

Resilient Infrastructure for Adaptation and Vulnerability Reduction (RIVER)

SMALL ETHNIC COMMUNITY DEVELOPMENT PLANNING FRAMEWORK (SECDPF)

Local Government Engineering Division (LGED)

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Executive Summary

The ‘Resilient Infrastructure for Adaptation and Vulnerability Reduction (RIVER)’ project aims to reduce the vulnerability of people in targeted communities to riverine and flash floods, improve the country’s capacity in disaster preparedness and response, and respond promptly in the event of an eligible crisis or emergency. This project will construct resilient infrastructures in flood prone districts of Bangladesh including community infrastructures, raising of ground and road levels etc. so that flood-like disasters can be better managed and the project beneficiaries can withstand the impact for a long term.

The World Bank’s ESS7 is relevant for the project since a number of ethnic communities (term for Indigenous People in Bangladesh) are present in project areas meeting the criteria of ESS7. A Small Ethnic Community Development Planning Framework (SECDPF) has been developed to ensure that SECs would be sufficiently and meaningfully consulted leading to their collecting support for the project and to ensure risks and impacts against SECs are addressed and that they would have equal opportunity to share the project benefits.

The SECDPF will form a basis for project implementation and monitoring and evaluation of how this project deals with the SEC issues. At the project implementation stage, Small Ethnic and Vulnerable Community Development Plan (SECDP) will be developed, based on this SECDPF, once the sites for project interventions are identified with all relevant information and results of social screening confirmed presence of SECs among the targeted beneficiaries.

The objectives of the SECDPF are to screen all activities to determine the presence of SECs, ensure their direct participation in selection, design and implementation of the activities including any civil works; ensure project activities do not warrant the need for FPIC; and adopt special measures to reinforce and promote any available opportunities for socio-economic development of the affected SECs.

The Constitution of Bangladesh all citizens are equal before the law and are entitled to equal protection of the law. Nevertheless, some specific laws refer to small ethnic communities especially focusing the tribal peoples in the Chittagong Hill Tract (CHT) area, such as East Bengal State Acquisition and Tenancy Act, 1950, CHT Regulation of 1900, the Hill District Council Acts of 1989, the CHT Regional Council Act of 1998 etc. The operating principles of the project would consider all these laws and regulations because of the development of the SECs.

Since the SECs are amongst the poorest across the country, they will receive priority support in the project. The project will pay particular attention to the involvement of the SECs and based on full consideration of the options preferred by them. The project will create an opportunity for the active involvement of the SECs at each stage of its operation. The involvement of the SECs in planning, implementation and monitoring of the programs meant for their development is the cornerstone of SECDPF strategy of the project.

The SECDP will be prepared for each area where the small ethnic communities constitute minimum 1% of the population. The SECDP will consider the ethnic and demographic characteristics of the project affected population; prevailing intuitions, such as family, religion, language and education; and other small ethnic community variables and social stigmas. SECDPs will primarily aim at mitigating adverse impacts and reinforcing and promoting any existing development opportunities in those SEC areas of the project, along with addressing any gender issues.

1. Introduction

1.1 Background and Scope

The project aims at construction of resilient structures in flood prone districts of Bangladesh including community infrastructures, raising of ground and road levels etc so that flood-like disasters can be better managed and the project beneficiaries can withstand the impact for a long term. Out of the 14 project districts, small pockets of ethnic communities (Santal, Pankghwa, Garo, Munda, Hodi, Barman etc) have been known to exist in several places who meet the criteria of ESS7 in varying degrees. Most of these SECs are residing separately away from the mainstream population. The SECDPF has been developed to provide policy/procedure guidelines to address risks and impacts on the SECs present in the project area, to carryout meaningful consultation with them for broad community support and to ensure their needs and aspirations are taken into considerations in project design. The project activities will be analyzed to see if risks and impacts on the SECs require Free, prior, Informed Consent (FPIC) or not and in case FPIC is required, such activities will be screened out.

In Bangladesh the Indigenous People are termed as Small Ethnic Communities (SEC). The presence of SECs (meeting the criteria of ESS7) in various pockets in the project areas, their cultural diversity and numbers, differences among them in terms of the language and other norms and practices warrant a standalone SECDPF. It is to be noted that the SECDPF covers ethnic communities only, the vulnerable and disadvantaged groups and the consultation with them is covered under the SEP.

The impacts of floods on vulnerable communities extend beyond short-term asset losses to long-term human capital impacts. During floods, families along with their cattle and belongings they can carry, evacuate to available public land, usually the grounds around public buildings and elevated roads which double as embankments. There, they stay in makeshift shelters in poor sanitary conditions, with precarious access to safe water and sanitation, insufficient and unsafe spaces for cooking and sleeping, and are exposed to a range of compounding risks from snake bites and gender-based violence (GBV) to illnesses that can have short- and long-term implications on health and nutrition outcomes. This ad-hoc and unplanned shelter situation also hampers proper communication, access to health services, and distribution of relief.

To address the risks and impacts of flooding, the Resilient Infrastructure for Adaptation and Vulnerability Reduction (RIVER) has been planned to finance infrastructure and systems to increase the resilience of vulnerable populations in non-coastal areas of Bangladesh against riverine and flash floods through: (i) resilient flood shelters and community infrastructure and; (ii) strengthening capacity for disaster preparedness and response of government agencies and communities.

1.2 Project Description

The project development objective (PDO) of the Project is to reduce the vulnerability of people in targeted communities to riverine and flash floods, improve the country's capacity in disaster preparedness and response, and respond promptly in the event of an eligible crisis or emergency. The Project will have following components:

Component 1: Resilient Flood Shelters and Community Infrastructure. This component will finance land raising and construction of climate-resilient flood shelters in targeted flood-prone villages in non-coastal districts, installation of lightning protection systems, construction and/or

rehabilitation of associated climate resilient shelter connecting and community roads, and resilient infrastructure as identified by the community including climate resilient culverts and bridges, repair, rehabilitation of rural markets, repair and rehabilitation of landing stages (river jetties), and installation of solar powered street lights.

