



Government of the People's Republic of Bangladesh

Local Government Division (LGD)

Local Government Engineering Department (LGED)

**Resilient Urban and Territorial Development Project
(RUTDP)**

Ethnic Minority Community Framework (EMCF)

January 2024

Executive Summary

The '*Resilient Urban and Territorial Development Project (RUTDP)*' project aims to increase access to climate resilient urban infrastructure and services and strengthen urban management capacity in selected urban centers. The project supports critical policy reforms by using the IPF with Performance-based Conditions (PBC) to provide incentives for improved performance in key areas of urban management with a longer-term view of seeding a performance-based culture among participating cities. The project interventions for infrastructure development, improvement and rehabilitation are proposed under Component 1: Climate Resilient Urban Services and Infrastructure Investments. Targeted capacity building and project management are proposed under component 2: Project Management, Technical Assistance and Capacity Building. The project will be implemented in 14 nodal cities, all pourashavas and 73 regular cities: 6 city corporations and 67 pourashavas. Some of the interventions may extend within the neighboring areas under Union Parishads (UPs) including the areas inhabited by ethnic minority communities. This project will invest in road system and streetscape following climate-resilient and gender-responsive design features, public buildings and open spaces like municipal and wholesale markets, community centers, municipal buildings, bus terminals, public toilets, parks, waterside developments, flood and drainage management structures, regional bus terminals, facilities for tourism, urban regeneration, waterfront development, etc. Some of the interventions will be supported under performance-based conditions.

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. An Ethnic Minority Community Framework (EMCF) has been developed to ensure that Ethnic Minority Communities (EMCs) would be sufficiently and meaningfully consulted leading to their collective support for the project and to ensure risks and impacts against EMCs are addressed and that they would have equal opportunity to share the project benefits.

The EMCF will form a basis for project implementation and monitoring and evaluation of how this project deals with the EMCs issues. At the project implementation stage, Ethnic Minority Community Framework (EMCF) will be developed, once the sites for project interventions are identified with all relevant information and results of social screening confirmed presence of EMCs among the targeted beneficiaries.

The objectives of the EMCF are to screen all activities to determine the presence of EMCs, ensure their direct participation in selection, design and implementation of the activities including any civil works; determine if project activities warrant the need for FPIC; and adopt special measures to reinforce and promote any available opportunities for socioeconomic development of the affected EMCs.

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 EMCs

Since the EMCs 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 EMCs and based on full consideration of

the options preferred by them. The project will create an opportunity for the active involvement of the EMCs at each stage of its operation. The involvement of the EMCs in planning, implementation and monitoring of the programs meant for their development is the cornerstone of EMCF strategy of the project.

The EMCF is prepared for an area where the small ethnic communities constitute a minimum of 1% of the population. The EMCF 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. EMCF will primarily aim at mitigating adverse impacts and reinforcing and promoting any existing development opportunities in those EMCs areas of the project, along with addressing any gender issues.

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Abbreviations

BoO	Bill of Quantities
CoC	Code of Conduct
CHT	Chittagong Hill Tracts
COVID-19	Novel coronavirus disease
DRP	Displaced Rohingya Population
DSM	Design, Supervision and Management
EHS	Environment, Health and Safety
EMCs	Ethnic Minority Communities
EMCF	Ethnic Minority Community Framework
EPI	Expanded Program on Immunization
ESMP	Environmental and Social Management Plan
ESSs	Environment and Social Standards
ESF	Environment and Social Framework
ES	Environment and Social
FPIC	Free, Prior Informed Consent
GBV	Gender Based Violence
GoB	Government of Bangladesh
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
HD	Human Development
HNP	Health, Nutrition and Population
HSD	Health Services Division
ICT	Information and Communications Technology
LMP	Labor Management Plan
LGD	Local Government Division
LGED	Local Government and Engineering Department
MSU	Municipal Support Unit
MoF	Ministry of Finance
MoLGRD&C	Ministry of Local Government, Rural Development & Co-operatives
NGO	Non-Government Organization
NID	National Identification Card
OHS	Occupational Health Safety
OHSP	Occupational Health & Safety Plan
PBCs	Performance Based Conditions
PPE	Personal Protective Equipment
PMU	Project Management Unit
PIC	Project Implementation Committee
PIM	Project Implementation Manual
RUTDP	Resilient Urban and Territorial Development Project
SEA	Sexual Exploitation and Abuse
SH	Sexual Harassment
UPs	Union Parishads
ULG	Urban Local Government
WB	World Bank

INTRODUCTION

Background

The Government of Bangladesh (GoB) has prepared the Resilient Urban and Territorial Development Project (RUTDP, the Project) for implementation with finance from the International Development Association (IDA) of the World Bank. The Local Government Engineering Department (LGED), under the Local Government Division (LGD) of the Ministry of Local Government, Rural Development and Cooperatives (LGRDC), has been assigned for preparation and implementation of the Project. The Project will be implemented in 87 pre-selected urban centers: City Corporations and Paurashavas and the contingent Union Parishads (UPs) along the priority growth corridor connecting Cox's Bazar in the southeast of the country to Panchagarh in the northwest. The Project will contribute to improving basic urban services and municipal governance in the pre-selected cluster of pourashavas and city corporations and the peri-urban areas through (1) climate resilient infrastructure investment in selected 14 nodal cities; (2) basic urban service improvements through infrastructure investments in the 73 regular pourashavas and city corporations to carry out eligible infrastructure investments that support climate resilient urban basic services; (3) Performance Based Conditions (PBCs) to support operation and maintenance; (4) capacity building, technical assistance, project management and operational support, and (5) contingency emergency response, when required. Design and implementation of the Project activities follow national legal framework and the World Bank environmental and social standards (ESSs) of its Environmental and Social Framework (ESF) in managing environmental and social risks.

The Project activities will be for resilient urban infrastructure development in selected urban centers including green and grey infrastructure to mitigate flood and disaster risk, rehabilitation/ maintenance of urban road, drains, footpaths, bridge /culvert; solar powered streetlights, open public spaces, revenue generating initiatives like bus terminals, Paurashava/kitchen markets, community centers, public toilets, slaughterhouses, etc. Besides, project will support large regional/cross-Paurashava boundary investments along selected corridors shared by a cluster of cities and their Union Parishads (UPs) in their territories e.g., regional flood risk mitigation measures, markets, storage, and bus depots, etc. As project civil works extend across urban centers and their rural neighborhood areas including areas in the hill districts of Bangladesh, some of the project beneficiaries may be from the ethnic minority communities (EMCs) with the status of indigenous peoples, the ESS7 of the World Bank on indigenous peoples applies to the Project.

The rights and interests of the EMCs – small tribes, minor races, ethnic sects and communities – as recognized in the law of country and in the World Bank ESS7 will be duly attended in the process of design and implementation of the project, where its activities fall in areas inhabited by EMCs. This Ethnic Minority Community Framework (EMCF) has been prepared to guide social inclusion of the EMCs in the project process.

Project Description

The Project is designed to (i) increase access to climate resilient urban services, and (ii) strengthen urban management capacity in selected urban centers. The project envisaged as a three-phase series of projects (SOPs) spanning 12 years. RUTDP is the first project of the SOPs and focuses on infrastructure and institutional support in selected urban centers: Paurashavas and City Corporations. The Project has been prepared for implementation in urban, peri-urban and rural areas under the 87 preselected urban centers along the selected priority growth corridor within administrative divisions of Dhaka, Khulna, Rajshahi, Rangpur and Chattogram. The 14 nodal cities in the five divisions have a total area of 288.64 square kilometer (sq.km). The remaining 73 urban centers cover 1474.46 sq.km. The 73 urban centers include 5 city corporations namely Cumilla, Narayanganj, Khulna, Rajshahi, and Rangpur. Figure 1 shows the geographical location of the project urban centers. The project has three components.

Component 1: Climate Resilient Urban Services and Infrastructure Investments. Component 1 will be implemented under three subcomponents.

