



## **SOCIAL MANAGEMENT FRAMEWORK (DRAFT)**

---

### **BANGLADESH: THIRD PRIMARY EDUCATION DEVELOPMENT SUPPORT PROGRAM (PEDP III)**

January 2011

Prepared by

**DIRECTORATE OF PRIMARY EDUCATION  
MINISTRY OF PRIMARY AND MASS EDUCATION**

**GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH**

## TABLE OF CONTENTS

|  |                    |
|--|--------------------|
| <i>Abbreviations and Acronyms</i>  | Page<br><i>iii</i> |
| <i>Definition of Selected Terms</i>  | <i>iv</i>          |
| <i>Executive Summary</i>   | <i>vi</i>          |
| <br>   |                    |
| <b>A. PROG3: SOCIAL SAFEGUARD ISSUES &amp; IMPLICATIONS</b>                            |                    |
| Background.....  | 1                  |
| SMF Objectives .....   | 2                  |
| Program Components & Social Safeguards Issues.....                                     | 2                  |
| School Selection Guidelines .....  | 4                  |
| Screening & Mitigation Guidelines .....  | 5                  |
| Community/Stakeholder Consultation Strategy .....                                      | 5                  |
| Institutional & Implementation Arrangements .....                                      | 7                  |
| Monitoring and Evaluation .....  | 9                  |
| Grievance Redress .....  | 9                  |
| Capacity Building.....   | 10                 |
| Budget and Financing.....  | 10                 |
| SMF Approval & Disclosure .....  | 11                 |
| <br>   |                    |
| <b>B. PROG3: FRAMEWORK FOR INDIGENOUS PEOPLES PLAN</b>                                 |                    |
| Background .....   | 12                 |
| Objectives of Indigenous Peoples Plan.....   | 13                 |
| Defining the Indigenous Peoples .....  | 14                 |
| Indigenous Peoples Plan.....   | 15                 |
| IP Participation & Consultation Strategy .....   | 16                 |
| Contents of Indigenous Peoples Plan.....   | 17                 |
| IP Socioeconomic Characteristics & Concerns.....                                       | 18                 |
| Impact Mitigation & Development Measures .....   | 19                 |
| Monitoring and Reporting.....  | 19                 |
| <br>   |                    |
| <b>C. PROG3: GUIDELINES FOR USING PRIVATE &amp; PUBLIC LANDS AND IMPACT MITIGATION</b> |                    |
| Land Needs & Mitigation Issues .....   | 21                 |
| Obtaining Private & Public Lands .....   | 22                 |
| Impact Mitigation Objectives .....   | 22                 |
| Land Use Principles .....  | 22                 |
| Guidelines for Obtaining Private Lands .....   | 23                 |
| Voluntary Private Donation .....   | 23                 |
| Direct Purchase from Landowners.....   | 24                 |
| Acquiring Private & Resuming Public Lands .....  | 24                 |
| Impact Mitigation Principles .....   | 25                 |
| Eligibility for Compensation/Assistance .....  | 25                 |
| Compensation Principles & Standards .....  | 26                 |

|  |           |
|--|-----------|
| Impact Mitigation Plans .....                                    | 26        |
| Compensation Payment .....                                       | 27        |
| Entitlement Matrix .....   | 28        |
| Income Restoration, and Relocation Strategy.....                 | 30        |
| Preparation of Mitigation Instruments .....                      | 30        |
| Contents of RP & ARP .....                                       | 30        |
| Stakeholder Consultation .....                                   | 31        |
| Documentation .....  | 32        |
| Monitoring & Reporting .....                                     | 32        |
| Land Acquisition & Resettlement Budget .....                     | 33        |
| <i>Annex A1: Social Safeguard Screening Form .....</i>           | <i>34</i> |
| <i>Annex B1: Indigenous Peoples Consultation Matrix .....</i>    | <i>38</i> |
| <i>Annex C1: Suggested Methods for Market Price Survey .....</i> | <i>39</i> |
| <i>Annex D1: Outline Of An Indigenous Peoples Plan.....</i>      | <i>41</i> |
| <i>Annex E1: Outline Of An Indigenous Peoples Plan.....</i>      | <i>43</i> |

## ***ABBREVIATIONS AND ACRONYMS***

|                 |  |
|-----------------|--|
| <b>ADB</b>      | Asian Development Bank                                   |
| <b>AusAID</b>   | Australian Agency for International Development          |
| <b>ARP</b>      | Abbreviated Resettlement Plan                            |
| <b>CBO</b>      | Community-Based Organization                             |
| <b>CHT</b>      | Chittagong Hill Tracts                                   |
| <b>CIDA</b>     | Canadian International Development Agency                |
| <b>CUL</b>      | Compensation-Under-Law                                   |
| <b>DC</b>       | Deputy Commissioner                                      |
| <b>DEO</b>      | District Education Officer                               |
| <b>DfID</b>     | Department for International Development                 |
| <b>DLAC</b>     | District Land Allocation Committee                       |
| <b>DPE</b>      | Directorate of Primary Education                         |
| <b>DP</b>       | Development Partners                                     |
| <b>EC</b>       | European Commission                                      |
| <b>GOB</b>      | Government of Bangladesh                                 |
| <b>GRC</b>      | Grievance Redress Committee                              |
| <b>HCG</b>      | House Construction Grant                                 |
| <b>HTG</b>      | House Transfer Grant                                     |
| <b>IDA</b>      | International Development Association                    |
| <b>IP</b>       | Indigenous People  |
| <b>IPP</b>      | Indigenous Peoples Plan                                  |
| <b>JICA</b>     | Japan International Cooperation Agency                   |
| <b>LAP</b>      | Land Acquisition Proposal                                |
| <b>MOPME</b>    | Ministry of Primary and Mass Education                   |
| <b>NGO</b>      | Non-Government Organization                              |
| <b>OM F1</b>    | ADB's Operational Manual, Section F1                     |
| <b>OP 4.10</b>  | Operational Policy 4.10 on Indigenous Peoples            |
| <b>OP 4.12</b>  | Operational Policy 4.12 on Involuntary Resettlement      |
| <b>PAH</b>      | Project Affected Household                               |
| <b>PAP</b>      | Project Affected Person                                  |
| <b>PEDP I</b>   | First Primary Education Development Program              |
| <b>PEDP II</b>  | Second Primary Education Development Program             |
| <b>PEDP III</b> | Third Primary Education Development Program              |
| <b>RP</b>       | Resettlement Plan  |
| <b>SIDA</b>     | Swedish International Development Association            |
| <b>SMF</b>      | Social Management Framework                              |
| <b>SPS</b>      | Safeguard Policy Statement 2009, ADB                     |
| <b>SR2</b>      | ADB's Safeguard Requirements 2: Involuntary Resettlement |
| <b>SR3</b>      | ADB's Safeguard Requirements 3: Indigenous Peoples       |
| <b>UEO</b>      | Upazila Education Officer                                |
| <b>UNICEF</b>   | United Nations International Children's Education Fund   |
| <b>WB</b>       | World Bank   |

## DEFINITION OF SELECTED TERMS

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

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

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

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

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

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

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

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

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

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

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

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

***Replacement Cost:*** The World Bank's OP 4.12 on Involuntary Resettlement describes "replacement cost" as the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets are not taken into account. For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard.

