

# Small Ethnic Communities Planning Framework

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April 2014

**BAN: Third Urban Governance and Infrastructure Improvement (Sector) Project (UGIIP-3)**

Prepared by the Local Government Engineering Department, Government of Bangladesh for the Asian Development Bank.

## **CURRENCY EQUIVALENTS**

(as of December 2013)

|               |   |          |
|---------------|---|----------|
| Currency Unit | = | Tk       |
| Tk1.00        | = | \$0.0125 |
| \$1.00        | = | Tk80     |

## **ABBREVIATIONS**

|         |   |  |
|---------|---|--|
| ADB     | – | Asian Development Bank   |
| AP      | – | affected person  |
| DPHE    | – | Department of Public Health Engineering                          |
| GICDC   |   | governance improvement and capacity development consultants      |
| GRM     |   | grievance redress mechanism                                      |
| LGED    | – | Local Government Engineering Department                          |
| LGD     | – | Local Government Division  |
| MLGRD&C | – | Ministry of Local Government, Rural Development and Cooperatives |
| SEC     | – | small ethnic communities   |
| SECDP   | – | small ethnic communities development plan                        |
| SECPF   | – | small ethnic communities planning framework                      |
| SIA     | – | social impact assessment   |

## **NOTE**

In this report, "\$" refers to US dollars.

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## I. INTRODUCTION

1. After the successful implementation of Urban Governance and Infrastructure Improvement Projects (UGIIP I and II)<sup>1</sup> in the selected pourashavas, Local Government Engineering Department (LGED) with the financial assistance of Asian Development Bank (ADB) have planned to implement a similar project (UGIIP-3) in about 30 pourashavas over a period of 6 years (2014 to 2020).

2. The impact will be improved living environment in project towns. The outcome will be improved municipal service delivery and urban governance in project towns. Project towns are pre-selected 30 towns to be supported in an integrated manner under the project. UGIIP-3 will improve existing and provide new municipal infrastructures including (i) roads; (ii) drainages; (iii) water supply system; (iv) solid waste management facilities; (v) markets, community center/auditorium, bus and truck terminals and river *ghats*; (vi) public toilets; and (vii) others such as provision for street lighting and improvement of slums.

3. A sector-lending approach will be used for the project as it has been well established and successfully practiced in the UGIIP I and II.<sup>2</sup>

4. The Local Government Engineering Department (LGED) and the Department of Public Health Engineering (DPHE), both under the Local Government Division (LGD) of the Ministry of Local Government, Rural Development and Cooperatives (MLGRD&C) and having extensive experience in managing urban and water supply projects financed by ADB, will be the executing agencies of the project. The participating *pourashavas* are the implementing agencies.

5. The list of participating pourashavas identified during project preparation stage and the IP communities living in the project areas is shown in Table 1 and Figure 1.

**Table 1 List of UGIIP-3 Pourashavas (as per Project Preparation Stage)**

| SL No | Participating Pourashava | IPs                         | SL no | Participating Pourashava | IPs  |
|-------|--------------------------|-----------------------------|-------|--------------------------|--|
| 1.    | Chapai Nawabganj         | Shawtal and Barmon others * | 16.   | Rangamati                | Chakma, Marma, Panchaynga, Murong & others |
| 2.    | Kishorgonj               | Barmon ,Garo & others       | 17.   | Ishwardi                 | Pahari & others                            |
| 3.    | Habiganj                 | Shawatal                    | 18.   | Bera                     | none                                       |
| 4.    | Moulvibazar              | Monipuri , Khasia ,Shawtal  | 19.   | Meherpur                 | Marma ,Shawtal and others                  |
| 5.    | Netrokona                | Hajong                      | 20.   | Nabinagar                | none                                       |

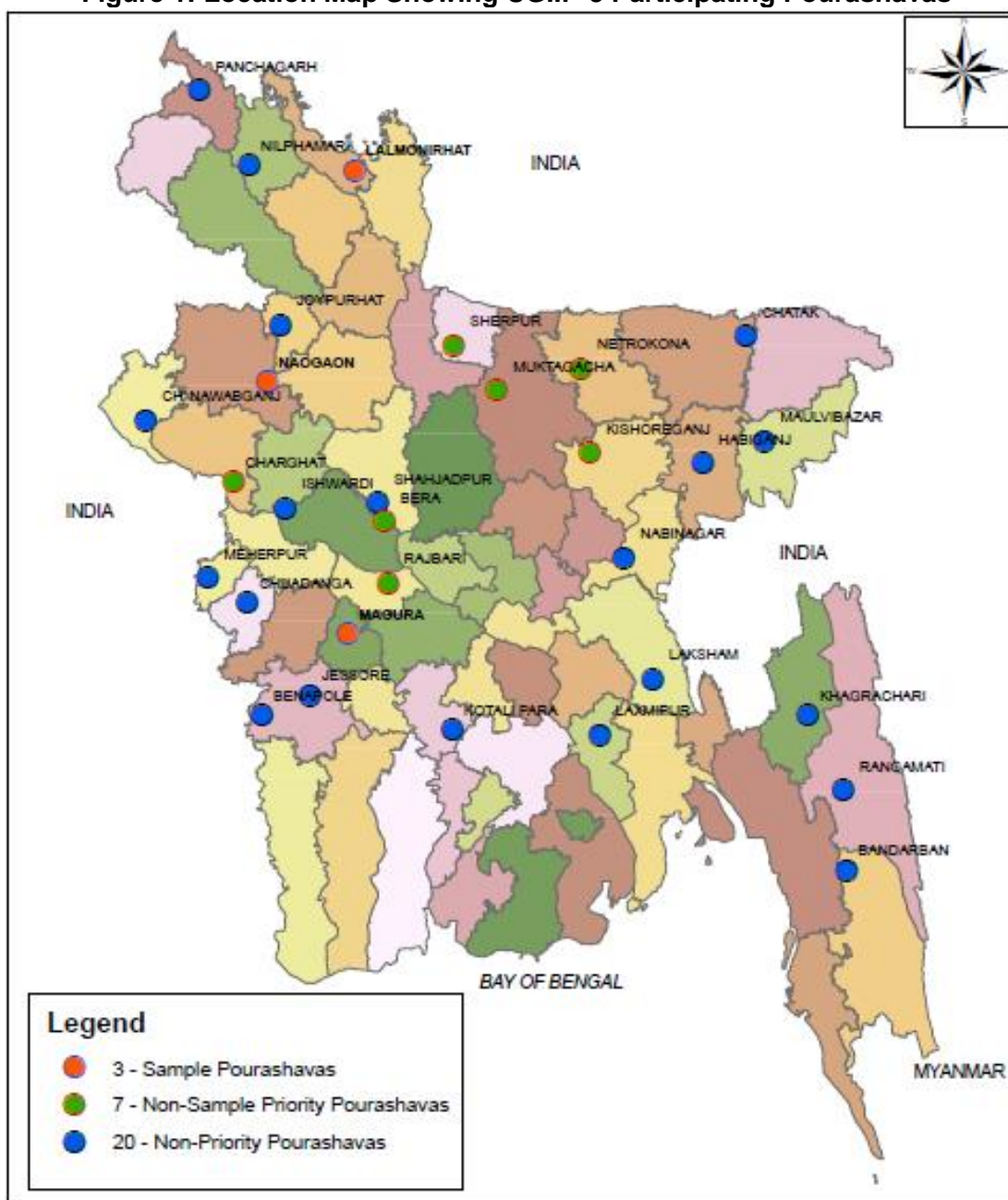
<sup>1</sup> The Government of Bangladesh with the assistance of ADB has introduced a system whereby funds/loans for development are disbursed in a phased manner based on the successful accomplishment by the recipient *pourashavas* of a set of performance-criteria in the area of urban governance. UGIIP I and II reflect this approach which aims to incentivize participating *pourashavas* to become well-managed and maintained towns in a sustainable way through systems of governance ensuring citizen's participation and inclusion of women, poor and the minority groups in *pourashava* activities. UGIIP I targeted for 27 and UGIIP II for 47 *pourashavas*. The subprojects were (i) water supply (ii) sanitation, (iii) solid waste management, (iv) urban drainage, (v) urban transport & communication and (vi) public use facilities.

<sup>2</sup> Discusses social safeguard implementation in UGIIP 1 and 2 and lessons learned incorporated in this project.

• Indigenous people , race has not been classified

| SL No | Participating Pourashava | IPs                              | SL no | Participating Pourashava | IPs                              |
|-------|--------------------------|----------------------------------|-------|--------------------------|----------------------------------|
| 6.    | Laxmipur                 | Chakma                           | 21.   | Lalmonirhat              | none                             |
| 7.    | Naogaon                  | Shawtal and Orao                 | 22.   | Panchagarh               |                                  |
| 8.    | Shahazadpur              | Other                            | 23.   | Bandarban                | Marma, Mur, Tripura & other      |
| 9.    | Sherpur                  | Coath , Barmon, Garo and others  | 24.   | Khagrachari              | Marma , Tripura, Chakma & others |
| 10.   | Rajbari                  | none                             | 25.   | Jessore                  | Barmon, Chakma & others          |
| 11.   | Magura                   | Tripura & others                 | 26.   | Benapole                 | Chakma & others                  |
| 12.   | Joypurhat                | Shawtal Barmon , Orao and others | 27.   | Nilphalmari and          | Others                           |
| 13.   | Muktagacha               | Garo & others                    | 28.   | Chuadanga                | Others                           |
| 14.   | Laksham                  | Tripura , Chakma & other         | 29.   | Kotalipara               | None                             |
| 15.   | Chatak                   | Monipuri & others                | 30.   | Charghat                 | Phahari                          |

**Figure 1: Location Map Showing UGIP-3 Participating Pourashavas**



## II. OBJECTIVES AND POLICY FRAMEWORK

### A. Objectives

6. In accordance with ADB's Safeguard Policy Statement (SPS), 2009 requires the preparation of an Indigenous Peoples planning framework, hereto referred as small ethnic communities planning framework (SECPF), for sector investments with potential impacts on Indigenous Peoples to guide subproject selection, screening and categorization, assessment, and preparation and implementation of safeguard plans of subprojects and to facilitate

compliance with the requirements specified in ADB SPS Safeguard Requirements 3 on Indigenous People.

7. This SECPF recognizes the vulnerability of indigenous peoples, referred hereto as small ethnic communities (SEC), and specifically ensures that any project intervention, whether positive or adverse, will be addressed by the executing and implementing agencies. Moreover, the executing and implementing agencies will ensure that affected SEC will have opportunities to participate in and benefit equally from such project interventions.

## **B. Policy Framework**

8. **ADB Safeguard Policy Statement.** ADB SPS, 2009 Safeguard Requirements 3: Indigenous Peoples<sup>3</sup> outlines the requirements that the executing agency are required to meet in delivering Indigenous Peoples safeguards to projects supported by ADB.

9. According to ADB SPS, 2009, the indigenous people safeguard requirements are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of IP or affects the territories, natural, or cultural resources that they own, use, occupy, or claim as their ancestral property. The requirements apply to UGIIP-3 and its components. The requirements also cover actions conducted by the executing and implementing agencies in anticipation of ADB projects.

10. ADB SPS, 2009 uses the term Indigenous Peoples in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees:

- (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
- (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- (iv) a distinct language, often different from the official language of the country or region.

11. In considering these characteristics, national legislation, customary law, and any international conventions to which the country is a party will be taken into account.

12. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under ADB SPS, 2009.

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<sup>3</sup> ADB SPS, 2009 Safeguard Requirement 3: Indigenous People discusses the objectives and scope of application, and underscores the requirements pertaining to (i) undertaking the social impact assessment and planning process; (ii) preparing social impact assessment reports and planning documents; (iii) disclosing information and undertaking consultation, including ascertaining consent of affected indigenous peoples community to selected project activities; (iv) establishing a grievance mechanism; and (v) monitoring and reporting. This set of policy requirements will safeguard Indigenous Peoples' rights to maintain, sustain, and preserve their cultural identities, practices, and habitats and to ensure that projects affecting them will take the necessary measures to protect these rights.



13. **Government of Bangladesh Policy on Indigenous Peoples.** Many of the government laws that are related to the ownership of land and acquisition for the plain land are also applicable to the SEC/ethnic minority (EM) and non-ethnic minority people. The laws include the (i) Code of Civil Procedure, 1908; (ii) the East Bengal State Acquisition and Tenancy Act, 1950; and (iii) ARIPO, 1982. However, these laws do not apply in Chittagong Hill Tracts (CHT), where a large proportion of indigenous people live. The CHT Regulation, 1900 is the single most important law for the CHT. The CHT Regulation, 1900 functions in the nature of a constitutional legal instrument and vets the application of other laws that apply to CHT, among others, by specifying the nature and extent of application of those laws. In addition to CHT Regulation, 1900 the other special laws that apply to the CHT include: (i) CHT Land Acquisition Regulation, 1958; (ii) Hill District Councils Acts, 1989; (iii) CHT Regional Council Act of 1998, and (iv) CHT Land Disputes Resolution Commission Act of 2001.

14. SEC customary use of land in the CHT is not recognized by the government and is considered as unclassified forest (UF), village common forest (VCFs), and government (*khas*) lands, although different groups of indigenous people of the CHT have been using such lands from immemorial times as common or ancestry land of common use.