Sub-Component 1.1: Climate Resilient Infrastructure Investment in selected 14 Nodal Cities. This subcomponent will provide support to nodal cities for investments in climate resilient, job creating and gender responsive urban infrastructure and services to enhance economic productivity and reduce poverty. Part of these investments were identified through a demand-driven and participatory process, while others will be identified through the multi-sectoral pourashava development planning processes supported under Component 2. Four categories of infrastructure will be eligible for investments. Implementation will employ labor-intensive/job-creating approaches as much as possible:

- (i) Road system and streetscape improvements that integrate carriageway, footpaths, bicycle lanes, street furniture, streetlight, plantation, traffic management, and road safety measures. These sub-projects will incorporate both climate-resilient and gender-responsive design features. For example, to make roads more resilient to climate-induced flooding, they will be designed as part of an integrated urban flood risk management system. Energy efficient streetlighting will be used to improve personal safety and access especially for women.
- (ii) Public buildings and open spaces, including revenue-generating assets (municipal and wholesale markets, community centers, municipal buildings, bus terminals, public toilets, parks, waterside developments) with separate toilets for women in public buildings and designated spaces for women in parks and open spaces where appropriate. Public buildings and open spaces will incorporate appropriate climate-resilient and green building design features, such as cool roofs, reflective surfaces, urban greenery, open public green areas with nature-based solutions, where appropriate.
- (iii) Infrastructure for adapting to climate and disaster risks including managing and reducing waterlogging and flooding in urban areas with integrated cross-boundary flood risk management and drainage system; and reducing impacts of urban heat with cool roofs, urban greenery, public open green areas, and rainwater harvesting.
- (iv) Infrastructure for the Nodal city and surrounding Union Parishads by increasing connectivity (e.g., strategic roads for improving mobility between Nodal city and adjoining Union Parishads, regional bus terminals, etc.) and promoting new economic opportunities (e.g., facilities for tourism, urban regeneration, waterfront development, etc.).

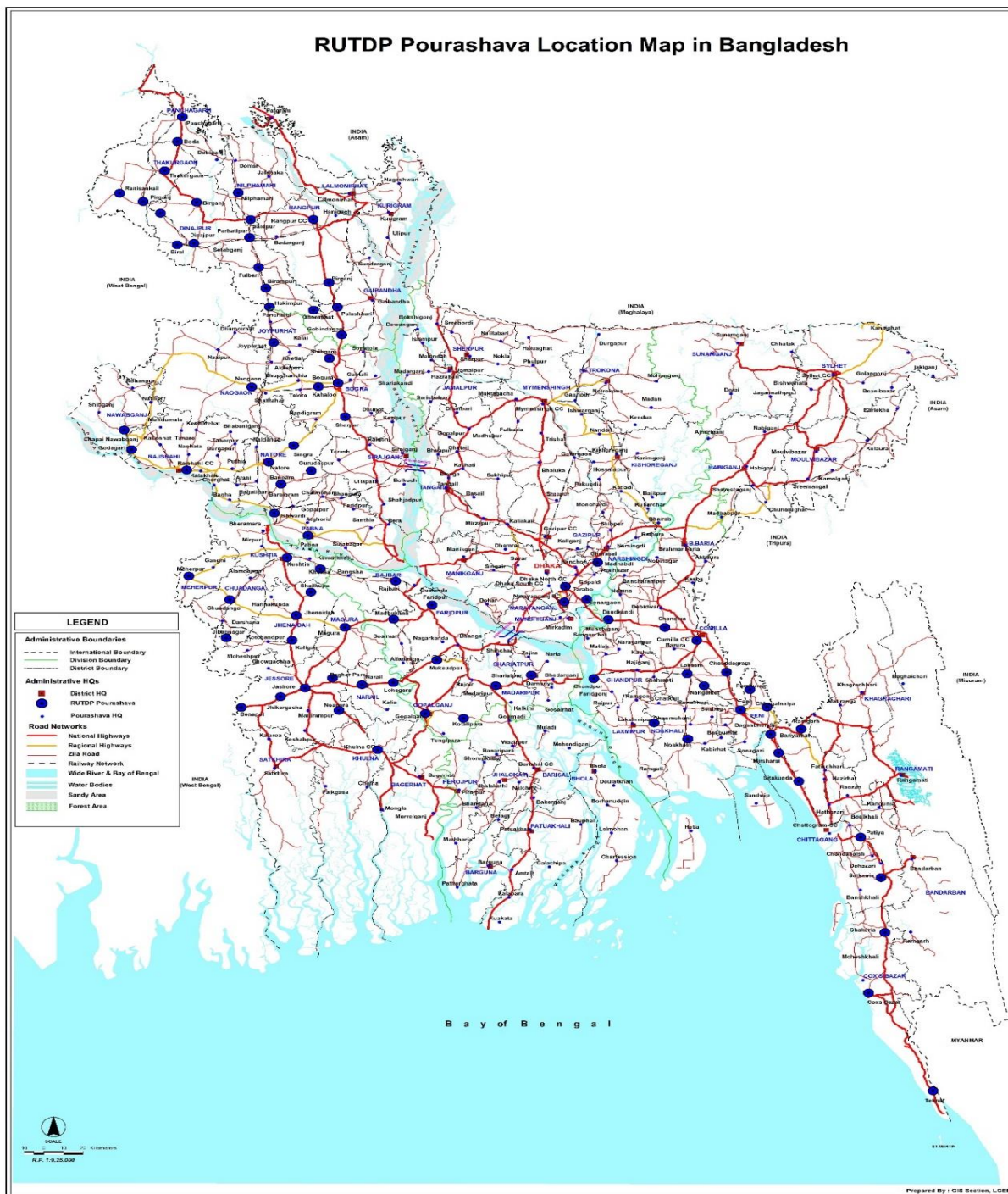


Figure 1: Locations of Project Urban Centers

Sub-component 1.2: Basic Urban Service Improvements through Infrastructure Investments in the Selected Pourashavas and City Corporations to carry out eligible infrastructure investments that support climate resilient urban basic services. This subcomponent will support climate resilient and gender responsive infrastructure investments to improve urban service provision in 67 pourashavas and six city corporations. It will focus on two categories of investment:

(i) Road system and streetscape improvements that integrate carriageway, footpath, streetlight, plantation, traffic management, and road safety measures that will incorporate climate resilient and gender responsive design features, as described above.

(ii) Public buildings and open spaces including climate resilient revenue-generating/economic assets (municipal and wholesale markets, community centers, bus & truck terminals, recreation parks and waterside developments, etc.), that are gender responsive (with separate female toilets in public buildings and designated spaces for women in parks and open spaces) where appropriate. Public buildings and open spaces will incorporate appropriate climate resilient, gender responsive and green building design features, as described above.

Sub-component 1.3: Performance Based Conditions (PBCs) to Support Operation and Maintenance. The intended value of introducing the PBC approach is to bring a performance-based incentive culture to participating pourashavas which could potentially evolve into more systematic institutional reforms under future SOPs. This subcomponent will finance the operation and maintenance (O&M) of urban infrastructure in pourashavas which meet the requirements stipulated in the PBCs. It is critical to properly operate and maintain urban infrastructure to absorb and withstand climate impacts over their lifetime. The implementing agency, the Local Government Engineering Department (LGED) will support pourashavas in meeting the PBCs; evaluate their performance; and allocate funds to those that meet the PBCs. Under this component, project resources will be disbursed based on the achievement of targets under three PBCs:

(i) PBC1 will incentivize the Nodal Cities to prepare, adopt and implement climate resilience action plans following standardized guidelines issued by LGED. Each plan will be based on a comprehensive climate risk assessment, GHG inventory and identification of adaptation and mitigation measures covering different sectors such as urban transport, drainage, water supply and sanitation, energy/building, and green space. DSM Consultants will help them to develop these plans. The target is for the fourteen (14) nodal cities to prepare and adopt cross-sectoral climate resilience action plans included in the Pourashava Development Plans.

(ii) PBC2 will incentivize the 81 pourashavas to increase their own source revenues to improve their fiscal autonomy. Increased OSR is critical in meeting their recurring expenditures, scale up urban, adopt climate resilient measures, and reduce their dependence on fiscal transfers, especially given the existing low levels in OSR mobilization. Under PBC2, the pourashavas are expected to implement measures identified in their Revenue Enhancement Action Plans, such as improving e-governance, deploying field teams to increase collections, and using GIS-based property assessment software to increase property assessments. Overall, the target is to achieve 20% increase from the baseline in OSR for 81 pourashavas.

(iii) Finally, PBC3 aims to increase social accountability and access of the most vulnerable segments of society to urban services and spaces. It does this by incentivizing pourashavas to include women and other vulnerable groups in the Town-level Coordinating Committees (TLCCs) which play a decisive role in the selection, planning and implementation of sub-project. The target is for eighty-one (81) pourashavas to have TLCCs with at least one-third female members (already mandated by law) and co-chaired by a woman.

Component 2: Component 2: Project Management, Technical Assistance and Capacity Building. Component 2 comprises three subcomponents.