***Stakeholder:*** Refers to recognizable persons, and formal and informal groups who have direct and indirect stakes in the program, such as affected persons/households, squatters, local communities, local governments, community-based and civil society organizations, education advocates.

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

## EXECUTIVE SUMMARY

### A. Introduction

1. Bangladesh has progressed substantially in improving access to primary education particularly in the last two decades. The country has also achieved the Millennium Development Goal of gender parity in primary and secondary education. As per the Annual Sector Perform Report, 2010, gross and net enrollments in primary education have increased to from 93.7% and 87.2% in 2005 to 103.5% and 93.9% respectively in 2009. Despite progress, the primary education sub-sector faces several challenges in achieving the goal of equitable access to quality education for all. Various disadvantaged groups, particularly children from remote and vulnerable areas, poor, minority ethnic groups and urban slums do not have access to quality schooling. More than 10 types of schools under different institutions operate without a framework for common learning outcomes. It is estimated that 2-3 million children are out of school, despite various initiatives of the Government (stipends, school feeding, special projects). Ensuring access to quality education, particularly minimum learning outcomes to all as stipulated in the national curriculum and improved cycle completion, for those facing various forms of exclusion remain the biggest challenge. Due to poverty induced by natural calamities and other shocks, many families resort to non-formal and madrasa education, which do not follow a common standard framework.

2. The Government of Bangladesh in its draft National Strategy for Accelerated Poverty Reduction (NSAPR) for 2009-11 has identified education as key to poverty reduction. The NSAPR aims at ensuring completion of quality primary education for all children irrespective of social, geographic, gender, ethnic differentials as well as differential physical and mental capabilities. The National Plan of Action II (NPAIL), 2003-2015, of the Government commits to the education for all (EFA) program and highlights the need for improving quality while retaining the focus on equitable access to basic education. The NSAPR and the NPAIL reinforce the Government's Compulsory Primary Education Act of 1990. The NSAPR provides for different specific initiatives to ensure equitable access to quality education, retention and equity at the primary level for all: primary education stipend for children from poor families; expansion of non-formal education targeted to extreme poor and in remote areas; reduction of education divides in terms of contents and standards between different streams; coverage of underserved areas; improvement in equity of outcome through allocation of appropriate resources; need based program for physically challenged and other vulnerable children; and introduction of school feeding program.

3. The Second Primary Education Development Program (PEDPII) under the Ministry of Primary and Mass Education (MoPME), the first sub-sector wide approach jointly financed by the Government and 11 development partners (DPs), is addressing several aspects of the EFA goals. The Government, with support from the DPs, is developing a follow on program (PEDP III)<sup>1</sup> based on the lessons learned and the government's priorities articulated in NPAIL, NSAPR, NEP and other related documents. The Project Preparatory Technical Assistance (TA) with additional support from interested DPs is assisting the

---

<sup>1</sup> The Government is calling the proposed program Third Primary Education Development Support Program

Government in undertaking an assessment including lessons learned, developing a macro plan for universal primary education and developing a proposal for the Primary Education Sector Development Program for the Government to be supported jointly by interested DPs. PEDP III aims to reinforce the ongoing reforms within a well developed policy framework based on lessons learned from PEDPII. The design will specifically address the inclusive education agenda with a focus on deepening reforms to address the needs of the poor and other excluded groups.

## **Background**

4. This Social Management Framework (SMF) is proposed to deal with social safeguard issues that may arise during implementation of the PEDP III. The Directorate of Primary Education (DPE) under the Ministry of Primary and Mass Education (MOPME), Government of Bangladesh, is preparing PEDP III to further improve the country's primary education system and to provide quality education to all Bangladeshi children in every classroom. The program will be implemented over a three-to-five year period with the support of a number of development partners (DPs) including the Asian Development Bank, AusAID, CIDA, DFID, EC, JICA, Netherlands, SIDA, UNICEF and the World Bank/IDA.

5. It is determined that the program will trigger the World Bank's Operational Policy on Indigenous Peoples (OP 4.10) and ADB's Safeguard Requirements 3: Indigenous Peoples (SR3). Although it would finance school physical works, it is still not certain whether PEDP III will trigger OP 4.12 and SR2 on Involuntary Resettlement. MOPME/DPE has nevertheless decided that involuntary resettlement should also be taken into account in PEDPIII. As such, consistent with the World Bank's Operational Policies and ADB's Safeguard Policy Statement (SPS<sup>2</sup>), and those of other (DPs), the SMF proposes principles, policies, guidelines and procedure to identify and address impact issues concerning indigenous peoples and involuntary resettlement. The SMF will apply to the PEDP III as a whole, and provide the bases to prepare and implement impact mitigation plans as and when school physical works are found to cause adverse impacts on indigenous peoples and others, including private landowners and public land users.

## **SMF Objectives**

6. The SMF provides principles, policies, guidelines, and procedures to help MOPME/DPE to select, design and implement the school physical works to ensure that PEDPIII,

- Enhances social outcomes of the activities implemented for individual schools;
- Identifies and mitigates adverse impacts that physical works might cause on people, which also include protection against loss of livelihood activities; and
- Ensures compliance with the social safeguard policies of World Bank, ADB, and other development partners on indigenous peoples and involuntary resettlement.

---

<sup>2</sup> To be followed as per ADB's Operational Manual, section F1 (OM F1)



## **Program Components & Social Safeguard Issues**

7. Proposed Major Activities of PEDP III are:

- Provide quality pre primary education of one year to all children aged 5-6 years
- Mainstream inclusive education
- Provide primary education in flexible setting to children who dropped out of school or have no access to a formal primary school
- Provide stipends to increase enrollment & completion in primary education
- To support children's improved health and nutrition in contribution to improved achievement and attendance in school
- Provide sufficient schools/classrooms to allow universal access; schools to meet standards in quality hygiene, water and sanitation
- Address education in emergency through mitigating the impact of disaster
- Develop of Primary and Pre-Primary curriculum
- Develop and distribute new teaching-learning materials (TLM) including textbooks
- Improve quality of teachers through training
- Enhance effective training deliveries of PTI through technical support
- Develop capacity of school management committees through training workshops

8. Among other activities proposed to promote inclusive education, Universal Access component of the program includes development of school physical facilities. Prog3 will support DPE to reconstruct 2,700 schools in Government Primary Schools (GPS), Registered Non-Government Primary Schools (RNGPS) and community schools. An additional 34,070 classrooms in Government Primary Schools and Registered Nongovernment Primary Schools, 40,000 tube-wells, 94,893 toilets and furniture for 8,000 classrooms will be required to meet the minimum requirements. Grants for schools will also include a sum for maintenance and repair of school buildings. With GOB funds, DPE has also planned to build 1,500 new schools as a separate complimentary activity.

9. Social safeguard issues may arise due to extension of existing and creation of new physical facilities. The existing schools that would require improvements, as well as the need for and location of new schools, would be identified during program preparation and implementation. Land requirements and availability — which would vary from one school to another in terms of scope of civil works and, more importantly availability of land under schools' ownership — could not be determined until specific schools are identified and civil work needs assessed. Regardless land-related issues and impacts for individual schools are not expected to be significant.

## School Selection Guidelines

10. In view of the SMF objectives, MOPME/DPE will undertake a number of suggested tasks while selecting schools for expansion and new construction. MOPME/DPE will not however undertake school physical works that have attributes as those described in this list:

*That will 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.)

