east guide bunds.”

Lack of Participation

45. Once a project area has been identified, the environmental assessment resettlement guidelines (ODs 4.00, Annexes and 4.30) call for identification of irreversible impacts and consultation with potentially affected parties. The policy guidance is clear and unambiguous:

“The Bank expects the borrower to take the views of affected groups and local NGOs fully into account in project design and implementation, and in particular, in the preparation of EAs. This is important in order to understand both the nature and extent of any social or environmental impact, and the acceptability of proposed mitigation measures.... Similar consultations after the EA

report is completed are also a valuable way to obtain feedback on the report and to increase community cooperation in implementing the recommendations.”⁵

OD 4.30 requires participation of affected people on similar terms.

The Panel does not regard as satisfactory the explanation provided by Management for the exclusion of *char* people, and NGOs representing them, from the process (see para. 24 of this Report). In fact, to accept such an explanation would constitute a precedent that could render this policy inapplicable in most projects, since everywhere exaggerated or false claims for compensation could be expected.

Although in this particular project the impacts of erosion could not be quantified with certainty in advance, erosion of *chars* was almost certain to happen and the *char* people should have been consulted in this process. The Panel has not received evidence that this kind of consultation ever took place.

46. Even if specific damage caused by construction and river training could only be determined *ex-post*, the environmental assessment guidelines call for identification of impacts in the project area, in particular irreversible changes and potentially affected parties. The *char* people should have been singled out early in the assessment process and participated in the formulation of adequate mitigation measures.

47. The *char* people were neither informed about nor participated in the course of preparing the EIA in 1989, the RRAP in 1993, the EMAP in 1995, nor in

the course of preparation of the EFP and subsequent implementation plans during the past months -- even though these latter efforts are said to be designed with the *chars* in mind. As stated below, the substance and spirit of OD 4.00 and Annexes, and OD 4.30 seem to require the active participation of people likely to be affected.

Repercussions of Lack of Participation

48. In the first place, the very filing of the Request and its contents in large part must be attributed to the fact that *char* people were not included in the planning process, nor informed about what was being considered for their benefit. Paragraph 41 of the Request, for example, shows that these people had no information on the possible adverse effects on them. Lack of information appears to have led *char* people to believe that everything adverse to their land is caused by the project. As originally stated in the Request and confirmed during interviews with the POE, technical consultants, the IRP members and others, the *char* people have a genuine fear and concern about unknown potential impacts of the project on them.

Preliminary Finding

49. Based on this initial review, it appears that IDA omitted to identify and incorporate *char* people specifically during design and appraisal of the project. The lack of their early participation resulted in increased misinformation which in turn caused alarming perceptions about likely effects on the *chars* during river training, construction of civil works and operation of the bridge (and its facilities). Although the overall time schedule had to be extended, because of administrative and technical difficulties involved in finalizing the precise bridge site and delays during the bidding procedure, only “very recently the World Bank has insisted that the people living on

⁵ OD 4.00, Annex A, para. 12.

chars (within the boundary) be also compensated for any loss of land due to erosion or by increased flooding because of the physical intervention in the river Jamuna by JMBP" (GOB/JMBA, "A Short Note on Jamuna Multipurpose Bridge," October, 1996, para. 6.6).

50. By the time the EIA was completed in 1989, the general location of the bridge project had been established (see Staff Appraisal Report, p. 64) and the precise location fixed within a range of 5 kms. At this time, the nature of the impacts could also be established in general terms and morphological models, such as those commissioned in 1995, could have been utilized to estimate the area of influence. Independent of the final location, if commissioned earlier in the assessment process, the models would have shown that the impacted area of more than 10km where erosion could take place and where populations could be at risk. *Char* people should have been identified *ex-ante* as a particularly vulnerable group.

3. Adequacy of Remedial Measures

Enforceability of EFP

51. During the site visit, the Requesters raised concerns about the possibility of unilateral changes to the EFP and its enforceability by IDA. Therefore, the Chairman of the Panel requested an opinion from the Legal Department. (see Annex 7). The Senior Vice President and General Counsel of IDA responded. (see Annex 8). Based on this opinion, the Panel understands that the EFP provides a legally suitable framework for the compensation of *char* people, especially since JMBA cannot unilaterally change the system of compensation, geographical boundaries, time periods or other terms of the EFP, and

IDA has the right to enforce the EFP in accordance with its present terms.

Contents and Implementation of the EFP

52. A troublesome question arising out of lack of participation or consultation with the *char* people is whether the proposed compensation policy and entitlements matrix would meet the Requesters' concerns and are adequate to meet the needs of potentially affected *char* people in the future.

53. The EFP (Annex 4) essentially provides that:

"In the case of permanent loss of bank or *char* land by erosion or increased flooding as determined under these guidelines each of the current occupier/user of the land and the current owner of the land, as identified by the Socio-economic Survey, shall be entitled to a one-time cash grant or 50% of the market value of the land as determined by JMBA. Owner-occupiers shall be entitled to a one-time cash grant of 100% of the market value of the land." (11.1).

The Panel is particularly concerned about the following aspects of the policy and its application:

a) The Entitlement Matrix (Annex 5) states that cash entitlements will be:

"100% of the assessed value of the loss to be determined by JMBA considering the MARV (for land acquired under the project), productivity of the land and categories such as: new *char*, medium *char*, old *char*,

erosion prone river bank land.”

This assessment may be difficult to administer equitably and objectively.

b) The plan requires affected *char* people to come forward at their own initiative to take advantage of the compensation program. This presupposes that they are informed about when and how to apply for compensation.

c) The Response lists as one of the EFP implementation actions to be completed by March 1997, the following:

to devise a “plan to assist *char* dwellers in the affected area, in education, health, agriculture, based on workshop with *char* dwellers and its recommendations.”

The EFP and Implementation and Entitlements Matrixes do not provide any detail for this type of activity. Without proper education and assistance, the *char* people may not know how to invest suitably a one-time relatively large lump sum payment.

(d) The EFP deals with erosion and flooding at the policy level. However, the Entitlement Matrix states that “[t]he matrix covers the impact of erosion only.... Losses due to flooding [are] [t]o be mitigated through a Flood Preparedness and Relief Programme sponsored by JMBA.” This is not consistent with the EFP, except in promising yet

another plan/program to be drafted in the future.

(e) The compensation is described by IDA as a pathbreaking plan for the GOB. This will thus require strong unprecedented institutional capacity on the part of JMBD and GOB.

Recommendation

54. The Panel is satisfied that the Request meets the eligibility criteria set forth in paragraphs 12 to 14 of the Resolution and reflects the legitimate concerns of people that have or may be adversely affected by the project. The fact that about 3,000 people signed the Request cannot go unnoticed. These people have been left uninformed and out of the design and appraisal stages of the project, including the environmental and resettlement plans aimed at mitigating adverse effects on people and nature.

55. Pursuant to the Resolution, the Panel has reviewed the Request and the evidence submitted by Management that it has complied or intends to comply with the relevant policies and procedures. The Panel is not satisfied that the policies and procedures on Resettlement (OD 4.30), and Environmental Assessment (OD 4.00, Annexes) have been fully complied with, regarding the chars and the *char* people in the Jamuna River, both because the plans to mitigate or compensate any adverse effects on their lands or source of work and livelihood have been either incomplete or late in development. More importantly -- because so far they have not been appropriately informed about the project and invited, or allowed to participate in the design and implementation of mitigation and compensation activities -- the policies on

participation appear to have been and continue to be violated.

56. Notwithstanding the concerns noted in paragraph 53 above, the Panel is aware of the unique and complex challenges posed by this project, and acknowledges the efforts of staff and Management to ensure its success. The Panel believes the EFP issued after the Request was filed could constitute an adequate and enforceable framework that would allow -- and show the intentions of -- Management to comply with the policies and procedures relevant to the Requesters' concerns. This framework, however, would have to be revised and expanded to meet policy requirements and a full and informed participation of affected people would be needed to ensure its success. Also a balanced supervision and constant monitoring should help overcome existing institutional weaknesses and assure timely remedies for emerging problems.

In this context, the Panel feels that an investigation of the matters alleged in the Request is not warranted at this time.

Jamuna Char Integrated Development Project

Date : August 18, 1996

To
The Inspection Panel
1818 H St.
N.W. Washington, D.C 20433
U.S.A

Dear Sir,

It is for your information that World Bank is one of the co-financiers of the Jamuna Multipurpose Bridge Project in Bangladesh. The Bridge Project is exerting and will continue to let loose detrimental effect on the lives and livelihood of the char people. The Jamuna Multi-purpose Bridge Authority (JMBA) did not take into consideration vital issues associated with the existence of the char people. Failing to achieve any positive reaction either from the JMBA or the local resident mission of the world Bank, we, according to the system of the World Bank seek to register our Request for Inspection on the issues to the Panel of Inspection of the World Bank.

Accordingly we are submitting herewith the necessary documents as prescribed by the World Bank for your sincere consideration.

Please let us know if any further detail is required in this regard.

Yours



Majibul Huq Dulu
Director
JCDP

SUBMISSION TO INSPECTION PANEL

A REQUEST FOR INSPECTION ON THE EFFECT OF

JAMUNA MULTI-PURPOSE BRIDGE

ON THE JAMUNA CHAR INHABITANTS

Submitted by :

Jamuna Char Integrated Development Project (JCDP)

For and on behalf of the Jamuna Char Dwellers

Date : 18th August, 1996. Dhaka, Bangladesh

**TO : THE INSPECTION PANEL : 1818 H. St
N.W. Washington, D.C 204 33, USA**

We, Jamuna Char Integrated Development Project (JCDP) and other persons whose names and address are attached live / represent others, living in the area known Jamuna char region claim the following :

1. The Bank is Financing (and Playing the Role as Coordinating Body for the Construction of JMB) / Appraisal of a Project [Name and Brief Discussion]

The Jamuna Multi-purpose Bridge is a much- talked- about project which has been endorsed by the GoB as a priority project and co-financed by the World Bank. This is, perhaps, the first national project of its kind for which people had to sacrifice their hard-earned money as levy and taxes. Since 1984 government began to negotiate with the international donor community for the construction of this bridge. A series of feasibility studies had been carried out by different international agencies. All those studies were aimed at drawing up a comprehensive plan for the bridge.

The first study was launched in 1986. Netherlands Engineering Consultants (NEDECO), Rendel, Palmer and Triton Ltd. and Bangladesh Consultants Limited were jointly commissioned to carry out the study on the feasibility of construction of a multi-purpose bridge on the river Jamuna. Later on several other studies were carried out in order to determine characteristics and configuration of the bridge. Specifically the phase-I study was requested by UNDP and World Bank. The main objective of the phase-I study was to identify the suitable location for the bridge construction. After having analyzed, using multiple social and physiographical criterion, a corridor just below Sirajgonj was finally selected as the most appropriate place for the construction of the bridge. In May 1987, with UNDP funding, the same agencies were again contracted to carry out the phase-II study. The components of Phase-II study include traffic projections, cost benefit analysis, technical aspects, geo-technical issues, physical modeling and above all the economic feasibility of the proposed bridge. After the completion of the phase-II study, a draft feasibility report consisting of a main report and ten annexes was issued in April 1988.