Component 2: Strengthening Capacity for Disaster Preparedness and Response and Technical Assistance. This component will finance goods and services to increase the capacity of LGED and communities to plan, manage, and recovery from floods, and strategic studies to increase long-term disaster and climate resilience. To enhance the capacity of LGED, these include setting up contingency planning for emergency preparedness and evacuations, updating the shelter database, improving the disaster loss and damage assessments and reporting system, and establishing one Emergency Operation Center (EOC) in a district as a pilot.

Component 3: Project Management, Design and Supervision, Monitoring and Evaluation. This component will support the Government in implementing the project, and in coordinating all project related activities, monitoring, technical assistance, and training.

Component 4: Contingency Emergency Response. The objective of this subcomponent is to cater to unforeseen emergency needs. In case of a major natural disaster, the Government may request the Bank to re-allocate project funds to this component (which presently carries a zero allocation) to support response and reconstruction.

1.3 Project Location

The project area covers the most highly flood-prone districts in the Teesta-Brahmaputra-Jamuna (Nilpamari, Lalmonirhat, Kurigram, Rangpur, Gaibandha, Bogura, Pabna, Sirajganj), Padma (Rajbari, Faridpur, Gopalganj, Madaripur), and Surma-Meghna river systems in the North East (Sunamganj, Habiganj).

1.4 Small Ethnic Communities (SEC) in Bangladesh Contexts

Bangladesh is the eighth-most populated country in the world with almost 2.2% of the world's population. The overall population of the country in terms of religion, ethnicity and linguistics is homogeneous. Its population of more than 160 million is roughly 90 percent Muslim, with about 7% Hindus and others mainly following Buddhism and Christianity (BBS, 2011). The vast majority (about 98.5%) of Bangladeshis are of the Bengali ethno-linguistic group. However, all across its territory, a number of minority groups inhabit most of whom continue to keep their distinct ethnic traits, social institutions, linguistic and cultural traditions. In other words, many of them could be taken as 'indigenous peoples' as defined in various UN human rights instruments, including the World Bank's ESS Standards 7.

In terms spatial distribution, the largest proportion of the country's small ethnic communities live in the three districts of the Chittagong Hill Tracts (CHT): Bandarban, Rangamati and Khagrachari, which are also heavily populated by mainstream peoples. The rest is dispersed in the plains districts where they generally live in physically separated settlements among the mainstream communities, including in Sunamganj, Kurigram and other project districts (presence of which in the project areas will be confirmed upon screening). Impacts on Small Ethnic Communities (SECs) would vary in terms of geographical area; impact of onsite or off-site infrastructures; and most importantly

inclusion and exclusion possibilities during consultation. The nature and magnitude of impacts on SECs will be known only after site is selected on the ground and is screened to identify the actual impacts and consultations are carried out with the SECs and other relevant stakeholders. Although no sub-project site has yet been proposed in an area inhabited by SECs, RIVER has nevertheless decided to formally adopt this SECDPF to address SEC issues and concerns, as and when necessary, and to identify and promote development opportunities for the SEC communities in a sub-project influence zone. The proposed SECDPF outlines principles, policies, guidelines, and the procedure to identify impact issues and potential risks and, if required, formulate, and execute Small Ethnic Community Development Plan (SECDP), whenever a sub-project and its support infrastructures affect SECs under the project.

Small Ethnic Communities (SECs) are a small minority in Bangladesh. However, the precise number of their population is a subject of much debate. The government statistics are not very accurate; the most recent census figures (2011) do not provide ethnically disaggregated data, so the only useful reference point is the previous census conducted in 1991, which put their total population at 1.2 million. Taking into account the average demographic growth rate of the country, their population at present should be around 1.5 million. However, the representatives of the ethnic communities and their organizations have expressed disagreement with this figure. The Bangladesh Adivasi Forum, an apex advocacy and networking organization of the ethnic minorities, has given a figure of 3 million as their total population. In any event, ethnic minorities should constitute no more than between 1-2% of the total population of Bangladesh.

The total number of small ethnic minority groups is also a matter of much disagreement. The 1991 census mentions 29 groups. The recently adopted Small Ethnic Minority Cultural Institution Act (April 2010) mentions 27 different groups which is at present under revision and proposes 50 different groups. The Bangladesh Adivasi Forum mentions as many as 45 indigenous groups in one of their publications (Solidarity, 2003). A proposed draft law called Bangladesh Indigenous Peoples' Rights Act, by Bangladesh Parliamentary Caucus on Tribal Peoples – a group of parliamentarians who advocate for the rights of the country's ethnic communities, enlists as many as 59 distinct ethnic minority groups. The reason stems partly from a vibrant movement of ethnic minority communities in recent years, particularly since the signing of the CHT Accord in December 1997, with more marginalized groups increasingly becoming aware and assertive of their identity.