*That will (anywhere in the country, including areas inhabited by IPs),*

- Require involuntary land donation, “contribution against compensation” and purchases that are not offered on “willing buyer-seller” basis
- Affect private homesteads
- Render households using public lands homeless
- 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 *OP 4.11 on Physical Cultural Resources*).

## Screening & Mitigation Guidelines

11. Where screening results indicate potentials of adverse impacts, MOPME/DPE’s action on a school will be consistent with the following sets of guidelines.

- ***Framework for Indigenous Peoples Plan.*** Consistent with OP 4.10 and SR3, it provides principles and guidelines to identify and deal with adverse impacts on IPs, and a consultation framework for adoption of mitigation and development measures (Section B, pages 11-19 of SMF); and
- ***Guidelines for Land Use & Impact Mitigation.*** Consistent with the Bangladesh Land Acquisition Ordinance, 1982, OP 4.12, and SR2, it provides principles, policies and guidelines for use of public and private lands and adverse impact mitigation; mitigation measures and standards; mitigation plan requirements and preparation process; implementation and monitoring arrangements for mitigation plans (Section C, pages 20-31 of SMF).

## Institutional & Implementation Arrangements

12. DPE will supervise and monitor SMF implementation. At the local level, Upazila Education Officer (UEO), who is a member of the Upazila Education Committees, will perform all process tasks specified in the SMF, especially those related to obtaining lands from private and public ownerships, as well as those related indigenous peoples. As to monitoring, UEOs will directly provide DPE the up-to-date monthly information on all activities undertaken to obtain lands and those related to civil works for individual schools.

DPE will in turn process it for the entire program and share with the Bank and other DPs on a quarterly basis. Jointly with DPE, the development partners will evaluate the year's progress during the Joint Annual Review Mission. DPE will set up computerized databases that will include district-wise information on planned civil works, community consultations, options used to obtain lands, purchase and acquisition and compensation payment, as well as others needed to implement the SMF.

### **Grievance Redress**

13. MOPME/DPE will establish a transparent procedure at upazila level to answer queries related to Prog3 and schools undertaken for expansion/improvements and new construction; address complaints and grievances about any irregularities in application of the SMF guidelines for impact assessment and mitigation; and other personal/community concerns. Based on consensus, the procedure will help to resolve issues/conflicts amicably and quickly saving the complainants resorting to expensive, time-consuming legal actions. A Grievance Redress Committee (GRC) decision will however not pre-empt a complainant's right to go seek resolution in the courts of law. However, a decision agreed at any level of hearing would be binding on DPE. (For membership composition of the GRC and other details, please see page 8 of the SMF.)

## **A. PEDP III: SOCIAL SAFEGUARD ISSUES AND IMPLICATIONS**

### **Background**

1. This Social Management Framework is adopted to deal with social safeguard issues that may arise during implementation of the Third Primary Education Development Support Program (PEDP III). To build on the achievements made under PEDP I and PEDP II, the Directorate of Primary Education (DPE) under the Ministry of Primary and Mass Education (MOPME), Government of Bangladesh, is preparing Prog3 to further improve the country's primary education system and to provide quality education to all Bangladeshi children in every classroom. It is aimed, among other improvements, at making primary education inclusive and accessible to all, achieving full enrolment of all school-age children by 2015; improve the measurement of student learning and the quality of the teaching environment, as well as significantly increasing the completion rate of primary education. The program, which is expected to start in July 2011, will be implemented over a three-to-five year period with the support of a number of development partners including the Asian Development Bank (ADB), Australia's Overseas Aid Program (AusAID), Canadian International Development Agency (CIDA), Department for International Development of the United Kingdom (DFID), European Commission (EC), Japan International Cooperation Agency (JICA), the Netherlands Government, Swedish International Development Agency (SIDA), United Nations Children's Fund (UNICEF) and the World Bank/International Development Association (WB/IDA).

2. Because of its activities in areas inhabited by indigenous peoples, especially the Chittagong Hill Tracts (CHT), PEDP II applied the World Bank's Operational Policy on Indigenous Peoples (OP 4.10) and ADB's Safeguard Requirements 3 (SR3) on Indigenous Peoples<sup>4</sup>. OP 4.10 and SR3 will also apply to PEDP III activities which will continue in these areas. It is still not certain whether or not PEDP III will trigger OP 4.12 and SR2<sup>5</sup> on Involuntary Resettlement. PEDP II did not trigger OP 4.12 because lands, wherever needed, were provided by the beneficiary communities. It is expected that local communities will continue to actively participate in Prog3 in the way of contributing lands. Nevertheless, given the urgency of the program objectives – especially expansion and creation of physical facilities required for full enrolment of all school-age children – DPE has decided that involuntary resettlement should also be taken into account in Prog3 preparation.

3. Accordingly, this Social Management Framework (SMF) is aimed at dealing with safeguard issues that may arise during PEDP III implementation throughout the country, including the areas populated by indigenous peoples (IPs). Consistent with the World Bank's Operational Policies, ADB's SPS, and similar documents of other development partners, the SMF proposes principles, policies, guidelines and procedure to identify and address impact issues concerning indigenous peoples and involuntary resettlement. The SMF will apply to the PEDP III as a whole, and provide the bases to prepare and implement impact mitigation plans as

---

<sup>4</sup> Appendix 3 of ADB's Safeguard Policy Statement (SPS) 2009

<sup>5</sup> Safeguard Requirements 2: Involuntary Resettlement, Appendix 2 of SPS 2009

and when school physical works are found to cause adverse impacts on indigenous peoples, as well as private landowners and public land users.

4. Section A of this framework outlines the objectives of the SMF, physical activities (hereinafter “subproject” is also used to mean a school that may involve any type of civil works) under PEDP III that may give rise to social safeguard issues and impacts, safeguard screening requirements, grievance redress procedure, implementation arrangement, etc, which will be used for both OP 4.10, OP 4.12, SR2, and SR3. Sections B and C provide respectively the guidelines and procedure for Indigenous Peoples Plan, and those for identifying and addressing the involuntary resettlement issues and impacts.

### **SMF Objectives**

5. The principles, policies, guidelines, and procedures proposed in this SMF are to help DPE to select, design and implement the subprojects to ensure that PEDPIII,

- Enhances social outcomes of the activities implemented under the individual subprojects;
- Identifies and mitigates adverse impacts that the individual subprojects might cause on people, which also include protection against loss of livelihood activities; and
- Ensures compliance with the social safeguards policies of World Bank, ADB, and other development partners on indigenous peoples and involuntary resettlement.

### **Program Components & Social Safeguard Issues**

6. Prog3 is comprised of the following four key areas: (a) *Universal Access* – would aim to improve access to quality schooling with a particular focus on the poorest and the disadvantaged; (b) *Quality of Teaching and Student Learning* – would aim to improve the quality of teaching, the learning environment and student learning; (c) *Institutional Strengthening* – would aim to improve the efficiency and effectiveness of education service delivery; and (d) *Program Planning and Management* – which aims to improve education sector management and policy development, and strengthening monitoring and evaluation, including for student learning.

7. Each key area consists of several activities which would together address various development and management issues involved in the primary education subsector. Of the four key areas, Universal Access will address various issues that keep many school-age children out of the primary education system. It includes, among other activities, formulating and implementing an action plan to mainstream the disadvantaged children; revamping and implementing a stipends program for poor children; school health and nutrition program; and improving the school physical facilities. All of these are intended to facilitate universal access and sustenance of inclusive education of children who now remain excluded from the system for various socioeconomic reasons. Activities included in the other three components would support and help achieving this goal.