Sub-component 2.1: Capacity Building. This sub-component will provide targeted capacity building and training in key areas of urban management such as cross-boundary planning, climate and disaster resilience and local revenue mobilization. Focus areas include incorporating adaptation and mitigation strategies into the urban and capital investment planning and asset management process; improving gender-responsive planning and design; disability/universal accessibility for urban services; strengthening municipal financial management systems, including own-source revenue (OSR) enhancement; and procurement. It will also cover e-GP rollout and measures to strengthen environmental and social performance of cities. To further support gender development, capacity building and leadership training will be provided to female members of the TLCCs to ensure their effective participation and eligibility for leadership positions.

Sub-component 2.2: Technical Assistance. This sub-component will provide technical assistance in three areas: (i) urban management and cluster-level planning for pourashavas and City Corporations; (ii) operation and management of food markets; and (iii) long-term multi-sectoral, integrated climate resilience planning at the sub-regional level. For the first area, technical assistance will strengthen the capacity of pourashavas in the preparation of: (i) multi-sectoral and climate resilient pourashava development plans for 14 nodal cities; (ii) revenue enhancement action plans for 81 pourashavas to improve OSR mobilization; and (iii) O&M plans for 81 pourashavas and city corporations to improve asset management and maintenance. Multi-sectoral and climate resilience plans will be part of the Pourashava Development Plan (PDP) for the 14 nodal cities. Cross-boundary (Pourashava/City Corporation and Union Parishad) planning guidelines will be included in the Project Implementation Manual.

Second, pourashavas and city corporations will be assisted to mainstream food safety and reduce food loss and waste in markets to be built under RUTDP and in existing kitchen markets. This will include the following areas: (i) food safety practices; (ii) governance and enforcement of hygienic conditions and food safety regulations; (iii) climate smart technology adoption, including the use of digital platforms for inventory management, real-time monitoring of food safety, and efficient waste management practices that reduce methane emissions; and (iv) awareness raising among urban consumers on the importance of food safety and the role of kitchen markets in ensuring and maintaining standards.

Third, technical assistance will assist pourashavas and city corporations to conduct long-term multi-sectoral climate resilience planning at the sub-regional level. In addition, it will also finance preparatory and feasibility studies for subsequent stages of the SOP and preparation of a strategy plan for solid waste management. Continuous analytical outputs under RUTDP as well as other ongoing studies (e.g., rigorous analysis of the local/sub-regional economy and existing and potential for economic growth and agglomeration economies, demographics, climate risk assessment, connectivity/logistics issues, policy/regulatory dimensions, etc.) will help to better inform and target future interventions under the SOP. The technical assistance will also be provided to conduct the analytics to design interventions that can support private sector inclusive growth and economic integration along the supported corridors.

Sub-component 2.3: Project Management and Operational Support. This component will support project management and operation through a Project Management Unit (PMU) at LGED Headquarters in Dhaka and Project Implementation Units (PIUs) in pourashavas and City Corporations. It will cover the cost of project management, including financing the day-to-day administration, management, monitoring and coordination of project activities by the PMU and the PIUs, operational audit, financial management, environmental and social risk management, procurement, monitoring and evaluation, and reporting. It will also finance consultancy services provided by the DSM consultants, the Municipal Services Unit (MSU), Third Party

Monitoring (TPM), PMU Individual Consultants, Project Appraisal and Management Consultants (PAM Consultants), Sub-Project Readiness Consultants, Operational Audit, etc.

Component 3: Contingent Emergency Response (US\$0 million). Following an eligible crisis or emergency, the GoB may request the World Bank to re-allocate project funds to support emergency response and reconstruction. This component would draw from the uncommitted grant resources under the project from other project components to cover emergency response.

Objective of the EMCF

The objective of this EMCF is to provide a tool for the screening of project activities, to identify if ethnic minority communities with characteristics of indigenous peoples per ESS7 are present in project influence area, engage with them and take measures to avoid adverse social impacts on their tradition, language, culture, residence, livelihoods, and productive land following the requirements of the national legal framework and the World Bank ESS7. The EMCF establishes policies, principles, processes, procedures, institutional arrangements, schedules for identification and assessment of impacts those will potentially be associated with any of the subprojects to be designed and implemented under the Project during implementation. The EMCF will also guide LGED and the selected urban centers in allocation of appropriate resources for addressing the identified impacts and management of issues related to EMCs and other social issues following site-specific social impact assessment. The specific objectives of this EMCF will be to guide the PIUs at urban centers and the PMU at LGED with the following:

- To ensure that project engages in free, prior, and informed consultation with the EMCs wherever they are affected.
- To achieve free, prior and informed Consent (FPIC) with the EMCs when needed.
- To ensure that project benefits are accessible to EMCs living in the project area.
- To avoid any kind of adverse impact on the EMCs to the extent possible and if unavoidable ensure that adverse impacts are minimized and mitigated.
- To ensure EMCs' participation in the entire process of preparation; implementation and monitoring of the sub-project activities.
- To minimize further social and economic imbalances within communities; and
- To develop appropriate training / income generation activities in accordance with their own defined needs and priorities.

The EMCF focuses on impacts on the EMCs due to the implementation of the Project under the selected urban local governments: municipalities and city corporations, along the priority growth corridors. LGED will guide and the urban local governments will adhere to this framework in identification, design and implementation of sub-projects through developing and implementing site specific Ethnic Minority Community Plan (EMCP), where needed. This will be prepared during detailed design and environmental and social impact assessment (ESIA) of subprojects at the implementation level.

Potential Issues and Impacts on Ethnic Minorities

A preliminary assessment of the potential risks and issues related to EMCs under the Project has been made based on available information and knowledge of the selected growth corridor. According to the assessment, it will be very unlikely that the Project will cause any adverse impact to the EMCs like acquisition of their land, physical relocation, loss of livelihoods and any induced additional impact on their language and culture. The Component 1 is not expected to take any of their land. The Project, by design, will avoid the following to safeguard the EMCs in the project influence area: (i) acquisition of land and physical relocation of EMCs; (2) relocation of businesses owned and operated by EMCs, unless an alternative permanent arrangement is ensured; (3) policies and plans that affect EMCs' culture and self-identity.

Unlike the mainstream community beneficiaries, the Project will bring in positive impacts to the EMCs from improved connectivity, access to urban services, employment in project civil works and empowerment. The focus of the Project operational procedure is to localize the economic benefits with minimal opportunities for outside labor to service work that require specialized/skilled labor, not present in project city centers. The priority for local labor (dependent on skill, experience capacity) is expected to minimize the risk of influx of migrant workers, where there is a requirement for special skills. Labor influx is therefore assessed to be low.

The labor management procedure (LMP), developed for the Project, will be followed for managing labor in civil works. Specific requirements to manage risks associated with labor influx, related to the interaction between project workers, local communities and ethnic minorities, such as communicable diseases and gender-based violence (GBV) most specifically sexual exploitation and abuse (SEA) and sexual harassment (SH), will be managed through contractual requirements, establishment of GRM, code of conduct and GBV sensitization training for the communities, contractors and workers set out in the LMP. The SEA/SH risk is rated "moderate" based on project locations (which includes some areas with high poverty and areas inhabited by ethnic minorities), implementation approach and implementation capacity of the client institutions. The improved road connectivity may impose risks of trafficking in persons, affecting the ethnic minority community women and children. Women and children in ethnic minority and indigenous groups are more vulnerable to GBV risks due to their intersectionality and may have limited access to essential services. Some of the subprojects will be located along the border with India, where the occurrence of human trafficking is existing. The project will enforce stringent requirements against trafficking.

After the finalization of the relevant environment and social studies and the impact on the ethnic minority community get identified. The Project will develop site specific Community Development Plan (CDP) integrating ethnic minority community inclusion measures, minimizing adverse impacts and maximizing project benefits to them. The CDP will be proposed based on the assessment of project impacts, both positive and negative, and the consultation feedback of concerns and requests from the EMCs.

Approval and Disclosure

LGED will adopt this EMCF for the Project with concurrence from the World Bank on review of the draft EMCF. After clearance of the EMCF by the World Bank, LGED will disclose it in its official website (<https://www.lged.gov.bd>) along with a summary Bangla translation. The original English version of the EMCF will be authorized by LGED for disclosure in the World Bank external website before appraisal.

This EMCF can be updated anytime deemed necessary with prior written concurrence from the World Bank. The EMCF at any subsequent revisions agreed with the World Bank for this or any subsequent projects will be re-disclosed both at LGED and in the World Bank external portal.