Although the ethnic communities are scattered all over Bangladesh, they are overwhelmingly concentrated in several geographical pockets; namely North-West (Rajshahi & Dinajpur), North-East (Sylhet), Central region (Dhaka and Mymensingh), South (Barishal & Patuakhali), with the most significant concentration in the south-eastern corner – the Chittagong Hill Tracts (CHT). The location of the various ethnic minority groups by region is broadly as follows

- **North-west region** (Rajshahi division - includes Rajshahi, Naogaon, Chapainawabganj, Natore, Sirajganj, Pabna, Joypurhat, Dinajpur, Thakurgaon, Rangpur, Bogra and Gaibandha district): major adivasi communities are: Santal, Uraon/Oraon, Munda, Mahato, Paharia, Malo, Pahan, Rajbongshi, Rajooar, Karmakar and Teli);
- **North-east region** (Sylhet division - includes Sylhet, Sunamganj, Habiganj and Moulvibazar district: major adivasi communities are: Khasi, Patro, Monipuri, Garo, Tripura and tea garden communities)

- **Central region** (Greater Mymensingh and Dhaka - includes Gazipur, Tangail, Sherpur, Jamalpur, Netrokona, Mymensingh): major adivasi communities are: Garo, Hajong, Koch, Banai, Rajbangshi, Dalu, Barman and Hodi
- **Coastal region** (Khulna, Chittagong and Barisal division includes Patuakhali, Barguna, Chandpur, Chittagong, Cox's Bazar, Khulna, Satkhira): major adivasi communities are- Rakhaine, Tripura, Munda and Ranbangshi. Chittagong Hill Tracts (Bandarban, Rangamati and Khagrachari): the indigenous communities are; Chakma, Marma, Tripura, Tanchangya, Mro, Lushai, Khyang, Khumi, Chak, Pangkhua, Bawm, Santal, Rakhaine, Asam/Asamese and Gorkha.

The SEC above meet the criteria of ESS7 in varying degree as follows:

They self-identify themselves as the member of certain ethnic communities and which is accepted by the others

They are collectively attached to a distinct habitat and natural resources in those areas (in the hills and in then plains)

Their customs and cultures are different than the mainstream society (religion, social hierarchy, belief system etc)

They speak in a dialect which is not Bangla or the national language (Marma, chakma language for example).

By all accounts, ethnic communities in Bangladesh are some of the poorest and most marginalized in the country as illustrated in the box below:

Socio-economic facts on the Ethnic Minorities in Bangladesh	
•	Poverty rate is higher than national average (approx. 30%): 65% in CHT and above 80% in the plain
•	Average income is less than national average (84,000 taka): 26% less in CHT, 41% less in the plains
•	Overwhelming dependence on agricultural sector: (80% in the plains, 72% in CHT)
•	Salaried jobs/business; 3% in CHT, less than 1% in the plains.
•	On average two-thirds of the tribal peoples in the plains are functionally landless. For certain groups, this is even higher (Santals, Mahato, Pahan, etc) - as high as 93%.
•	As high as one-third of the tribal communities in the CHT remain dependent on Jum cultivation, variously known as shifting/slash and burn/swidden cultivation
•	Overall, ethnic minorities living in the North (South and West) are more marginalized and poor.
•	Access to credit/micro-finance: in CHT (54%), in the plains (62%) including from moneylenders (10%).
(Source: Baseline survey by UNDP/CHTDF (2007) and Oxfam (2009)	

1.5 Legal and Institutional Framework

The Constitution of Bangladesh guarantees equal rights and equality before law of its citizens. Article 27 guarantees equality of citizens before the law and Article 28 prohibits discrimination on grounds of religion, sex, caste, race and place of birth. The same article also stipulates measures of 'affirmative actions' by the State in favour of the backward section of the citizens.

Besides the Constitution, there is also a corpus of legal, institutional and policy dispositions for the standards of the ethnic communities' rights in Bangladesh. Much of it is focused for the CHT; however, there are also specific laws for the ethnic communities in the plains. Some of these laws were enacted during the colonial period (but still in force), but most have been adopted in recent years and, in the case of the CHT, after the signing of the CHT Accord in 1997.

1.5.1 Legal framework

The Chittagong Hill Tracts (CHT) Regulation 1900, popularly called 'CHT Manual 1900' is the oldest and one of the most frequently cited laws with regard to CHT. It was enacted by the British colonial administration in 1900 and defines land and revenue administration, the administrative system based on the Traditional Chieftainships (i.e. Circle Chiefs or Raja as popularly called in Bengali), customary land rights and tenure systems including on *Jum cultivation* as well as mitigation and arbitration of social disputes based on traditional customs of the peoples in the region. In subsequent decades, the Act was amended several times, however it still remains in force and serves as the key reference point for land administration and traditional customary governance of the region.

The Government signed the CHT Accord with *Parbattya Chattagram Jana Samhati Samity* (PCJSS or JSS) in December 1997. Its signing was followed by a series of laws intended to strengthen the specific (unique in the context of Bangladesh, too) administrative set-up of the region. The Accord itself, deserves to be considered a quasi-legal document and remains the main reference for all subsequent legislation for CHT (elaborated under the section 7.2: Institutional Setup). In contrast to the CHT, there are fewer laws specific to the indigenous peoples in the plains. The State Acquisition and Tenancy Act, 1950 (East Bengal Act No. XXVIII of 1951) is the most relevant and important in this regard; it regulates land rights for the ethnic communities (referred as 'aborigines' in the Act) in the plains through prohibiting the sale of land owned by the ethnic communities to non-tribal persons without the permission of the local Revenue Officer. The measure was explicitly taken to protect the ethnic communities from being dispossessed of their lands by the more powerful and influential non-indigenous persons.