8. School physical facilities will be extended/renovated and created anew to allow for improved learning environment and enhanced capacity for student enrolment in general, as well as those needed to ensure mainstreaming of disadvantaged children into the system. Improved

learning environment in general would require various physical improvements in many of the existing schools, including provision of separate toilets for boys and girls, arsenic-free water supply and the like. Increased enrolment and accessibility would require expansion of current enrolment capacity of many existing schools, and building new schools in areas where they are presently nonexistent or not adequate in number and capacity to cater to the school-age children.

9. To facilitate inclusive education focusing on poor and working children, girls, tribal and religious minorities, disabled, children with special needs, and refugee children, there would also be a need – in addition to stipend, and school feeding and health and nutrition programs – to provide certain facilities to the existing and new schools in remote areas. Many schools in the cyclone-affected coastal regions will be rebuilt with expanded classroom capacity, and new schools combined with cyclone shelters for use by the local communities. To cope with remoteness, transportation difficulties and the prevailing security risks in the Chittagong Hill Tracts (CHT), which are home to the largest proportion of the country's indigenous population, residential hostels for students and teachers are likely to be added to some of the existing schools and new schools will be built with the same facilities.

10. School physical works have however been prioritized in terms of needs. Based on a preliminary assessment of needs based infrastructure construction or reconstruction requirements, PROG3 will support DPE to reconstruct 2,700 schools in Government Primary Schools (GPS), Registered Non-Government Primary Schools (RNGPS) and community schools. An additional 34,070 classrooms in GPS and RNGPS, 40,000 tube-wells, 94,893 toilets and furniture for 8,000 classrooms will be required to meet the minimum requirements. Grants for schools will also include a sum for maintenance and repair of school buildings. With GOB funds, DPE has also planned to build 1,500 new schools as a separate complimentary activity. But there is still no decision whether this would also be done under PROG3.

11. DPE expects that all physical works, including those for additional classrooms, will all be carried out within the existing compound, that is, on lands owned by the schools. However, land requirements and availability, which would from one school to another, could not be determined until the specific schools are identified and the civil works needs assessed. Where structural designs permit enrolment capacity might as well be expanded by adding additional classrooms on top of the existing buildings, instead of building them on the ground. But it is unlikely that this would materialize for all schools requiring classroom extensions. The site for the NAPE is yet to be selected, but it is assumed that the facility would involve substantial acquisition of private lands. Although they would be funded by GOB, sites of the 1,500 new schools also remain to be selected. As being planned, in keeping with the sector wide approach, land needs would be determined on a case-by-case basis, based on school location and the lands presently available. As of now it is assumed that other than those for the NAPE, land-related issues and impacts for the individual schools are not expected to be significant.

## School Selection Guidelines

12. In keeping with the SMF objectives to enhance their social or intended outcomes, DPE will adhere to the following guidelines for expansion of existing and construction of new schools.

- For schools that will require additional lands for expansion and for those that will be built anew, DPE will undertake community/stakeholder consultations prior to their inclusion in the works program. In addition to those for mobilizing community support for children's education, the other important objective of these consultations would be to determine (i) if the communities and/or well-to-do individuals / families can make the required lands available on donation; (ii) whether the lands could be purchased directly on "willing buyer-seller" basis; or (iii) whether the lands will have to be obtained through legal acquisition.
- Consultation topics would include, among other issues, the (i) objectives of PEDPIII as a whole and those of physical works required for the schools; (ii) social safeguard implications of using private and public lands; (iii) identification of individuals / families who could be convinced by DPE and community for land donation; (iv) availability of public lands in the area which could be used for new schools; and (v) any other issues that would help to avoid acquisition and yet would somehow make the land available.
- To the extent feasible, DPE will try to (i) avoid subprojects that will require private land acquisition; (ii) carry out the extension/renovation works in the lands already owned by schools; (iii) use their own or other public lands for building new schools.
- Where adverse impacts could not be avoided completely, DPE will screen all subprojects to identify the potential safeguards issues and impacts by using a specified instrument (Annex A1) and, if required, will prepare and implement impact mitigation plans as per the guidelines provided in this SMF.

13. DPE will not undertake school physical works that have attributes as those described in the list below.

*That will affect IPs with long-term negative consequences in the following manner:*

- Threaten 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.)

*That will (anywhere in the country, including areas inhabited by IPs),*

- Require involuntary land donation, and purchases that are not offered on "willing buyer-seller" basis
- Affect private homesteads
- Render households using public lands homeless
- Affect mosques, temples, graveyards, cremation grounds, and other places/objects that are of religious and cultural significance

- Significantly restrict access to common property resources and livelihood activities of groups and communities

## Screening & Mitigation Guidelines

14. The screening exercise will basically examine whether or not the physical works proposed for the individual schools are in accord with the above school selection guidelines and identify any safeguard issues and what are needed to address them. Screening will also inform DPE about the ownership of the lands required for the civil works and how they might possibly be obtained, and what might transpire in terms of safeguard impact mitigation. In view of the screening results, DPE's action on a school will be consistent with the following sets of guidelines.

- ***Framework for Indigenous Peoples Plan.*** Consistent with OP 4.10 and SR3, it provides principles and guidelines to identify and deal with adverse impacts on indigenous peoples, and a consultation framework for adoption of mitigation and development measures, where school physical works would adversely affect IPs (Section B); and
- ***Guidelines for Land Use & Impact Mitigation.*** Consistent with the Bangladesh Land Acquisition, 1982, OP 4.12, and SR2 it provides principles, policies and guidelines for use of public and private lands and adverse impact mitigation; impact mitigation measures and standards; mitigation plan requirements and preparation process; and implementation and monitoring arrangements for mitigation plans (Section C).

## Community/Stakeholder Consultations Strategy

15. Community and stakeholder consultations in this section are primarily aimed at community provision of land for expansion of existing and construction of new schools. The main objective is to explore how lands for schools could be obtained without going for time-consuming, cumbersome acquisition under the 1982 ordinance. (Consultation objectives and procedures for preparation and implementation of Indigenous Peoples Plan and Resettlement Plan are outlined in Sections B and C.)

16. Tasks in this respect may vary from one school/location to another depending on information DPE or Upazila Education Officer (UEO) may already have about the required improvements, need for new schools and, most of all, land availability. Where no such information is available with DPE/UEO, civil works for existing and new schools, including locations, will also be decided through consultations with the beneficiary communities and other stakeholders like local governments (Union Parishads, Pourasabhas (Municipal Committee), and Upazila Parishads); civil society organizations like NGOs and community-based organizations (CBOs); and others who may have been engaged in education advocacy.<sup>6</sup>

---

<sup>6</sup> Each Upazila has a Upazila Education Committee (UEC), chaired by the Chairman of the Upazila Parishad. Among others, its membership consists of Upazila Nirbahi Officer, Upazila Education Officer, Upazila Engineer of LGED, Union Parishad Chairmen, and persons known to advocate development of education. The UEC will identify the needs for improvement of existing schools and need and location of new schools in the Upazila. Working through the Union Parishad, the committee will deal with the land availability issues and determine how the required lands, if any, would be obtained.