Discussion on the draft feasibility report had begun in June 1988. Donors, GoB and experts discussed the various issues of the feasibility report. Those meetings were attended among others by the representatives of the World Bank, UNDP, GoB, JMBA (now named as JMBD), ADB, OECF of Japan, ODA, Canadian High Commission and other international agencies. The meeting came up with the conclusion to instruct the consultants to proceed with the preparation of the bidding documents on the basis of an integrated road-rail bridge. Subsequently, World Bank confirmed to the consultants through a fax, dated July 7, 1988 enclosing a copy of Aide Memorie dated June 27, 1988.

In these meetings and afterwards the donors and the consultants stressed on the need of Additional Economic Feasibility Study (AEFS). In 1989, the consultants submitted the draft report containing the earlier work reported in April 1988 and AEFS. In February 1988 the decision was made to carry out other related studies like the Environmental Impact Assessment.

Before the beginning

Available records indicate that a preliminary feasibility study was conducted in 1971 on a fixed crossing over the river Jamuna. Possibly that was the first initiative undertaken in respect of a proposed bridge over the river Jamuna. Later, in 1976, another study was conducted by Japan International Cooperation Agency. In the following years the east-west inter-connecting grid was constructed for transfer of electricity. Subsequently a feasibility study was conducted in 1992 on gas supply system across the river to the western part of the country including option for road and energy bridge. All these events added impetus to the proposition of a multi-purpose bridge over Jamuna. Particularly, since 1984, the project stayed at the priority list of the Government of Bangladesh. To operationalize the idea initially a body styled as Jamuna Multi-purpose Bridge Authority (JMBA) was formed which was later elevated to the status of a division. JMBA commissioned a number of studies to look into the diverse aspects of the project. On the basis of the recommendations drawn by those studies, the construction work has started.

Jamuna Multi-purpose Bridge : Components

It has been decided that the proposed bridge will be located about 8 km downstream of the existing ferry *ghat* near Bhuapur. The connecting point at the western zone will be Saidabad, a few km. downstream from the Serajgonj ferry *ghat*. The energy transfer to the West would be achieved by means of the second electricity inter-connector and a gas pipeline over the bridge. Thus the proposed bridge construction involves a wide array of works: the main bridge, bridge end facilities, approach roads, river training & closure of the western intake of the Dhaleswari river. (Rendel Palmer & Tritton, NEDECO and BCL, Jamuna Bridge Project, Phase II, Study Feasibility Report, Volume VIII. 1984).

The Jamuna bridge Multi-purpose Bridge project includes the construction of:

- the main bridge
- the Bridge end facilities at the east and west banks of the Jamuna river
- the approach roads connecting the bridge with the existing road network
- the river training works

The main bridge is expected to be a multi-span girder-type structure with 100 m spans and a total length of 4.800 m. The main bridge will have pile foundation consisting of 90 m long steel tubular piles driven into riverbed by piling hammers on floating crane barges. The superstructure of the bridge is proposed to consist of steel box girders with a concrete deck or pre-stressed concrete box girders.

The bridge end facilities of both sides of the bridge will be located on reclaimed land within the existing Jamuna flood plain and will contain facilities for proper operation and maintenance of the bridge. These end facilities are expected to enhance smooth traffic flow, provide travelers aids, have bus stations, parking areas, rest areas, toll booths, staff housings etc. The total length of the two bridge end facilities will be about 6000m.

The approach roads will have a total length of approximately 22 km. In the East, the approach road will be connected to the existing Tangail-Madhupur road near Elenga and in the West, it will join the Hatikamrul-Sirajgonj road at new Nalka bridge.

The project site is in central Bangladesh about 300 km up river from the Bay of Bengal. On site delivery of the construction materials, machinery and heavy bridge components by road or rail will be expensive. Thus, the suitable mode of transportation of these equipment and materials directly to the site is through river channel of sufficient width and depth for safe and timely passage of the delivery barges. At the project site where the bridge will cross the chars a channel has to be dredged to provide access of floating cranes required for pile driving and installation of complete bridge units.

River training works (RTW) will be necessary in order to prevent outflanking of the channels and to construct the bridge end facilities as explained by the Bridge Authority. The RTW will be constructed on the flood plains or on char land. The crest of the RTW will be raised above the design flood level while the toe at the river side will be extended down to the maximum expected scour depth. The currents and wave action exert enormous erosive force on the slopes. In order to prevent erosion of the slopes and protect the river banks concrete block mattresses will be constructed or rocks will be dumped. The total area needing protection is close to one million square meters. In order to facilitate the RTW extensive dredging works will be needed.

The existing ground level has to be raised approximately by 5 m. in order to construct flood free approach roads and bridge end facilities, The dredged materials that become available when constructing the river training works will be used for this purpose and will be discharged directly by the dredger into the area of the future bridge end facilities by hydraulic fill method. The total quantity of materials dredged will far exceed the total quantity required for construction inside the flood plains. Whether the excess dredged sand will be discharged to the site of the approach roads outside the flood plains directly or be stockpiled near the bridge end facilities and delivered in dry condition has not yet been decided. Borrow filling by the excess dredged material alongside the road has also been considered as an alternative.

Prior to the above major construction activities a flood free area will be reclaimed with dredged materials on the east bund bordering the future bridge end facilities. Majority of the construction activities will be carried out along with the construction of the labor camps in this area.

These major construction works will have construction related environmental impacts. These impacts will be of temporary nature and are expected to cease with completion of the construction work of the bridge. However, some of the impacts may be quite significant and can be very serious if not properly managed during project planning and implementation and can cause severe damage to environmental resources.

The Components : Focal Points

At different phases of feasibility study the donor and the panel of experts have suggested the following recommendations regarding the components of bridge :

- The incremental cost analysis showed that the most beneficial configuration would be two lane road bridge initially but the expansion to four lanes would be justified in the medium term.
- Considerable cost savings would be obtained by carrying gas or electricity transfers across the bridge as compared with independent river crossings. Provision should, therefore, be made for such transfers on the bridge although it was likely that gas and electricity would be naturally exclusive in the initial years.
- The meter gauge (MG) rail option was found to be the most attractive of the rail alternatives.
- Establishment of gas and electric power interconnects.
- River training.
- Bridge end road construction (Approach road).

2. We understand that the Bank has the following policies and / or procedures

Operational Directive 4.30: Involuntary Resettlement has elucidated the guiding principles.

Involuntary Resettlement, OD 430 in the new Operational Manual. The previous guidelines were contained in OMS 233, *social Issues Associated with Involuntary Resettlement in Bank-Financed Projects*, and OPN 10.08, *Operations Issues in the Treatment of Involuntary Resettlement in Bank Financed Project*. Both may now be discarded. More detailed information is in *Involuntary Resettlement in Development Projects*, World Bank Technical Paper No. 80 (Washington, D.C: The World Bank, 1988), and in *Involuntary Resettlement in Bank Assisted Projects, An Introduction to Legal Issues* (Washington, D.C: The World Bank, 1988).

The directive broadens the treatment of resettlement issues beyond hydropower and irrigation projects to all types of investment operations. It emphasizes the need for :

- a. minimizing involuntary resettlement {para. 3(a)};
- b. providing people displaced by a project with the means to improve, or at least restore, their former living standards, earning capacity, and production levels {para. 3(b)};
- c. involving both resettlers and hosts in resettlement activities {(paras. 3c)-(d) and 7-10)};
- d. a time-bound resettlement plan (paras. 4-5 and 30); and
- e. valuation and compensation principles for land and other assets affected by the project (para. 14-16).

3. Our Rights / Interests

That it is submitted that the constitution of Bangladesh guarantees the right of property for its citizen provided in Article 42.(1) that "Subject to any restrictions imposed by law, every citizen shall have the right to acquire, hold, transfer or otherwise dispose of property and no property shall be compulsorily acquired, nationalized and requisitioned save by authority of law. Clause 2 of the same article describes that "A law made under clause (1) shall provide for the acquisition, nationalization or requisition with compensation and shall either fix the amount of compensation or specify the principles on which, and the manner in which, the compensation is to be assessed and paid, but no such law shall be called in question in any court on the ground that any provision in respect of such compensation is not adequate.

The rise in the water level in Jamuna river will displace thousands of people from their forefathers' land. This is the direct violation of the fundamental right of the people, especially when there is no scheme to compensate for the loss of land and consequent eviction.

In accordance with the envisaged principles as laid down in the constitution and as translated this right into other laws and as such violation the legal and fundamental rights of the char people demand immediate attention, who are faced with the detrimental effect of bridge construction, are they eligible to receive compensation and have the right to resort to court. The people whose lands have been submerged due to the construction have not been incorporated in the mitigation plan. Even the people of the acquired land have not received proper compensation yet, in many cases. That is further submitted that the Article 15 of the constitution describes the basic rights of the people.

Any act or effect impairing or jeopardizing the basic rights of the people is likely to be taken care of immediately. The people have the right to survive and to earn their livelihood in a congenial atmosphere. The inundation of the agricultural land and homestead, intensified scouring in the char, the increased water level in the river Jamuna as result of the closure of the northern intake of the Dhaleswari and above all, the changes in the river morphology will substantially be detrimental to the char dwellers and consequently these people would be plunged into a situation of being evicted from their ancestors' land.

This clearly indicates as to how the right of the char dwellers is being ignored. Furthermore, it is notable that the Land Reforms Ordinance, 1987 section-6 describes that No eviction, etc. from homestead, "Any land used as a homestead by its owner in the rural area shall be exempted from all legal process, including seizure, distress, attachment or sale by any officer, court or any other authority and the owner of such land shall not be divested or dispossessed of the land or evicted therefrom by any means: provided that nothing in this section shall apply to the acquisition of such homestead under any law".

“Evicted therefrom by any means : provided that nothing in this section shall apply to the acquisition of such homestead under any law” is meant for any actions or the after-effect of the actions, attributing to or tends to attribute, appear to be counterproductive or seems to be counterproductive to the survival of the people as well as force people to leave their homestead. This is one of the fundamental rights of the people which has been strengthened and legitimized through law. This interest is fraught with various factors stemming from the activities, being carried out by Jamuna Multi-purpose Bridge Division. The responsibilities of different parties involved in this project are well-defined in the contract documents and outlined in the project appraisal reports. We are observing with deep concern that the parameters and perspectives used in ascertaining the number of population to be affected is based on the shallow understanding of the gravity of the problem. The hydrological table and predictions made in this connection portray a dismal situation for the people inhabiting the char lands. *The land records annexed herewith are ample evidences of the people’s lawful entitlement of those land.* This could be referred as one of those vital projects lacking the participation of the people, in any form. However, we request inspection panel to come forward to investigate the matters . The quantification mechanism has sheerly denied the losses and damages incurred to the char people. Now the main concern of the people is to secure their right to live on their homestead.