In addition to its domestic laws, Bangladesh is also signatory to most of the major international human rights instruments which are either directly or indirectly relevant to the rights of the ethnic communities. Furthermore, Bangladesh is signatory to the ILO Convention 107 on Tribal Populations although it is yet to ratify the other important ILO convention on tribal peoples, Convention No. 169 of 1989. It is also one of the select few countries to abstain from voting on the UN Declaration on the Rights of the Indigenous Peoples (UNDRIP) in 2007. The table below provides a comprehensive picture (the two relevant ILO Conventions and the UNDRIP are added to the list);

SL	Name of the Treaties/Conventions	Adoption by UN	Ratification by Bangladesh
1.	International Convention on the Elimination of All Forms of Racial Discrimination	1965	1979
2.	International Covenant on Civil and Political Rights	1966	2000

SL	Name of the Treaties/Conventions	Adoption by UN	Ratification by Bangladesh
3.	International Covenant on Economic, Social and Cultural Rights	1966	1998
4.	Convention on the Elimination of All Forms of Discrimination against Women	1979	1984
5.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1984	1998
6.	Convention on the Rights of the Child	1989	1990
7.	Convention on Biological Diversity	1993	1994
8.	ILO Conventions No. 107 on Indigenous & Tribal Populations	1957	1972
9.	Convention on the Rights of Persons with Disabilities	2007	2008
10.	United Nations Declaration on the Rights of Indigenous Peoples	2007	Abstention
11	ILO Conventions No. 169 on Indigenous & Tribal Populations	1989	Yet to ratify

1.5.2 World Bank Policy on Indigenous Peoples/Small Ethnic Peoples

The World Bank policy on indigenous peoples (ESS7) requires that the development process fully respects the dignity, human rights, economies, and cultures of indigenous peoples and also that the project activities do not threaten ethnic minorities' cultural identities and well-being. The Bank financed project activities will ensure, through site specific assessments that it (a) avoids potentially adverse effects on the ethnic communities; or (b) when avoidance is not feasible, minimize, mitigate, or compensate for such effects. Bank-financed projects are also designed to ensure that the indigenous peoples receive social and economic benefits that are culturally appropriate and gender and inter-generationally inclusive.

Bangladesh recognizes the right of SECs to cultural expressions, education, training, health, environment, land, agriculture, water resources, infrastructure, tourism and industry. The government also has a policy of affirmative action in support of the socio-economic and cultural development of the SECs. The SECDPF, therefore, is prepared based on the World Bank's ESS7 by taking into consideration relevant Bangladesh policies and regulations. A clear mechanism of consultation respecting the social and cultural traditions of the ethnic communities will be used in the entire cycle of the Project to seek broad support of the Project. A Grievance Redress Mechanism (GRM) will be also established (the Project GRM) before the implementation of the project so that every SEC member can bring his/her voice, complaint or provide feedback about the project.

1.5.3 Institutional Setup

Following the signing of the CHT Accord, the Ministry of CHT Affairs (MoCHTA) was established in 1998 as the key government nodal agency in coordinating and supervising the development and administrative activities of the government, in most cases supplanting the role of the relevant line ministries in Dhaka. In this regard, it functions as the 'gateway of development services' for the region.

The CHT Accord also led to the creation of a number of institutions specific to CHT. The CHT Regional Council (CHTRC or RC) was established in 1998 by an act of Parliament in 1998. Its explicit

mandate was to ‘coordinate and supervise’ development and administrative business of the government in the region. Following the Accord, the former Local District Councils of Bandarban, Rangamati and Khagrachari were transformed into the Hill District Councils (HDCs), each established by separate acts of parliament. Their role and mandate are identical except for some minor differences; besides various administrative roles, they are assumed to be the principal organs for implementation of development projects. Altogether, they have been given responsibility for supervising and implementing 33 broad areas of interventions, popularly known as *transfer subjects*. As of now the government has formally transferred a number of agencies/departments as transfer subjects which also include Department of Health and Department of Family Planning.

The Traditional Institutions comprising the village Karbari, mouza Headmen and Circle Chief still play a major role for ethnic minorities in the Chittagong Hill Tracts (CHT). Over the past decades, their role and authority have been somewhat curtailed by various laws, but they are still entrusted by law to play very important roles in land and revenue administration and traditional justice. Similar traditional social structures also do exist among the ethnic communities in the plains although unlike their peers in the CHT, they do not have legal recognition.

In contrast with CHT, there is almost no comparable institutional set up for ethnic communities in the plains. The Special Affairs Division (SAD) was set up in 1989 with, among other issues, the CHT and tribal peoples’ affairs under its responsibility. But following the establishment of the MoCHTA in 1998 it was dissolved. Nevertheless, an officer in the Prime Minister’s Office (PMO) is assigned to look after the matters of the ethnic communities in the plains and his role consists essentially of channelling government grant money to the designated districts and upazillas (as per the most recent available information, this includes 62 upazillas in 36 districts), where there are substantial numbers of ethnic communities. The Upazilla Nirbahi Officer (UNO) supervises the distribution of the grants on behalf of the Deputy Commissioner (DC) at the field level, usually through an ethnic community-led NGOs/CBOs. The entire process is managed by a Committee, chaired by the UNO with members from various relevant government agencies and including one or two ethnic minority representatives who are selected by the Deputy Commissioner.

2 Small Ethnic Community Development Planning Framework (SECDPF)

In compliance with the project financing policy of the World Banks ESS 7 requires that borrowers evaluate potential social standards and impacts on the ethnic communities during the project preparation, and that they adopt and implement appropriate measures to mitigate these issues, which are specified in ESS7 on existing ethnic communities within the project area. ESS7 is relevant to the proposed RIVER project, and the provisions included in this SECDPF are in accordance with ESS7.

In this connection, the SECDPF has been developed which will apply to all potential sub-projects under the RIVER project irrespective of the agents or authorities at work. Besides this, SECDPF will ensure sufficient and meaningful consultations have been conducted with the ethnic communities that exist within the sub-project areas being cognizant of cultural norms and differences. Meaningful Consultation the project interventions will ensure equal opportunity to share the

project benefits, and that any potential negative impacts are avoided, minimized and the residual impacts are properly mitigated. The meaningful consultations will also lead to broad community support for the subprojects in those areas where SEC are present.