17. These consultation meetings will be open and ensure free expression of interests and concerns by all participants.<sup>7</sup> While discussing the project objectives and gathering community inputs/feedbacks, consultations will have a strategic focus on land availability status for the improvements required for existing and construction of new schools. The consultation topics will generally include Prog3 objectives relating to primary education; needs for improving / expanding existing and building new schools; land requirements and availability; community inputs/feedback on program objectives and land needs; community's rights and responsibilities in this regard, and those of the DPE, UEO, DPs and other agencies participating in program design and implementation. At least 30% of the community people should be women who would participate in the consultation in the planning process, implementation and monitoring.

18. An important part of the consultation meetings would be joint verification with the communities and other stakeholders of land availability on the ground, and identification of an option as to how the required lands could be obtained and the social issues, if any, could be addressed. For existing and new schools, DPE/UEO and the participants will address the land availability issues as specified below.

19. Lands for Existing Schools

- Will verify whether or not the existing school premise has enough land to accommodate the additional classrooms, separate toilets for boys and girls and carry out any other land-based improvements.
- Where lands available within the school premise are not adequate, the verifiers will identify owners of the lands adjacent to the schools, particularly of which that would be most suited for the required civil works. In consulting the concerned landowners, they will explore the following sequenced options with much greater emphasis on the first. (These options are elaborated in Section C of the SMF).
  - Voluntary Donation: Whether the landowners would be willing to donate the required land area on voluntary basis. (This may require a good deal persuasion by DPE/UEO and the communities.)
  - Purchase on "Willing Buyer-Seller" Basis: As an alternative to time-consuming acquisition, whether the landowners would offer the land on "willing buyer-seller" basis to DPE at current a market price or at a price acceptable to them.
  - Legal Acquisition: Where none of these above two options works, DPE may decide for acquisition depending on how important the civil works are. (The verifiers will inform the landowners about the long and complex legal process in claiming compensation from the acquisition authority.)

20. For existing schools, consultations will place most emphasis on voluntary donation and direct purchase on "willing buyer-seller" basis. There are specific guidelines in Section C for

---

<sup>7</sup> Consultation is defined as a continuous two-way communication process consisting of: "feed-forward" the information on the program's goals, objectives, scope and social impact implications to the program beneficiaries, and their "feed-back" on these issues (and more) to the policymakers and program designers. In addition to seeking feedback on program specific issues, participatory planning approach also serve the following objectives in all development programs: public relations, information dissemination and conflict resolution.

obtaining lands by using these two methods, and the persons leading consultations should be thoroughly aware of them.

### Lands for New Schools

21. Wherever available, DPE's priority will be to build new schools, with and without cyclone shelters or dormitories, on khas and other available public lands. All other options will also be explored before resorting to acquisition. Local verification and consultations will include the following tasks.

- With the help of local community and UP/Municipality, will search for khas and other unused public lands in the area where a new school is to be built.<sup>8</sup> Wherever feasible, alternative locations – within reasonable distance – will also be considered to take advantage of using public lands.
- In cases where private lands must be used, DPE will choose the school locations (i) to avoid lands that belong to small and marginal landowners; and (ii) where lands could be obtained through voluntary donation and direct purchase (that is, without acquisition).

22. Where a decision is reached as to how lands could be obtained, DPE will also examine whether the civil works would involve any social safeguard issues. During physical verification they, together with the community members, will record the information sought in the screening form provided in Annex A1.

23. Identification of appropriate sites and resolution of land issues may require multiple rounds of consultation and persuasion of potential donors and sellers, and following up on making lands available for civil works. As noted earlier, a school will be included in the civil works program only after the land availability issues are resolved. As such another crucial factor is consultation timing, which will largely depend upon the knowledge and information the DPE/UEO may have on particular schools at any stage of the program preparation and implementation.

### **Institutional & Implementation Arrangements**

24. DPE will ensure that the SMF is implemented in its entirety or to the extent applicable. As described above and as follows in Sections B and C, there are several major tasks that are to be performed by DPE and/or other entities which will assist them to prepare and implement the civil works programs. Following identification of the schools for expansion and location of new schools, the major tasks are:

- *Community and stakeholder consultations*, which will provide information on land availability and IP<sup>9</sup> issues. *The specific tasks may include those described in paragraphs 19 to 21.*
- *Organizing the consultation* meetings informing the communities and other stakeholders and organizations. Tasks will consist of:

---

<sup>8</sup> Records of khas may or may not be available with the district land administration or at the upazila level. Most often khas lands in the rural areas, which are not significant in amount, are occupied illegally by local influential persons. On the other hand, lands belonging to other GOB agencies can be easily identified often because of their presence in the locality.

<sup>9</sup> As applicable

- a) Identification of potential land donors, as well as those who might sell on willing buyer-seller basis.
  - b) Following up with the landowners who would offer lands under the two options (other than acquisition) and legal transfer of ownerships.
  - c) Search and identification of suitable public lands for new schools, contacting the landowning agencies and following up on obtaining permission.
  - *Social safeguard screening.* Upazila Education Officer (UEO) will screen the chosen subprojects, in association with key community members, including the landowners.
  - *Safeguard impact assessment, and preparation and implementation of impact mitigation plans,* such as IPPs and RPs/ARPs, where public lands will be taken back from authorized/unauthorized private uses and/or private lands acquired). DPE will require specialized consulting assistance to perform these tasks, either individual consultants or a consulting firm.
25. In cases of private land acquisition, major tasks are:
- Preparation of land acquisition proposals (LAPs) as per standard requirements of the acquisition authority.
  - LAP submission to Deputy Commissioners (DCs – heads of the Acquiring Bodies) and following up on DLAC (District Land Allocation Committee) approval.
  - Following up with the land acquisition authority, which will consist of major legal steps, including compensation payment.
  - Compensation payment by DPE itself (explained in Section C).
26. DPE will supervise and monitor SMF implementation. At the local level, Upazila Education Officer (UEO), who is a member of the Upazila Education Committees, will perform all process tasks specified in the SMF, especially those related to obtaining lands from private and public ownerships, as well as those concerning indigenous peoples. As to monitoring, UEOs will directly provide DPE the up-to-date monthly information on all activities undertaken to obtain lands and those related to civil works for individual schools. DPE will in turn process it for the entire program and share with the Banks and other DPs on a quarterly basis. Jointly with DPE, the DPs will evaluate the year's progress during the Joint Annual Review Mission. DPE will set up computerized databases that will include district-wise information on planned civil works, community consultations, options used to obtain lands, purchase and acquisition and compensation payment, as well as others needed to implement the SMF.
27. DPE will hand over the land for construction to the civil works Implementing Agency (IA) after compliance of all safeguard requirements on IR and IP. DPE must have a MOU with the IA with the specific condition that “No contract of civil works would be awarded without 100% compliance of SPS for the construction site.”
28. The PEDP III will have particular institutional arrangement with specific budgetary allocation and human resources for the implementation of the sub-component for the indigenous peoples and people from char, haor, baor, and tea garden areas. Such arrangement may consider involving their representative government institutions which, in the case of

Chittagong Hill Tracts, can be the Hill District Councils (HDCs), the CHT Regional Council (CHTRC) and the Ministry of CHT Affairs (MoCHTA), besides specific personnel in the Programme Management and Implementation Office. In addition, this should also include adequate capacity building support for the relevant institutions.