15. The Government of Bangladesh policies and legal instruments are supplemented by ADB SPS, 2009 for the implementation of UGIIP-3. ADB SPS, 2009 ensures equality of opportunity to be derived from project interventions for indigenous peoples. ADB SPS, 2009 emphasizes that development interventions will be planned in a manner consistent with the needs and aspirations of affected indigenous peoples, and compatible in substance and structure with affected IP's culture and social and economic institutions.

16. This SECPF will provide guidelines to mitigate the adverse impact, if any, through the preparation of a small ethnic community development plan (SECDP). The need for an SECDP will depend on the nature and scale of the project impacts and sensitivity of ethnic minority issues. Based on the initial poverty and social assessment prepared in every project, a requirement for preparing an SECDP will be identified. An SECDP would be required if the impact is "significant," which means (i) adverse impacts on customary rights of use and access to land and natural resources; (ii) negative effects on the socioeconomic and cultural integrity; (iii) effects on health, education, livelihood, access to project benefits, and social security status; and (iv) other impacts that may alter or undermine indigenous knowledge and customary institutions. An indigenous people impact checklist to be used in the IP screening exercise during project preparation is provided as **Appendix 1**.

### **C. Distribution of Indigenous Peoples in Bangladesh**

17. The majority of Bangladesh's 143.3 million people are Bengalis, and approximately 2.5 million are indigenous peoples belonging to 45 different ethnic groups. These peoples are concentrated in the north, and in the Chittagong Hill Tracts (CHT) in the south-east of the country. Bangladesh is a rich mosaic of ethnic groups but outstandingly predominated by the plain land Bengalis. Here indigenous people (IP) are often referred to as *Adibashi*, small ethnic (SE) groups, small ethnic communities (SEC), hill people (HP) or *Paharis*, and forest people (FP).

18. In this document SEC means those people who are small in numbers but possess distinct cultural heritages and life styles than that of the Bengalis (main inhabitants of Bangladesh) and who have been living in this region from the time immemorial and some of them are often called as "the sons of the soil". Ethnic communities migrated from neighboring

regions hundreds of years ago, when no state border was designated, are also included in this category. The Government of Bangladesh prefers to identify this diverse range of small communities as SEC.

19. In Bangladesh there were more than 400,000 ethnic households in 2004 and spread over in about 11,000 villages/wards and constituted about 1.5% percent of total population of the country. These ethnic groups can be identified in a particular geographical area by the presence of the following traits/characteristics in a varying degree: (i) a close attachment to ancestral territories and natural resources in the area, (ii) language often different from the national language, (iii) presence of customs and primarily subsistence-oriented production, and most importantly (iv) self-identification and identification of others as members of a distinct cultural group. In fact, social and cultural identity distinct from the dominant society makes them vulnerable to being disadvantaged in the development process.

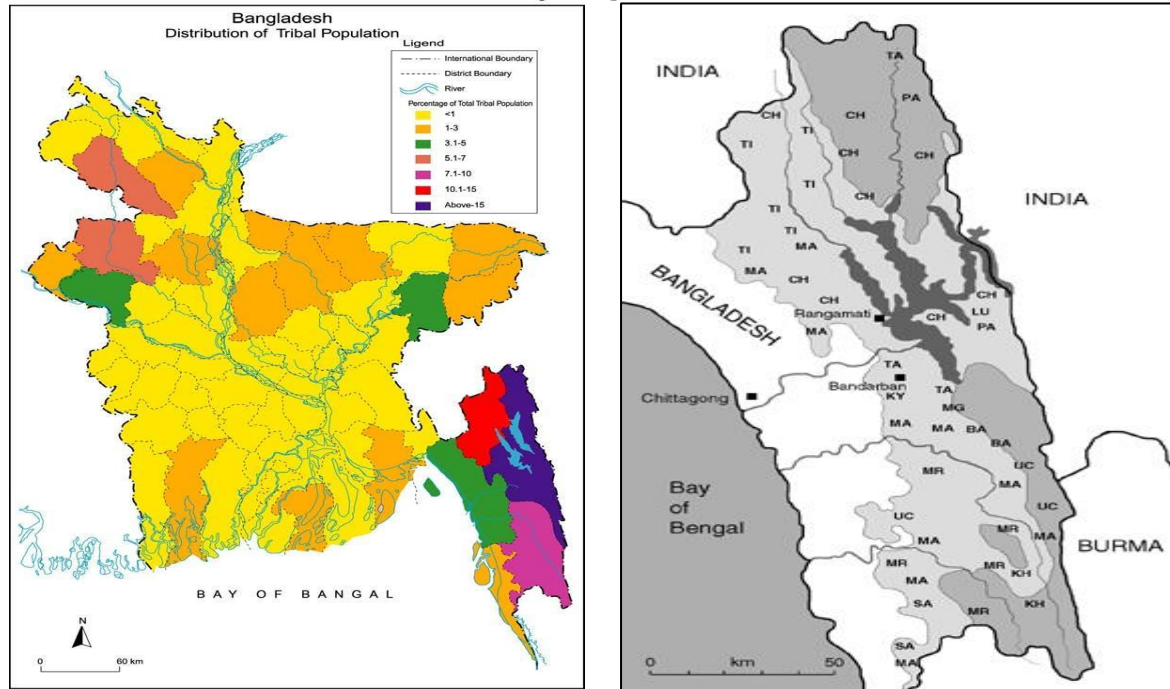
20. On the other hand ethnic group has been identified as IP group by Bangladesh Bureau of Statistics (BBS) and identified 30 IP groups in Bangladesh in 1991 census (Latest available relevant data). They are from different ethnic communities and commonly identified as representatives of different tribes and the Bangladesh Population Census identified them as Tribal people. Distribution of different ethnic (IP) population by division is shown in Table 1.

**Table 2: Areas of Indigenous People (IP) Concentration in Bangladesh**

| Areas of IP   | Predominant IPs                           | % National IPs | % District population              |
|---|---|----------------|------------------------------------|
| <b>Plains</b>   |   |                |                                    |
| Rajshahi Division Naogaon, Dinajpur, Rangpur and Jaipurhat district | Santal, Munda and Oraon                   | 36             | 4                                  |
| Sylhet Division, Maulvibazar and Habiganj district                  | Khasia, Manipuri, Patro, Garo and Tripura | 8              | 3                                  |
| Madhupur Area of Dhaka Division                                     | Garo/Mandi                                | 7              | 2                                  |
| Patuakhali (Barisal Division) and Cox's Bazar (Chittagong Division) | Rakahain                                  | 6              |                                    |
| Khulna Division, in Sundarbans                                      | Munda                                     | 2              |                                    |
| <b>Hills</b>  |   |                |                                    |
| Chittagong Hill Tracts  | Chakma, Marma & Tripura                   | 41             | 44                                 |
| <b>Total</b>  |   | <b>100</b>     | <b>1.5% of National Population</b> |

21. In terms of the place of residence, the ethnic groups can be grouped into two broad categories—those living in hills, predominantly reside in the CHT; and those living in plain lands. According to Statistical Year Book of Bangladesh (2008) about 41% of the total ethnic people of the country live in CHT in three districts namely Rangamati, Bandarban and Khagrachari. There is a high concentration of ethnic groups in North Bengal (Naogaon, Dinajpur, Rajshahi, Rangpur and Joypurhat districts of Rajshahi division) which covers about 36% of the ethnic population. Presence of 6 ethnic groups is identified in these areas dominated by Santals. This ethnic group population constitutes less than 4% of the total population of the respective districts. The zonal distributions of the remaining 23% SECs in 9 districts are also summarized in Table 3 (sl. 2- 5). Distribution of ethnic population by percentage of the district population is shown in Figure 1.

**Figure 2: Map Showing Major Small Ethnic Community Concentrated Areas in Bangladesh**



Map of ethnic groups in the Chittagong Hill Tracts  
 BA = Bawm; CH = Chakma; KH = Khumi; KY = Khyang; LU = Lushai; MA = Marma; UC = Uchay; MR = Mru; PA = Pankho; SA = Sak; TA = Tanchangya  
 Source: <http://www.iwgia.org/regions/asia/the-chittagong-hill-tracts->

**Table 3: Showing Indigenous People in Project location**

| #  | Pourashava      | IP group name (s) |     |          |         |        |            |        |         |        |       |        |      |        |      |        |       | Pourashava<br>Population<br>BBS-2011] | %<br>against<br>total<br>Pourasha<br>va | Vulnerabil<br>ity status<br>(for each<br>identified<br>IP) |
|----|-----------------|-------------------|-----|----------|---------|--------|------------|--------|---------|--------|-------|--------|------|--------|------|--------|-------|---------------------------------------|---|--|
|    |                 | Marma             | Mro | Monipuri | Tripura | Hajong | Tanchaynga | Khasia | Sawntal | Pahari | Coach | Barmon | Orao | Chakma | Garo | Others | Total |                                       |   |  |
| 1  | ChapalNawabganj |                   |     |          |         |        |            |        | 5       |        |       | 62     |      |        |      | 5      | 72    | 180,731                               | 0.0398                                  |  |
| 2  | Kishorgonj      |                   |     |          |         |        |            |        |         |        | 13    |        |      |        | 4    | 6      | 23    | 103,798                               | 0.0222                                  |  |
| 3  | Habiganj        |                   |     |          |         |        |            |        | 10      |        |       |        |      |        |      | 350    | 360   | 69,512                                | 0.5179                                  |  |
| 4  | Moulvibazar     |                   |     | 166      |         |        |            | 9      | 8       |        |       |        |      |        |      | 81     | 264   | 56,537                                | 0.4670                                  |  |
| 5  | Netrokona       |                   |     |          |         | 17     |            |        |         |        |       |        |      |        |      | 4      | 21    | 91,936                                | 0.0228                                  |  |
| 6  | Laxmipur        |                   |     |          |         |        |            |        |         |        |       |        | 61   |        |      | 16     | 77    | 83,112                                | 0.0926                                  |  |
| 7  | Naogaon         |                   |     |          |         |        |            |        | 13      |        |       | 175    |      |        |      | 201    | 389   | 150,549                               | 0.2584                                  |  |
| 8  | Shahazadpur     |                   |     |          |         |        |            |        |         |        |       |        |      |        |      | 77     | 77    | 64,507                                | 0.1194                                  |  |
| 9  | Sherpur         |                   |     |          |         |        |            |        |         |        | 1     | 76     |      |        | 330  | 184    | 591   | 97,979                                | 0.6032                                  |  |
| 10 | Rajbari         |                   |     |          |         |        |            |        |         |        |       |        |      |        |      |        | 0     | 56,313                                | 0.0000                                  |  |
| 11 | Magura          |                   |     |          | 30      |        |            |        |         |        |       |        |      |        |      | 142    | 172   | 98,355                                | 0.1749                                  |  |
| 12 | Joypurhat       |                   |     |          |         |        |            |        | 33      |        |       | 134    | 336  |        |      | 701    | 1204  | 69,033                                | 1.7441                                  |  |
| 13 | Muktagacha      |                   |     |          |         |        |            |        |         |        |       |        |      |        | 29   | 6      | 35    | 49,915                                | 0.0701                                  |  |
| 14 | Laksham         |                   |     |          | 4       |        |            |        |         |        |       |        |      | 30     |      | 34     | 68    | 70,632                                | 0.0963                                  |  |
| 15 | Chatak          |                   |     | 3        |         |        |            |        |         |        |       |        |      |        |      | 4      | 7     | 44,364                                | 0.0158                                  |  |
| 16 | Rangamati       | 1132              |     |          |         |        | 788        |        |         |        |       |        |      | 20904  |      | 1741   | 24565 | 84,804                                | 28.9668                                 |  |
| 17 | Ishwardi        |                   |     |          |         |        |            |        |         | 4      |       |        |      |        |      | 2      | 6     | 66,255                                | 0.0091                                  |  |
| 18 | Bera            |                   |     |          |         |        |            |        |         |        |       |        |      |        |      |        | 0     | 50,063                                | 0.0000                                  |  |
| 19 | Meherpur        | 4                 |     |          |         |        |            |        | 3       |        |       |        |      |        |      | 4      | 11    | 43,133                                | 0.0255                                  |  |
| 20 | Nabinagar       |                   |     |          |         |        |            |        |         |        |       |        |      |        |      |        | 0     | 53,157                                | 0.0000                                  |  |
| 21 | Lalmonirhat     | 0                 | 0   |          | 0       |        |            |        | 0       |        |       | 0      | 0    | 0      | 0    | 0      | 0     | 60,322                                | 0.0000                                  |  |
| 22 | Panchagarh      |                   |     |          |         |        |            |        |         |        |       |        |      |        |      |        | 0     | 45,589                                | 0.0000                                  |  |
| 23 | Bandarban       | 5494              | 105 |          | 880     |        |            |        |         |        |       |        |      |        |      | 2131   | 8610  | 41,434                                | 20.7800                                 |  |
| 24 | Khagrachari     | 3286              |     |          | 1786    |        |            |        |         |        |       |        |      | 8987   |      | 100    | 14159 | 39,654                                | 35.7064                                 |  |
| 25 | Jessore         |                   |     |          |         |        |            |        |         |        | 2     |        | 12   |        |      | 26     | 40    | 201,796                               | 0.0198                                  |  |
| 26 | Benapole        |                   |     |          |         |        |            |        |         |        |       |        | 2    |        |      | 32     | 34    | 36,524                                | 0.0931                                  |  |
| 27 | Nipalmari       |                   |     |          |         |        |            |        |         |        |       |        |      |        |      | 179    | 179   | 45,386                                | 0.3944                                  |  |
| 28 | Chuadanga       |                   |     |          |         |        |            |        |         |        |       |        |      |        |      | 21     | 21    | 85,786                                | 0.0245                                  |  |
| 29 | Kotalipara      |                   |     |          |         |        |            |        |         |        |       |        |      |        |      |        |       | 5,808                                 | 0.0000                                  |  |
| 30 | Charghat        |                   |     |          |         |        |            |        |         | 11     |       |        |      |        |      |        | 11    | 38,409                                | 0.0286                                  |  |

Source: BBS, Population Census, 2011

22. As UGIIP-3 primarily is not aimed to acquire any land for the project purpose, acquisition of common ancestry land will not come in forth. However, if such situation arises during detailed project design, this SECPF will serve the purpose of their safeguards.