2.1 Scopes and Objectives of the Small Ethnic Community Development Planning Framework (SECDPF)

The implementation of the RIVER project will have various types of civil construction work within the selected region of the proposed project areas. The specific project areas are yet to be finalised and hence the type, amount and the extent of project activities in areas where SECs are present will be known during implementation. Given the numerous SECs are present in 14 districts of the project and their cultural and other differences, the standalone SECDPF have been prepared. The World Bank's ESS7 applies to a distinct social and cultural groups defined as: Indigenous peoples/Sub-Saharan African Historically Underserved Traditional Local Communities, indigenous ethnic minorities, aboriginals, hill tribes, minority nationalities, scheduled tribes etc. if they are facing both positive and negative impacts to their existing economic ties, land and territories traditionally owned, or customarily used or occupied due to any kind of development project. The ESS7 recognizes that Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities have their own understanding and vision of their well-being and that, broadly, this is a holistic concept that relates to their intrinsic relationship to lands and traditional practices and is reflective of their way of life. The ESS7 application contributes to the poverty reduction and enhance the opportunities of ethnic communities to participate and benefitted from projects development activities without threatening their unique cultural identities and well-being. This SECDPF is thus prepared for the purpose of realizing the objectives of ESS7.

- Determine the presence of ethnic communities (meeting the criteria of ESS7) in all project interventions, and ensure that meaningful consultations are carried out to seek broad community support for the project and that the SECs are directly involved in the selection, design, and implementation of the project's activities, being culturally cognizant of the differences.
- Understand risks and impacts of the project activities on SEC and ensure that the activities do not lead to circumstances where FPIC is required.
- In addition to strategies for impact mitigation, taking additional steps to promote and reinforce any possible socioeconomic opportunities for ethnic communities located in the area.
- Selection of a facility site will be avoided if it falls under traditional ownership of ethnic communities, even if not legally recognized.

2.2 Development of Project SECDP

The project proposes the following principles, guidelines and procedure to prepare SECDP (SEC Development Plan), where project activities and interventions are found to affect the Small Ethnic Communities (SECs) both in positive or negative ways. To avoid or minimize adverse impacts and, at the same time, ensure culturally appropriate benefits, LGED will apply the following basic principles in selection, design and implementation of the subprojects. The purpose of the SECDP is to analyse potential risks and impacts to the SEC and provide mitigation measures and protect the

interests of the SEC.

- Ensure that SECs in general and their organizations are involved in the project development process including identification and selection of beneficiaries, being cognizant of cultural differences.
- Carefully screen the sub-projects, together with SECs, for a preliminary understanding of the nature and magnitude of potential adverse impacts and explore alternatives to avoid or minimize them. No land will be acquired where ethnic communities live/ occupy on a traditional or customary basis, nor will any resettlement be allowed of the SECs.
- Where alternatives are infeasible and adverse impacts are unavoidable, immediately assess the key impact issues, together with SECs and others knowledgeable of tribal culture and concerns.
- Undertake the necessary tasks to identify the impact details and the most appropriate mitigation measures, through intensive consultations with the affected tribal communities, tribal organizations, civil society organization like NGOs and CBOs, professionals, and the like.
- Avoid subproject/activity where the tribal communities remain unconvinced to offer broad support for the project.

2.3 Issues to Consider in Developing Small Ethnic Community Development Plan

The SECDP will be prepared where project activities will affect this distinct community either positively or negatively and the impact will be known basing on location and subproject design. LGED and other agencies, NGOs and private sector institutions will consider the following for preparation of the SECDP:

- The ethnic and demographic characteristics of the affected population;
- The prevailing intuitions such as family, religion, language and education and other SEC variables including socio-cultural traditions;
- This Plan will accommodate the local traditional leadership (as Headman, Karbari), gender and inter-generational issues, civil society and NGOs in their implementation plan;
- The views and impacts on the prevailing institutions; both formal and informal; and
- Finally, the Plan also aims to ensure adequate and appropriate consultation and communication, their participation and approval of their implementation of project inputs and mitigation plan.

The SECDP will be prepared for each area where the small ethnic communities constitute minimum 1% of the population. The objectives of the SECDP are:

- To evolve a development process which fosters full respect for dignity, human rights and cultural integrity of SECs;
- To ensure that they do not suffer adverse effects during the development process;
- To take up economic benefit programs which are culturally and socially compatible;
- To ensure the ethnic communities care consulted in culturally cognizant manner

2.4 Contents of SECDP

SECDP will primarily aim at mitigating adverse impacts and reinforcing and promoting any existing development opportunities in the project areas, with emphasis on the SECs who would be directly affected. The elements and contents of the SECDP are provided in Annex-1.

2.5 Socioeconomic Characteristics & Concerns

Identification of social concerns upon sub-project screening will primarily focus on the cultural and socioeconomic characteristics of SECs and the potential vulnerability that might be caused by the proposed subproject activities. Data on the following socio-economic characteristics are expected to indicate the nature and scale of adverse impacts and provide the essential inputs for SECDP.

2.5.1 Social & Cultural Characteristics

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

2.5.2 Economic Characteristics

- Prevailing land tenure indicating legal ownership and other arrangements that allow them to reside in and cultivate or otherwise use lands in their areas.
- Access to natural resources, prevailing conditions under which SECs are using natural resources like forests, water bodies, and others that are considered important sources of livelihood.
- Occupational structure, indicating the relative importance of the households' present economic activities, and the extent to which they might be affected or benefited because of the proposed subproject activities.
- Level of market participation, engagement in activities that produce marketable goods and services, and how and to what extent market participants would be affected or enhanced by the project activities.

2.6. Inclusion Criteria

The project, for its interventions, will adopt the World Bank's criteria (ESS7) for the identification of the small ethnic community which are as follows (present in varying degree);

- Self-identification as members of a distinct indigenous people's community, cultural group and recognition of this identity by others;

- Collective attachment to geographically distinct habitats or ancestral territories in the project area and the natural resources in these habitats and territories;
- Customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- Distinct language, often different from the official language of the country/ region.