The principles described in the state acquisition Act also defines the limit of the citizens right, so far the eviction is concerned. The State acquisition And Tenancy Act, 1950 (as modified up to date), section 83 spells out “A *raiyyat* shall have the right to occupy and use the land comprised in his holding in any manner he likes”. In the event of Infringement of this right by the act of any individual or authority for any actions which are not immuned by any other law of the land, the aggrieved persons are entitled to get relief under the Law called “Specific Relief Act. The ordinance promulgated for the implementation of different development project often don’t cover all the aggrieved persons.

The Jamuna Multi-purpose Bridge Authority Ordinance 1985 (Ordinance No xxxiv. of 1985) section 7 describes “Functions of the Authority : subject to general direction, supervision and control of the government, the functions of the authority shall be to -

Prepare a comprehensive plan for the establishment of the multi-purpose bridge for consideration and approval of the government.

The destruction of the char shows clearly that the bridge authority has not devised a comprehensive plan for the construction of the bridge.

Section 9(1) : Acquisition of land -(1) Any land required by the Authority for carrying out the purpose of this Ordinance shall be deemed to be needed for a public purpose and such land may be requisitioned or acquired according to the requirements of the Authority.

Section 10 (2) : (a) Cause studies, surveys, experiments and technical researches to be made or contribute towards the cost of any such studies experiments or technical researches made by any other person at the request of the Authority.

(e) Seek and obtain advice and assistance for any purpose relating to the Multi-purpose bridge from any local authority of Government agency and such local authority or government agency shall give advice and assistance sought by the Authority to the best of its ability, knowledge and judgment and the expenditure, if any, involved in such advice or assistance shall be borne by the authority.

Section 11(2) :The Authority shall pay compensation to such persons as may be affected by the prohibition under sub-section (1) in such manner and at such rate may be prescribed.

Section 12(2) : The Authority shall pay compensation if the damage, if any, caused to the land on account of any action under sub-section (1) at such rate and in such manner as may be prescribed.

In the light of the above mentioned sections we can draw the following conclusion : The land acquisition is not the problem for the vast majority of the char people. People expressed their worry about erosion and distraction of char. The compensation package developed by JMBA only includes the people whose land will be acquired for the construction of the bridge. It does not deal with the char people as there lands have not been acquired.

The environmental impact assessment (EIA) of Jamuna Bridge has not followed the sequence and synchronization of the events necessary for EIA. It was mostly based on the secondary data. We only find the existence of the charland while the questions relating to wildlife action plan and fisheries mitigation plan come up. One of the basic perimeters of EIA is to ensure the participation of the people. The project is lacking the participation of the people. So, the existence and the interest of the char people have not been reflected in the EIA and subsequent mitigation plan devised on the basis of EIA.

4. The Bank has Violated its Own Policies / Procedures in this Way:

Any operation that involves *land acquisition* or screened as *Category A or B project* or *environmental assessment purposes should be reviewed for potentials resettlement requirements early in the project cycle.* (OD. 430)

The steps undertaken by the bank to ascertain the resettlement potentials only dealt with the people whose land have been acquired but did not consider the thousands of people who would be evicted from their land as consequence of the construction of the bridge system and will be turned into environmental refugee.

Therefore, we claim to undertake a through investigation into the matter and urge upon the inspection panel to look comprehensively in to the resettlement issues. The Bank, at the early project cycle did not include the char people in its resettlement plan. [Revised Resettlement Action Plan JMBA, Resettlement Unit]

The Bank has clearly violated its own *Involuntary Resettlement Directives*. The directive has clearly outlined the right of the project affected people. "Where displacement is unavoidable, resettlement plan should be developed" (OD. 430). Involuntary resettlement without compensation and mitigation plan is discouraged by the bank. But the bank has not taken into account the potential threat of the displacement of the char people.

In the introduction of **Operational Directive on the Involuntary Resettlement** the Bank describes “development projects that displace people involuntarily generally give rise to severe economic, social and environmental problems : production systems are dismantled, productive assets and income sources are lost, people are located to environments where their productive skill may be less applicable and the completion for resources greater; community structures and social networks are weaken, kin groups are dispersed and cultural identity, traditional authority, and the **potential for mutual help are diminished. Involuntary resettlement may cause severe long-term hardship**”.

In the policy objectives of Involuntary Resettlement Directives, Bank has described that the Bank’s resettlement policy is to ensure that the population displaced by a project receives benefits from it involuntary.

The construction of the bridge has been a constant threat to the human habitation. Following examples will shed light on the people’s vision and the perspective concerning the bridge’s effects on the habitation. During participatory discussion the people of Boro peari had taken a critical look to the bridge. People are aware that the bridge, when completed, would cause problems for them in future. The first and foremost is the fact that the char would not exist at all. They know it very well that they would confront all sorts of trouble in life. They would lose their homes, their lands, right to fishing, and be forced to relocate to a different place. That is why they need to be compensated adequately. The matter should be brought to the notice of the appropriate authorities urgently.

In **Dorota** during discussion more than one participant said that the *char* would not exist as a result of building the bridge, and that there was no way they continued living there. They would lose their cattle, plants and, above all, the very opportunity to cultivate. Other people such as fishermen, boatmen etc. would find themselves helpless, because already, they have lost the right to fish near the bridge site as per instructions issued by the Jamuna Bridge Authority. But no measure has been taken to compensate for their loss of livelihood.

During discussion on the impact of the bridge the people of **Boro koira** said that closure of two tributaries in the Saidabad area would cause a rise in water level, which would mean their houses and lands would go under water.

Turning to the impact of the Jamuna Bridge Project, the people of **Gobindapur** said that once completed, it could seriously affect them. They said that a reduced width of the river, from 7-8 miles down to 3-4 miles, would cause greater overflow of the water during monsoon. They pointed out that water would flow down the channels of Louhajang, Dhaleswari, Saidabad and Katakali during floods, but now, with the narrowing or closing of these channels, water would overflow tremendously. “Another reason is”, as one of the participants put it, “there will be dams (guide bunds) on both sides of the Jamuna, and those of us living in *chars* and falling outside the dam area will just go under water. People in our vast area will lose the opportunity to cultivate and raise their cattle”.

In **Chandgonj** the participants said that the guide bunds being built on both sides of the Jamuna would do most of the damage for the *char* people. The water level would increase by 3-4 feet, which would cause an overflow because of a much narrower river channel that would be the Jamuna with the bridge in place accompanied by the bunds.

Buzzed with the happy feeling that the resettlement planning have got on, the JMBA, quite interestingly, in its Environmental Management Action Plan provides for the following only :

- JMBA and DoF have estimated about 5,650 fisherfolk would be directly affected by the JMBP of which about 25 % numbering approximately 1400 would be a full-time professional fisherfolk.
- From the social benefit standpoint ponds available should be adequate to compensate about 3200 PAPs in the impact area.
- The closure of northern intake of Dhaleswari river will exert a significant impact on the upper Dhaleswari basin having an area of about 7,00 KM/sq. a total of about 250 families are expected to be affected by the closure of the northern intake of Dhaleswari
- An estimate shows that the homesteads of 2166 households will be acquired by JMBA for JMBP.
- An estimated 2166 will loss their homestead with trees.
- Another estimated ten thousand household who have lost their agricultural land or otherwise affected will be provided with six saplings with manure and fertilizer.

While asked how they came to know about the existence of Jamuna bridge an overwhelming 74% of the respondents (1150) said there had been no official attempt to inform them about the plans undertaken by the authority having direct impact on their lives and livelihood. They came across the issues only through hear-say. This is how one can easily assess the reluctance of the authority to take into consideration the “people” and the society as well. Consequently “a resettlement site, about three Km. north of east bridge end is being developed to accommodate 20% of the 2166 households displaced from their homestead”. While the seventy five *chars* within ten Km. of the bridge site alone has a population of 76,000 persons distributed over 13,000 households. Not to mention, the Jamuna river shelters more than half a million people in its island chars only.

Displaced Production Systems

Integral to the resettlement action plan the restoration of the displaced production is one of the fundamental agenda for the improvement of the socio-economic condition of the people. How world bank look at the social issues is mirrored in its **Resettlement and Development Report (1994)**. It describes “when people are displaced production system are dismantled”.

The study has focused on the possibility of the destruction of the production system. The existing chars will be washed away. Already sixteen chars underwent severe erosion. The people are living in a bewildering situation. The agricultural tend is being devoured by the struck of inundation. *Cheena* (a small variety of paddy grains), wheat, ground nuts are principal crops in the char areas. The people of **Boro Peari** said if the *char* did not exist, they would lose everything, all sources of earning a living – agriculture or fishing. They said that health care and education would be a nagging problem for them.

In **Dorota** wheat, sugarcane, *cheena*, sweet potato are main crops that the sandy land permits them to cultivate.

In **Chandgonj** much of their land in part had gone under water in recent times. The eastern part, Rulipara and the western Jungipur the land gives substantial agricultural production. Rice, jute, wheat, brinjal, potato, chili etc are main the crops of this area.

The *char* **Alipur** is rich in agriculture, with plenty of trees. There are roads, schools, madrasahs, shops, market places and mosques. This *char* is in fact a part of the mainland, but the Dhaleswari river has made it look like a *char*. Agricultural production has also been disrupted in this area due to unusual increase in water.

Panchasona is a permanent *char* in the heart of the Jamuna, which only gets submerged during floods but does not erode. But now, with the dredging of a new channel as a component of the bridge project, the vast *char* with an area of 50 square miles has been divided into two.

Kinship Group and Destruction of Informal Social Network

Resettlement and Development Report (1994) produced by World Bank states that the kinship groups are scattered and informal social networks that are part of daily subsistence systems - providing mutual help in child care, food security, revenue transfer, short-term credit, labor exchange and other basic sources of socio-economic support are dissolved.

Destruction of the social support system would inevitably bring disaster in the lives of the people. Agriculture, household based craft activities are being run on the basis of the kinship relation. Considering the notion of dependency of the people, through which their survival mechanism get impetus, we can easily draw conclusion that the destruction of kinship group and informal social networks would result in deterioration of health, revenue transfer, disaster management etc. This is unique for the *char* areas that the people can not withstand the stress events caused by erosion and flood without being dependent on the kinship and social relations. Disarticulation of this kind of relationship would entail disaster upon the people. The community health support system would be wiped out. In the rural setting of Bangladesh, mid-wives-hailed from the *char* areas provide enormous support to the women. One of the most devastating effect of the destruction of the kinship relations would be the crisis generating out of heterogeneous composition of the people in a new area. The people, in the *char* regions had to shift their homestead several times in a year. The identity of the people lies with the previous villages. Decision concerning migration are dependent on the kinship network primarily. How World Bank will quantify the value of the destruction of the society. Exchange of labor is one of the major aspects among different kinship groups which help them overcome the lean period, disaster etc. During October-November (Ashwin-Kartik) the *char* people face food shortage. Among the many possible alternatives, dependence on the neighbors and the kins is deemed as a part of immediate survival.

The slum like houses in the resettlement areas had not been accepted by the people. JMBA, especially in its EMAP "A resettlement site, about 3 km. north of east bridge end shown in is being developed to accommodate 20% of the 2166 households displaced from their homestead. ... the plan shows that the resettlement site will be developed in urban density in a rural setting. In the absence of adequate environmental consideration it will turn into an urban slum having an environmental quality inferior to that they enjoyed in their previous homestead".