### III. IDENTIFICATION OF INDIGENOUS PEOPLE IN THE PROJECT AREAS

23. The executing and implementing agencies will use ADB SPS, 2009 definitions and guidelines to identify indigenous people/SEC in particular geographic areas by examining the following characteristics.

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

24. In the course of initial social assessment of subprojects in 3 sample towns during project preparation, no SEC/indigenous people were found to be residing within or nearby the proposed locations. It is further noted that Naogaon, one of the sample town is not within the purview of scheduled SEC/indigenous people areas as defined by the Government of Bangladesh laws. It can be safely presumed that SEC/indigenous people residing in the project area probably scattered and have been assimilated over a period of centuries with the mainstream community.

### IV. APPROACH TO PREPARATION OF INDIGENOUS PEOPLES PLAN

25. **Screening.** Preparing an SECDP is necessary when UGIIP-3 subprojects are screened as IP category A or B projects.<sup>4</sup> IP category is determined by the project's impact on these people. The significance of a project's impact on SEC is determined by the following assessment:

- (i) Magnitude of impact in terms of:
  - customary rights of use and access to land and natural resources;
  - socioeconomic status;
  - cultural and communal integrity;
  - health, education, livelihood, and social security status;
  - recognition of social security status; and
  - recognition of indigenous knowledge.
- (ii) Level of vulnerability of the affected indigenous people

26. During the preliminary screening stage, pourashava officials will visit all SEC communities and villages at subproject potential impact areas. The pourashava will arrange

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<sup>4</sup> As per the ADB's OM Section F1/OP March 2010 (Para 10), screening process categorizes projects by the significance of their impacts on IPs. A proposed project is classified as category A if it is likely to have significant impacts on indigenous peoples. An indigenous peoples plan (IPP), including assessment of social impacts, is required. A proposed project is classified as category B if it is likely to have limited impacts on indigenous peoples. An IPP, including assessment of social impacts, is required. A proposed project is classified as category C if it is not expected to have impacts on indigenous peoples. No further action is required.

public meetings for selected communities at a pre-announced place and date to provide information on the project and subproject components. During the visits, community leaders and other participants, including representatives of SEC, will present their views on the merits, benefits, and envisaged constraints of the project and subproject components.

27. During initial visit, a screening exercise will be undertaken by the *pourashava* using ADB's screening and categorization forms for IP/IP populations, with the help of IP community leaders. Concerned staff will refer the list of scheduled tribes for the Government of Bangladesh and description of SEC based on ADB SPS, 2009. The screening will be done based on the following:

- (i) presence and names of SEC in the area;
- (ii) cultural and religious distinction of SEC vis-à-vis other communities, and mainstreaming of SEC with the dominant population;
- (iii) laws and legislations related to SEC;
- (iv) total number of SEC and percentage of SEC population to total population in the area;
- (v) number and percentage of SEC households likely to be affected by the subproject component; and
- (vi) initial assessment to also include level of vulnerability of the SEC, such as being a (primitive) SEC and existing socioeconomic conditions that may further deteriorate due to project impact. If such especially vulnerable groups among the SEC are identified within the project area, they warrant special measures for protecting their socio-cultural identity and baseline economic standard. While determining vulnerability of these SEC, assessment will be made if there is any possibility of future impact due to the project.

28. **Categorization.** Based on the IP assessment checklist, the project would be categorized according to ADB SPS, 2009.<sup>5</sup> If the assessment confirms likely impacts on SEC, the executing agency will engage qualified and experienced experts to carry out a full social impact assessment (SIA) of the affected SEC.

29. **Social impact assessment.** ADB SPS, 2009 spells out that in the initial project preparatory phase, an initial social assessment will include specific potential impacts on SEC potentially affected due to project implementation. If the SEC are identified as an adversely affected group of people or become vulnerable to being thus affected, an SECDP must be prepared by the executing agency in a manner acceptable to ADB.

30. Based on screening, a primary SIA field level survey will be conducted, either as part of a detailed project study report or as a stand-alone activity. The SIA will be conducted in consultation with the SEC, with emphasis on a gender-sensitive approach, and will identify project-affected SEC, potential impact, and severity of impact with special reference to gender impact. The SIA will prepare a baseline socioeconomic profile of the SEC in the project area and project impact zone. It will assess their access to social infrastructures and economic opportunities. The study will also indicate and focus on short- and long-term benefits and

<sup>5</sup> As per the ADB's OM Section F1/OP March 2010 (para 10), screening process categorizes projects by the significance of their impacts on IPs. A proposed project is classified as category A if it is likely to have significant impacts on indigenous peoples. An indigenous peoples plan (IPP), including assessment of social impacts, is required. (A proposed project is classified as category B if it is likely to have limited impacts on indigenous peoples. An IPP, including assessment of social impacts, is required. A proposed project is classified as category C if it is not expected to have impacts on indigenous peoples. No further action is required.

potential positive and adverse impacts on the SEC' social, cultural and economic status due to the project, assess which SEC will require SEC principles, and recommend the subsequent approaches, resource requirements, and planning mechanism to address the issues and concerns of the affected SEC. The level of detailed and comprehensive information required for the SIA will be commensurate with the complexity of the proposed project's impact on the SEC.

31. ADB SPS, 2009 have special requirements for assessment of project impact on an SEC, which needs to be assessed before project implementation. Particular attention has to be paid to the following aspects:

- (i) Ancestral domains and related natural resources
  - a. As SEC are closely tied to ancestral domains and natural resources, including land, forest, water, and others, special attention will be given to protect such ties in terms of their customary rights to these ancestral domains which they traditionally own, use, or occupy, and where access to natural resources is vital for their survival and livelihood system. The need to protect such ties, respecting cultural and spiritual values that IPs attach to these resources, and natural resource management for long-term sustainability should be considered while undertaking SIA. Rehabilitation of livelihood systems of SEC who are displaced should take priority.
  - b. If the project requires acquisition of lands that are customarily owned, used, or occupied by SEC, legal recognition of their customary rights to such lands and ancestral domains should be integrated into the project by the borrower/client. This will need full recognition of the existing customary land tenure system of the SEC and conversion of customary usage of rights to communal and/or individual ownership rights. If this option is not possible under national law, the SECDP will include an action plan for legal recognition of perpetual or long-term renewable custodial or user rights.
- (ii) Consent of affected SEC
  - a. SEC may become particularly vulnerable if the project includes commercial development of cultural resources and knowledge of SEC, physical displacement of SEC, and commercial development of natural resources within customary land use. The borrower/client in such projects will seek the consent of the affected SEC to proceed with the project. For the purpose of policy application, consent of affected SEC through a collective expression, by individuals, or by their recognized representatives can be considered broad community support for the project activities.
  - b. After receiving community support/consent, the borrower/client will provide documentation detailing the process and outcomes of consultation with SEC and/or SEC organizations, including findings of SIA, consultation briefs, additional measures (including project design modification that may be required for mitigating adverse impacts), and content of formal agreement with the SEC and/or SEC organizations. The borrower/client will submit all these documentation for review to ADB for investigation of broad community support. If investigation does not confirm community support, ADB will not finance the project.

- (iii) Commercial development of cultural resources
  - a. If the project involves commercial development of SEC' cultural resources and knowledge, the borrower/client will ensure that the affected SEC are informed of (i) their rights to such resources under statutory or customary law, (ii) the scope and nature of proposed development and those involved in the project development, and (iii) potential effects of such development on SEC' livelihood, environment, and use of such resources. The SECDP will reflect the nature and content of the agreement and will include arrangements to ensure SEC receives an equitable share from such commercial development.
- (iv) Physical displacement of SEC
  - a. All possible alternate project designs will be explored to avoid physical displacement of SEC that will result in adverse impacts on their identity, culture, and customary livelihoods. In case avoidance is not possible, an SECDP will be prepared that could be combined with a resettlement plan.
- (v) Commercial development of natural resources
  - a. If the project involves commercial development of natural resources, such as minerals, forest, water, hunting or fishing grounds within customary lands, the borrower/client will ensure that the affected communities are informed of (i) their rights to such resources under statutory and customary laws, (ii) the scope and nature of proposed commercial development and the parties involved in such development, and (iii) potential effects of such development on SEC. The borrower/client will include in the SECDP arrangements to enable IPs to receive an equitable share of the benefits to be derived from the project.

32. The main source of information for SIA will be direct interviews with potentially affected SEC households, besides separate group meetings with the SEC, including their leaders, youth, and men and women, especially those living within the project impact zone of the proposed subproject components. Group discussion will center on positive and negative impacts of the subproject components and SEC' recommendations on design of the project components.

33. The MDS consultants engaged by the executing agency will be responsible for analyzing the SIA data and information and developing an action plan in consultation with the SEC leaders. If the SIA indicates significantly adverse impacts, or that the SEC rejects the project proposal outright, other design options will be looked into to minimize adverse impacts.

34. An SECDP will be prepared only when the SEC accepts the design of the subproject component, and broad community support has been ascertained.

35. **Preparation of SECDP.** An SECDP addresses the aspirations, needs, and preferred options of the affected indigenous people, and places before them development options, keeping their distinctive socio-cultural status in view. The SECDP aims to strengthen the capacity of the affected SEC to encourage them to participate in and derive benefits from the project intervention. The principal elements of an SECDP are:

- (i) development plans for SEC should be prepared considering best options and approaches that are in accordance with affected individuals and communities;
- (ii) scope and impact of adverse effects of the project are assessed, and appropriate mitigation measures designed;



- (iii) social and cultural context of affected SEC and their traditional skill and knowledge in natural resource management should be considered;
- (iv) regular consultation will be held with the SEC, including the women, to seek their informed participation in designing mitigation measures and project intervention at all stages of project preparation and implementation. To achieve this information sharing, disclosure meetings, workshops, and distribution of pamphlets in local language will be carried out;
- (v) in areas where working experience with SEC is unknown, a pilot scale operation will be carried out and evaluated prior to full-scale implementation;
- (vi) community organizations, NGOs, and consultants experienced in executing SEC development plans will be engaged to prepare SECDP;
- (vii) responsible agency will formulate SECDP implementation schedule, which will be periodically monitored by pourashava officials as well as an independent/external monitoring agency; and
- (viii) responsible agency will also prepare a budget for SECDP implementation and a financing plan to ensure smooth progress.

36. The substantive aspects of this outline will guide the preparation of SECDPs. The SECDP will contain the following chapters:

- (i) Executive Summary of the SECDP - describes the critical facts, significant findings, and recommended actions.
- (ii) Description of the Project - provides a general description of the project; discusses project components and activities that may cause impacts on SEC; and identifies project area.
- (iii) Social Impact Assessment - this section:
  - a. reviews the legal and institutional framework applicable to SEC in project context;
  - b. provides baseline information on the demographic, social, cultural, and political characteristics of the affected SEC; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend;
  - c. identifies key project stakeholders and elaborates a culturally appropriate and gender-sensitive consultation process with SEC at each stage of project preparation and implementation;
  - d. based on meaningful consultation with the affected SEC, assesses the potential adverse and positive effects of the project. Assessment will include a gender-sensitive analysis of the relative vulnerability of, and risks to, the affected SEC with respect to their close ties to land and natural resources, as well as their lack of access to opportunities;
  - e. includes a gender-sensitive assessment of the affected SEC' perceptions about the project and its impact on their social, economic, and cultural status; and
  - f. based on meaningful consultation with the affected SEC, identifies and recommends the measures necessary to avoid adverse effects or, if such measures are not possible, identifies measures to minimize, mitigate, and/or compensate for such effects, and to ensure that the SEC receive culturally appropriate benefits under the project.