ETHNIC MINORITY COMMUNITIES IN PROJECT AREA

Ethnic Minority Communities in Bangladesh

Bangladesh is religiously, ethnically, and linguistically homogeneous. Its population of nearly 169.82 million (adjusted PHC 2022) comprised of roughly 91 percent Muslim, with about 8% Hindus and others mainly following Buddhism and Christianity. Close to 99 percent speak Bengali. The overwhelming numbers of people are ethnic Bengalis although they are a mixed group containing Aryan, Dravidian, Mongoloid and other racial traits. However, across its territory, many minority groups inhabit most of whom continue to keep their distinct ethnic traits, social institutions and organizations, and cultural traditions. In spite of the subjugation of religion, components of primitiveness are emphatically shown in their ceremonies, customs and regular life. The tribal families are matriarchal. The women's society is more persevering than the men and they are the primary beneficial power. Many of them could be taken as 'small ethnic community peoples' as defined in various UN human rights instruments and policies, including the World Bank's Environmental and Social Standard on Indigenous Peoples (ESS7).

There are about 35 smaller groups of small ethnic communities with distinct culture, tradition, language in Bangladesh covering about two percent of the total population have been living in different pockets of the hilly zones and some plain lands of the country ([www. Banlaembassy.com](http://www.Banlaembassy.com).). On the other hand, according to the Bangladesh Adivasi Forum, there are 45 ethnic groups with approximately 2.5 million living side by side with the Bengali majority people. According to the government statistics (PHC 2022), the total number of small ethnic community peoples is 1.65 million, which is only 1.0 percent of the total population. However enough doubts remain about this number of ethnic minorities. The Government of Bangladesh has generally preferred to use the term 'tribal/tribe' (Upajati in Bengali) or most recently, 'small ethnic groups' or 'ethnic minorities' rather than officially recognizing the presence of 'small ethnic community peoples' within the national territory. This is despite the growing presence and importance given to the subject in recent public debates.

The Small Ethnic Groups Cultural Institution Act 2010 uses the term "khudro Nrigoshtthi" (small ethnic groups) to refer to the small ethnic community peoples. A 2011 amendment to the Constitution refers to the small ethnic community peoples of Bangladesh as "tribes", "minor races" and "ethnic sects and communities". According to the Bangladesh Adivasi Forum, an apex advocacy and networking organization of the ethnic minorities, there are 3 million tribal peoples residing in Bangladesh territory largely concentrated in the Hill districts (Rangamati, Khagrachari and Bandarban) in Chattogram Division.

The total number of small ethnic community 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 includes as many as 45 small ethnic community groups as per one of their publications (Solidarity, 2003). A proposed draft law, called Bangladesh Small ethnic community Peoples' Rights Act, by Bangladesh Parliamentary Caucus on Small ethnic community Peoples – a group of parliamentarians who advocate for the rights of the country's ethnic minority/small ethnic community peoples – enlists as many as 59 distinct ethnic minority groups. Yet a further study (2015) commissioned by UNDP for mapping of the different 'small ethnic community peoples' communities' could not draw a 'definitive conclusion' on the exact number. The reason stems partly from a vibrant movement of EMCs 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.

Notwithstanding the confusion about the exact number of the ethnic minority groups in Bangladesh, the project, for the purpose of its interventions, will adopt the World Bank's criteria (ESS7) for the identification of the small ethnic community peoples (i.e. ethnic minorities). EMCs will be recognized as indigenous peoples, where they possess the following characteristics in varying degrees:

(a) Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others; and

(b) Collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas; and

(c) Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture; and

(d) A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

Although the ethnic minorities 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.

For centuries, Bangladesh has been the dwelling place of different ethnic groups. In fact, 35 smaller groups of small ethnic community people covering about less than one percent of the total population have been living in different pockets of the hilly zones and some areas of the plain districts of the country. Their historical background, economic activities, social structure, religious beliefs and festivals make them distinctive. The beauty of the hilly zones as well as the plain areas has been enhanced by the colorful culture and traditional practices of different ethnic groups, like the Mandi and Hajong in the northern part, the Manipuri, Garo and Khasiain the northeast, the Chakma, Tripura, Marma, Rakhain, Mru, Tanchyanga, Murong in the Eastern and South-Eastern parts and the Santal and Rajbangshi in the western part of the country.

Almost all tribal languages have rich folk literature, consisting of poems, songs, fairy tales and legends relating to their past nomadic life. There are plenty of narratives, similar to the Maimensingha Geetika (a collection of folk ballads from the region of Mymensingh, Bangladesh) in Mogh, Chakma, Khasia and Garo languages. The folk tales of the tribal languages have similarities with those in Bangla. The ballads in some of the languages of the Himalayan foothills are similar to those in Bangla folk literature. Their linguistic aspects are similar to those of early Bangla. The rhymes in Bangla and the tribal languages are similar in subject, rhythm and vocabulary. However, tribal peoples in the plain districts can access public amenities equally with the mainstream communities.

Ethnic Minority Communities in Project Area

According to the PHC 2022, a total of 728,806 ethnic minority peoples are enumerated in the project districts (Table 2.1). Among the selected 87 ULBs, only three ULBs namely Ramgarh, Cox's Bazar and Teknaf have ethnic minority people living within the paurashava boundaries. Since some of the cluster-based interventions will

extend to rural areas, direct and indirect impact areas may have presence of ethnic minority people qualifying some or all of the characteristics of indigenous people per ESS7.

Table 1: Ethnic Minority Peoples in Project Area

Division	District	Ethnic minority population in the district ¹	Name of ULB	Area (sq.km.)	Presence of Ethnic Minority Peoples in the ULBs (%)
Dhaka	Shariatpur	437	Shariatpur	24.92	-
	Madaripur	508	Madaripur	14.22	-
	Faridpur	6,452	Faridpur	19.07	-
			Madhukhali	12.00	-
	Rajbari	508	Rajbari	11.65	-
	Gopalganj	2,470	Muksudpur	16.77	-
			Gopalganj	14.25	-
			Kotalipara	2.05	-
Khulna	Khulna	3,260	Khulna City Corp.	50.61	-
	Jashore	5,386	Jashore	14.71	-
			Jhikargacha	9.43	-
			BagherPara	3.03	-
			Noapara	25.11	-
			Benapol	11.15	-
Khulna	Narail		Narail	26.90	-
			Lohagara	17.01	-
	Jhenaidah	8,278	Jhenaidah	44.33	-
			Kaliganj	15.89	-
			Shailkupa	20.92	-
	Magura	8,548	Magura	43.92	-
	Chuadanga	707	Chuadanga	37.37	-
			Jibannagar	13.03	-
	Meherpur	161	Meherpur	15.90	-
Rajshahi	Pabna	2,368	Ishwardi	19.59	-
			Pabna	27.27	-
	Natore	11,189	Bonpara	12.61	-
			Natore	14.84	-
			Gurudaspur	13.61	-
			Singra	29.39	-
	Rajshahi	47,832	Rajshahi City Corporation	97.18	-
			Godagari	14.29	-

¹ Bangladesh Bureau of Statistics, Republic of Bangladesh, Population and Housing Census 2022

Division	District	Ethnic minority population in the district1	Name of ULB	Area (sq.km.)	Presence of Ethnic Minority Peoples in the ULBs (%)
	Chapai Nawabganj	23,275	Chapai Nawabganj	32.90	-
	Bogura	5,993	Bogura	68.63	-
			Kahaloo	6.82	-
			Shibganj	13.67	-
			Sherpur	7.70	-
	Naogaon	107,292	Naogaon	37.08	-
	Joypurhat	26,324	Joypurhat	18.55	-
Rangpur	Gaibandha	4,149	Gobindaganj	14.47	-
			Palashbari	18.38	-
	Rangpur	15,940	Rangpur City Corporation	50.69	-
			Pirganj	14.89	-
	Dinajpur	52,939	Ghoraghat	18.63	-
			Hakimpur	16.40	-
			Birampur	27.53	-
			Fulbari	16.04	-
			Parbatipur	13.44	-
			Dinajpur	24.50	-
			Birol	10.50	-
			Birganj	6.30	-
			Setabganj	20.23	-
	Nilphamari	127	Saidpur	34.82	-
			Nilphamari	29.75	-
	Thakurgaon	15,511	Pirganj	29.41	-
			Ranisankail	9.15	-
			Thakurgaon	30.03	-
	Panchagarh	2,011	Boda	14.32	-
			Panchagarh	22.00	-
Dhaka	Narsingdi	508	Madhabdi	5.10	-
	Narayanganj	1,267	Narayanganj City Corp.	46.68	-
			Tarabo	19.39	-
			Sonargaon	9.06	-
Chattogram	Cumilla	2,044	Daudkandi	13.18	-
			Chandina	15.12	-
			Cumilla City Corp.	42.34	-
			Laksam	19.86	-
			Nangalkot	13.06	-
			Chauddagram	16.64	-
	Chandpur	2,044	Chandpur	22.91	-