The absence of the environmental considerations have never been eradicated and it is not only the “environmental quality “that is inferior but the whole quality of life is degraded in the resettlement plan. The degradation of life is no more a theoretical proposition, it is quite evident and comprehensible.

“JAMUNA BRIDGE AUTHORITIES IN A FIX: Affected People Unwilling to Move to Rehabilitation Site Nazmul Ashraf of the Daily Star reports back from Bhuapur”.

Jamuna Multi-purpose bridge is being hindered due to unwillingness of most of the project affected persons (PAPs) to live at the resettlement site. The PAPs accustomed with lifestyle in char areas of rural Bangladesh are finding it unsuitable to reside in the JMBA-arranged urban-style residential areas where small plots have been offered to the PAPs. Amirunessa, a house-wife of one of the three families residing at rehabilitation site, told this correspondent they were feeling insecure and isolated since they now did not have any neighbors unlike where they lived earlier. This correspondent talked to a cross-section of people including those affected and gathered that the inhabitants of the *char* areas were disliking the idea of living at the resettlement site because they thought they would loss life style they were accustomed to since long. Besides, they were not sure about the type of social bondage to be built up in a society where people from different localities and occupations and varying backgrounds would be living together”.

During our investigation it was found that 45 per cent of people had clearly expressed their worry concerning the social disintegration as an inevitable outcome of the after-effects of bridge construction.

Deterioration in Food Security and Destruction of the Agricultural System

It has been explained by the Bank that “People’s lives are affected in very painful ways. Many jobs and assets are lost.” due to involuntary resettlement As consequence of the bridge construction there is no doubt that the vast tract of paddy, kaon, ground nut and water melon fields will be submerged and the lands will be submerged under water. In many reports it has been described that the char areas are the source of water melon, ground-nut and other agricultural products .Though the spiral of the grueling poverty impair the lives, but at least once every year, good days smile upon them once for a while when they harvest *The attached data sheet will provide a clear picture of agriculture in the char areas..*

The people , speaking on the impact of Jamuna bridge apprehend that the acute food crisis will crate dismay among them. The *chars* are fertile and the farmers cultivate various kinds of vegetables and grains. The sense of loss of the people has been multiplied as the many chars get submerged by the surging waters of the river. During investigation attempts have been made to ascertain the level and extent of the destruction of the food security system. It is true that the migration from ancestors’ land to other places will have considerable impacts on the potentials of developing the food security system. Moreover, the cropping pattern, particularly practiced in the char areas, is different from that of the mainland people. During discussion people emphasized on the protection of the food security system. They said if we were displaced we would loss the land to cultivate- leading to the destruction of our food security system. It is an earnest need to pay attention to this factor.

5. We Believe our Rights/Interests Have Been / are Likely to be Adversely Affected as a Direct Result of the Bank's Violation. This is, or Likely to Cause us to Suffer.

Before delving into the matters relating to sufferings and miseries of the char people, we would like to focus on the following : "Apart from the RIVMOR computation carried out to predict constrictions scour and back water effects near Jamuna Bridge (Phase-I, final report, appendix C-.5.3), some additional situations were computed. For one schemitization of main channel and flood plain, two different bridge lengths were taken. The result relating to scour and back water depth were compared in Appendix -B-5.3 In analyzing the appendix mentioned in the above it is clear that the existing char lands will be seriously affected by the strong currents due to constructional effects of the bridge system".

In appendix B-5.4 (phase -1, final report) the resistance to flow of the Jamuna river during flood condition is discussed. this is important as far as the backwater effect is concerned. The sediment transport rate determines the scale of morphological process and thereby important for constriction scour.

In order to assess the effect of bridge length on the constriction scour and back water, computation was carried out for two bridge lengths with the same schemitization of main channel and flood plain (char).

Considering the boundary conditions with the upstream and downstream respectively a maximum rise of water level of 3 meter and normal depth, we can conclude that the rising tendency of water will affect seriously the char lands. In case of numerical instability the four cases were studied to predict the worst condition scour, that may occur in one of the stages. The discharge increases from 40,000 m³/s, which is about bankful, to 91,000 m³/s which is the 1:100 year discharge in 14.5 days. This corresponds approximately with the rise of water level of 3m in 10 days. This was the maximum level of water observed in the hydrographs. From the present condition it is concluded that a river constriction which includes a reduction in the main channel leads to considerable more constriction scour. Back water effects which will also affect on the char people not only by reducing the char width out by eroding the chars. Here the integral part of each pier of the bridge will be dominating on the reduction of the river width.

In contrast to the predictions of the feasibility study the recent facts and press information the erosion and scouring have developed leading to a heavy economic losses evident from the current year's scouring and erosion phenomenon. This phenomena allows us to consider the prediction of the feasibility studies in this connection as over enthusiastic. The following example shed light into the alarming developments in the bridge site:

"The under construction west guide embankment of the Jamuna Multi-purpose Bridge has suffered another collapse. In April 11, during the dredging operation 70 meters of the embankment at the south end collapsed within 3 hours and disappeared into the river. The Bridge authority will suffer major financial loss due to this second "slope failure" in a span of three months time. The leading experts of the country are of opinion that the river training of a very active river like Jamuna Bridge has not been done in appropriate method and the whole nation will have to bear the responsibility of the irresponsible decision of the government.

The news of collapse has already been communicated through fax to donor agencies, World Bank, Asian Development Bank, local and central office of OECF of Japan. Besides, the management consultant, panel of experts and London office of construction supervision consultant have been informed about the incidence. The Bridge authority has asked CSC to bring the designer in Bangladesh. The CSC project directorate is also asked to visit Bangladesh”.

Back in 1994 Bhorer kagoj (Morning Paper) reported “that the Jamuna Bridge Project: Site selected for guide embankment disappeared in river. The source informed that site for guide embankment on both banks were selected. But 718 acres of land of site for guide embankment on the east bank in the Tangail district disappeared into river and as a result 352 acres of new land has been acquired again. However, additional land is required for the east bank guide embankment. So the previously selected site for guide embankment has to be changed”.

Following is the synopsis of the news item published in the ITTEFAQ, the largest circulation Bengali national daily. It describes the situation of the area, including the areas under our study.

SIRAJGANJ; May 19, Hundreds of homesteads were washed away into the river as the surging waves of the Jamuna invaded into 11 villages of the char. At least five other chars are under threat from the heavy current and whirlwind in the river. People from about 400 homesteads were homeless in the villages of Chundni, Madhurabari, Boro Peari, Chhoto Peari, Hari Bhanga and Dorota under the district of Sirajgonj.

In Bhuapur sub-district of the Tangail district, on the eastern bank of the Jamuna, the chars namely Panchagacchi, Haolbhanga, Baniagati, char Baintain and Belua lost half of their lands. More than 400 families were on the verge of losing their homes.

The latest spate of erosion which began four days ago, at least 30 villages -- both on the char and the mainland -- under three sub-districts of Sirajgonj perished into the Jamuna.

Local people said digging of a new channel to divert the Jamuna current and construction of embankments along both banks of the river caused a rise in water level. The overflowing water, backed by the strong current, did the destruction of the char villages.

The channel was created to facilitate the on-going work of the multi-purpose bridge across the mighty river.

About 2,750 people, including women and children, from the 11 char villages moved out to different directions for shelter. They demand that the authorities set up camps to refuge the victims.

These people, rendered homeless because of the bridge project, also demand compensation from the government.

The Jamuna suddenly began swelling since Thursday last after heavy rains. Bangladesh Water Development Board sources said the situation was getting worse because of the strong current and whirlwind despite a slight decrease in the water level on Sunday.

The overflowing Jamuna water has devoured the alternate road approaching the Bhuapur ferry point, suspending Sirajganj to Bhuapur ferry system.

The above discussion illustrate that the bark has not taken into consideration the right of the char dwellers. The involuntary, resettlement para (2), (3) a,b,c,d.e (4) have been violated.

The Level and Extent of the Damage

The human and social factors emanating from the ongoing Jamuna Bridge construction have captured the attention of the organisations and individuals working on the Jamuna *char* region.

The Jamuna Char Integrated Development Project has closely been monitoring the multi-dimensional effects of the construction and recording the changes taking place in human and social life.

In order to assess the impact of the construction of the bridge, we made an effort as part of which a document depicting the scenario of the impending disaster in terms of human sufferings and forced-displacement of thousands of people has come out.

Human habitation in the *char* land is the history that resembles the bitter struggle of the early settlers of this alluvial flood plain. Being in the technically fragile zone, Bangladesh experienced a large number of embankments and dams in the name of water management. *Chars*, unique in land type and settlement history, distinct in mode of life and existence, are at stake, specially in the Jamuna region, owing to the changes to the river channel as well as river morphology caused by the Jamuna Multipurpose Bridge Project.

The very process of the construction of the JMB, particularly the noise pollution deafen the ear of our children, deform the yet-unborn and rob the hard-earned sleep at the end of a long back-breaking day.

We appeal to the inspection panel, to stand beside us in support of our right to survive, sustain our long-standing knowledge, and protect the social coherence achieved through our perennial struggle for lives and livelihood.

Damage to ecological balance to such a degree because of this kind of human actions amounts to a deliberate denial of our right to live or exist. Our existence is rooted in the process of erosion and accretion, appearance and disappearance of *chars*. We derive our subsistence from the land and water, the *char* and the river. Our agriculture, fishery, transportation, rituals, social harmony have an inseparable link with the river.

The Jamuna Bridge, as predicted and already proved (to our dismay) is severely dismantling all these.

Mitigatory plans, apparently well-fashioned and envisaged in order to comply with official order, have neither taken notice of these issues, nor are aware of the fact that the *chars* are not a barren land but are full of cacophony of life, both human and non-human. We urge all to be aware of this fact.

This is of vital importance that we the people of *char* have experienced several embankments, existent or planned to protect the mainland people, and at the cost of our live and livelihood.

The JMBA in its various documents has technically elucidated various engineering and morphological aspects. We, the *char* people, who have acquired the knowledge from experience through ages and apply those in every step of our life, clearly understand that we and our nature around us have become undue victims of the bridge project.

We Would Like to Cite the Following Examples in Order to Draw Attention of the Inspection Panel to the Harm Suffered by the People.

Boropeari and its adjacent *chars* and flood-prone areas had nothing to boast other than three schools, five mosques and 7-8 small shops as community entitlement. Surrounded by river on all sides, their lands are still fertile and products crops such as wheat, *cheena*, nuts, brinjal, and coriander. Just two kilometers off the bridge site, a village called *dash chars* is separated from Boropeari by a nearly dry river. The bridge project devoured much of their cultivable lands for which they had not been compensated as yet. People of the area had registered claims several months ago but were yet to receive any response from the authorities.

Dorota Char is Roughly two and a half kilometers off the bridge site where work is progressing fast, they live under the constant threat of being devoured by the mighty Jamuna. Last year, floods swept a substantial part of their lands, from the western side of Boropeari to Dogachi, into the river. The river threatens to do more damage to the area overlooking the Serajganj *ghat* and located only 15-20 minutes away by country boat from the district town. One school, three mosques, 5-6 small shops and a dirt road stretching from Berabari to Darota are all that are worth mentioning as community entitlement. The road, beating the flood waters in height, provided the shelter for their cattle.