- (iv) Information Disclosure, Consultation, and Participation - this section:
  - a. describes the information disclosure, consultation, and participation process with the affected SEC that was carried out during project preparation;
  - b. summarizes their comments on the results of the social impact assessment, and identifies concerns raised during consultation, and how these have been addressed in project design;
  - c. in the case of project activities requiring broad community support, documents the process and outcome of consultations with affected SEC and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities;
  - d. describes consultation and participation mechanisms to be used during implementation to ensure SEC participation during implementation; and
  - e. confirms disclosure of the draft and final SECDP to the affected SEC.
- (v) Beneficial Measures - This section specifies the measures to ensure that the SEC receive social and economic benefits that are culturally appropriate and gender responsive.
- (vi) Mitigation Measures - This section specifies the measures to avoid adverse impacts on SEC, and where avoidance is impossible, specifies the measures to minimize, mitigate, and compensate for the unavoidable adverse impacts for each affected SEC.
- (vii) Capacity Building - This section provides measures to strengthen the social, legal, and technical capabilities of (a) government institutions, to address SEC issues in the project area; and (b) SEC organizations in the project area, to enable them to represent the affected SEC more effectively.
- (viii) Grievance Redress Mechanism - This section describes the procedures to redress grievances of affected SEC. It also explains how the procedures are accessible to SEC, culturally appropriate, and gender sensitive.
- (ix) Monitoring, Reporting, and Evaluation - This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the SECDP. It also specifies arrangements for participation of affected SEC in the preparation and validation of monitoring and evaluation reports.
- (x) Institutional Arrangement - This section describes institutional arrangement responsibilities and mechanisms for carrying out the various measures of the SECDP. It also describes the process of including relevant local organizations and NGOs in carrying out the measures of the SECDP.
- (xi) Budget and Financing - This section provides an itemized budget for all activities described in the SECDP.

37. **Mitigation Measures.** All affected SEC households will be provided with assistance, which would help them improve their living standards without exposing their communities to disintegration. As vulnerable groups, they are entitled to special assistance<sup>6</sup> not only to restore their livelihood and improve their income level, but also to maintain their distinct cultural identity.

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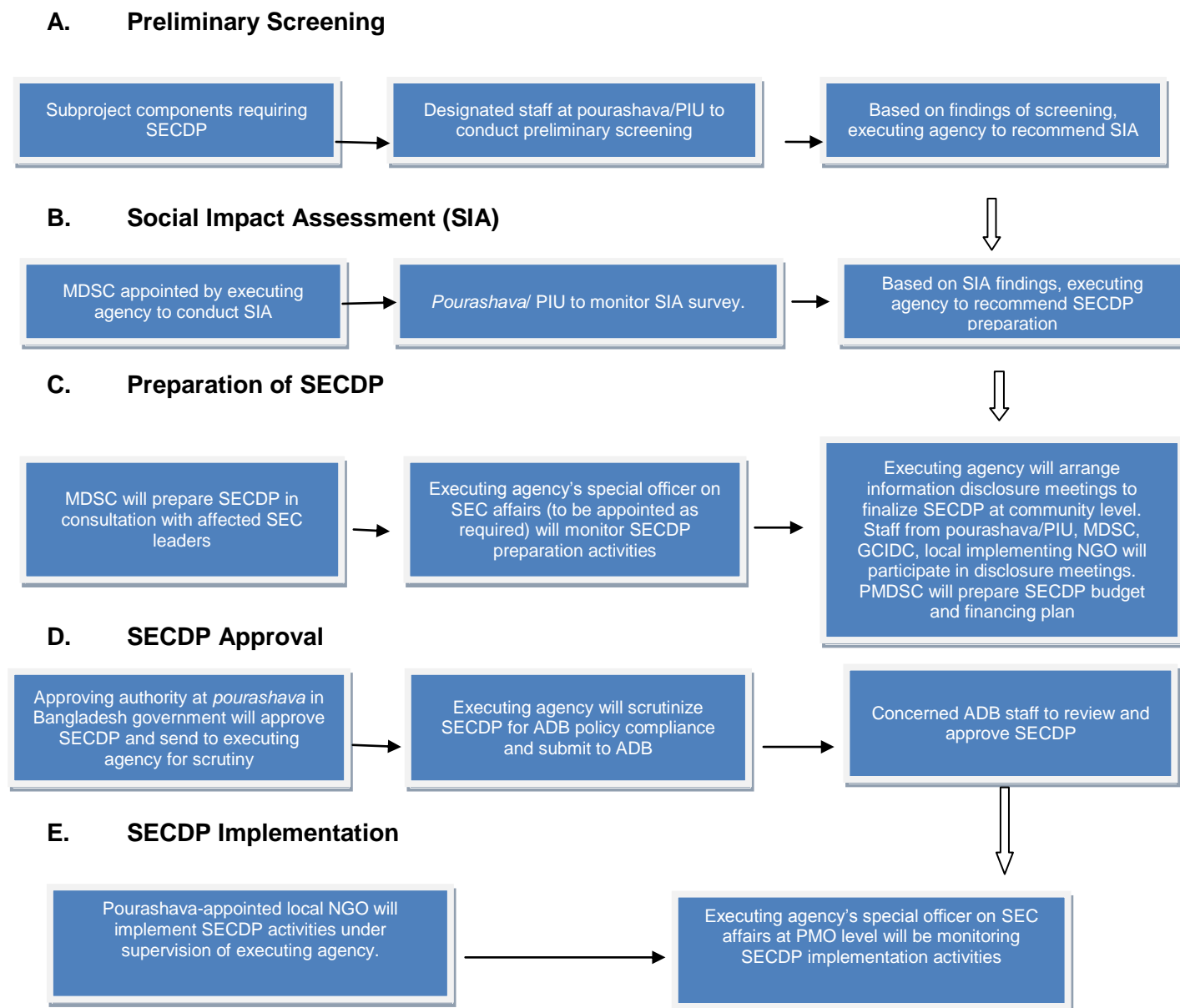
<sup>6</sup> Special assistance is an additional allowance to which IP are entitled, other than the decided compensation package. This may include assistance/support to preserve IP's cultural heritage, identity, and income-generating practices. The amount decided will depend on results of detailed surveys conducted as a part of the IPP.

38. Where land acquisition is essential, SEC are entitled to receive land-for-land compensation for the acquired land if government land is available. As SEC, they have the traditional customary right over land use, which will be retained, and absence of land title will not restrict them from receiving compensation or alternative land. They will be entitled to all types of compensation and assistance as defined in the RF of the project. According to the RF, the SEC, defined as scheduled tribes, will be treated as vulnerable persons/households. The RF is attached as an annex.

39. In case of insignificant impact on SEC due to resettlement, these impacts will be addressed by specific action planned for mitigation and included within the RF. These specific action plans will be incorporated into the RP to safeguard their interest as SEC. This decision of preparing a specific action plan for the SEC will depend on the significance and severity of impacts. A grievance redress mechanism (GRM) is prepared to address project-related issues affecting SEC, and to identify responsible persons for mitigating project-related grievances.

40. **Project Monitoring.** Monitoring and evaluation facilitates resolving problems that crop up during implementation by providing solutions without delay. The SECDP includes a set of monitoring indicators for periodic monitoring of the progress of planned activities incorporated in the SECDP.

41. For subprojects with significant adverse impact on SEC, the *pourashava* will engage qualified and experienced external experts and a qualified NGO with experience in similar work to assist the monitoring expert and verify monitoring information. The external monitor will advise the executing agency on compliance issues. If any significant SEC issues are identified, the executing agency will prepare a corrective action plan to mitigate those and/or update approved SECDP. The *pourashava* will implement the corrective action plan and take necessary steps to follow up the effectiveness of those corrective measures. The executing agency will prepare periodic monitoring reports on the progress of SECDP implementation, highlighting compliance issues and corrective actions taken, if any. The *pourashava* will submit semi-annual monitoring reports. The costs of monitoring requirements will be included in project budgets.

**Figure 3: SECDP - Flow of Planned Activities**

## V. GRIEVANCE REDRESS MECHANISM FOR INDIGENOUS PEOPLE

42. Redressing grievances of the affected SEC is vital, particularly if project impacts displace any SEC or individuals, disrupts livelihood, affects their customary rights over land, forest, water, and other natural resources, or puts obstacles to cultural heritage sites. Grievances may be caused by any of these adverse impacts and need to be resolved as quickly as possible, with consent and consultation with the SEC or their representatives.

43. A project-specific multi-tier grievance redress mechanism (GRM) will be in place to receive, evaluate, and facilitate complaints and grievances of the affected persons in relation to the project's social and environmental performances. IP-related concerns will also be integrated in this process to inquire, investigate, and apply mitigation measures for resolving issues. The

main objective of this common GRM will be to provide time-bound action and transparent mechanisms to resolve SEC' concerns due to adverse impact of the project. This common GRM will be regarded as an accessible and trusted platform for receiving and facilitating all project related complaints and grievances raised by the SEC. The multi-tier GRM for the program will have realistic time schedules to address grievances, and specific responsible persons identified to address grievances, and to whom the SEC has access to interact easily.

44. **Common GRM.** A common GRM will be in place for social, environmental, or any other grievances related to the project; the RPs, IEEs, and SECDPs will follow the GRM described below, which is developed in consultation with key stakeholders. The GRM will provide an accessible and trusted platform for receiving and facilitating resolution of affected persons' grievances related to the project. The multi-tier GRM for the project is outlined below, each tier having time-bound schedules and with responsible persons identified to address grievances and seek appropriate persons' advice at each stage, as required.

45. *Pourashava*-wide public awareness campaigns will ensure that awareness on grievance redress procedures is generated through the campaign. The PIU designated safeguard focal person and governance improvement and capacity development consultants (GICDC) will conduct *pourashava*-wide awareness campaigns to ensure that poor and vulnerable households are made aware of grievance redress procedures and entitlements, and will work with the PMO and MDSC to help ensure that their grievances are addressed.

46. Affected persons (APs) will have the flexibility of conveying grievances/suggestions by dropping grievance redress/suggestion forms in complaints/suggestion boxes that have already been installed by project *pourashavas* or through telephone hotlines at accessible locations, by e-mail, by post, or by writing in a complaints register in *pourashava* offices. Appendix 2 has the sample grievance registration form. Careful documentation of the name of the complainant, date of receipt of the complaint, address/contact details of the person, location of the problem area, and how the problem was resolved will be undertaken. The project management office (PMO) safeguard officer will have the overall responsibility for timely grievance redressal on environmental and social safeguards issues and for registration of grievances, related disclosure, and communication with the aggrieved party through the PIU designated safeguard focal person.

47. **Grievance redress process.** In case of grievances that are immediate and urgent in the perception of the complainant, the contractor and MDSC on-site personnel will provide the most easily accessible or first level of contact for quick resolution of grievances. Contact phone numbers and names of the concerned PIU safeguard focal person and contractors, will be posted at all construction sites at visible locations.

- i. **1<sup>st</sup> Level Grievance.** The phone number of the PIU office should be made available at the construction site signboards. The contractors and PIU safeguard focal person can immediately resolve on-site in consultation with each other, and will be required to do so within 7 days of receipt of a complaint/grievance.
- ii. **2<sup>nd</sup> Level Grievance.** All grievances that cannot be redressed within 7 days at field/ward level will be reviewed by the grievance redress cell (GRC) headed by Panel Mayor of the *pourashava* with support from PIU designated safeguard focal person and MDSC regional environment and resettlement specialists. GRC will attempt to resolve them within 15 days.<sup>7</sup> The PIU designated safeguard focal

<sup>7</sup> Grievance redress cells (GRC) will have been formed at *pourashava*-level. For example in Lalmonirhat

person will be responsible to see through the process of redressal of each grievance.

- iii. **3<sup>rd</sup> Level Grievance.** The PIU designated safeguard focal person will refer any unresolved or major issues to the PMO safeguard officer and MDSC national environmental and resettlement specialists. The PMO in consultation with these officers/specialists will resolve them within 30 days.

48. Despite the project GRM, an aggrieved person shall have access to the country's legal system at any stage, and accessing the country's legal system can run parallel to accessing the GRM and is not dependent on the negative outcome of the GRM.

49. In the event that the established GRM is not in a position to resolve the issue, the affected person also can use the ADB Accountability Mechanism (AM) through directly contacting (in writing) the Complaint Receiving Officer (CRO) at ADB headquarters or the ADB Bangladesh Resident Mission (BRM). The complaint can be submitted in any of the official languages of ADB's DMCs. The ADB Accountability Mechanism information will be included in the PID to be distributed to the affected communities, as part of the project GRM.

50. **Recordkeeping.** Records of all grievances received, including contact details of complainant, date the complaint was received, nature of grievance, agreed corrective actions and the date these were effected and final outcome will be kept by PIU. The number of grievances recorded and resolved and the outcomes will be displayed/disclosed in the PMO office, *pourashava* office, and on the web, as well as reported in monitoring reports submitted to ADB on a semi-annual basis.