## Monitoring and Evaluation

29. Monitoring will consist of all major activities required to obtain lands according to the suggested options; identification of social impacts; and preparation and implementation of the appropriate impact mitigation plans. In addition to community/stakeholder consultations, the following activities will be monitored on a routine basis.

- *Social safeguard screening* of the proposed school sites to determine whether or not, or the extent to which, SMF provisions would apply for the individual schools.
- *Impact assessment* wherever required to prepare and implement the required impact mitigation plans like RPs/ARPs and IPPs.
- *Execution of legal instruments* in cases where lands would be obtained on voluntary donation, or through purchase on a “willing buyer-seller basis”.
- *Where lands would be acquired*, major legal steps in the acquisition process, including compensation payment by DCs and DPE.

30. An independent review will be carried out to assess how effectively the SMF guidelines have been followed to obtain lands on donation and purchase as well as through acquisition; prepare and implement the impact mitigation plans, and assess efficacy of the provisions adopted in the SMF. The timing of the review will be jointly decided by DPE and the development partners, including the World Bank.

## Grievance Redress

31. DPE will establish a procedure to answer queries related to PEDP III and schools undertaken for improvements and new construction; address complaints and grievances about any irregularities in application of the SMF guidelines for impact assessment and mitigation; and other personal/community concerns. Land-related complaints may range from disputes over ownership and inheritance of the acquired lands to affected non-land assets; donations under threats; and the like. Based on consensus, the procedure will help to resolve issues/conflicts amicably and quickly saving the complainants resorting to expensive, time-consuming legal actions. A Grievance Redress Committee (GRC) decision will however not preempt the complainant’s right to seek resolution in the courts of law.

32. DPE will constitute GRC at the upazila level, with memberships to ensure impartial hearings and transparent decisions. Membership of GRCs in Chittagong Hill Tracts upazilas and others heavily populated by indigenous peoples will take into account any traditional conflict resolutions arrangements that are in practice. The GRC are proposed to have the following memberships:

|  |          |
|--|----------|
| Upazila Education Officer (UEO)                                      | Convenor |
| Union Parishad Member (or Ward Commissioner) from Complainant’s Ward | Member   |

|   |                  |
|---|------------------|
| Headman/ Leader of the local IP community <sup>10</sup>                     | Member           |
| Representative of a Local or National NGO                                   | Member           |
| Headmaster of the High School of the Complainant's Ward/Area                | Member           |
| Headmaster of the Primary School of the Complainant's Ward/Area             | Member           |
| A Professor of College in the Upazila Headquarters (Nominated by Principal) | Member           |
| A Representative of the Program Consultant                                  | Member Secretary |

*If the aggrieved person/complainant is a woman, the GRC convenor will ask a female UP / Municipality Member to participate in the hearing.*

33. During community/stakeholder consultations in Chittagong Hill Tracts and other areas that are significantly inhabited by indigenous peoples, DPE will identify any existing traditional conflict resolution mechanisms. If they exist and indigenous peoples intend, the GRCs will include two persons from such 'traditional conflict resolution bodies' to replace the two headmasters of the high school and primary school.

34. If resolution attempts at the upazila level fail, the UEO will refer the complaints to DEO along with the minutes of the hearings. If a decision made at this level is found unacceptable by the aggrieved person, DEO can refer the case to DPE with the minutes of the hearings at both upazila and district levels. A decision agreed with the aggrieved person at any level of hearing will be binding on the DPE.

35. To ensure impartiality and transparency, hearings on complaints will remain open to the public. The GRCs will record the details of the complaints and the reasons that led to acceptance or rejection of the particular cases. The UEO will keep records of all resolved and unresolved complaints and grievances and make them available for review as and when asked for by DPE, IDA and other development partners and any entities interested in the program.

36. A web portal on "Grievance Redressing System" may be introduced where facilities for addressing grievances online by common people would be available. All ongoing & closed cases of grievances should be publicly available through this portal

### **Capacity Building**

37. DPE has very limited institutional capacity to implement the SMF, especially the provisions dealing with the issues related to land availability and impact mitigation. Under PEDP II, school physical works were carried out on lands provided by the beneficiary communities. While community provision still remains a strong possibility, DPE has nevertheless planned to organize specific capacity-building training programs in the first year of Prog3 implementation. These programs will train key DPE staff and UEOs, who would be directly involved in implementation, in the concepts and interpretations of the policies and guidelines adopted in the SMF. All training programs will be supported by PEDP III.

### **Budget and Financing**

38. As required by the World Bank's project financing policy and SPS of ADB, DPE will pay for the costs of lands, as well as those of impact mitigation activities mentioned in Section

<sup>10</sup> Applicable only for areas having substantial adverse impact on IP community

B and C. These costs are expected to vary a great deal depending on how lands are obtained and the nature and scale of impacts they might cause. All of these would remain largely unknown until the civil works are proposed for specific schools. As a result, presently there are no realistic bases to propose a IP budget. Under the circumstances, it is proposed that,

*DPE will ensure availability of funds to pay for the lands that might be purchased directly or acquired under the 1982 ordinance and compensation for any kind of economic displacement. Detailed budgets will be included in IPPs, as and when they prepared to deal with resettlement issues.*

**SMF Approval and Disclosure** *(This section will be revised after SMF approval)*

39. As required by the development partners' project financing policy, the SMF will be subjected to review and clearance by the designated regional sector unit of the World Bank, ADB, and other DPs, and formally agreed with the Government of Bangladesh before the program appraisal. DPE will share the impact mitigation plans – as and when required and prepared for any subproject/school – for review and clearance by IDA, and ADB.

40. Launching a web portal for dissemination of information on progress and monitoring of safeguard issues would be initiated. Cost of the additional measures (Database administration and web administration) requires being included.

41. DPE will disclose a Bangla translation of the SMF to the public in Bangladesh by notifying in two newspapers, one in Bangla and other in English, and make it available in its web site as well as in its district and upazila offices. The World Bank will make the SMF available at its Country Office Information Center and InfoShop. The SMF will also be posted in the ADB website.

## B. PROG3: FRAMEWORK FOR INDIGENOUS PEOPLES PLAN

### Background

1. With a population of some 160 million and a land area of approximately 144000 square kilometers, Bangladesh is densely populated. It is the third largest Muslim majority country of the world. More significant, Bangladesh has the third largest population of poor people; according to the United Nations, 40 per cent of Bangladeshis live below the poverty line (2006). Over 85% of the population is Bengali Muslims; the remaining 15% are Hindu, with a very small numbers are Christians and Buddhists. Indigenous peoples (IPs)<sup>11</sup> comprise about less than 1% (3 million)<sup>12</sup> of the population of Bangladesh living mainly in the Chittagong Hill Tracts (CHT) and in rural communities in Mymensingh, Sylhet, Dinajpur and Rajshahi. There are 45 recognized distinct different ethnic groups living in 28 districts of Bangladesh. Of the 45 tribes 13 are living in 3 CHT districts: Khagrachari, Rangamati and Bandarban. The 13 indigenous groups in CHT possess separate identities, specific racial backgrounds, different languages, and distinct heritage and culture. The largest groups are the Chakmas, Marmas, and Tripuras. They differ in their social organization, marriage customs, birth and death rites, food and other social customs from the people of the rest of the country. The other 32 tribes are scattered in 25 districts although there is good concentration of Garos in greater Mymensingh and Gazipur and of Santals in greater Rajshahi district. There is lack of information on their socioeconomic indicators. Indigenous communities largely speak Tibeto-Burman languages.