The people of Alipur *char* mostly came from the Singuli *char*. Their own lands had been devoured by the Jamuna.

The *char* is rich in agriculture, with plenty of trees. There are roads, schools, madrasahs, shops, market places and mosques. This *char* is in fact a part of the mainland, but the Dhaleswari river has made it look like a *char*. The inhabitants believe that damming up the Dhaleswari as part of the bridge project has caused a big erosion in Belatia, in which about 100-150 homesteads went under water. Knowledgeable circles in the area say that damages this year would be much greater. The villagers said that the Jamuna had made a dent of about 150 feet in the west during last year's floods. They believe that flood water would have much greater strength this year and continue to cause damages to the western side of the *char*. They said that closure of the Saidabad channel had already started causing problems for them. Villagers' plea to the higher authorities to find remedies to their problems had gone unheeded. There is no tributary as such in this area comprising 7-8 *chars*, but the closure of the Dhaleswari channel led to erosion and destruction of 150-175 homesteads in Belatia during last floods, creating a new stream flowing down to the river in the east. People fear further damages this year.

The bridge would leave the river narrower, with the 4.8-kilometer bridge being approached by a road coming well into the river, thus obstructing the flow. The current would have its speed strengthened by 3-4 times and the *chars* on the southern side of the bridge would just perish under the water. The *char* in the east would also confront the current and might face the similar fate. Already, these *chars* are burdened with extra population from *chars* at the mid point which got dissolved into the river.

The area stretching 10-12 miles towards the north and 5-7 miles towards the south as the most vulnerable. Excess water would cause flooding in the north, while people in south would be forced to shift to other places in the face of the devastating erosion. There would be acute unemployment as their land had already gone under water. An estimated 4-5 thousand families would be homeless and without any source of earning.

The data sheet annexed herewith describes the losses and damages only of 75 Chars. but the number of char is not confined within this limit.

6. We Believe the Action/Omission is the Responsibility of the Bank.

We strongly believe that the Bank bear the responsibility of omissions as the bridge project is abided by the rules defined in the resettlement guidelines of the Bank. The environmental impact assessment is one of the key factors. The bank has not taken into consideration the miseries of the *char* people during drawing up the resettlement action plan. Since it is a bank financed project so the responsibilities bestows upon the bank to look at the effects of the bank-financed project on the *char* people. It was observed that the bank has not taken into account the miseries of the *char* people. We, the aggrieved people of the *chars* strongly believe that it is the responsibility of the bank to ascertain the extent and level of the damages in the *char* areas caused by the bank-financed project.

Since the bank is a co-financier and the bank has its own defined rules and procedures to be followed in the Bank financed project any omission action amounting jeopardizing the interest of the people and violation of the Bank's rules makes the Bank responsible for such actions omissions.

**7. We Have Complained/Made an Effort to Complain to Bank Staff by [Describe]:
Please Attach Evidence or Explanation.**

We registered our complaint with Mr. Arun Benerjee, Chief, Energy and Infrastructure Unit, Bangladesh resident mission and informed him of the devastating impact of the bridge on the char dwellers. Couple of meetings, both formal and informal, were arranged to discuss on the issues. We strived hard to draw attention of the bank to the fact that the char people would be exposed to the severe impact of the bridge. Like in the documents prepared by JMBA, the Bank officials during discussion failed to take cognizance of the fact that the Jamuna contains charlands not only water channels and the chars are no barren lands, they shelter hundreds of thousands of people with legal entitlement are the char lands. Later on we sent a number of letters to the bank. To date, Bank could not initiate any effective discussion on the relevant issues. The letters attached herewith (Annex) depict the course and nature of the communication with the Bank.

**8. We Received no Response; or We Believe that the Response(s) Attached is
Unsatisfactory Because; [Describe why]:**

It is evident from the attached letters that the bank had not launched any effective process to settle down the matters. It is worth to mention that let alone the issues of accommodating the interests of the char people when, we requested them to provide us relevant documents but the Bank refused to supply us those without permission from JMBA through there is no indication that there is any bar to public access to such documents. At different times we requested them to investigate into the relevant matters but they did not respond to our request. (Annexed herewith the correspondence with the Bank officials)

9. In Addition we Have Taken the Following Steps to Resolve our Problem:

We Have Taken the Following Steps:

We initiated a process of dialogue with the bank officials with a view to bringing into light the unattended issues. The interaction process was aimed at exploring the avenues for resolving the problems. The interaction process did not yield optimum results.

We therefore believe that the above actions/omissions which are contrary to the above policies or procedures have materially and adversely affected our rights/interests and request the Panel to recommend to the Bank's Executive Directors that an investigation of these matters be carried out in order to resolve the problem.

As advised in your Operating Procedures, this Request for Inspection is brief. We can provide you with more particulars.

DATE: 18-08-96



SIGNATURE:

Majibul Huq Dulu

CONTACT ADDRESS: Jamuna Char Integrated Development Project
House # 37, Road # 4, Dhanmondi R/A, Dhaka, Bangladesh
Phone : 865729, 502391 Fax : 880-2-866368

Attachments: [Yes][] [No][]

1. Annex - 01 Proof of Authorization by the Affected People
2. Annex - 02 Proof of Communication with the Concerned Agencies
3. Annex - 03A Proof of Land Entitlement of the Affected People
4. Annex - 03B Proof of Land Entitlement of the Affected People
5. Annex - 03C Proof of Land Entitlement of the Affected People
6. Annex - 04 Char Inventory - Basis for Assessment of Damages

We authorize you to make this Request public [Yes][] [No][]

BANGLADESH

**JAMUNA BRIDGE PROJECT
(CR. 2569-BD)**

**MANAGEMENT RESPONSE
TO
INSPECTION PANEL**

September 20, 1996

Abbreviations and Acronyms

ADB	-Asian Development Bank
BRAC	-an NGO in Bangladesh
BUET	-Bangladesh University of Engineering and Technology
CCL	-Cash Compensation under Law
CMC	-Cofinanciers Monitoring Committee
CSC	-Construction Supervision Consultant
DHI	-Danish Hydraulic Institute
EFP	-Erosion and Flood Policy
EMAP	-Environmental Management Action Plan
EGB	-East Guide Bund
EU	-Environmental Unit
GOB	-Government of Bangladesh
IDA	-International Development Association
IRP	-Independent Review Panel
JCIDP	-Jamuna Char Integrated Development Project
JMBA	-Jamuna Multipurpose Bridge Authority
JMBP	-Jamuna Multipurpose Bridge Project
LA	-Land Acquisition
MARV	-Maximum Allowable Replacement Value
MC	-Management Consultant
MDM	-Milestone Decision Meeting
NGO	-Non Governmental Organization
OECD	-Overseas Economic Cooperation Fund (Japan)
PAD	-Project Affected Dweller
PAP	-Project Affected Person
POE	-Panel of Experts
RDM	-an NGO in Bangladesh
RRAP	-Revised Resettlement Action Plan
RTW	-River Training Works
RU	-Resettlement Unit
SWMC	-Surface Water Modeling Center
TOR	-Terms of Reference
WB	-World Bank
WGB	-West Guide Bund

BANGLADESH
JAMUNA BRIDGE PROJECT (CR. 2569-BD)

MANAGEMENT RESPONSE
TO INSPECTION PANEL

Table of Contents

	<u>Page No.</u>
Executive Summary	i
Fact Sheet about the Project	iv
Introduction	1
The Chars	1
Revised Resettlement Action Plan (RRAP) Consistent with OD 4.30	2
The Erosion Policy	3
Why the Final Location of the Bridge Could not be Determined Earlier	5
Timing of the Chars Survey and Survey of Affected Dwellers	6
Water Level Change Due to the Bridge Constriction	6
Addressing Specific Concerns Regarding RRAP and Chars	7
Allegation: Char people have not been included in the RRAP	7
Allegation: Lack of participation and information among people	8
Allegation: The Requester is dissatisfied with the response he received when he first contacted the Bank	8
Addressing Allegations Not Pertaining to Char Dwellers	9
Allegation: People are not receiving full compensation	9
Allegation: The resettlement site represents an inferior living situation	10
Environmental Management Action Plan	10
Implementation of the Erosion Policy	11
Independent Review Panel	12

ATTACHMENTS

1. Matrix of Responses to Allegations
2. Attachment 1: Paper by Dr. Suzanne Hanchett, October 29, 1993
Attachment 2: Satellite images from 1978-1995
Attachment 3: Mathematical Model reports for August 1996. The model is capable of forecasting erosion based upon historical floods. For any individual year, however, it is necessary to know the specific flood characteristics of that year through the end of the flood season.
Attachment 4: IDA's fax to JMBA dated April 8, 1996 and JMBA's response
Attachment 5: Revised Resettlement Action Plan
Attachment 6: ASTHR note of February 1994.
Attachment 7: Missions' Aide Memoires of 1994, 1995 and 1996, Excerpts from the Aide Memoires and Correspondence with JMBA
Attachment 8: Second Milestone Decision Meeting Minutes and Aide Memoire, September 1994. Milestone Meetings are a supervision feature adopted for this project in view of its size and complexity. All major stakeholders (GOB, Contractors, Supervision and Management Consultants, and Cofinanciers) meet to review project status and to deal with current issues. They take place when major decisions on remedial actions are needed.
Attachment 9: Approved EFP dated September 7, 1996
Attachment 10: 4th Milestone Decision Meeting Minutes and Aide Memoire, October 1995
Attachment 11: 6th Milestone Decision Meeting Minutes and Aide Memoire, July 1996
Attachment 12: Feasibility Study's Forecast of Water Level Change Due to the Bridge
Attachment 13: Memo From The Designer of the River Training dated September 1996
Attachment 14: Excerpts from RDM (NGO) Carrying Out the Information and Participation Campaigns
Attachment 15: Law Differentiating Between Genuine and Unlawful PADs, and Criteria for Making That Distinction
Attachment 16: Example of Unlawful Claims Determined According to the New Law
Attachment 17: Record of Correspondence Between RMB and the Requester
Attachment 18: Fax from SA11N to JMBA dated June 3, 1996
Attachment 19: Environmental Management Action Plan (EMAP) dated January 1995
Attachment 20: JMBA's Approval of the Implementation Action Plan
Attachment 21: Independent Review Panel

BANGLADESH

JAMUNA BRIDGE PROJECT (CR. 2569-BD)

MANAGEMENT RESPONSE
TO INSPECTION PANEL

EXECUTIVE SUMMARY

i. The Jamuna Bridge, financed by the Government, IDA, OECF of Japan and ADB, is probably the largest project that Bangladesh has ever undertaken. It represents the culmination of a long-held national vision of ending the isolation of the northwestern region with its 27 million people and vast growth potential by establishing a permanent transport link over the formidable Jamuna River. Successive governments have worked toward this goal through, *inter alia*, mobilizing since 1986 over US\$100 million through specific taxes and adopting a landmark resettlement policy that has become a model for other projects in Bangladesh. The project was approved by IDA's Board in February 1994, and the Credit became effective in August 1994.

ii. The concerns expressed to the Inspection Panel by the char dwellers through the Jamuna Char Integrated Development Project (JCIDP) have been IDA's as well for some time. An estimated two to four million Bangladeshi people live on chars which are sand bars, or temporary islands, created by seasonal flooding and unstable river paths. Many are inhabited. For the Jamuna river chars, about 500,000 dwellers are living, with a fraction of that estimated in the bridge impact area. Typically, char dwellers dismantle their homes and move during the annual rainy season (May through October) when the land floods, and find a completely new home several times in one generation when their land disappears altogether from erosion. In the project area, char income typically derives from agriculture and fishing, with the main harvest in March-June and a smaller harvest in November-December. Public services on chars are virtually non-existent. Char dwellers' protection and mutual assistance come through membership in groups with strong leaders who offer a degree of security in exchange for loyalty and tribute. The most important contribution to improving life for char dwellers would be to stabilize the chars, thus, increasing security. Although the Jamuna Bridge project studies indicate that some erosion is a likely result, the river training is likely to contribute to stabilizing some of the chars¹. However, the JCIDP is concerned that these effects will exacerbate the already precarious existence of char dwellers, and this concern is at the heart of the Request.