3 SEC Consultation and Participation

Participation of SECs in selection, design and implementation of the RIVER project activities will depend upon their presence in the project area, impacts and risks and the benefits that the ethnic minorities can obtain from interventions. Where both positive and adverse impacts on SECs are likely, the Project will undertake consultation as per the guidance of ESS7 with affected SECs to ensure their broad community support for the sub-project interventions. Such consultations may also involve individuals or experts who work with and/or are knowledgeable of SEC development issues and concerns. To facilitate effective participation, the project will follow a timetable to consult the would-be affected SECs at different stages of the program cycle. The primary objectives are to examine whether there is broad community support for the project activities and to seek the inputs/feedbacks of the SECs to avoid or minimize the adverse impacts; identify the impact mitigation measures; and assess and adopt economic opportunities which the project could promote to complement the measures required to mitigate the adverse impacts.

To ensure broad community support through consultations with the ethnic communities, the project will:

- Ensure widespread participation of SEC with adequate gender and generational representation; customary/traditional SEC organizations; community elders/leaders; civil society organizations like NGOs and CBOs; and groups knowledgeable of SEC development issues and concerns.
- Provide them with all relevant information about the nature of the development activities, including that on potential adverse impacts, organize and conduct these consultations in manners to ensure full coverage of the SECs and free expression of their views and preferences.
- Document and share with the Bank the details of all community consultation meetings, with SEC perceptions of the proposed activities and the associated impacts, especially the adverse ones; any inputs/feedbacks offered by SECs; and the minutes stating the conditions, if any, that have been agreed during the consultations, which may have provided the basis for their broad base community.

As part of preparation of the SEC Development Plan (SECDP), consultation will be conducted under the PIU and other stakeholder/agencies of the RIVER Project participants may include representatives of small ethnic communities. Their representative institutions as well such as the CHT Regional Council and Hill District Council from CHT and Jatiya Adivasi Parishad from the plains regions of Bangladesh will further be consulted. The suggestions and recommendations raised in the consultation will be incorporated in the SEC Development Plan.

3.1 Special Measures to Strengthen Activities Relating to the SEC

- a) Recognizing social, economic, cultural and linguistic differences of the ethnic communities, improve coverage of services:
- Review coverage of service by the project in small ethnic communities' areas. Ensure their participation, including provisions of jobs and training
 - Support to infrastructure and service delivery in the public sector to fill in gaps and make the services more user friendly.
 - Ethnic community development by way of better recruitment, training and rewards systems.
- b) Capacity enhancements:
- Training of PIU staffs on SECDP preparation and implementation for small ethnic community within the sub-project area.
 - Development of understanding of ESS7 and other laws related to ethnic communities.
 - Capacity to resolve conflicts and grievances in a culturally and linguistically sensitive manner and capacity to identify, prevent and resolve cross-cultural conflicts of complaints
- c) Leverage the roles that the traditional leaders could play for involvement of ethnic communities. Traditional leaders are expected to play an important role in sub-project activities. They are highly respected and wield considerable influence in shaping the perception of their community. The traditional leaders' involvement during various stages of implementation are important, especially for:
- Increasing awareness of the communities and soliciting their feedback.
 - Ensuring involvement of and dissemination of information to the communities.
 - Overall cooperation in implementation of sub-project activities.
 - Provide leadership roles in organizing the communities.
 - Overcoming misconception and distractions keeping people away from utilizing quality services.
 - Playing the role of advisor to providers and communities.
- d) Systems for social management:
- Activities addressing the needs of the small ethnic community's need to be incorporated in and implemented by the relevant operational plans.
 - There is a need to identify health impacts of and related mitigation measures to deal with the effects of sub-project activities particularly in areas resided by the SECs.
- e) Systems for information disclosure and stakeholder consultation: Focusing on strengthening the Grievance Redressal Mechanism of the RIVER, will enable availability of information on grievances received and addressed and thereby improve transparency and disclosure. The Project will use its existing citizen engagement mechanisms to seek feedback and continue with stakeholder consultations, particularly with the ethnic communities.

3.2 Meaningful Consultation

Participation is a process through which stakeholders' influence and share control over development initiatives and the decisions and resources which affect them. The decision to participate is the start of the whole participatory process in the project cycle. National Policy on

the development of the SECDPF does not provide clear guidelines for public consultation. However, the World Bank' ESS 7 provides clear guidance and direction to project proponents in both the public and private sectors, on the need for public consultation and participation and underscore the importance of consultation with the SECs about the project and, more importantly, getting their actual and active involvement in the planning and implementation.

The Project will follow the meaningful consultation process in engaging with the SEC in the project, those are:

- Involve SEC representative bodies and CBOs (e.g., councils of elders or village councils, or chieftains, headman and Karbaris) and, where appropriate, other community members;
- Provide sufficient time for SECs in decision making processes;
- Allow for SECs effective participation in the design of sub-project activities or mitigation measures that could potentially affect them either positively or negatively.

All communications will be in language appropriate for the SECs concerned to enable the SEC to participate in the consultation process. Their views and voices expressed in the consultation process will be given due consideration to incorporate those in project design and implementation approaches.

3.3 Free, Prior, and Informed Consent (FPIC)

The project will not involve any activities that may require Free, Prior and Informed Consent (FPIC). FPIC of the affected SECs will only be required where the project may:

- Have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation;
- Cause relocation of SECs from land and natural resources subject to traditional ownership or under customary use or occupation; or
- Have significant impacts on SECs cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected SECs lives.

However, activities of subproject will automatically be screened out if FPIC becomes a necessity.

3.4 Implementation Arrangement

The Project will designate the Social Development Specialist who will be responsible for the implementation of the SECDPF including preparation of SECDP. The designated Social Specialist could be recruited from the market and his/her responsibility will include ensuring that the provisions of the SECDPF are implemented as and when the SECs are found to be impacted by the project and will prepare Small Ethnic Community Development Plans (SECDPs) as required. A template for SECDP is attached in Annex-1.