2. The indigenous peoples everywhere are generally poorer than the mainstream peoples. Most indigenous peoples in CHT live in settlements in remote hills and valleys that are very difficult to access, they still use lands for living and livelihood under the traditional/customary tenure not recognized in the country's land administration system. The areas they inhabit, especially in CHT, are generally characterized by poor basic infrastructures like roads, schools, water supply and sanitation, health care facilities and markets

3. In Rangamati and Khagrachari, substantial parts of which have long been submerged by the Kaptai Hydroelectric Project, many of the IPs lives on hilltops that dot the vast expanse of waters. For them small country boats are the only means of transportation to go anywhere and send their children to schools, some of which are quite far away from home. Lack of basic infrastructures also makes it very difficult to recruit and retain teachers for schools that are located in the remote areas. Under PEDP II a Plan for *Expanding Education of Tribal Children* (EETC) was developed for extension and rehabilitation of the existing government schools for the out-of-school children; capacity building of indigenous/tribal institutions; social mobilization to motivate parents to send children to school; supplementary reading materials development in indigenous language; and recruitment and training of teachers in the hill tracts.

---

<sup>11</sup> The Government uses the term "adivasi/ethnic minority" in its Poverty Reduction Strategy Paper.

<sup>12</sup> According to the 1991 census, there were 1.2 million indigenous peoples belonging to some 29 tribes. Both figures are however disputed by the indigenous peoples. According to their estimates IP population in the country are nearly 3 million who belong to 45 tribes.

<sup>14</sup> The issues that have been identified to have constraining effects on enrolment, attendance and completion rates of primary education will be addressed separately in a much broader way in various DPE activities and through other administrative and civil society stakeholders.

4. PEDP III aims to address some of these issues within the context of the four key areas proposed to undertake. The program will also examine the extent to which EETC activities have been implemented and incorporate any necessary modifications in view of the lessons learned under PEDP II. The PEDP III component on *Universal Access* that aims to promote inclusive primary education has a particular focus on CHT. As in the plains districts, many schools in the region will see improvements in the form of additional classrooms, separate toilets for boys and girls, clean water supply and those needed for a quality learning environment. To address the current accessibility constraints, especially in the remote areas of the region, DPE plans to provide residential facilities for children and teachers. Depending on location and need, dormitories for students and teachers are likely to be added to some of the existing schools, and new schools will be built with the same facilities. It is expected that dormitories alone could be a major factor encouraging parents to send their children to schools which could in turn effect improvements in enrolment, attendance and perhaps completion rate of primary education by indigenous peoples' children. Moreover, this could also facilitate teacher recruitment and retention for schools in the remote areas.

5. Applicability of OP 4.10 and ADB's Safeguard Requirement 3 (SR3) in the plains districts and CHT will in general depend on (i) the presence and prevalence of IPs in the close vicinities of the schools that are undertaken for expansion/improvements as well as location and sites of the new schools; and (ii) whether or not the required physical works would affect them in manners to threaten their cultural way of life and restrict access to their livelihood activities.<sup>14</sup> Given their scope for individual schools and availability of *khas land*<sup>15</sup> in CHT, it is assumed that the civil works are highly unlikely to cause impacts that would threaten IPs in any significant manner. Yet, in view of the uncertainty DPE has decided to formally adopt this framework outlining principles, policies, guidelines and procedure to identify the impact issues and potential risks and, if required, formulate and execute Indigenous Peoples Plans. *This will apply whenever physical works for existing and new schools in CHT or plains districts are found to cause adverse impacts on indigenous peoples.*

### **Objectives of Indigenous Peoples Plan**

6. The objective of ADB and World Bank's IP Safeguard policies is to design and implement projects in a way that fosters full respect for Indigenous Peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the Indigenous Peoples themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them.

7. Keeping consistency with the above safeguard requirements, the main objectives are to ensure that the program activities in general, and the physical works in particular, do not adversely affect indigenous peoples, and that they receive culturally compatible social and economic benefits. This will require DPE to carefully select and screen all schools and their locations and sites, that are to be expanded or built anew, and determine presence of indigenous peoples in the school localities and ensure their participation in the civil works

---

<sup>15</sup> Records of khas land may or may not be available with the district land administration or at the upazila level. Most often khas lands in the rural areas, which are not significant in amount, are occupied illegally by local influential persons.



selection and implementation processes. Depending on prevalence of indigenous peoples and their needs and concerns – which will be assessed through consultations (see consultation below) — DPE will work with the following guidelines:

- Plan and design civil works for existing schools and select location and sites of new schools to avoid or minimize, to the extent feasible, adverse impacts on indigenous peoples.
- Where adverse impacts on indigenous peoples are unavoidable, adopt and implement socially and culturally appropriate measures to mitigate them.
- Wherever feasible, adopt special measures – in addition to those for impact mitigation – to reinforce and promote any available opportunities for socioeconomic development of indigenous peoples' communities.
- To the extent feasible, DPE will try to avoid subprojects that will require private land acquisition in IP locality;
- Where adverse impacts could not be avoided completely, DPE will screen all subprojects to identify the potential safeguards issues and impacts by using a specified instrument (Annex A) and, if required, will prepare and implement impact mitigation plans as per the guidelines provided in this SMF.

### **Defining the Indigenous Peoples**

8. No single definition can capture the diversity of the indigenous peoples, as they are found in varied and changing contexts. As such, DPE will use the World Bank and other development partner guidelines to identify indigenous peoples in particular geographic areas by examining the following characteristics.

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

A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance also remains eligible for coverage under ADB's safeguard policy.

9. Table 1 shows the distribution of 45 indigenous communities living in 28 districts of the country. A recent study CHT shows, about 82% of children of 5-16 years are enrolled in primary or secondary schools (UNDP, 2009). The study also reports that three-fifths of children go to government primary schools irrespective of their distances from the residences. The average travel time for going to a nearby school, irrespective of communities, is around half an hour. The dropout scenario among the students is very high, 65% children discontinue their education before completion of primary schooling and 19% after completion of the same. In almost all schools both at primary and secondary level, the medium of instruction is Bangla. While almost all the IP communities requires primary education, special emphasis would be

given to implement the principles of this SMF mentioned in Para 6-7 on the identified IP communities.