¹ Attached matrix, clause 4.

iii. The Request is based on the assumption that the char dwellers are not included in the Revised Resettlement Action Plan (RRAP)². They are. The project has been based on a strategy of preparing in phases the detailed application of the RRAP to different affected groups. Phasing was required because given the ever-changing behavior of the Jamuna River, the location of the bridge structure and guide bunds could only be finalized during construction³. The locations were decided in October 1995 (west guide bund) and July 1996 (east guide bund). The first phase of the RRAP was defined in detail in 1994 and implemented to enable the river training works and east guide bund to be constructed. However, construction was delayed to October 1995 and it was decided to start with the west guide bund first. This constituted the second phase of the RRAP which permitted construction of the west guide bund from October 1995 to June 1996. The third phase will compensate riverbank and char dwellers who suffer losses according to the Erosion and Flood Policy (EFP) which is a landmark in Bangladesh.

iv. Project-induced effects on chars will begin to manifest themselves after the current flood season, sometime in October 1996. At that time, it will be possible to identify and compensate char dwellers. Since the agricultural cycle would not produce a major harvest before March-June 1997, we expect that dwellers will have their compensation in-hand before production/income losses occur.

v. A resettlement/compensation program for the char dwellers will be discussed with them as soon as they are identified. Representatives from the chars are expected to participate in the EFP plan committee⁴. There has been systematic local participation in the resettlement program, information campaigns and extensive work carried out by local NGOs. Consultation included visits to the project site and discussions with project-affected people (PADs) about their ideas for the project. Consultation programs have been carried out only in areas identified to be affected, and where there are identifiable legitimate stakeholders. To do otherwise would cause confusion, unrealistic expectations and exaggerated or false claims for compensation, as was experienced on a large scale in the second phase of the RRAP.

² RRAP and SAR para. 4.39 and Section 1.1 of Annex 4.4 ("Resettlement").

³ SAR, para. 4.33.

⁴ Fax to JMBA dated September 9, 1996.

vi. The new resettlement policy adopted by the Government during project preparation is based upon the principle that project affected people should benefit from the project. The RRAP's key objectives are to minimize involuntary resettlement; carry out resettlement as development programs with particular attention to community participation and the needs of the weakest groups; compensate losses at full replacement cost; ensure that host communities benefit; and ensure that absence of legal title does not bar compensation. RRAP contains a matrix of categories of losses, definitions of entitlements, applications, additional services, implementation arrangements, and responsible agencies. Category 14 covers the rights of those affected by river erosion or flooding caused by the project⁵.

vii. The recently adopted EFP, which has been under preparation since 1994, is being translated into a detailed, third phase of the RRAP. The Policy provides that all persons, both owners and occupiers, on the riverbank and chars in the affected area who experience erosion for any reason will be compensated, and those affected by increased flooding due to the bridge will also be compensated. A program is being prepared to implement the policy, including specific guidelines and organizational arrangements.

⁵

See Attachment 6.

BANGLADESH

JAMUNA BRIDGE PROJECT (CR. 2569-BD)

FACT SHEET ABOUT THE PROJECT

1. **Board Date:** 02/17/94 **Signing Date:** 02/25/94 **Effective Date:** 08/12/94

2. **Cost:** At present, the total project cost is estimated at \$ 743 million compared to the SAR estimate of \$ 696 million. The additional cost represents inflation and some extra cost due to soil instability problems.

3. **Financing:** Joint Financing: IDA, OECF of Japan and ADB, \$200 million each, the balance is to be funded by the Government of Bangladesh.

4. **Project Objectives:** The project aims at achieving the strategic objective of connecting the east and west parts of the country separated by the Jamuna River, thus stimulating economic growth and social well-being by facilitating inter-regional, cross river transport of passengers, freight and transmission of electricity more economically and efficiently.

5. **Summary of Project Components:** The project consists of: (a) construction of a 4-lane roadway bridge with shoulders and foundation adequate to carry a meter gauge railway line in the future; (b) construction of two end viaducts; (c) construction of two guide bunds (east and west of the river); (d) construction of east and west approach roads; (e) a program to mitigate project effects on the environment including resettlement; and (f) technical assistance and training.

6. **Implementation Status:**
 - * The bridge piles are complete, and the superstructure is progressing 6 months behind schedule.
 - * The west guide bund is complete.
 - * The east guide bund location and shape is finalized; construction will start on October 15, 1996.
 - * The approach roads construction is progressing about 8 months behind schedule.
 - * The implementation of the Revised Resettlement Action Plan (RRAP) is progressing close to schedule (Plan was revised according to IDA's comments prior to project approval).
 - * The implementation of the Environmental Management Action Plan (EMAP) is progressing with various delays from the modified schedule. However, the objective of the EMAP is expected to be achieved.
 - * The technical assistance component is progressing on schedule.

7. **Project Monitoring and Supervision:** As per the SAR, the project has the following monitoring and supervision elements:

- * The Engineer (Construction Supervision Consultants, CSC), Rendel Palmer and Tritton (UK), NEDECO (Netherlands) and Bangladesh Consultant Ltd., are responsible for project supervision and addressing technical issues, since they were the designers.
- * The Management Consultants (MC), Sir William Halcrow and Partners are responsible for assisting the client in its role. They are mainly monitoring the resettlement and environmental components.
- * Panel of Experts (POE) assists the borrower and the cofinanciers in technical and environmental monitoring of the project components. The Panel is composed of six internationally known experts and three local leading experts. The Panel oversaw the project during the design phase and continue to oversee it during the implementation phase.
- * Project Monitoring Committee (PMC) is composed of the members from the Resident Missions of the three cofinanciers and the JMBA. The Committee meets on a monthly basis to follow-up on implementation issues.
- * Milestone Decision Meetings (MDM): Due to the complexity of the project and the need to address issues in a timely manner, are a supervision feature adopted for this project in view of its complexity and the need to address issues in a timely manner. All major stakeholders (GOB, Contractors, Supervision and Management Consultants, Panel of Experts, IDA and the other Cofinanciers, as well as any needed experts for specific issues) meet frequently (there have been six MDMs so far) to review project status and to deal with current issues.

8. **The Independent Review Panel (IRP):** The cofinanciers decided during the Fourth Milestone Meeting to form an international Independent Review Panel to review the status of the RRAP and EMAP and to advise the cofinanciers on the adequacy of the measures taken according to international standards. The IRP includes two leading Japanese social and environmental experts and another two from the UK and Canada. The IRP started working in the field on August 20, 1996 and is expected to submit their report by end of October 1996. Meanwhile, their preliminary report was received after meeting the Requester (at his request)⁶.

⁶ IRP Preliminary Report (Attachment 21).

BANGLADESH
JAMUNA BRIDGE PROJECT (CR. 2569-BD)
MANAGEMENT RESPONSE
TO
INSPECTION PANEL

Introduction

1. On August 26, 1996, the Inspection Panel registered a Request for Inspection (the Request) from the "Jamuna Char Integrated Development Project" (JCIDP), a Bangladeshi NGO. Although the Request states many allegations, all of which are addressed in the attached matrix, the thrust of JCIDP's concern is that by failing to address the project's effects on char dwellers, OD4.30 (Involuntary Resettlement) is not being complied with. In accordance with the Inspection Panel's procedures, a response from IDA's Management is to be provided to the Panel by September 25, 1996. This is Management's Response, explaining how IDA's policies and procedures have been followed and that the subject matter of the Request is being dealt with appropriately¹.

2. The following paragraphs document IDA's compliance with the relevant policies and procedures.

The Chars

3. The islands in the Jamuna river (called Chars in Bengali) are sand bars (shoals), or temporary islands, created by seasonal flooding and unstable river paths. The chars change their form over the years, and migrate laterally and longitudinally according to the level of the flood each year. The Jamuna river flow is seasonal, with the flood season from May to October each year. Chars appear and disappear as a natural phenomenon in the river, mainly during the flood season. Hundreds of chars exist in the Jamuna river, over a length of more than 400 kms, with their inhabitants estimated at about 500,000². Only a small fraction of those chars (to be determined after the current flood season) are in the bridge impact area (about 18 kms, see para. 6). The attached satellite images from 1978-1995 give an indication of the vast changes involved³.

4. Until the specific construction sites for the bridge and ancillary works were decided (in October 1995 and July 1996, para. 15), individual chars could not be

¹ See para. 33 of Inspection Panel's Operating procedures.

² Attachment 1: Paper by Dr. Suzanne Hanchett, October 29, 1993.

³ Attachment 2: Satellite images from 1978-1995.

identified for monitoring for possible construction impacts, although a broad area up and downstream of the likely construction site has been under surveillance through satellite imagery for many years. A complicating factor is that construction of the guide bunds and the bridge foundation can be implemented only in the dry season (from October to May of the following year) for technical reasons⁴. This means erosion impacts, if any, would occur during the rainy season following the relevant construction, and such effects would be observable mainly after the rainy season flood waters recede. The west guide bund and the bridge pile foundation were built during the last dry season (October 1995 to May 1996), the east guide bund will be built next dry season (October 1996 to May 1997). As a result, JMBA will soon (November 1996) be in a position to determine, what chars have actually been affected (this could not have been done sooner because the water level is too high). A physical model has been built in Dhaka, and a mathematical model has been completed to forecast the erosion pattern of the river shores with and without the bridge, using historical floods⁵. The model is being expanded⁶ to determine the effects on the chars using historical flood data for calibration.

Revised Resettlement Action Plan (RRAP) Consistent with OD 4.30

5. The Jamuna Bridge Project is the first major project in Bangladesh for which a comprehensive resettlement policy has been developed. GOB has agreed to a policy framework which is consistent with the principles of OD 4.30. This policy framework was submitted to IDA as part of the RRAP in October 1993, and approved by IDA with some minor adjustments⁷. It is now being implemented.