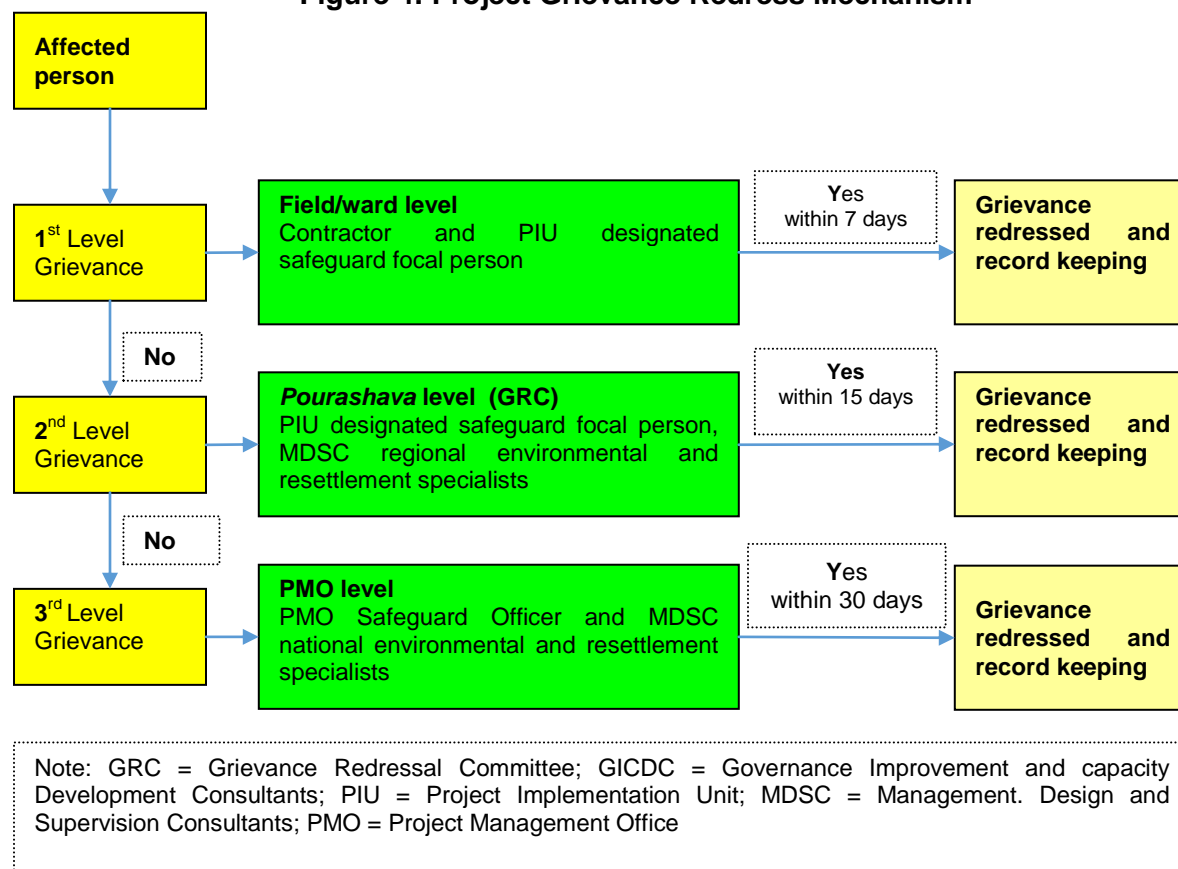
51. **Periodic review and documentation of lessons learned.** The PMO safeguard officer will periodically review the functioning of the GRM in each *pourashava* and record information on the effectiveness of the mechanism, especially on the project's ability to prevent and address grievances.

52. **Costs.** All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the concerned PIU at *pourashava*-level; while costs related to escalated grievances will be met by the PMO. Cost estimates for grievance redress are included in resettlement cost estimates.

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*pourashava*, the GRC comprises Panel Mayor as Chairperson, and 1 councilor, the *pourashava* Executive Engineer, Secretary *pourashava* and *pourashava* administrative officer, as members. All *pourashava*-level GRCs shall have at least one-woman member/chairperson and AP representative or independent NGO as committee member. In addition, for project-related grievances, representatives of APs, community-based organizations (CBOs), and eminent citizens must be invited as observers in GRC meetings.

**Figure 4: Project Grievance Redress Mechanism**



## VI. STRATEGY FOR INDIGENOUS PEOPLE'S PARTICIPATION

53. Consultations and information disclosure are an integral part of SECDP preparation in order to ensure that the priorities, preferences, and needs of the SEC have been taken into consideration adequately. With that objective in view, a strategy for consultation with SEC and their leaders will be developed so that these are conducted in a participatory manner. The *pourashava* and executing agency representatives will be part of evolving that strategy and consultation process.

54. The affected SEC will be actively engaged in all stages of the project cycle, including project preparation, and feedback of consultations with the SEC will be reflected in the project design, followed by disclosure. Their participation in project planning will inform project design, and the SEC should be convinced of their benefits from the project.

55. The SECDP prepared will be translated into the local language of the SEC and made available to them before implementation by the *pourashava*, with assistance from NGO. The NGO appointed for community development and participation activities will implement the SECDP.

56. Local community based organizations and SEC representatives will be involved in SECDP implementation and resolving all issues related to the SECDP through consultation and

facilitation by the implementing NGO. The executing agency will ensure adequate flow of funds for consultation and facilitation of planned activities within SECDP.

57. One project information disclosure (PID) brochure will be prepared, translated into a language understandable to the SEC, and distributed among them. **Appendix 3** provides the template for the PID.

## **VII. BENEFITS OF THE PROJECT AND MITIGATION OF ADVERSE IMPACTS**

58. The main thrust of the SECDP is to address the potential adverse impacts of the development project, taking into consideration the marginality and vulnerability status of the SEC. The SECDP will be formulated in such a way that the SEC will have development options built into the project design which are in accordance with their needs, and at the same time preserve their distinctive sociocultural identity. The SECDP will also focus on developmental strategy that encourages and strengthens their existing skill so that the SEC are able to derive benefits from project intervention.

59. Based on the significance and nature of the project impact on the SEC, the affected SEC will be entitled to various compensation packages. These are in line with the approved entitlements incorporated in the resettlement framework (RF) (**Appendix 4**). Where land acquisition is essential, SEC are entitled to receive land-for-land compensation for acquired land, if feasible. Their traditional customary right over land use will be protected. Absence of legal title over land will not be a bar to receiving compensation for land or alternate land. They will be entitled to all types of compensation and assistance as defined in the RF of the project. All compensation and assistances will be paid prior to start of project civil work.

60. In addition, the affected SEC are entitled to: (i) special assistance earmarked for the vulnerable group to restore their livelihood; (ii) improvements in their economic condition and better quality of life; and (iii) maintaining their cultural identity. The SEC living in the project impact zone will prepare the mitigation action plan to address the adverse issues, with support from *pourashava* officials, and consultant teams engaged in the project (management design and supervision consultants [MDSC] and governance improvement and capacity development consultants [GICDC]) to give shape to their plan of action.

61. If the impacts on SEC are not significant, the executing agency could decide to prepare a “specific action” plan detailing required actions to address the issues without preparing a stand-alone SECDP. This decision will depend on the severity of impacts. This “specific action” plan can be a community action plan where the SEC live with non-indigenous peoples in the same subproject location. Another way is to incorporate SEC issues and their benefits into the RP, if any. If the above are not feasible, it is possible to specifically include them in the subproject beneficiary group.

## **VIII. INSTITUTIONAL ARRANGEMENTS**

62. **Executing agencies.** LGED and DPHE will be the executing agencies for the project,

63. **Project management office.** A PMO will be established in LGED headed by a Project Director from LGED. The PMO will be staffed by a safeguard (social) officer to oversee safeguards implementation and monitoring of the project. The PMO will be responsible for implementing and monitoring safeguards compliance activities, public relations activities, gender



mainstreaming activities, and community participation activities. The PMO social safeguard officer will receive assistance from the national resettlement specialist in the following areas:

- (i) confirm SECDPs prepared by detailed design consultants and that new SECDPs are prepared in accordance with the SECPF and submit them to ADB for approval and disclosure;
- (ii) provide oversight on social safeguards aspects (avoidance and mitigation of impacts) of subprojects and ensure SECDPs are timely implemented by PIUs and contractors;
- (iii) establish a system to monitor social safeguards of the project including monitoring the indicators set out in the monitoring plan of the SECDP;
- (iv) establish and implement the project GRM;
- (v) facilitate and confirm overall compliance with project policy related to entitlements and compensation, as relevant;
- (vi) supervise and provide guidance to the PIUs to properly carry out the social safeguards monitoring and assessments as per the SECPF;
- (vii) review, monitor and evaluate the effectiveness with which the RPs are implemented, and recommend necessary corrective actions to be taken as necessary;
- (viii) consolidate monthly social safeguards monitoring reports from PIUs and submit semi-annual safeguards monitoring reports to ADB;
- (ix) ensure consultations with the affected people and timely disclosure of final RPs in locations and form accessible to the public;
- (x) ensure the timely availability of compensation fund prior RPs/SECDPs implementation; and
- (xi) address any grievances brought about through the GRM in a timely manner

**64. Implementing agencies and project implementation units.** The participating pourashavas will be the implementing agencies, and will establish a PIU within the pourashava structure. The PIUs will each designate a safeguard focal person and will receive assistance from the assigned MDSC regional resettlement specialist in the following areas:

- (i) facilitate and assist detailed design consultants and regional resettlement specialist for preparation of new safeguards documents for future subprojects;
- (ii) disclose the updated/finalized safeguards documents to the APs;
- (iii) implement final SECDPs and ensure timely payment of compensation and other assistance prior the dispossession of the affected assets or start of civil works;
- (iv) support the detailed design consultants in assessing and reviewing the land availability and ownership status of the proposed subproject areas;
- (v) conduct social safeguards monitoring during civil works and submit monthly report to PMO;
- (vi) conduct briefings on project GRM and safeguards policy principles to contractors' resettlement supervisors;
- (vii) take corrective actions when necessary to ensure avoidance/minimization of impacts on IPs;
- (viii) establish the GRC, disclose the project GRM to the affected communities and coordinate with other local government agencies for the preparation and implementation of the SECDP;
- (ix) Ensure availability of required compensation fund for disbursement to the entitled persons before the starts of civil works; and
- (x) address any grievances brought about through the GRM in a timely manner.

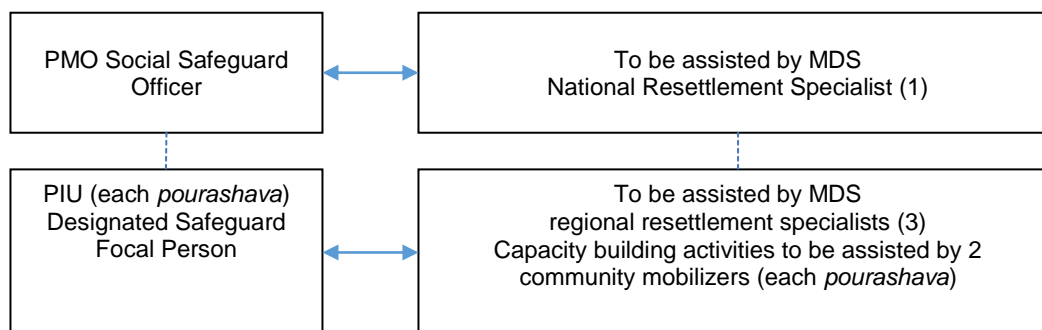
65. **Project Management, Design and Supervision Consultants (MDSC).** MDSC will be engaged to work closely with and advise the PMO and PIUs. The MDSC will have one national resettlement specialist and three regional resettlement specialist. The MDSC national resettlement specialist will, but not limited to:

- (i) work under the general supervision and guidance of MDSC team leader and deputy team leader;
- (ii) provide technical support to PMO and PIUs including review and update the SECPF and guidelines for specific types of the subprojects
- (iii) assist PMO in preparing terms of reference (TOR) for SECDP preparation, finalize SECDPs in accordance with the SECPF and submit to PMO for approval and submission to ADB;
- (iv) coordinate all IP issues and ensure that all subprojects comply with safeguards requirements of ADB and Government of Bangladesh;
- (v) train PIU officials regarding resettlement issues;
- (vi) assist PMO in all activities related to preparation, screening and finalization of SECDPs including budget allocation, approval and internal monitoring, etc.; and
- (vii) perform any other task assigned by the MDSC team leader and deputy team leader and the project director
- (viii) prepare the draft semi-annual monitoring reports for review and submission to PMO and ADB
- (ix) update, review and finalize the draft and new SECDPs prepared by the regional of the project for submission and approval to PMO and ADB

66. The MDSC regional resettlement specialists will, but not limited to:

- (i) prepare new SECDPs for subprojects in the subsequent phase with the guidance of national resettlement specialist;
- (ii) assist PIU in screening and categorization of subprojects;
- (iii) prepare Project Information Documents (PIDs) for disclosure to stakeholders and APs;
- (iv) conduct socio-economic survey and census of 100% APs/ affected IPs;
- (v) screen out vulnerable APs;
- (vi) calculate compensation and entitlement as per RF;
- (vii) hold consultation on RPs and entitlement with APs, incorporate comments and suggestions to RPs, finalize RPs and submit to PMO;
- (viii) train PIU official regarding resettlement issues and contractor's resettlement supervisor
- (ix) assist the PIU safeguard focal person in the preparation of monthly safeguards monitoring report for submission to PMO safeguard officer;
- (x) perform any other task assigned by MDSC team leader, deputy team leader and national resettlement specialist, and the project director.

67. **Civil works contracts and contractors.** The contractor will be required to designate a resettlement supervisor to (i) ensure compliance with SECDPs during civil works, and to (ii) carry out all mitigation and monitoring measures outlined in the EMP and their contract. Contractors will be required to repair/rehabilitate damaged properties to pre-work condition or compensate properties which cannot repaired/rehabilitated.