The implementation of sub-project activities will involve other government mandated institutions as relevant and applicable. The Project will also involve the representatives of the traditional institutions and community elders in the implementation of the SECDP. Special focus will be made to include the women and youth of the ethnic communities.

The SECDP will also spell out the appropriate intervention mechanisms to reach out to the potential SEC beneficiaries given that many SECs reside in remote and hard-to-reach areas. Roles

and responsibility of the Social Specialist wrt to SECs are:

- Review relevant legal and policy framework and social standards planning frameworks;
- Review design and conduct subproject level screening for presence of SECs, impact assessment and preparation of SEC Development Plan (SECDP).
- Coordinate and facilitate all activities contained in SECDP including consultation.
- Assist in the process of supervision and monitoring of the implementation of SECDP and the subsequent social management plans;
- Help affected SECs in the grievance resolution process involving the project GRM;
- Collect data, consult the SECs and prepare monthly progress reports and participate in monthly review meetings;
- Participate in the training program for capacity building; and

3.5 Grievance Redress Mechanism (GRM)

The exact sources of grievances and complaints will remain unknown until they are formally lodged. The GoB's 'The Right to Information Act, 2009 Bangladesh' ensures that transparency and accountability in all public, autonomous and statutory organizations and in private organizations run on government or foreign funding shall increase, corruption shall decrease, and good governance shall be established. The GoB has developed a dedicated web portal (http://www.grs.gov.bd/home/index_english) where the aggrieved parties could vent complaints and seek remedial measures. The Project also have prepared a Project GRM which will be used to address SECs' concerns and complaints through multiple channels.

The Grievance Redress Mechanism (GRM) for RIVER Project will be established by the Implementing Agency (LGED) addressing grievances and complaints received from the project affected persons due to project interventions including SECs. Grievance Redress Mechanism (GRM) is a valuable tool which will allows affected people to voice concerns regarding environmental and social impacts for project activities. The RIVER Project Stakeholder Engagement Plan (SEP) includes grievance redress procedures to ensure that grievances are logged, analysed and handled properly. The Project SEP established a procedure to resolve issues/conflicts amicably sub-component related queries and address complaints, disputes, and grievances about any aspect of the subcomponent, including disagreements regarding the assessment and mitigation of environmental and social impacts. The GRM will however not preempt a complainant's right to seek resolution in the courts of law. The Project GRM will establish SEC related GRC under LGED.

Within this context, in areas where there are significant numbers of ethnic communities living, LGED/PIU will form a Grievance Redress Committee (GRC) with the following composition as suggested.

Table 1: GRC Membership Local Level in SEC areas

Representatives from LGED	Convener
A representative from PIU	Member Secretary
A representative from the Local Government	Member
Field level ES Specialist (if any)	Member
2 Members of the SEC community (1 male and 1 female)	Member
A CBO representative (preferably tribal in the plains)	Member

The purpose of the GRCs is to ensure proper presentation of complaints and grievances, as well as impartial hearings and transparent decisions. Membership composition of the GRCs will take into account any traditional conflict resolution arrangements that SECs may have in practice. If the aggrieved person is a female, LGED will ask a female UP Member or Municipal Ward Commissioner to participate in the hearings. Females will be encouraged to be part of the GRC. The GRM will use Project GRM uptake channel and may employ people with ethnic language fluency predominant in the area of activities. The initial tier of GRC will solve any complaints in 10 days time after registration.

Project Level GRC (PIU)

If the resolution attempt at the sub-project/local level fails, the GRC will refer the complaint with the minutes of the hearings of the local GRC to the project level for further review. With active assistance from the Social Specialist of the PIU, the committee will decide and communicate it to the concerned GRC. The project level GRC will make a periodic visit to the subproject sites, interact with the communities and affected persons, and pick up issues of concerns, complaints and suggestions to register with the GRM books. The decisions on unresolved cases will be communicated to the Project Level GRC after 15 days of complaint registration, if not solved. PD will be the convener, and the Social Specialist will be the member secretary of the Project level GRC.

Table: GRC Membership at Project Level (PIU)

Project Director (PD)	Convener
Social Specialist	Member Secretary
One female representative from PIU	Member
A representative from SECs, if required	Member

The membership of the GRCs will ensure proper presentation of complaints and grievances as well as impartial hearings and investigations and transparent resolutions. Where grievances are among the affected persons, the membership composition of the GRCs will consider any traditional conflict resolution arrangements that communities may practice. If the aggrieved person is a female, the PIU will ask the concerned female member to participate in the hearings. All cases at the project level will be solved in 15 days time after registration. Grievances received through any channel will be registered, and a notification of receipt with the assurance of necessary review and resolution given in writing to the aggrieved persons.

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

3.6 Public disclosure of SECDPF

The present SECDPF will be disclosed by the Project to the SECs, general public and relevant stakeholders. It will be translated into Bangla and together with the English version will be made available at the RIVER project Head Office and sub project offices, concerned government offices in the project areas, and other places accessible to the SECs. Further, the Project will also post

the entire SECDPF and translated summary in its website and inform the public about where they could be accessed for review and comments. The public disclosure and consultation may yield scopes, recommendations and inputs that will be incorporated in the subsequent versions of the framework or plan.

3.7 Funding for implementation of the SECDPF

The Project will make specific budgetary provisions for the implementation of the present SECDPF. Besides the salary and other entitlements of the personnel engaged in the implementation of SECDPF, the Project will also make earmarked budgetary allocations from RIVER project budget for the SECs. The budgetary allocations will be clearly mentioned in the site-specific SEC Development Plans to be prepared (as and when needed). The Client's Development Project Proforma (DPP) will include budgetary provisions for the SECDPF in line with ESMF budget.