6. The approach adopted views resettlement as a development program, with particular attention to the needs of the weakest groups. All affected persons should benefit from the project, or at least maintain their standard of living⁸. Compensation levels have been set equal to the replacement value of land and other assets, instead of the arbitrarily fixed compensation levels previously used in cases of eminent domain and land expropriation. The important principle of according entitlements to users of resources and not just legal owners has also been established in the RRAP, for the first time in Bangladesh. The RRAP further includes guidelines for public consultation and participation, as well as grievance mechanisms in cases of disagreements over compensation.

⁴ Dredging can only be carried out in the dry season, and the same for driving the foundation piles.

⁵ Attachment 3: Mathematical Model Reports for August 1996. The model is capable of forecasting erosion based upon historical floods. For any individual year, however, it is necessary to know the specific flood characteristics of that year through the end of the flood season.

⁶ Attachment 4: IDA's fax to JMBA dated April 8, 1996 and JMBA's response.

⁷ SAR paras. 4.36 and 4.37, and OD4.30.

⁸ Attachment 5: Revised Resettlement Action Plan.

7. The various categories of losses, affected persons, and entitlements have been set out in a detailed matrix, with categories of losses and entitlements. However, it is important to note that the final designs of the bridge and its location were not known at the time the plan was prepared and approved. A phased approach was therefore adopted. The RRAP included a comprehensive and detailed program for the first phase, land acquisition in the eastern bridge end area. Further studies of impacts were to be undertaken once the relevant designs were finalized⁹. Accordingly, the last category in the entitlement matrix, Category 14, safeguards the rights of affected persons not yet identified. The possibility of losses occurring as a result of project induced erosion or flooding was envisaged, and Category 14 mentions this likelihood. This issue, and the situation of the char dwellers, was raised informally by some of the Executive Directors before the project was approved by IDA's Board with the staff¹⁰.

8. During supervision missions, meetings and correspondence, the possibility of project induced erosion and flooding has been discussed further¹¹. IDA first requested that the Government move ahead and approve a formal EFP under the project in 1994, to detail the entitlements under Category 14 of the RRAP. Such a policy would acknowledge Government responsibility for project-induced losses of land and other resources, even if these losses were not caused by formal land acquisition. This policy would apply primarily to the char dwellers, but also to the people living along the river banks.

9. The policy has now been approved, and implementation will start immediately after the water level recedes, in November 1996. Consultation with affected people will start immediately after their identification by the end of the current flood season.

The Erosion Policy

10. For generations, monsoon and river-induced erosion and flooding have been an accepted and commonplace feature of riverine life in Bangladesh. People who lived in areas subject to these phenomena adapted their lifestyles and culture to it. The Government did not assume liability for this annual event. With the advent of the Jamuna Bridge Project and the compensation requirements of IDA and the other Cofinanciers, however, that needed to change. The completely new concept of compensating project-induced erosion and flooding raised complex political and technical issues and led to substantial debate and controversy. This came to a head starting in

⁹ SAR, page 86: "Consecutive resettlement actions related to other components of this project will be derived by analogy from this RRAP".

¹⁰ Attachment 6: ASTHR note of February 1994.

¹¹ Attachment 7: Missions' Aide Memoires of 1994, 1995 and 1996, excerpts from the Aide Memoires and correspondence with JMBA.

October 1994 when IDA and the other Cofinanciers requested at the Second Milestone Meeting that the Government prepare and adopt a suitable policy in this regard¹². The first policy was reviewed by IDA in July 1995. Debate on it continued, with a six-month hiatus in the first half of 1996 due to security problems related to pre-election political turmoil in the country which also affected the bridge construction. A policy was finally approved on September 7, 1996¹³.

11. The policy adopted (Erosion and Flood Policy, EFP) is generous and simple. It represents a new era in environmental legislation and practice in Bangladesh. The EFP includes compensation for all erosion in the bridge impact area, whether due to bridge impact or any other factor. Increased flooding that adversely affects crops would also be compensated. The EFP defines the bridge area of impact on erosion to include 10 kms downstream and 8 kms upstream. For flooding effects, the EFP defines 12 kms upstream of the bridge as the possible impact distance. The EFP is time-bound for 5 years after construction of the closure dam on the west in 1995, based on expert estimates of the time required for morphological changes in the river to stabilize. This means that erosion and/or flooding impacts could occur for up to 5 years after construction starts, and that affected people would be correspondingly compensated. IDA would request that this time span be reviewed in light of actual data, as needed, in the future. The EFP provides for compensation of affected char dwellers and flood plain occupants, as soon as they are identified.

12. Two elements need to be in place before a socio-economic survey to determine the number of persons affected by project-related erosion or flooding, and their location, can be carried out. The first element is a policy defining impact area and compensation parameters, which has now been adopted. The second element is that the flood waters of the May-October 1996, monsoon season need to recede so that its physical impacts can be identified. This will occur by November 1996, and the socio-economic survey of affected persons will begin in that month. Thus, affected persons including char dwellers will benefit from the project in line with IDA's OD4.30. The full effect of the bridge will occur during the 1997 high water season (May to October 1997), after the east guide bund is constructed during the next dry season from October 1996 to May 1997. The affected persons, after the current season and after each of the next four years floods, will be identified annually and compensated according to the EFP even if compensated for previous losses. Work still remains to be done before this policy is made operational. More specific guidelines need to be worked out, by JMBA, as well as the organizational

¹² Attachment 8: Second Milestone Decision Meeting Minutes and Aide Memoire, September 1994.

Milestone Meetings are a supervision feature adopted for this project in view of its size and complexity. GOB, Contractors, Supervision and Management Consultants, and Cofinanciers meet to review project status and to deal with current issues. They take place when major decisions on remedial actions are needed.

¹³ Attachment 9: Approved EFP dated September 7, 1996.

framework. An IDA/OECF mission is currently in Bangladesh discussing these issues with GOB.

13. If GOB has approved the EFP sooner, it would have given more time for working out an entitlement framework and its implementation as well as for preparing for the unique challenges of dealing with the char dwellers. In addition to the uncertain physical situation of the chars, providing assistance to the char dwellers is likely to mean working through existing group formations rather than directly with individual entitled persons, as for other categories of entitled persons under the RRAP. These groups are dominated by local strong men, who typically control and allocate access to land and other resources through patron-client type relationships. Disputes are common, as is violence in competing for the scarce resources. Ensuring that the full amount of assistance is provided to entitled persons in a transparent manner will require sensitivity, knowledge of local conditions, and good organizational arrangements. While the late approval of the erosion policy has put the work behind schedule, every effort is now being made to make the policy operational at the end of the current flood season, and we anticipate that this will be achieved. Since the agricultural cycle on the chars would not produce a major harvest before March-June 1997, we expect that dwellers will have their compensation in-hand before production/income losses occur (para. 30).

Why the Final Location of the Bridge Could Not Be Determined Earlier

14. The Jamuna River is a braided river, characterized by continuous shifting of its channels and the movement of its course in a lateral direction¹⁴. At any point along its course, neither the overall width of the river nor its location stays the same for a long period of time. The tendency for individual river channels as well as the whole river course to shift must be impeded locally for the river to continue to flow under the new bridge structure and individual river channels have to be prevented from attacking approach embankments. This requires works to protect bridge abutments and approach viaducts and embankments from the erosive force of shifting river channels.

15. Due to the shifting nature of the river, the final location of the Jamuna bridge could not be determined before start of construction. The location of the east guide bund was determined in October 1994. Due to delays in starting the project there was not enough time for mobilization during the 1994-95 dry season. A decision was taken during the Second Milestone Decision Meeting to postpone bund construction and to start with the west guide bund instead during the 1995-96 dry season, to be followed by construction of the east guide bund starting in October 1996. The west guide bund was built on a char in the river, 4.8 kms from the location of the eastern one. There had been a provision in the project to lengthen the bridge by 500m (to a total of 5.3 kms) so that, if

¹⁴ SAR, para. 4.2.

the char disappeared in the 1995 flood season, the west guide bund could be built on the western flood plain. Fortunately, the char did not disappear. The bridge contractor also started driving the piles in the water, starting from the east, in October 1995 and the piling was completed in July 1996. Hence, there were no effects on the chars as a result of bridge construction before May 1996, the start of the rainy season. Such effects will only be known when the water level starts receding in October 1996.

Timing of the Chars Survey and Survey of Affected Dwellers

16. The bridge axis was tentatively fixed in October 1994, subject to the final location of the west guide bund. The west guide bund's final location was determined on October 15, 1995¹⁵. In July 1996, the shape, length, and location of the east guide bund were finalized¹⁶. The contract for the mathematical model was signed in July 1995 with the Danish Hydraulic Institute (DHI), in association with the Bangladesh Surface Water Modeling Center (SWMC), and preparations started as soon as the location and shape of the west guide bund was determined. At present, the model is complete and running.

17. The survey of project affected dwellers (PADs) can be started once the current flood season ends and the affected chars and banks are visible. Only at that time, can the new topography of the chars and banks be determined, with any degree of confidence, and surveyed. At present, the model is only capable of forecasting what would happen to the chars and banks if the 1995 flood recurs in 1996, or any other historical flood. In order to determine the actual effects, the characteristics of the present flood have to be known and applied to the model. The model would verify the impact area determined using the characteristics of the current flood season and historical floods. It would also determine the effect of the bridge on the water levels in the impact area. Subsequently, before the end of 1996, surveys of char and bankline PADs would be conducted.

Water Level Change Due to the Bridge Constriction

18. The rise in the water level due to the bridge constriction of the river upstream of the bridge is estimated not to exceed 0.30m at the peak of the 100 year flood¹⁷. The maximum rise in water level would be at the bridge site. Water level rise would decrease rapidly with distance upstream, to the extent that within a few kms it is reduced to 0.1/.15m. Jamuna river water is heavily laden with sediment during the flood season, and this rise of water level would cause increased sedimentation on the chars affected, thus raising their level. Therefore, after the flood recedes, people on the chars would hardly

¹⁵ Attachment 10: 4th Milestone Decision Meeting Minutes and Aide Memoire, October 1995.

¹⁶ Attachment 11: 6th Milestone Decision Meeting Minutes and Aide Memoire, July 1996.

¹⁷ Attachment 12: Feasibility Study's forecast of water level change due to the bridge.

be affected by this water level rise¹⁸. The only expected effects would be to change the pattern of erosion and accretion, mainly downstream, compensation for which is included in the EFP in line with IDA policies and procedures. The positive effect of the bridge, however, is that it is expected to stabilize the river's lateral migration and thus the large lateral erosive patterns associated with this migration. It is also expected that some of the chars, particularly south of the bridge and to the west, would be stabilized.

19. In November 1994 the contractor closed the northern entrance of the Dhaleswari river, a small tributary of the Jamuna river in the east floodplain. The river spontaneously opened another channel south of the bridge location that substituted most of required water and fish from the north intake. At the peak of the flood, the Dhaleswari northern intake used to deliver a discharge of about 400 cu. sec., while the Jamuna discharge is between 65, 000 to 91,000 cu. secs., depending on the level of each flood (see footnote 14). Therefore, closing the northern intake of the Dhaleswari could not have raised the water level in Jamuna by more than a few millimeters, which would not have had any tangible effects on the chars. The new southern channel did, however, cause some erosion on its shores and people were paid to stabilize them and the affected persons will be compensated as provided under the EFP.