**Figure 5: Safeguards Implementation Arrangement**

## **IX. BUDGET FOR FORMULATING AND IMPLEMENTING SECDP**

68. The executing agency will provide each pourashava with sufficient resources to prepare and implement the SECDP if the subproject component will have any impact on SEC. The activities of the SECDP will be implemented by the pourashava, with assistance from local NGOs/CBOs, and will be monitored by the safeguard officer at pourashava level. A detailed budget will be prepared by the executing agency through the MDSC considering all the activities associated with formulation and implementation of SECDPs. Such budgets will be an integral component of the project cost, and will be made available during project implementation.

## **X. PROGRAM FOR MONITORING AND EVALUATION**

69. Monitoring and evaluation (M&E) are significant activities in developmental programs which deal with SEC, in particular. The implementing agency and the executing agency are likely to come across many issues and problems related to implementation, which need to be solved immediately and in a sensitive manner. Monitoring will provide such solutions. Monitoring will be a periodic assessment of planned activities, providing inputs at the project's mid-term level, facilitating changes, and giving necessary feedback on SECDP implementation activities and directing all involved on the right path, if necessary. Evaluation will take place at the end of the project and assess whether the planned activities have actually achieved their objectives to improve the SEC' standard of living and retain their sociocultural identity at the same time. The M&E mechanism will measure project performance and fulfillment of the project objectives.

70. Socioeconomic monitoring includes case studies, using baseline information for comparing the socioeconomic conditions, morbidity and mortality, communal harmony, dates for consultations, employment opportunities, etc.; and impact evaluation monitoring: improved living standards; access to natural resources; better bargaining power in the society; etc.

71. **Internal Monitoring.** The executing agency, with the help of the appointed representatives of the TLCC (civil society and non ex officio)<sup>8</sup> at the pourashava level, will carry out regular monthly internal monitoring. The pourashava will submit monthly progress reports to executing agency and to ADB. The appointed representatives of the TLCC will be thoroughly briefed and oriented on ADB SPS, 2009.

<sup>8</sup> At least one female member

72. **External Monitoring.** No subprojects with significant adverse impacts on SEC will be considered under UGIIP-3. Therefore engagement of qualified and experienced external experts or NGOs to verify monitoring information is not applicable.

73. **Reporting.** The semi-annual safeguards monitoring report prepared by the executing agency should include the implementation of the SECDP or specific action plan of the identified SEC. Reporting and monitoring formats will be prepared by the MDSC as per approved SECDPs for effective internal monitoring.

74. The reports will be submitted to ADB for review and comments. Each SECDP monitoring report will be submitted by executing agency to ADB for review and disclosure on the ADB website. Particularly, if land acquisition issues and packages for payment of compensation are involved, the monitoring reports will consist of details of the payment, and whether these are in conjunction with the project's civil work implementation.

## APPENDIX 1: INDIGENOUS PEOPLE/SMALL ETHNIC COMMUNITIES (SEC) IMPACTS SCREENING CHECKLISTS

### A. Introduction

1. Each project/subproject/component needs to be screened for any indigenous people impacts which will occur or have already occurred. This screening determines the necessary action to be taken by the project team.

B. Information on project/subproject/component:

a. *District/administrative name:* \_\_\_\_\_

b. *Location (km):* \_\_\_\_\_

c. *Civil work dates (proposed):* \_\_\_\_\_

d. *Technical description:* \_\_\_\_\_

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### B. Screening Questions for Indigenous People/SEC Impact

| KEY CONCERNS<br>(Please provide elaborations<br>in the "Remarks" column)   | YES | NO | NOT<br>KNOWN | Remarks |
|--|-----|----|--------------|---------|
| <b>A. Indigenous Peoples/SEC Identification</b>  |     |    |              |         |
| 1. Are there sociocultural groups present in or using the project area who may be considered "tribes" (hill tribes, scheduled tribes, IP/SEC), "minorities" (ethnic or national minorities), or "indigenous communities"?  |     |    |              |         |
| 2. Are there national or local laws or policies as well as anthropological researches/studies that consider these groups present in or using the project area as belonging to "ethnic minorities," scheduled tribes, IP/SEC, national minorities, or cultural communities? |     |    |              |         |
| 3. Do such groups self-identify as being part of a distinct social and cultural group?   |     |    |              |         |
| 4. Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?   |     |    |              |         |
| 5. Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?  |     |    |              |         |
| 6. Do such groups speak a distinct language or dialect?  |     |    |              |         |
| 7. Have such groups been historically, socially, and economically marginalized, disempowered, excluded, and/or discriminated against?  |     |    |              |         |
| 8. Are such groups represented as "indigenous peoples," "ethnic minorities," "scheduled tribes," or "IP populations" in any formal decision-making bodies at the national or local levels?   |     |    |              |         |
| <b>B. Identification of Potential Impacts</b>  |     |    |              |         |
| 9. Will the project directly or indirectly benefit or target indigenous peoples?   |     |    |              |         |
| 10. Will the project directly or indirectly affect indigenous peoples' traditional sociocultural and belief practices (e.g. child-rearing, health, education, arts, and governance)?   |     |    |              |         |

| <b>KEY CONCERNS</b><br>(Please provide elaborations<br>in the "Remarks" column)   | <b>YES</b> | <b>NO</b> | <b>NOT<br/>KNOWN</b> | <b>Remarks</b> |
|---|------------|-----------|----------------------|----------------|
| 11. Will the project affect the livelihood systems of indigenous peoples (e.g., food production system, natural resource management, crafts and trade, employment status)?  |            |           |                      |                |
| 12. Will the project be in an area (land or territory) occupied, owned, or used by indigenous peoples, and/or claimed as ancestral domain?  |            |           |                      |                |
| <b>C. Identification of Special Requirements</b><br><i>Will the project activities include:</i>   |            |           |                      |                |
| 13. Commercial development of the cultural resources and knowledge of indigenous peoples?   |            |           |                      |                |
| 14. Physical displacement from traditional or customary lands?  |            |           |                      |                |
| 15. Commercial development of natural resources (such as minerals, hydrocarbons, forests, water, hunting or fishing grounds) within customary lands under use that would impact the livelihoods or the cultural, ceremonial, and spiritual uses that define the identity and community of indigenous peoples? |            |           |                      |                |
| 16. Establishing legal recognition of rights to lands and territories that are traditionally owned or customarily used, occupied, or claimed by indigenous peoples?   |            |           |                      |                |
| 17. Acquisition of lands that are traditionally owned or customarily used, occupied, or claimed by indigenous peoples?  |            |           |                      |                |

### **C. Indigenous People/SEC Impact**

After reviewing the answers above, executing agency/safeguard team confirms that the proposed subsection/ section/subproject/component (tick as appropriate):

☐ has indigenous people (IP)/SEC impact, so an SECDP or specific SEC action plan is required.

☐ has No IP/SEC impact, so no SECDP/specific action plan is required.

|              |              |
|--------------|--------------|
| Prepared by: | Verified by: |
| Signature:   | Signature:   |
| Name:        | Name:        |
| Position:    | Position:    |

**APPENDIX 2: SAMPLE GRIEVANCE REDRESS FORM**  
**(To be translated in language understandable to SEC)**

The Project welcomes complaints, suggestions, queries and comments regarding project implementation. We encourage persons with grievance to provide their name and contact information to enable us to get in touch with you for clarification and feedback. Should you choose to include your personal details but want that information to remain confidential, please inform us by writing/typing \*(CONFIDENTIAL)\* above your name. Thank you.

|   |  |                              |                    |            |  |
|---|--|------------------------------|--------------------|------------|--|
| <b>Date</b>   |  | <b>Place of registration</b> |                    |            |  |
| <b>Contact Information/Personal Details</b>   |  |                              |                    |            |  |
| <b>Name</b>   |  | <b>Gender</b>                | * Male<br>* Female | <b>Age</b> |  |
| <b>Home Address</b>   |  |                              |                    |            |  |
| <b>Place</b>  |  |                              |                    |            |  |
| <b>Phone no.</b>  |  |                              |                    |            |  |
| <b>E-mail</b>   |  |                              |                    |            |  |
| <b>Complaint/Suggestion/Comment/Question</b> Please provide the details (who, what, where and how) of your grievance below: |  |                              |                    |            |  |
| If included as attachment/note/letter, please tick here:  |  |                              |                    |            |  |
| <b>How do you want us to reach you for feedback or update on your comment/grievance?</b>                                    |  |                              |                    |            |  |

**FOR OFFICIAL USE ONLY**

|  |           |
|--|-----------|
| <b>Registered by:</b> (Name of Official registering grievance)   |           |
| <b>Mode of communication:</b><br><input type="checkbox"/> Note/Letter<br><input type="checkbox"/> E-mail<br><input type="checkbox"/> Verbal/Telephonic |           |
| <b>Reviewed by:</b> (Names/Positions of Official(s) reviewing grievance)   |           |
| <b>Action Taken:</b>   |           |
| <b>Whether Action Taken Disclosed:</b>   | Yes<br>No |
| <b>Means of Disclosure:</b>  |           |

## **APPENDIX 3: DRAFT PAMPHLET ON PROJECT INFORMATION DISCLOSURE (PID) FOR SECPF**

### **I. Background**

Local Government Engineering Department (LGED) with the financial assistance of Asian Development Bank (ADB) have planned to implement UGIIP-3 in selected 30 *pourashavas* over a period of 6 years (2014 to 2020).

UGIIP-3 outcomes is improved access to municipal services and strengthened pro-poor and gender-responsive urban governance in target *pourashavas*. UGIIP-3 outputs are municipal infrastructure improved and made sustainable in target *pourashavas*, community participation, accountability, and financial management systems strengthened with emphasis on gender equity and social inclusion and project management. UGIIP-3 will improve existing and provide new municipal infrastructures including (i) roads; (ii) drainages; (iii) water supply system; (iv) solid waste management facilities; (v) markets, community center/auditorium, bus and truck terminals and river *ghats*; (vi) public toilets; and (vii) others such as provision for street lighting and improvement of slums.

### **II. Executing and implementing agencies**

LGED and the Department of Public Health Engineering (DPHE), will be the executing agencies of the project. The participating *pourashavas* are the implementing agencies.

### **III. Project safeguard category as per ADB SPS, 2009**

During project preparation stage, alignment and sites of proposed subprojects were assessed and results indicate that UGIIP-3 is considered to be a low risk category project with safeguard category B (environment and involuntary resettlement) and C (indigenous people). This assessment comes from the due diligence of 3 sample *pourashavas* (Lalmonirhat, Magura and Naogaon).

Involuntary resettlement impacts due to the subproject are addressed in the resettlement plans (RPs) prepared for each *pourashava* as per Government of Bangladesh's ARIPO and ADB SPS, 2009. These RPs will be updated during detailed design stage and will be disclosed to affected persons. In case of any discrepancy between the policies of ADB and the government, ADB SPS, 2009 will prevail.

An initial social and involuntary resettlement impact study was undertaken to assess any impact of the proposed projects on indigenous people. The social and poverty assessment study undertaken by the social development consultant did not project any impact on SEC, and no SEC was found to be affected due to project implementation. If at all, there will be a positive impact of better health and hygiene due to project intervention, which proposes improved water supply and sanitation for the slum/poor households.

During a census and social survey conducted to identify potential involuntary resettlement impacts, no SEC was found to be affected either permanently or temporarily enough to cause physical or economic displacement due to loss of land, property, or livelihood. No cultural heritage sites perceived to be of indigenous origin or protected, used, or occupied by the SEC was also noticed. Thus, the proposed projects will not have any adverse impact on SEC or their property, cultural systems, ties, or use of natural resources.



It has been noted during project preparation that 3 pourashavas are located in the Chittagong Hill Tract areas. A Small Ethnic Communities Planning Framework (SECPF) has been prepared to meet ADB SPS, 2009 Safeguard Requirement 3: Indigenous People. The SECPF will provide guidance to *pourashavas* in the preparation of indigenous people plans as per ADB SPS, 2009.

## **V. Eligibility and Entitlement**

All SEC who stand to lose land, assets, structures, and livelihood will be compensated, whether they have individual ownership title or not. Compensation for land will be based on the option of land for equal productive land, to be identified by the PIU and within close proximity, if possible. If such land is not available, cash compensation at replacement value or open market value of land will be paid. Landowners or land users who occupy or use land as customary right will also be treated as titleholders. Crop compensation will be paid for the standing crops at the highest market rate for 2 years, in addition to subsistence allowance for a period of 3 months at a minimum daily wage rate as decided by the Government of Bangladesh. Loss of perennial trees will be paid in accordance with their product value at market rate for the remaining productive years. Aside from this, cash assistance for the purchase of equipment/tools as income restoration measures will be given, or skill development training opportunities provided as per the choice of affected SEC. The hawkers/vendors suffering temporary loss of income during the construction period will be paid subsistence allowances at the rate of highest daily income for the number of lost days/weeks, and a lump sum shifting assistance.