3.8 Monitoring and reporting of the SECDPF

Monitoring essential to ensure the proper adherence to the stipulations in this SECDPF/ and subsequent SECDPs. The Social Specialist of PIU will prepare the relevant monitoring tools and make regular monitoring visits in the field. S/he, in collaboration with the PIU, will also prepare periodic reports for the Project. The monitoring data will include dis-aggregated data collected from field level sub-project offices and maintained systematically in the Project central database. It is also recommended that third party monitoring *may be* carried out to oversee the implementation of SECDPF/ SECDP to ensure greater accountability and transparency of the RIVER activities as regards the planning provisions.

Annex 1: Technical Guidelines for Consultation and Preparation of SECDP

The consultation framework is designed to help to ensure that small ethnic communities are well informed, consulted and mobilized to participate in the activities to be supported under the RIVER project. Their participation will not only make Project more sustainable but also provide benefits with more certainty or protect them from any potential adverse impacts of the Project. The main features/process of the consultation framework include an environmental and social impact assessment to determine the degree and nature of impact supported by the project. A Small Ethnic Community Development Plan (SECDP) will be developed if ethnic minorities are found to be present in or have a collective attachment to areas affected under the respective project intervention. Consultations with and participation of ethnic minorities, their leaders and local government officials will be an integral part of the overall SECDP, which should be prepared along with other required project reports.

The project will determine through screening exact sites, communities and location of small ethnic communities. The PIU will undertake specific measures to consult with, and allow small ethnic communities to participate in decision making related to the investments, should they so desire.

All target communities that have small ethnic mix and are candidates for project support will be visited (at the time of the first consultation with communities) by the PIU including Social Specialist and relevant local authorities. Before the visit, the PIU will send notice to the communities informing their leaders that they will be visited by the respective focal person and local authorities and that consultation will be conducted to seek the support of the project intervention and to determine potential adverse impacts as well as possible support from the project to address the potential impact. The notice will request that the community-based organization, subprojects, SECs to participate including representatives of women association and community leaders. During the visit, the community leaders (Headman and Karbari) and other participants will present their views with regards to the proposed activities. This will be done by a culturally appropriate manner.

The project will identify and utilize the existing community grievance mechanism to take into account specific cultural attributes as well as traditional-cultural mechanisms for raising and resolving issues, to ensure that the concerns of different SECs are received and addressed during project preparation, implementation and beyond project completion. To achieve this, projects would (a) identify and determine culturally acceptable ways to address grievances from significantly different SECs within affected communities, including different ethnic or cultural groups within the project-affected area; (b) understand cultural attributes, customs, and traditions that may influence or impede their ability to express their grievances, including differences in the roles and responsibilities of sub-groups (especially women) and cultural sensitivities and taboos; and (c) agree on the best way to access grievance mechanisms, taking into consideration the ways communities express and deal with grievances.

Small Ethnic Community Development Plan (SECDP)

Based on the social assessment and in consultation with the affected SECs, the PIU will prepare a Small Ethnic Community Development Plan (SECDP) that sets out the measures through which the Project will ensure that (a) SECs affected by the project receive culturally appropriate social and economic benefits; and (b) when potential adverse effects on SECs are identified, those adverse effects are avoided, minimized, mitigated, or compensated for. The SECDP is prepared flexibly and pragmatically and its level of detail varies depending on the specific project and the nature of effects to be addressed. The PIU will integrate the SECDP into the project design.

The SECDP includes the following elements, as needed:

- a. A summary of the information about (i) legal and institutional framework applicable to SECs and (2) baseline information on the demographic, social, cultural, and political characteristics of the affected SECs, the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend.
- b. A summary of the social assessment including risk and impact and positive benefits.
- c. A summary of the consultation with the affected SECs that were carried out and that led to broad community support for the project.
- d. An action plan of measures to ensure that the SECs receive social and economic benefits that are culturally appropriate, including, if necessary, measures to enhance the capacity of the project implementing agencies.
- e. When potential adverse effects on SECs are identified, an appropriate action plan of measures to avoid, minimize, mitigate, or compensate for these adverse effects.
- f. The cost estimates and financing plan for the SECDP.
- g. Accessible procedures appropriate to the project to address grievances by the affected SECs arising from project implementation. When designing the grievance procedures, availability of judicial recourse and customary dispute settlement mechanisms among the SECs will be taken into account.
- h. Mechanisms and benchmarks appropriate to the project for monitoring, evaluating, and reporting on the implementation of the SECDP. The monitoring and evaluation mechanisms should include arrangements for the consultation with the affected SECs.

The following basic information will be required for preparation of the SECDP:

- The basic census, socio-economic data and inventory of affected assets;
- Household ownership of economic and productive assets;
- Annual income of ethnic community members;
- Economic information of community (e.g. brief information on economic and natural resources, production and livelihood systems, tenure systems);
- Social information of community (e.g. description of kinship, value system, types of social organizations of formal and informal groups);
- The potential impact of proposed projects sub-activities on basic social services;
- The potential impact of project activities on the social and economic livelihood.

Appendix 2: Preliminary Screening of Small Ethnic Communities

Date: _____

When to do the screening?	At the time of the first consultation with a community				
What information to be collected?	Demographic data of SEC who live within the project intervention area				
How to collect the information?	It can be obtained from ethnic leaders (Headman/Karbari), village leaders and community chief.				
Who will do the screening?	Social Specialist of PIU				
District: _____ Upazila: _____ Union: _____ Village: _____					
Name of the village within the catchment of project Interventions	Name of the ethnic group (meeting the criteria of ESS7)	Number of Ethnic Households	Total population of the village (nos.)	Number of the ethnic population (name)	
				Male	Female

Signature: _____

Name (of the Social Development Specialist or Consultants or PIU staff):