Division	District	Ethic minority population in the district1	Name of ULB	Area (sq.km.)	Presence of Ethnic Minority Peoples in the ULBs (%)
	Noakhali	1,003	Noakhali	16.67	-
	Feni	906	Feni	22.00	-
			Chhagalnaiya	25.25	-
			Parshuram	22.38	-
	Lakshmipur	150	Lakshmipur	19.42	-
	Chattogram	2,863	Baraiyarhat	2.12	-
			Mirsharai	10.49	-
			Sitakunda	27.97	-
			Satkania	12.51	-
			Patiya	9.95	-
	Khagrchhari	349,378	Ramgarh	20.87	9.21
	Cox's Bazar	14861	Chakaria	15.76	-
			Cox's Bazar	7.94	4.18
			Teknaf	4.04	12.63
Total		728,806		1760.37	0.17

Most of the EMCs are rural while some are urban. Nationally, 31.51 percent of the total population is living in the urban areas (city corporation, Paurashavas, upazila headquarters not declared as Paurashavas, growth centres and commercial areas). Key weaknesses and vulnerability of the small ethnic communities as listed in the findings of a WB funded project, namely, Social Investment Program Project (SIPP) are:

Backwardness and Impoverishment:

- Lack of awareness among EMCs women and men on income generating activities
- High incidence of landlessness, especially in plain areas
- Depletion of natural forest and common property resources
- Lack of awareness on processing and marketing of agriculture and horticulture produce.
- Lack of market linkages for handicrafts made by EMCs
- Lack of employment to educated youth.
- Lack of assistance to differently abled persons

Insecurity and Vulnerability:

- Food insecurity during lean seasons
- Vulnerability to natural disasters and social shocks.

Lack of Awareness:

- Lack of awareness on ethnic culture to the field level functionaries
- Lack of Gender sensitization among field level functionaries and ethnic minority communities.

Other Issues

- Involvement of traditional EMC councils in development
- Language skills only in ethnic minorities' dialects are a hindrance for access to education.
- High incidence of dropouts especially among girls.
- Lack of awareness on health, hygiene and sanitation.
- Lack of access to common property resources.

POLICY AND REGULATORY FRAMEWORK

This chapter deals with the laws, regulations and policies, of Government of Bangladesh, and the World Bank, related to social issues. Only the laws, regulations and policies relevant to the project are discussed here. This section needs to be updated as when new laws, regulations and policies are made and enforced or the existing ones are revised.

Social Policies, Laws and Regulations of GoB

Infrastructure development projects using lands in Bangladesh are designed and implemented under the legislative and regulatory framework to compensate the affected persons due to land acquisition using the power of eminent domain. Whenever it appears to the Government that any property in any locality is needed or is likely to be needed for any public purpose or in the public interest, the property is acquired using existing laws and regulations. Land acquisition is governed by the Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance II of 1982). This ordinance supersedes earlier laws including the Land Acquisition Law of 1894 and others that have been in force between 1947 and 1982. In the case of CHTs, in addition to the ARIPO, 1982, this will consider the region's legal context; the key pieces being the Chittagong Hill Tracts Regulation Act, 1900 and CHT (Land Acquisition) Regulation, 1958. The first formalizes the region's administrative framework, revenue collection, land administration, and power and authority of the traditional institutions (e.g. Circle Chief and Headmen) while the second, specifically adopted to clarify the government's authority for acquisition of land on the eve of the Kaptai dam construction in the early 1960s, still remains as the most important legal instrument for land acquisition in the region.

There is no national policy in Bangladesh governing social effects of infrastructure development projects on the project area communities. However, the Constitution of Bangladesh provides some rights to the affected persons, communities and groups those are not upheld in the Ordinance II of 1982 which is the instrument followed for land acquisition. The active instruments under the legislative and regulatory framework in Bangladesh are discussed below:

Constitutional Provisions

The fundamental rights under the Constitution indicate the general guidelines for a policy on resettlement/rehabilitation of citizens adversely affected (whatever be the mechanism) due to any activity of the State. Article 40 of the constitution states categorically that every citizen has the right to practice any lawful occupation which implies that anything impeding such right (a) should not be done or (b) there should be supplementary measures to make good the losses incurred by the citizen. Resettlement and rehabilitation of adversely affected people due to infrastructure projects very clearly falls within this requirement for supplementary measures. However, as per Article 42, sub-clause 2, no law with provision of compensation for acquisition of land can be challenged in a court on the ground that such compensation has been inadequate. However, under World Bank ESS 5 Involuntary Resettlement, every affected person will have access to a project specific Grievance Redress Mechanism for dispute resolution before the matter is moved to the courts. Complaints, the resolution process and the outcome

will be reviewed by the project proponents as well as the Bank. Until the dispute is resolved the funds for the disputed asset must be held in an escrow account (top-up payments due from the project agency can be held until the project closes; the amount placed with the DC maybe held for 10 years or more if necessary).

Other Relevant Acts

National Land-use Policy, 2001: The Government of Bangladesh has adopted national Land use Policy, 2001. The salient features of the policy objectives relevant to the proposed are as follows:

- To prevent the current tendency of gradual and consistent decrease of cultivable land for the production of food to meet the demand of expanding population;
- To ensure that land use is in harmony with natural environment;
- To use land resources in the best possible way and to play supplementary role in controlling the consistent increase in the number of lands less people towards the elimination of poverty and the increase of employment;
- To protect natural forest areas, prevent river erosion and destruction of hills;
- To prevent land pollution; and
- To ensure the minimal use of land for construction of both government and non-government buildings.

CHT Regulations 1900 (popularly called, the CHT Manual): This is the key legal reference till date and defines the region's administrative framework, land administration, revenue collection, power and authority of the traditional institutions (e.g. Circle Chief and Headmen) and justice system including 'tribal justice' system. The Act has been amended a number of times since its adoption but still remains a key reference.

Forest Act, 1927 (as amended in 2003): It is the key law on the administration of Forests in the country. It replaced the older (adopted in 1876) law and has been recently amended in 2003. For CHT, the law has a major impact, given 25% of the region is Reserve and Protected Forests, and with the Unclassed State Forests (USF), this percentage can be more than 60% of the region!

Bazar Fund Rules, 1936: The Rules were adopted by the British (and still in enforcement) regarding the management/administration of the markets (hat and bazaar). By doing so, these also frame out the land management in market areas.

HDCs (Bandarban, Rangamati and Khagrachari) Act, 1998 (along with the Schedule – 1): A major piece of legislation for the decentralized governance of the CHT, Section 64 of the hill district councils (HDCs) act states. "Notwithstanding anything contained in any law for the time being in force, no land within the boundaries of Rangamati (and Khagrachari and Bandarban) Hill District shall be given in settlement without the prior approval of the Council and such land cannot be transferred to a person who is not a domicile of the said district without such approval".

Provided that, this provision shall not be applicable in case of areas within the Protected and Reserve Forests, Kaptai Hydroelectricity Project, Betbunia Earth Satellite Station, land transferred or settled in Government and Public interest, land and forest required for state purposes.

This is a very broad authority which in practice the HDCs have seldom exercised till date. Their weak institutional capacity and subservience to the ruling party may be the main explanation.

CHT Peace Accord 1997: The Accord does not have a ‘formal’ legal status but because of the key role it played in ‘formally’ ending the conflicts in the CHT, it might be considered as a de facto legal document and contains specific measures (e.g. CHT Land Dispute Resolution Commission, see below) for settling land disputes in the region.

CHT Land Commission Act, 2001: The Act is one of the most important instruments coming out of the Peace Accord for resolution of land related disputes. The Commission, however, still remain non-functional and there is major disagreement between the Government and CHT Regional Council on a number of sections of the legal text. However, as of now there seems to be an understanding on an amended text which has been recently approved by the Cabinet for further scrutiny by the Parliament and for its eventual enactment.

CHT Regional Council Act, 1998: The Regional Council (RC) is a key authority for the region’s decentralized governance, hence potentially having major bearing on the land governance in the region. However, the institution remains hobbled by weak institutional capacity with overall pace of devolution of power from the central government in Dhaka to the CHT institutions (including CHTRC) remaining exceedingly slow.