Addressing Specific Concerns Regarding RRAP and Chars

20. The major concerns raised by the Requester are discussed below and a detailed response to each allegation included in the attached matrix.

21. **Allegation: Char people have not been included in the RRAP:** As a group, households and people living on the chars and riverbanks who may be affected by the project have been included as PADs to be identified and their individual entitlements determined, once such impacts are known. It has been clear all along that the people living on the chars, who would be affected by the project, are particularly vulnerable and that they should be compensated, and that efforts should be made so that they benefit from the project. This was stated clearly in the RRAP as "Coordinate with JMBA-EU (Environmental Unit) regarding possible adverse impact on population because of the changed river regime and where necessary assist JMBA-EU to design and carry out mitigatory measures (page 36)". This will be done, in accordance with OD4.30 and the EFP as soon as these PADs are identified.

22. The EFP will be implemented following the recession of the water after this year's rainy season (October/November 1996). This implementation will be closely monitored by IDA (see para.31). Determining to what extent there has been erosion in the chars and riverbanks in the project-affected area, and to what extent the project has caused changes in water levels of the riverbanks and chars will be surveyed and analyzed

¹⁸ Attachment 13: Memo from the designer of the River Training dated September 1996.

by an expert panel, using the aforementioned hydrological and mathematical models, as well as satellite imagery with historical comparisons. In cases where it is determined that there have been negative impacts due to erosion or flooding, the people living there will be surveyed and incorporated into the RRAP as PADs, in line with the policy guidelines. Extension services and assistance to PADs will be coordinated by the JMBA's Resettlement Unit. The RRAP sets out guidelines on implementation of such work by local NGO's, in partnership with project authorities.

23. **Allegation: Lack of participation and information among people.** Information campaigns, group formation, and participation have been undertaken among those identified as affected so far; both people whose land would be acquired, and members of host communities in cases of resettlement¹⁹. This has been spelled out in the RRAP, page 70. Until now, specific groups of char dwellers have not been identified as PADs, as discussed above. Until a clear erosion policy was approved, the design and location of the bridge finalized, and information available about impacts, consultation with large numbers of people would have caused confusion, raised unrealistic expectations, and possibly caused exaggerated or false claims for compensation, as occurred in other parts of the project. On the west bank, thousands of structures were erected in an attempt to obtain unlawful gains in 1994/95. A special law had to be enacted to deal with this issue and set out criteria to distinguish between genuine and unlawful structures²⁰. As an example, out of 2,600 houses surveyed by the District Commissioner in July 1995, and after applying the new law, only about 600 were judged genuine structures²¹. Unfortunately, the people with unlawful intentions were well organized and powerfully connected, which meant that considerable Government and IDA effort and time was required to resolve the issue. It would be prudent to avoid similar episodes. For these reasons, it was agreed to defer consultations with char dwellers.

24. **Allegation: The Requester is dissatisfied with the response he received when he first contacted the Bank.**

A record of the correspondence between the Requester and the Resident Mission in Bangladesh (RMB) is attached and is more extensive than that submitted by the Requester²². Until early 1996, communications to RMB dealt with accounts and records rather than the issues raised in the August 18 Request for Inspection. In addition to meeting with JCIDP, RMB organized a meeting for them with the Secretary of JMBA to discuss the issues. The Requester unfortunately declined to participate in this meeting.

¹⁹ Attachment 14: Excerpts from RDM (NGO) Report dated December 15, 1994, carrying out the information and participation campaigns.

²⁰ Attachment 15: Law differentiating between genuine and unlawful PADs, and criteria for making that distinction.

²¹ Attachment 16: Example of unlawful claims determined according to the new law.

²² Attachment 17: Record of correspondence between RMB and the Requester.

An Independent Review Panel (IRP), commissioned June 20, 1996, by IDA and the other Cofinanciers to investigate and evaluate the project's environmental and resettlement programs, commented in its preliminary report that JCIDP had approached the Bank's Inspection Panel as a first rather than last resort for its concerns (see para.32 and Attachment 21).

Addressing Allegations not pertaining to char dwellers

25. The above addressed the concerns of the Requester as representing char dwellers. The issues raised below do not pertain to char dwellers. Nevertheless, we wish to address them and set the record straight.

26. **Allegation: People are not receiving full compensation.**

- (i) The Requester argues that project affected people (PADs) are not receiving the full value of the compensation they are entitled to. This allegation refers to people already included in the resettlement program. The strategy is to give the PADs the means to find land elsewhere and disperse over a wide area. Land acquired in such a way is released voluntarily by the owners and allows PADs to settle in an area of their personal choice. This is consistent with OD4.30, and the principle of "Land for Land". Ensuring that people are compensated at replacement cost is critical in a project of this magnitude. Under the Bangladesh Law a local GOB official (Deputy Commissioner, DC) pays the basic compensation people are eligible for under the law, and JMBA pays the balance to cover the differential between basic compensation and replacement cost. There have been numerous delays and difficulties related to replacement cost compensation, and it has been a subject of continuous discussion between IDA and JMBA²³. Many delays are caused by incomplete and inaccurate land records. Some of the problems of valuation and compensation are discussed in the RRAP, page 69f.
- (ii) Land market surveys have been undertaken to establish the level of compensation, based on the concept of maximum allowable replacement value of land (MARV). The SAR states that Replacement value would be determined on a phased basis, and the compensation level will be adjusted throughout the project²⁴, JMBA is revising the MARV this year with another market survey. IDA recognizes that compensation levels, as actually implemented, have in many cases been inadequate, because of delays and illegal activities, and has addressed this systematically during monitoring and supervision. Recently, the Bank suggested to JMBA that closer involvement

²³ Resettlement Missions Aide Memoires, see Attachment 7
also refer to the letter of June 3, 1996 (Attachment 18).

²⁴ SAR page 94.

of responsible local NGOs and independent groups to monitor payments, would allow greater accountability and transparency, and bring greater pressure on local officials and project authorities to ensure that compensation is paid in full²⁵. This is currently under discussion with a joint IDA/OECF mission in the field.

27. **Allegation: The resettlement site represents an inferior living situation.** The Requester argues that moving to a resettlement site represents a deterioration in quality of life for rural farmers. This argument seems to be based on a misunderstanding, since it implies that a main objective of the resettlement policy is to move people to a resettlement site. A key feature of the RRAP is the exact opposite, to provide incentives for people to resettle themselves on farmland and continue with their way of life. Resettlement sites are to be much smaller than originally envisaged and will be provided in a surplus area within the East Bridge End envelope or otherwise in smaller units scattered over the immediate surroundings of the PAD area. There are improvements to be found in resettlement sites for groups such as squatters and utulis, but there are doubts whether people who owned homestead land would find resettlement sites an attractive option. It has been recognized that high density resettlement sites can become centers of social friction due to complex social patterns that get interwoven rather quickly. The original concept of a large resettlement site of 131 ha. on the east bank has consequently been abandoned and only a small site is envisaged under the RRAP. There is also no intention to make this resettlement site so attractive that it distracts PADs from getting homestead land elsewhere.

Environmental Management Action Plan

28. An Environmental Management Action Plan (EMAP) was prepared by the Bangladesh University of Engineering and Technology (BUET) in January 1995²⁶. The plan was approved by IDA. The plan makes provisions for monitoring, control, and mitigation of environmental problems associated with construction works and closure of the Dhaleswari intake. The plan provides financial resources for a wildlife management program, fisheries' development, agricultural productivity improvements, reforestation works, training, and erosion control in the project area. The plan makes explicit reference to JMBA's intention to use local NGO's and consultants, which has been done, to facilitate public consultations, surveys and interviews, and other information dissemination procedures. It mandates and provides resources for monitoring of surface hydrology and erosion through the project area. All this work is under implementation albeit with some starting delays.

²⁵ Attachment 18: Fax letter from SA11N to JMBA dated June 3, 1996.

²⁶ Attachment 19: Environmental Management Action Plan (EMAP) dated January 1995.

29. The project has received a lot of media attention, and views both in support and against the project have been expressed. Substantial public consultation and involvement has taken place during the EA and other planning studies, especially during the socio-economic/population surveys. Consultation included visits to the project sites and discussions with PADs about their ideas for the project. Responses of the PADs were noted, analyzed and used for the preparation of the Resettlement Action Plan²⁷. Local public involvement will be a continuous process. In addition, the Jamuna Bridge tax has insured public awareness of the project at the national level.

30. Since project effectiveness, IDA and the GOB have aggressively pursued the implementation of the EMAP. IDA has received frequent updates on the implementation status of all EMAP components and, though there were initially some delays, the goals of the EMAP sub-components remain relevant and attainable throughout the project area. IDA has supported a number of technical field missions involving environmental and fisheries specialists and was instrumental in establishing the Independent Review Panel which would provide direct assistance in strengthening the EMAP and the RRAP. The active level of involvement during project implementation indicates IDA's continued and strong commitment to achieving the objectives of the EMAP.

Implementation of the Erosion Policy

31. Implementation of the following action plan by JMBA was approved by them on September 18, 1996 as follows²⁸.

* Finalize and approve the Erosion Policy	September 07, 1996(Actual)
* Collect Satellite Imagery for October 1996 and January 1997	November 1996/ February 1997
* Carry out Aerial Photography of the affected area	November 1996
* Carryout socio-economic surveys of PADs affected by erosion and flooding	Start: November 1996 Complete: January 1997
* Determine affected chars and banks from Imagery and Aerial Photos	December 1996
* Determine chars and bank erosion and flooding effects and verify by land surveys	February 1997

²⁷ Report by ADB, dated October 14, 1994 (Appraisal Report).

²⁸ Attachment 20: JMBA's approval of the Implementation Action Plan

- * Device plan to assist char dwellers in the affected area, in education, health, agriculture, based on workshop with char dwellers and its recommendations March 1997
- * National experts, legal social, and environmental experts, including relevant NGOs will be invited to the workshop March 1997
- * Disbursement of compensation to affected PADs April 1997

32. The action plan will be closely monitored by supervision missions during this period. A joint IDA/OECF mission is in the field now and others are planned for January 1997 and April 1997. Those missions would consist mainly of social scientists and environmentalists who would monitor implementation of the action plan and assist in overcoming any problems which may arise, to help ensure that affected people receive adequate compensation in a timely manner. The experience gained during this first year is expected to simplify replication of the EFP program in following years.

Independent Review Panel (IRP)

33. During the October 1995 - Fourth Milestone Meeting, the Cofinanciers of the project agreed to convene an International Independent Review Panel to review the quality of implementation of the RRAP and EMAP. The IRP was formed earlier this year and started field work on August 20, 1996, under TOR approved by GOB and the Cofinanciers. The Requester had a meeting with the IRP in response to his request to them, and the IRP comments are attached²⁹.

²⁹ Attachment 21: Independent Review Panel.