## **VI. Institutional Arrangement**

A PMO will be established in LGED headed by a Project Director from LGED and will include one Deputy Project Director from DPHE. The PMO will be staffed by a safeguard officer to oversee safeguards implementation and monitoring of the project. The PMO will be responsible for implementing and monitoring safeguards compliance activities, public relations activities, gender mainstreaming activities, and community participation activities. The participating *pourashavas* will establish a PIU within the *pourashava* structure. The PIUs will each designate a safeguard focal person. Consultant teams (management, design and supervision consultants [MDSC] and governance improvement and capacity development consultants [GICDC]) will be engaged to provide assistance to PMO and PIUs. MDSC will have one national resettlement specialist and three regional resettlement specialist. GICDC will support PMO and PIUs in implementing urban government improvement action plan (UGIAP). GICDC will provide capacity development, community mobilization and other facilitation services.

The contractor/s will be required to designate a resettlement supervisor to (i) ensure compliance with RP and RF during civil works, and to (ii) carry out all mitigation and monitoring measures outlined in the environmental management plan and their contract. Contractor/s will be required to repair/rehabilitate damaged properties to pre-work condition or compensate properties which cannot be repaired/rehabilitated.

## **VII. Grievance Redress Mechanism**

A project-specific grievance redress mechanism (GRM) will be established in each PIU to receive, evaluate, and facilitate the resolution of AP's concerns, complaints, and grievances about the social and environmental performance at the level of the project. The GRM will aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project.

*Pourashava*-wide public awareness campaigns will ensure that awareness on grievance redress procedures is generated through the campaign. The PIU designated safeguard focal person and governance improvement and capacity development consultants (GICDC) will conduct *pourashava*-wide awareness campaigns to ensure that poor and vulnerable households are made aware of grievance redress procedures and entitlements, and will work with the PMO and MDSC to help ensure that their grievances are addressed.

APs will have the flexibility of conveying grievances/suggestions by dropping grievance redress/suggestion forms in complaints/suggestion boxes that have already been installed by project *pourashavas* or through telephone hotlines at accessible locations, by e-mail, by post, or by writing in a complaints register in *pourashava* offices. **Figure 1** shows the grievance redress process and further explained in the RF and RPs:

In the event that the established GRM is not in a position to resolve the issue, the affected person also can use the ADB Accountability Mechanism (AM) through directly contacting (in writing) the Complaint Receiving Officer (CRO) at ADB headquarters or the ADB Bangladesh Resident Mission (BRM). The complaint can be submitted in any of the official languages of ADB's DMCs. The ADB Accountability Mechanism information will be included in the PID to be distributed to the affected communities, as part of the project GRM.

## IX. Disclosure

The project SECPF and other relevant documents will be made available at public locations in the *pourashava* and posted on the websites of the executing agency and ADB. The consultation process will be continued and expanded during the project implementation to ensure stakeholders participate fully in project execution, as well as to implement comprehensive information, education, and communication plan.

Public consultation and disclosure with all interested and affected parties will remain a continuous process throughout the project implementation, and shall include the following:

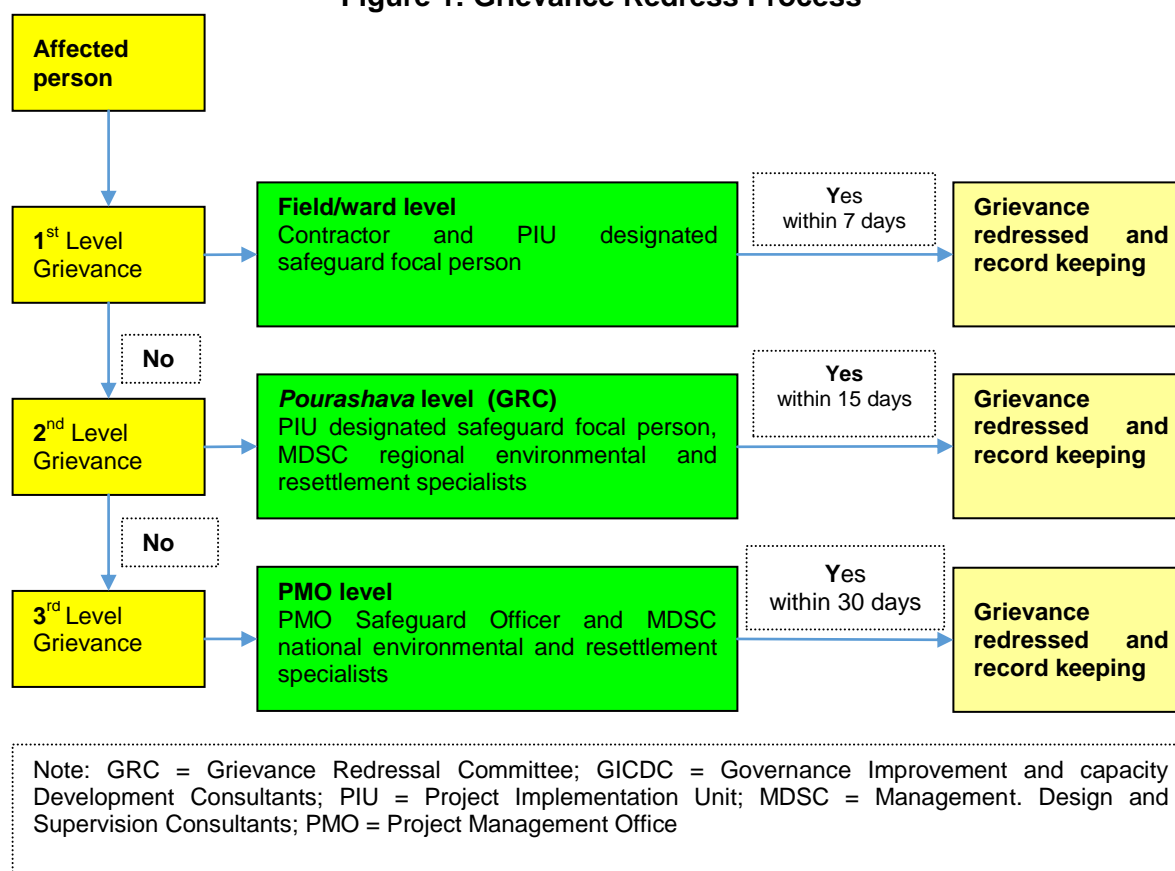
- (i) consultations during detailed design stage: (a) public meetings with affected communities to present final design and alignment of the components; (b) smaller-scale meetings with APs to discuss impacts and SECDP implementation.
- (ii) consultations during construction phase: (a) public meetings with affected communities to discuss and plan work programs and allow issues to be raised and addressed once construction has started; and (b) smaller-scale meetings to discuss and plan construction work with individual communities to reduce disturbance and other impacts, and to provide a mechanism through which stakeholders can participate in project monitoring and evaluation; and
- (ii) project disclosure: (a) public information campaigns (via flyers, billboards, and local media) to explain the project to the wider city population and prepare them for disruptions they may experience once construction is underway; (b) public disclosure meetings at key project stages to inform the public of progress and future plans, and to provide copies of summary documents in local language; (c) formal disclosure of completed project reports by making copies available at convenient locations in the study areas, and informing the public of their availability; and (d) providing a mechanism through which comments can be made.

A consultation and participation plan is prepared for UGIIP-3; consultation activities will be coordinated by the PMO, PIU and consultant teams to ensure that the communities are fully

aware of the activities at all stages of the project implementation.

To provide for more transparency in planning and for further active involvement of APs and other stakeholders, relevant information from this RP will be translated to Bangla made available at (i) offices of LGED and pourashava, (ii) area offices, (iii) consultant teams' offices and (iv) contractor's campsites. It will be ensured that the hard copies of this RP are kept at places which are conveniently accessible to people, as a means to disclose the document and at the same time creating wider public awareness. An electronic version of safeguard documents will be placed in the official website of the executing agency and *pourashava*, and ADB's website after confirmation by ADB.

**Figure 1: Grievance Redress Process**



## IX. Monitoring and Reporting

**Internal Monitoring.** The executing agency, with the help of the appointed representatives of the TLCC (civil society and non ex officio)<sup>9</sup> at the pourashava level, will carry out regular monthly internal monitoring. The pourashava will submit monthly progress reports to executing agency and to ADB. The appointed representatives of the TLCC will be thoroughly briefed and oriented on ADB SPS, 2009.

<sup>9</sup> At least one female member

**External Monitoring.** No subprojects with significant adverse impacts on IPs will be considered under UGIIP-3. Therefore engagement of qualified and experienced external experts or NGOs to verify monitoring information is not applicable.

**Reporting.** The semi-annual safeguards monitoring report prepared by the executing agency should include the implementation of the SECDP or specific action plan of the identified SEC. Reporting and monitoring formats will be prepared by the MDSC as per approved SECDPs for effective internal monitoring.

The reports will be submitted to ADB for review and comments. Each SECDP monitoring report will be submitted by executing agency to ADB for review and disclosure on the ADB website. Particularly, if land acquisition issues and packages for payment of compensation are involved, the monitoring reports will consist of details of the payment, and whether these are in conjunction with the project's civil work implementation.

## APPENDIX 4: UGIIP-3 ENTITLEMENT MATRIX

| Type of Loss   | Specification               | Eligibility   | Entitlements   |
|--|-----------------------------|---|--|
| <b>1. LAND</b>   |                             |   |  |
| Agricultural (including crop land, pastures, wasteland, ponds, etc.) | Partial loss of plot (<50%) | Owner (titleholder, legalizable user)<br><br>legalizable user means land owners/users that have traditional/customary/ rights to the land but have no formal/legal papers of the ownerships. This is commonly found among the traditional/ tribal/indigenous communities. | <ul style="list-style-type: none"> <li>- Cash compensation at fair market value, including all transaction costs, such as applicable fees and taxes</li> <li>- Provision of title for remaining land to legalizable user</li> <li>- Subsistence cash allowance based on income from lost plot: (a) for a period of 6 months if residual land unviable; (b) for a period of 3 months if residual land viable.</li> </ul>  |
|  |                             | Lessee  | <ul style="list-style-type: none"> <li>- Cash refund of the lease money for the lessee for duration of remaining lease period to be deducted from the owner</li> <li>- Assistance to find alternative land</li> <li>- Subsistence cash allowance based on 3 months' income from lost plot, for a period of 3 months.</li> </ul>  |
|  |                             | Sharecrop tenant (registered, informal)   | <ul style="list-style-type: none"> <li>- Assistance to find alternative land</li> <li>- Subsistence cash allowance based on 3 months' income from lost plot, for a period of 3 months.</li> </ul>  |
|  |                             | Non-titled user (squatter/ informal land users)   | <ul style="list-style-type: none"> <li>- No compensation for land loss</li> <li>- Provision to use the remaining land</li> <li>- Subsistence cash allowance based on 3 months' income from lost plot.</li> </ul>   |
|  | Full loss of plot (≥ 50 %)  | Owner (titleholder, legalizable user)<br><br>legalizable user means land owners/users that have traditional/customary/ rights to the land but have no formal/legal papers of the ownerships. This is commonly found among the traditional/ tribal/indigenous communities. | <ul style="list-style-type: none"> <li>- Land-for-land compensation through provision of fully titled and registered replacement plot of comparable value and location as lost plot, including payment of all transaction costs, such as applicable fees and taxes</li> <li>- Cash compensation at fair market value, including all transaction costs, such as applicable fees and taxes</li> <li>- Unaffected portions of a plot that become unviable as a result of impact will also be compensated</li> <li>- Subsistence cash allowance based on income from lost plot: (a) for a period of 6 months if residual land unviable; (b) for a period of 3 months if residual land viable.</li> </ul> |
|  |                             | Lessee  | <ul style="list-style-type: none"> <li>- Cash refund at rate of rental fee proportionate to size of lost plot for 6 months</li> <li>- Cash refund of the lease money for the lessee for duration of remaining lease period, to be deducted from the owner assistance to find alternative land for rent/lease</li> </ul>  |
|  |                             | Sharecrop tenant  | <ul style="list-style-type: none"> <li>- Cash compensation equal to current market</li> </ul>  |

| Type of Loss                       | Specification                | Eligibility  | Entitlements  |
|------------------------------------|------------------------------|--|---|
| Residential, commercial, community | Partial loss of plot (<50 %) | (registered, informal)   | value of share of 1 year of harvests for entire lost plot<br>- Assistance to find alternative land  |
|                                    |                              | Non-titled user (squatters/ informal land users)   | - No compensation for land loss<br>- Assistance for finding alternative land<br>- Subsistence cash allowance based on 3 months' income from lost plot, for a period of 3 months   |
|                                    |                              | Owner (titleholder, legalizable user)  | - Cash compensation at fair market value including all transaction costs, such as applicable fees and taxes<br>- Provision of title for remaining land to legalizable user  |
|                                    | Full loss of plot (=>50 %)   | legalizable user means land owners/users that have traditional/customary/ rights to the land but have no formal/legal papers of the ownerships. This is commonly found among the traditional/ tribal/indigenous communities. |   |
|                                    |                              | Lessee, tenant   | - Cash refund of the lease money for the lessee for duration of remaining lease period to be deducted from the owner<br>- Provision of cash compensation for 6 months rental value of similar level of structure  |
|                                    |                              | Non-titled user (squatter, encroacher)   | - No compensation for land loss<br>- Provision to use the remaining land  |
|                                    | Full loss of plot (=>50 %)   | Owner (titleholder, legalizable user)  | - The AP may choose between the following alternatives:<br>- Land-for-land compensation through provision of fully titled and registered replacement plot of comparable value and location as lost plot (possibly at relocation site for displaced community), including payment of all transaction costs, such as applicable fees and taxes<br><b>OR</b><br>- Cash compensation at fair market value, including all transaction costs, such as applicable fees and taxes |
|                                    |                              | Lessee, tenant   | - Cash refund of the lease money for the lessee for duration of remaining lease period to be deducted from the owner<br>- Assistance to find alternative place for lease/rent   |
|                                    |                              | Non-titled user (squatter, encroacher)   | - No compensation for land loss<br>- Assistance to find alternative land as titled or rental/lease land<br>- Allowed to construct temporary structure on identified land  |