The World Bank Environmental and Social Standard 7

The World Bank recognizes that indigenous peoples have identities and aspirations that are distinct from mainstream groups in national societies and often are disadvantaged by traditional models of development. In many instances, they are among the most economically marginalized and vulnerable segments of the population. Their economic, social, and legal status frequently limits their capacity to defend their rights to, and interests in, land, territories and natural and cultural resources, and may restrict their ability to participate in and benefit from development projects. In many cases, they do not receive equitable access to project benefits, or benefits are not devised or delivered in a form that is culturally appropriate, and they may not always be adequately consulted about the design or implementation of projects that would profoundly affect their lives or communities.

The World Bank Environmental and Social Standard (ESS) on indigenous peoples (ESS7) promotes development inclusive of ethnic identities and vulnerabilities and applies to project affected indigenous ethnic minorities, aboriginals, hill tribes, vulnerable and marginalized groups, minority nationalities, scheduled tribes, first nations or tribal groups, when they hold the status of indigenous peoples with the characteristics defined in the Chapter on Ethnic Minority Communities in Project Area above.

The World Bank ESS7 requires that the development process fully respects the dignity, human rights, economies, and cultures of indigenous peoples. The Bank provides project financing only where free, prior, and informed consultation/consent results in broad community support to the project by the affected indigenous peoples. Such World Bank-financed projects include measures to (a) avoid potentially adverse effects on the indigenous communities; or (b) when avoidance is not feasible, minimize, mitigate, or compensate for such effects. World 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.

The primary objectives of ESS7 are:

- To ensure that the development process fosters full respect for the human rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods of Indigenous Peoples.

- To avoid adverse impacts of projects on Indigenous Peoples, or when avoidance is not possible, to minimize, mitigate and/or compensate for such impacts.
- To promote sustainable development benefits and opportunities for Indigenous Peoples in a manner that is accessible, culturally appropriate and inclusive.
- To improve project design and promote local support by establishing and maintaining an ongoing relationship based on meaningful consultation with the Indigenous Peoples affected by a project throughout the project's life cycle.
- To obtain the Free, Prior, and Informed Consent (FPIC) of affected Indigenous Peoples in the three circumstances described in this ESS.
- To recognize, respect and preserve the culture, knowledge, and practices of Indigenous Peoples, and to provide them with an opportunity to adapt to changing conditions in a manner and in a timeframe acceptable to them.

Bangladesh has Policy that recognizes the right of small ethnic communities to cultural expressions, education, training, health, environment, land, agriculture, water resources, infrastructure, tourism and industry. They have generally been treated equally as the mainstream citizens. Clear mechanism for free, prior and informed consent to seek broad support of the Project from the ethnic minority communities will be used in the whole cycle of the Project. During implementation, a Grievance Redress Mechanism will be established so that every EMCs can bring his/her voice, complaint or any un-satisfaction about the project.

Project Policy on Ethnic Minority Communities

RUTDP will not undertake any interventions which will adversely affect IPs with long-term negative consequences in the following manner:

- Threaten their cultural tradition and way of life.
 - May severely restrict access to common property resources and livelihood activities.
 - May affect places/objects of cultural and religious significance (places of worship, ancestral burial grounds, etc.).
 - Acquire lands owned and operated by ethnic minorities or affected their private homesteads.
 - Render households using public lands homeless or impact livelihood activities ongoing there.
 - Significantly restrict access to common property resources and livelihood activities of groups and communities.
 - Cause adverse impacts on physical cultural resources like buildings and objects that bear cultural and historical significance (ref: World Bank's ESS 8 on Physical Cultural Resources).
-
- In situations where EMCs will be among the direct beneficiaries of a subproject, the project will adopt meaningful consultation with them, identify issues and adopt measures to enhance project benefits for them with measures captured in a site-specific EMCP.

PREPARATION OF ETHNIC MINORITY COMMUNITY PLAN

The Environmental and Social Team (ES Team) of LGED for the Project will prepare Ethnic Minority Community Plan (EMCP) with the help of design and supervision consultancy, if a subproject under any ULGs finds EMCs in its influence area in rural periphery. The Project Management Unit (PMU) in LGED will submit the draft EMCP to The World Bank for review and concurrence. Upon concurrence from the World Bank, the EMCP will be implemented in the subproject process.

Methodology

An initial social screening will be carried out to identify the presence of any ethnic minority community in a subproject area. On identification of EMCs, the design consultant will carry out site specific social impact assessment and analyze issues to address to achieve the objective of EMCF. In the assessment process, the consultant will consult the affected EMCs meaningfully and if their property is acquired or livelihoods affected, free, prior and informed consent (FPIC) will be followed in the consultation process. Details of the procedures are as follows:

- Screening to identify whether indigenous peoples (per ESS7) are present or have collective attachment to the subproject area.
- Social assessment and analysis to address the social concerns of the sub-project area from identified EMCs.
- Identifying views of the affected communities) at each stage of the project, and particularly during project preparation
- When EMCs are affected with their property, dwelling and source of income, conduct FPIC according to ESS7 and document.
- When EMCs are among the beneficiaries and are not affected with their property or income, carry out meaningful consultation, and document the consultation process.
- Identify institutional arrangements (including capacity building wherever necessary) for screening project-supported activities, evaluating their effects on EMCs, preparing EMCP (if required), and addressing grievances.
- The PMU finalizes the EMCP and shares with the World Bank for review and concurrence.
- PMU adopts and discloses the EMCP and implements it in subproject process.
- Monitor EMCP implementation, document process and report.

Social Screening

During the planning and design phase of a sub project, social screening (format at Annex-2) will be carried out based on group discussion with the communities in the subproject area in order to identify presence of any EMCs that have collective attachment to the project area. Apart from the consultation with the community members, consultations / in depth interviews will also be carried out with the NGOs working in the area and representatives of local self-government. The screening will look into the details of EMCs, assessing the number of such households along the zone of influence of the proposed sub project. If the

result shows that there are EMCs with characteristics of indigenous peoples per ESS7, the issues related to the community will be included in the Environmental Social Impact Assessment (ESIA).

Environmental and Social Impact Assessment

The project will be responsible for conducting ESIA and the development of an action plan with the help of EMCs and organizations working for them. The ESIA will gather relevant information on demographic, social, cultural, economic and networking aspects of each household and needs of the community as a whole. The information on individual household will be collected through household survey whereas community-based needs would be accessed through group discussions with the community as a whole as well as in discussion with the community leaders and other stakeholders. The discussion will focus on both positive and negative impacts of a subproject. The suggestion and feedback of the community taken through meaningful consultation will be incorporated on the design hence to ensure the broader community support for the Project.

Free, Prior and Informed Consent (FPIC)

When social screening identifies that the EMCs are affected with their property under legal, traditional and customary rights, and/or their income is affected permanently or the project is affecting their language and culture in anyways, FPIC will be obtained through the consultation process.

Sub-Project Approval

If a sub-project has EMCs in its impact area, the project shall not approve the subproject until a satisfactory EMCP has been prepared and shared with the affected EMCs. When standalone EMCP is not needed because majority of beneficiaries of the subcomponent are specific EMC households, the project design should ensure all elements of the ESS7 incorporated in the sub-project as recommended in the ESIA.

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DISCLOSURE AND STAKEHOLDER ENGAGEMENT

General Approach

The EMCF undertakes strategy for ongoing involvement of EMCs, in subproject preparation and implementation. Core components of this strategy are (a) the representation of EMCs on EMCP implementation structures; (b) a grievance management system for the resolution of grievances and disputes; and (c) monitoring and evaluation mechanisms to track implementation issues. The detailed implementing plans will be developed jointly with the EMCs where affected. The project team will work with them on the subprojects.

In absence of any well-recognized policy by the Government of Bangladesh on the ethnic minority communities (with indigenous status), the EMCs, their relevant representatives and stakeholders will be fully engaged in the project activities following the World Bank ESS7. Consultations based on the principle of 'Free, Prior and Informed Consent (FPIC)' will be key tool in engaging the EMCs in project process.

The development and implementation of site-specific EMCP, where required, will follow a participatory approach to enable EMCs play an inclusive role in subproject planning, design and implementation. EMCs with indigenous status, those are likely benefit from the subproject directly, will be interviewed on an individual basis, consulted in groups and in open meetings to understand, and collect their views on their needs, priorities, and preferences associated with a subproject. EMCP will be prepared following the findings of ESIA and feedback from consultation with EMCs and stakeholders. The EMCP implementation will continue this participatory approach to enable meaningful consultation and effective participation of EMCs in the process of subproject implementation.

The participation process for the project will be inclusive of all groups including the ethnic minority communities. Sensitivity to stakeholders' needs is the key principle underlying the selection of engagement methods. Special attention will be given to include vulnerable groups, in particular women, youth, elderly, and the cultural sensitivities of diverse ethnic minority communities.

Objectives of Disclosure and Consultations

The participating ULGs will engage with the affected EMCs in meaningful consultation using a language they understand and facilitators they are comfortable with. The ULGs will inform and educate the EMCs of the project and its implementation approach and communicate them to get their verbatim feedback to feed into subproject design and implementation.

The objectives of such information and communication will be to promote effective project design, build local project support or ownership, and reduce the risk of project-related delays or controversies, as required in the project Stakeholder Engagement Plan (SEP). This engagement process will include stakeholder analysis and engagement planning, disclosure of information, and meaningful consultation, in a culturally appropriate and gender and inter-generationally inclusive manner. The process of meaningful consultation will also:

(a) Involve EMCs' representative bodies and organizations and, where appropriate, other community members.

- (b) Provide sufficient time for EMCs' decision-making processes; and
- (c) Allow for EMCs' effective participation in the design of subproject activities or mitigation measures that could potentially affect them either positively or negatively.

Circumstances Requiring FPIC

Indigenous peoples may be particularly vulnerable to the loss of, alienation from or exploitation of their land and access to natural and cultural resources. The ULGs will obtain free, prior, informed consent (FPIC) in circumstances in which the project will:

- a. have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation.
- b. cause relocation of ethnic minority communities from land and natural resources subject to traditional ownership or under customary use or occupation. or
- c. have significant impacts on ethnic minority communities' cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected Indigenous Peoples.

However, this project will avoid the above circumstances and the EMCs will only be beneficiaries. Any adverse social impacts on EMCs will be completely avoided.

INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENT

The Project will be implemented through the participating urban centers: City Corporations and Pourashavas over a period of about six years. LGED will set up a Project Management Unit (PMU) with overall coordination and implementation responsibility of the project through the Project Implementation Units (PIUs) at the Pourashava and City Corporation level. The Municipal Support Unit (MSU) of LGED, in coordination with the PMU, will provide capacity building and institutional strengthening activities to the participating pourashavas and city corporations. The PMU will be supported by a Design, Supervision and Management Consultant (DSM Consultant) for identification and design of subprojects at the urban center level and subsequently supervise construction responding to the EMCF requirements.

Project Management Unit at LGED

The PMU at LGED will employ individual consultants for management of environmental and social risks and impact including those with the affected EMCs. A Social Development Specialist will be engaged under the PMU and Gender Specialist will be engaged for the PMU through the DSM Consultancy. Together with an Environmental Specialist, the Environmental and Social Team (ES Team) of the PMU will use the services of ES consultants with the DSM Consultancy, responsible for assessment, planning and implementation supervision of any EMCPs developed following this EMCF.

Project Implementation Units

Project Implementation Unit (PIU) will be established at each of the participating urban centers. The PIUs will be headed by the mayors and supported by the MSUs of LGED at the Regional level and the PMU at LGED in Dhaka. Additionally, the PIUs may engage consultants for design and implementation of their activities under the supervision of the PMU at LGED including assessment and management of EMC issues per the ESS7.

DSM Consultancy

The DSM Consultancy will include consultant resources for assessment and management of EMC issues in the process of identification, planning, design and implementation of subprojects at the ULG level. The DSM consultant will guide and support the PIUs in social screening, ESIA and preparation and implementation of site-specific EMCPs. The EMCPs will be submitted to the PMU by PIUs for review and getting concurrence from the World Bank.

The subproject EMCP will have, as applicable, its own budget. A detailed budget will be prepared by the consultant considering of all activities associated with the formulation and implementation of the EMCP. The budget will include cost associated with recommended program activities, human resource cost,

monitoring and other associated cost. Such budgets will be an integral part of the subproject cost, to be included in the cost item in EMCP.

The budget will be made available during subproject implementation from allocations on environmental and social risks management under the Project. The PMU will ensure that adequate budget is available to implement EMCPs.

Managing EMC Issues in Subproject Cycle

The participating ULGs will seek project finance for implementation of subprojects they identify. They will identify and design a subproject using an all-inclusive participative process, produce to the PMU for appraisal and approval for implementation. Following Table 1 provides the activities for managing EMC issues at subproject cycle: identification, design, appraisal at PMU, implementation, and completion.

Table 2: Key Milestone Linked with the Project Implementation

Project Milestone	Description	Activities	Responsibility
Identification	Carry out social screening to identify if any EMCs are present in the subproject influence area, they are beneficiaries and any of them are affected with their property and sources of income and impact on their language and culture	Transect walk, filling out screening forms, consult with communities in subproject influence area, prepare screening report	PIU carries out, MSU guides, and DSM Consultant supports
Detail design	Carry out environmental and social impact assessment (ESIA) of the subproject for risks and impacts on EMCs	Review of secondary information, consultation with EMCs, obtaining FPIC, where needed, household socioeconomic survey, analysis of data and information, prepare report.	PIU carries out, MSU guides, and DSM Consultant help prepare ESIA

Project Milestone	Description	Activities	Responsibility
Appraisal	Prepare EMCP for subprojects that identify EMCs in its influence area per the social screening and attach with a subproject proposal for appraisal at the PMU.	Identify program activities for community enhancements, institutional and implementation arrangement, CMC engagement, grievance response, budget and monitoring mechanism. Get the EMCPs concurred by the World Bank. Include relevant bill of quantities in the bidding documents.	PIU prepares, MSU guides, and DSM Consultant helps prepare report
Implementation of EMCP	Implement requirements of the EMCP agreed with the World Bank	Selection of contractors, construction, implementation of the EMCP, mitigation of the potential impact, enhancement of the subproject benefit and monitoring of EMCP implementation	PIU and Contractor, DSM Consultant, MSU, PMU
Subproject completion	End of the implementation of a subproject and the EMCP	Monitoring and evaluation of the EMCP and post audit	MSU, PMU with DSM Consultant

Specific Measures for Affected EMCs

Specific Implementation measures for indigenous peoples are outlined in table below. Source of funding and the agencies responsible to implement the proposed strategies are included in the Table 2.

Table 3: Specific Measures for Indigenous People

Proposed Strategies	Sources of funding	Responsibility
A. Inclusion		
<ul style="list-style-type: none"> • Ensure awareness raising, active participation and capacity building of the ethnic minority communities. • Ensure of participation in awareness campaign, project implementation and monitoring. • Ensure equal wages for similar work during implementation. • Launch information campaign to inform the target groups about the key features of the project and subproject. 	Government of Bangladesh	PIU
B. Program Planning		
<ul style="list-style-type: none"> • Assess and analyze the presence of EMCs with status of indigenous people in sub-project and sites. • Attend the indigenous people in subproject process, preferentially. • Involve indigenous people in beneficiary groups to increase their participation. • Define training/income generation activities based on the identified needs and priorities of EMCs in the subproject area. 	Government of Bangladesh	PIU and DSM Consultant
C. Capacity Building		
<ul style="list-style-type: none"> • Conduct project related meetings in EMC areas to encourage their participation. • Ensure adequate representation of EMCs in the decision-making process. • Provide targeted assistance/training aimed at EMC groups to enhance benefits from the subproject. • Develop capacity of EMCs promoting necessary knowledge and skills to participate in subproject process. 	Government of Bangladesh	PIU and DSM Consultant

Grievance Redress Mechanism

The Government of Bangladesh operates a centralized Grievance Redress Service (GRS) to receive public grievances and the conventional complaints systems available with LGED and the ULBs are functional and register complaints. However, these systems are not that receptive to the complaints related to projects with finance from international development finance institutions. The Project will, therefore, establish its

own Grievance Redress Mechanism (GRM) with Grievance Redress Committees (GRCs) constituted at the ULG level and mainstreaming those with the Central GRS that uses an online portal (www.grs.gov.bd) hosted by the Cabinet Division of the Ministry of Law, Justice and Parliamentary Affairs. The Central GRS is mandatory for all public, autonomous and semi-autonomous offices.