| Type of Loss                                     | Specification  | Eligibility                            | Entitlements   |
|--|--|--|--|
| Temporary land acquisition                       | Land required temporarily during civil works                         | Owner, lessee, tenant                  | <ul style="list-style-type: none"><li>- Rental fee payment for period of occupation of land</li><li>- Restoration of land to original state</li><li>- Guarantee of access to land and structures located on remaining land</li></ul>   |
|  |  | Non-titled user                        | <ul style="list-style-type: none"><li>- Restoration of land to original state</li><li>- Guarantee of access to land and structures located on remaining land</li></ul>   |
| 2. STRUCTURES                                    |  |  |  |
| Residential, agricultural, commercial, community | Partial loss (<30 %) and alteration of structure                     | Owner (including non-titled land user) | <ul style="list-style-type: none"><li>- Cash compensation for lost parts of structure at replacement cost and repair of remaining structure at market rate for materials, labor, transport, and other incidental costs, without deduction of depreciation for age</li><li>- Right to salvage materials from lost structure</li><li>- Allowed to construct temporary structure on unused part of project land after completion of civil work, through some lease/rent system</li><li>- In case of loss of toilet rendering structure unlivable, replacement with safe sanitation facilities at adjacent or nearby location, or, compensation for the entire structure at the discretion of the owner.</li></ul>   |
|  |  | Lessee, tenant                         | <ul style="list-style-type: none"><li>- Cash refund of the lease money for the lessee for duration of remaining lease period (to be deducted from the owner)</li></ul>   |
|  | Full loss of structure (=>30 %) and relocation                       | Owner (including non-titled land user) | <ul style="list-style-type: none"><li>- The AP may choose between the following alternatives:</li><li>- Compensation through provision of fully titled and registered replacement structure of comparable quality and value, including payment of all transaction costs, materials, labor, transport, and other incidental costs, at a relocation site or a location agreeable to the AP</li></ul> <b>OR</b> <ul style="list-style-type: none"><li>- Cash compensation for the affected structure at replacement cost, including all transaction costs, materials, labor, transport, and other incidental costs, without deduction of depreciation for age</li><li>- In case of the remaining structure become unlivable the compensation will be calculated for the entire structure without deduction of depreciation and self-relocation</li></ul> <b>IN EITHER CASE</b> <ul style="list-style-type: none"><li>- Right to salvage materials from lost structure</li></ul> |
|  |  | Lessee, tenant                         | <ul style="list-style-type: none"><li>- Cash refund at rate of rental fee proportionate to size of lost plot for 6 months</li><li>- The lease money for the lessee for duration of remaining lease period will be deducted from the owner</li></ul>  |
|  | Moving of minor structures (fences, sheds, kitchens, latrines, etc.) | Owner, lessee, tenant                  | <ul style="list-style-type: none"><li>- The AP may choose between the following alternatives:</li><li>- Cash compensation for self-reconstruction of structure at market rate (labor, materials, transport, and other incidental costs)</li></ul> <b>OR</b> <ul style="list-style-type: none"><li>- Relocation/reconstruction of the structure by the project</li></ul> <b>IN EITHER CASE</b>  |
|  |  |  |  |

| Type of Loss                              | Specification  | Eligibility  | Entitlements  |
|---|--|--|---|
|   |  |  | - Access to the affected facility should be to be restored  |
|   | Stalls, kiosks   | Vendors (including titled and non-titled land users) | - Assistance for finding alternative land to continue business<br>- Allowed to construct temporary structure/continue business through some lease/rent system as vendor, at alternative location comparable to lost location<br><b>AND</b><br>- Cash compensation for self-relocation of stall/kiosk at market rate (labor, materials, transport, and other incidental costs)   |
|   | Fixed assets attached to affected structures (water supply, telephone lines) | Owner, lessee, tenant                                | - Cash compensation for reinstallation and connection charges   |
| <b>3. INCOME RESTORATION<sup>10</sup></b> |  |  |   |
| Crops                                     | Affected crops   | Cultivator   | - Department of Agriculture will determine the valuation of seasonal crops. Cash compensation at current market rate proportionate to size of lost plot for 1 year's future harvests, based on crop type and highest average yield over past 3 years.<br>- For seasonal crops: if notice for harvest of standing seasonal crops cannot be given then value of lost standing crop at market value will be made.<br>- For perennial crops: value will be calculated as annual net product value multiplied by number of productive years remaining.<br>- Residual harvest can be taken away without any deduction<br>- If land is permanently lost add another year of loss income from crops (net income) to cover the loss during the preparation of new agricultural land.           |
|   |  | Parties to sharecrop arrangement                     | - Same as above and distributed between land owner and tenant according to legally stipulated or traditionally/informally agreed share  |
| Trees                                     | Affected trees   | Cultivator   | a) - Value of timber bearing trees will be based on the market price of timber and will be determined by the Forest Department. Cash compensation for timber trees at current market rate of timber value, plus cost of purchase of seedlings/sapling and required inputs to replace trees<br>b) - Value of fruit-bearing trees will be based on value of products multiplied by number of productive years remaining. Cash compensation for fruit bearing trees at current market rate of crop type and average yield multiplied, (i) for immature non-bearing trees, by the years required to grow tree to productivity, or (ii) for mature crop-bearing trees, by 5 years average crops (the grafted/tissue cultured plant usually starts fruiting within 2-3 years), plus cost of |

<sup>10</sup> Re-establishing productive livelihood of the displaced persons to enable income generation equal to or, if possible, better than that earned by the displaced persons before the resettlement.



| Type of Loss                                   | Specification  | Eligibility   | Entitlements  |
|--|--|---|---|
|  |  |   | purchase of grafted/tissue cultured plant and required inputs to replace trees. Department of Horticulture will determine the valuation of fruit-bearing trees.   |
|  |  | Parties to sharecrop arrangement                      | - Same as above and distributed between land owner and tenant according to legally stipulated or traditionally/informally agreed share  |
| Permanent loss of agriculture-based livelihood | Partial loss of agricultural land with viable land remaining   | Owner, lessee, sharecrop tenant, non-titled land user | - Provision of support for investments in productivity enhancing inputs, such as land levelling, terracing, erosion control, and agricultural extension, as feasible and applicable<br>- Additional financial supports/grants if land/crop compensation is insufficient for additional income-generating investments to maintain livelihood at BDT 70,000 per household (the provided sum is given to the entitled AP for one time allowance/ income generating assistance).  |
|  | Full loss of viable agricultural land without availability of alternative land   | Owner, lessee, sharecrop tenant, non-titled land user | - Provision of retraining, job placement<br>- Included in the project livelihood restoration and rehabilitation program<br>- Financial grants and/or microcredit access for livelihood investment as well as organizational/logistical support to establish an alternative income generation activity BDT 90,000 per household (the provided sum is given to the entitled AP for one time allowance/ income generating assistance).   |
| Loss of income from agricultural labor         |  | Wage laborers in any affected agricultural land       | - Cash assistance for loss of income up to 7 days at actual income loss as per census or Government of Bangladesh registered minimum wage, whichever is higher<br>- Preferential selection for work at project site during civil works  |
| Maintenance of access to means of livelihood   | obstruction by subproject facilities   | All APs   | - Accessibility of agricultural fields, community/social facilities, business premises, and residences of persons in the project area ensured<br>- Accessibility to the original/alternative fishing ground   |
| Businesses                                     | Temporary business loss due to land acquisition and/or resettlement or construction activities of project                    | Owner of business (registered, informal)              | - Cash compensation equal to lost income during period of business interruption based on tax record or, in its absence, comparable rates from registered businesses of the same type with tax records or Government of Bangladesh registered minimum wage, whichever is higher<br>- Assistance to re-establish business. APs will be provided 7 days advance notice, followed by a reminder 1 days before construction<br>- If required, they will be assisted to temporarily shift for continued economic activity and then assisted to shift back, post construction. |
|  | Permanent business loss due to land acquisition and/or resettlement without possibility of establishing alternative business | Owner of business (registered, informal)              | - Cash assistance for lost income based on 3 months' minimum wage rates to permanently displaced vendors will be paid, , based on tax record or, in its absence, comparable rates from registered businesses of the same type with tax records or Government of Bangladesh registered minimum wage, whichever is higher<br><b>AND</b>   |

| Type of Loss   | Specification  | Eligibility                                   | Entitlements  |
|--|--|---|---|
|  |  |   | <ul style="list-style-type: none"> <li>- Provision of retraining, job placement, additional financial grants and microcredit for equipment and buildings, as well as organizational/logistical support to establish AP in alternative income generation activity</li> <li>- Included in the project livelihood restoration and rehabilitation program</li> </ul>  |
| Employment   | Temporary employment loss due to land acquisition and/or resettlement or construction activities   | All laid-off employees of affected businesses | <ul style="list-style-type: none"> <li>- Cash compensation equal to lost wages during period of employment interruption up to 6 months, based on tax record or registered wage, or, in its absence, comparable rates for employment of the same type</li> <li>- As applicable by labor code, compensation will be paid to the employer to enable him/her to fulfil legal obligations to provide compensation payments to laid-off employees, to be verified by government labor inspector</li> </ul>  |
|  | Permanent employment loss due to land acquisition and/or resettlement without possibility of re-employment in similar sector and position in or near area of lost employment/ daily wage   | All laid-off employees of affected businesses | <ul style="list-style-type: none"> <li>- Cash compensation equal to lost wages for 6 months, based on tax record or registered wage, or, in its absence, comparable rates for employment of the same type</li> <li>- If required by the applicable labor code, compensation will be paid to employer to enable him/her to fulfil legal obligations to provide severance payments to laid-off employees, to be verified by government labor inspector</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>- Provision of retraining, job placement, additional financial grants, and microcredit for equipment and buildings, as well as organizational/logistical support to establish AP in alternative income generation activity</li> <li>- Included in the project livelihood restoration and rehabilitation program</li> </ul> |
| <b>4. COMMON RESOURCES, PUBLIC SERVICES AND FACILITIES</b> |  |   |   |
| Loss of common resources, public services and facilities   | footbridges, roads, footpaths, culverts, places of worship, classrooms in educational institutions, canal water by downstream users, common water points/connections, public/community toilets, community spaces, playgrounds etc. | Service provider                              | <ul style="list-style-type: none"> <li>- Full restoration at original site or reestablishment at relocation site of lost common resources, public services and facilities, including replacement of related land and relocation of structures</li> <li>- One time grant fund for the common public resources committee and management</li> </ul>  |
| <b>5. SPECIAL PROVISIONS</b>                               |  |   |   |
| Vulnerable APs   | Loss of land, structure, and/or employment   | All vulnerable APs                            | <ul style="list-style-type: none"> <li>- Assistance in identification and purchase or rental of new plot/structure</li> <li>- Assistance with administrative process of land transfer, property title, cadastral mapping, and preparation of compensation agreements</li> <li>- Provision of livelihood training, job placement</li> <li>- Included in the project livelihood restoration and rehabilitation program</li> <li>- Financial grants and/or microcredit access for livelihood investment as well as organizational/logistical support to establish an</li> </ul>  |

| Type of Loss   | Specification  | Eligibility  | Entitlements   |
|--|--|--|--|
|  |  |  | alternative income generation activity<br>- Subsistence allowance of minimum of 2 months of official minimum wage<br>- Preferential selection for project-related employment   |
| Women, social/religious minorities, elderly-headed household*, poor households | Loss of land and structures                                  | Titled or recognized owners of land and structures | - Titling of replacement land and structures in female owner's/minority/ elderly household head's name (as applicable)<br>- Cash compensation paid directly to female owners and head of minority households   |
| Tribal people affected, if any   | Loss of land, community assets and structures                | Affected tribal people/ community                  | - Compensation packages as determine by the government valuation team and consultation with the affected community<br>- Full restoration and renovation of affected assets<br>- Special assistance for livelihood restoration as required<br>- In case of major impacts, specific assistance and benefits will be specify under Indigenous People Development Plan |
| Other impacts  | Unanticipated impacts and negotiated changes to entitlements | All APs  | - To be determined in accordance with the IR safeguards requirements of the ADB SPS and project resettlement framework<br>- Project RP to be updated and disclosed on ADB website<br>- Standards of the entitlement matrix of the RP not to be lowered   |

\* The eligibility will follow the Department of Social Service of Ministry of Social Welfare that uses 65 years old for man and 62 years old for woman to define elderly people.