The Project GRM, as outlined in the Stakeholder Engagement Plan (SEP), will assist and resolve project related complaints and grievances in a timely, confidential, effective, and efficient manner using a survivor-centered approach that satisfies all parties involved. Specifically, it provides a transparent and credible process for fair, effective, and lasting outcomes. It also builds trust and cooperation as an integral component of broader community consultation that facilitates corrective actions. The Project GRM, in specific:

- ✓ Provides affected people (for positive or negative impacts) with avenues for making a complaint or resolving any dispute that may arise during the implementation of projects.
- ✓ Ensures that appropriate and mutually acceptable redress actions are identified and implemented to the satisfaction of complainants; and
- ✓ Allows for the identification and impartial, timely and effective resolution of issues affecting the project
- ✓ Strengthens accountability to beneficiaries, including project affected people, and provide channels for project stakeholders and citizens at all levels to provide feedback and raise concerns.

Avoids the need to resort to costly and time-consuming judicial proceedings

All affected persons and their communities will be informed of the project's grievance redress mechanism. The GRM will also be accessible to all internal and external stakeholders including affected people, community members, civil society, media, vulnerable people, and other interested parties. External stakeholders, including international and regional parties, can use the GRM to submit complaints, feedback, queries, suggestions, or even compliments related to the overall management and implementation of the project.

Women and children in ethnic minority and indigenous groups are more vulnerable to GBV risks due to their intersectionality and they often have limited access to essential services. Awareness raising activities on GRM for ethnic minority groups will be conducted in local languages and at targeted locations. The GRM will create a safe and enabling environment for grievances uptake. The membership of the GRCs will ensure proper presentation of complaints and grievances as well as impartial hearings and investigations, and transparent resolutions. Hearings should be conducted in local languages. Where grievances are among the ethnic minority communities with indigenous status, the membership composition of the GRCs will consider any traditional conflict resolution arrangements that the communities may practice. If the aggrieved person is a woman, LGED will ask the concerned female Ward Councilor to participate in the hearings.

The traditional complaints management system available to the ethnic minority communities will be reviewed and mainstreamed with the project GRM. This will enable the EMCs to raise their voices confidently.

All cases at the project level will be heard within four weeks of their receipt. Grievances received through any channel will be registered and a notification of receipt with assurance of necessary review and resolution given in writing to the aggrieved persons.

Monitoring and Evaluation

LGED will develop and implement a monitoring and evaluation (M&E) system to (i) record and assess project inputs and the number of EMC persons assisted, (ii) they are engaged in subproject cycle and their voices are heard and respected, (ii) confirm that former subsistence levels and living standards are being restored, and (iii) community and civic facilities are enhanced. The existing M&E system will be comprised of a) input and output monitoring b) process monitoring and c) impact evaluation.

The implementation of EMCP will be monitored both internally and externally to document feedback for management attention to implementation mechanism, identifying problems and successes as early as possible to facilitate timely adjustment of implementation arrangements for maximizing outputs and outcomes of EMCP. The monitoring will be carried out through the compliance reports that will form a part of Monthly Progress Reports (MPR) and regular visits by the Social Specialist of the PMU and inputs from the DSM consultants. During implementation, meetings will be organized by LGED inviting all actors for providing information on the progress of the project work.

Internal monitoring mechanism

A set of monitoring indicators will be developed during EMCP implementation. Appropriate monitoring formats will be developed for effective internal and external monitoring and reporting requirements. In particular, the monitoring aims:

- To ensure that the standard of living of IPs groups are restored or improved;
- To monitor whether the time lines of the activities planned in the IPDP are being met;
- To assess if social uplift measures or social development support program are sufficient;
- To identify problems or potential problems; and
- To identify measures of responding immediately to mitigate problems.

Below list indicators for social monitoring of the EMCP preparation and implementation:

- (1) Presence of ethnic minority communities in the influence areas of project interventions;
- (2) Number of ethnic minority communities by gender and age affected;
- (3) Number of ethnic minority communities participate in subproject cycle;
- (4) Number of EMC persons losing livelihoods, if any;

- (5) Changes in livelihoods and civic facilities at pre- and post-project situations;
- (6) Level of satisfaction expressed by the small ethnic communities on the project process, input, output and outcomes;
- (9) Participation of the small ethnic communities in project process using FPIC;

Impact evaluation

An overall impact evaluation will be carried out in the final year of the project to assess the changes in the overall living standards contributed by the project. For effective monitoring of the project impacts on the EMC groups, the socio-economic baseline established for the project will serve as comparative basis to cross-check and to verify project-induced impacts (positive and negative) on representative IPs households. Indicators for review and evaluation indicators will include, EMC households as specific indicators, and monitoring reports will present data accordingly. Indicators that can be monitored for this purpose will include how many EMC people participated actively in project activities, benefited from target assistance to enhance their livelihoods, documentation of their opinions on project impacts and if any of their specific concerns were addressed during implementation.

Regular monitoring of EMCP implementation will be conducted by the PMU ES Team through the help of the consultant to verify:

- Actions and commitments described in the IPDP are implemented fully on time;
- Eligible affected people received their full compensation entitlements within agreed timeframe;
- IPDP actions and mitigation measures are effective in sustainably enhancing the livelihood of IPs affected peoples' living standards and income levels;
- Complaints and grievances lodged by IPs are followed up and that where necessary, appropriate corrective actions are implemented; and
- If necessary, changes in IPDP procedure are made to improve delivery planned action to IPs

The PMU E&S Team will prepare the monitoring and evaluation report of EMCP and submitted to the World Bank on a quarterly basis for review and record.

Annex 1: Outline of Elements of EMCP

Outline of elements required for an Ethnic Minority Community Plan (EMCP):

A summary of the targeted social assessment, including the applicable legal and institutional framework and baseline data.

A summary of the results of the meaningful consultation tailored to ethnic minorities, and if the project involves the three circumstances specified in paragraph 24 of ESS7, then the outcome of the process of FPIC carried out with the affected ethnic minorities during subproject preparation.

A framework for meaningful consultation tailored to IPs during project implementation.

Measures for ensuring ethnic minorities receive social and economic benefits that are culturally appropriate and gender sensitive and steps for implementing them. If necessary, this may call for measures to enhance the capacity of the project implementing agencies.

Measures to avoid, minimize, mitigate, or compensate ethnic minorities of indigenous status for any potential adverse impacts that were identified in the social assessment, and steps for implementing them.

The cost estimates, financing plan, schedule, and roles and responsibilities for implementing the EMCP.

Accessible procedures appropriate to the project to address grievances by the affected ethnic minorities arising from project implementation, as described in paragraph 35 of ESS7 and in ESS10.

Mechanisms and benchmarks appropriate to the project for monitoring, evaluating, and reporting on the implementation of the EMCP, including ways to consider input from project-affected ethnic minorities in such mechanisms.

Annex 2: Preliminary Screening of Ethnic Minority Communities

When to do the screening?	At the time of the first consultation with a community
What information to be collected?	Demographic data of ethnic minority community people who live within the catchment of the subproject interventions
How to collect the information?	It can be obtained from ethnic leaders, elected representatives and community chief
Who will do the screening?	PIU staff and consultants

A. Subproject Description:

Name of the sub-project						
Name of the ULG						
Location						
Type of sub-project	New Construction	Re-Construction	Repair	Others		
Size of the sub-project						
Number of beneficiaries	Male	Female	Transgender	EMCs	Disabled	Total
Contact person						
Contact information						
General description along with objective of the sub-project:						

B. Subproject Screening for EMCs:

Screening Questions	YES	NO	Comments
Are there any ethnic minority communities (EMC) residing within or adjacent to the sub-project site? <i>If yes, then answer the following questions.</i>			
(a) Do they EMCs identify them as members of a distinct indigenous social and cultural group and the mainstream communities recognize this distinct identity?			
(b) Do the EMCs have collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas?			
(c) Do the EMCs have customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture?			
(d) Do they have a distinct language or dialect, often different from the official language or languages of the country or region in which they reside?			
If the answers to all four above questions are yes, absolutely, do you consider them as indigenous per ESS7? <i>If yes, then answer the following questions.</i>			
a) If the subproject is proposing to take any property owned and operated by the indigenous peoples for civil works?			
b) Will any of the indigenous community households be physically relocated and/or their sources of livelihoods be permanently restricted?			
c) Will any indigenous/ ethnic household/individual get negatively impacted by the sub-project?			
d) Is there any chance that the sub-project will pose cultural threat to the indigenous/ ethnic communities?			
If the answers to all four above questions are yes, absolutely, do you consider the subproject is eligible for investment?			

If no, then <i>please suggest dropping the subproject.</i>			
<p>If the subproject is considered eligible for investment, please prepare EMCP to avoid negative impacts on and maximize project benefits to the EMCs following site specific ES/A.</p>			

Prepared by (Name, Designation, Signature, and Date):.....

Reviewed and Approved by (Name, Designation, Signature, and Date):.....