Table 1: Location of Indigenous People in Bangladesh

| <i>Sl. No.</i> | <i>Location</i>   | <i>Indigenous communities</i>  | <i>Sl. No.</i> | <i>Location</i>   | <i>Indigenous communities</i>  |
|----------------|---|--|----------------|---|--|
| 1.             | Greater Mymensingh (Mymensingh, Tangail, Netrokona Jamalpur and Sherpur district) | Garo, Hajong, Koch, Barman, Dalu, Hodi, Banai, Rajbangshi  | 5.             | Greater Sylhet (Sumangonj, Mouvlibazar, Sylhet, Hobigonj district)  | Monipuri, Khasia, Garo, Hajong, Patro, Kharia, Santal, Oraon   |
| 2.             | Gazipur   | Barman, Garo, Koch   | 6.             | South-West (Jessore, Satkhira, Khulna district)   | Bagdi (Buno), Rajbangshi, Santal   |
| 3.             | Coastal Area (Patuakhali, Barguna and Coxsbazar district)                         | Rakhain  | 7.             | North-Bengal (Rajshahi, Dinajpur, Rangpur, Gaibandha, Noagaon, Bagura, Sirajgonj, Chapainawabgonj, Natore district) | Santal, Oraon, Munda, Malo, Mahali, Khondo, Bedia, Bhumij, Kole, Bhil, Karmakar, Mahato, Muriyar, Musohor, Pahan, Paharia, Rai, Sing, Turi |
| 4.             | Chittagong Hill Tracts (Bandarban, Rangamati and Khagrachari district)            | Chakma, Marma, Tripura, Bawm, Pangkhu, Lusai, Tanchangya, Khiang, Mru, Asam, Gurkha, Chak, Khumi |                |   |  |

### Indigenous Peoples Plan

10. As noted in Section A, selection of expansion works and other improvements and location of new schools will largely indicate whether or not, or in the manner, indigenous peoples would be benefitted or adversely affected. Wherever affected adversely, in the plains or CHT, DPE will prepare and implement Indigenous Peoples Plans (IPPs) in accord with the principles, guidelines and procedure outlined below. To avoid or minimize adverse impacts and, at the same time, ensure culturally appropriate benefits, DPE will select, design and implement the physical works in adherence to the following principles:

- Fully include indigenous peoples communities in general and their organizations in the process leading to identification, planning and implementation of expansion/improvements works and locations and sites of new schools and dormitories for children and teachers;
- Carefully screen, together with indigenous peoples, the required physical works on existing schools and locations and sites of new ones for a preliminary understanding of the nature and magnitude of potential impacts, and explore alternatives to avoid or minimize any adverse impacts;
- Where alternatives are infeasible and adverse impacts are unavoidable, immediately make an assessment of the key impact issues jointly with indigenous peoples and others knowledgeable of indigenous people cultures and concerns;

- Undertake the tasks necessary to prepare IPPs with the most appropriate measures to mitigate the adverse impacts and, if opportunities are there, development measures for the general IP communities; and
- *Not undertake civil works where the indigenous people communities remain unconvinced about the benefits to offer broad support for the project (see details below).*

A Brief outline of a standard Indigenous Peoples Plan is in Annex D1

### **IP Participation and Consultation Strategy**

11. Participation of indigenous peoples in selection, design and implementation of the subprojects will largely determine the extent to which the IPP objectives would be achieved. Where adverse impacts are likely, DPE will undertake free, prior and informed consultations with the would-be affected indigenous peoples' communities and those who work with and/or are knowledgeable of indigenous peoples' development issues and concerns. To facilitate effective participation, DPE will follow a time-table to consult indigenous people communities at different stages of the program cycle, especially during preparation of the civil works program. The primary objectives would be to examine the following.

- Whether there is a broad community consensus in support for expansion of existing and construction of new schools and to seek their inputs/feedbacks to avoid or minimize the potential adverse impacts associated with the required civil works;
- Identify the culturally appropriate impact mitigation measures; and
- Assess and adopt economic opportunities which DPE could promote to complement the measures required to mitigate the adverse impacts.

12. Consultations will be broadly divided into two parts. First, prior to selection of schools located in an area predominantly inhabited by indigenous peoples, DPE/UEO will consult the indigenous people communities about the need for, and the probable positive and negative impacts associated with, the expansion/renovation works. Second, prior to detailed impact assessment, the objectives would be to ascertain (i) how the indigenous people communities in general perceive of the need for undertaking physical works for particular schools and gather any inputs/feedbacks they might offer for better outcomes; (ii) whether or not the communities broadly support the proposed works; and (iii) any conditions based on which the indigenous people communities may provide broad support for the proposed works, which would eventually be addressed in IPPs and design of the physical works.

13. To ensure free and informed consultation, DPE/UEO will,

- Facilitate widespread participation of indigenous people communities with adequate gender and generational representation; customary/traditional IP organizations; community elders/leaders; and civil society organizations like NGOs and CBOs; and groups knowledgeable of indigenous people development issues and concerns.
- Provide them with all relevant information about the subproject, including that on potential adverse impacts, organize and conduct the consultations in manners to ensure free expression of their views and preferences.
- Document and share with IDA and other DPs the details of all consultation meetings, with IP perceptions of the proposed works and the associated impacts, especially the

adverse ones; any inputs/feedbacks offered by indigenous peoples; and an account of the conditions agreed with indigenous peoples that may have provided the basis for broad base community support for the proposed works.

14. Once broad base community support is received, DPE/UEO will assess the impact details at household and community levels, with a particular focus on the adverse impacts perceived by indigenous peoples and the probable (and feasible) mitigation and community development measures. To ensure continuing informed participation and more focused discussions, DPE/UEO will provide indigenous peoples with the impact details of the proposed civil works. Barring those that are technical in nature, consultations will cover topics/areas concerning cultural and socioeconomic characteristics (see paragraph 13 below), as well as those indigenous peoples consider important. Starting with those for broad base support for the subproject, consultations will continue throughout the preparation and implementation period, with increasing focus on the households which might be directly affected. Consultation timing, probable participants, methods, and expected outcomes are suggested in the matrix in Annex B1.

### **Contents of Indigenous Peoples Plan**

15. IPPs will primarily aim at mitigating adverse impacts and reinforcing and promoting any available development opportunities in the subproject areas, with a particular focus on the indigenous peoples who might be directly affected. Depending on nature and magnitude of impacts, an IPP may generally consist of the following:

- Baseline data, including analysis of cultural characteristics; education; social structure and economic activities; land tenure; customary and other rights to the use of land and other natural resources; relationship with the local mainstream peoples; and other factors that may have been suggested by indigenous peoples during consultations and are to be addressed in civil works design and implementation. (Key areas of investigation are also suggested below.).
- Strategy for local participation, indicating timing of consultation and the participants, such as affected indigenous people communities, indigenous people organizations, and individuals and entities which have provided useful feedback and inputs during initial consultations.
- Mitigation measures and activities, which will generally follow indigenous people preferences and priorities, including those agreed between the indigenous people communities/ indigenous people organizations and DPE during consultations.
- Institutional capacity, taking into account DPE's staff experience, consulting services, and indigenous peoples and civil society organizations in designing and implementing IPPs.
- IPP implementation schedule, taking least disruptions to the indigenous peoples' livelihood and other activities into consideration.
- Monitoring and evaluation, with the participation of indigenous people representatives and organizations, and other civil society organizations that may have been operating in these areas.

- Financing the IPP. Budgets and sources of fund needed to implement the mitigation measures and development activities, if any, agreed between the indigenous peoples and DPE.

### **Indigenous Peoples' Socioeconomic Characteristics & Concerns**

16. Baseline data (on the various aspects suggested above) and identification of social concerns will primarily focus on the cultural and socioeconomic characteristics of indigenous peoples and the potential vulnerability that might be caused by the proposed school physical works. Data on the following socioeconomic characteristics are expected to indicate the nature and magnitude of adverse impacts and provide the essential inputs for IPPs.

#### Social & Cultural Characteristics

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

#### Settlement Pattern

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

#### Economic Characteristics

- Land tenure — indicating legal ownership and other arrangements under which indigenous peoples presently use lands for living, cultivation or other uses.
- Access to natural resources — prevailing conditions under which indigenous peoples may have been using natural resources like forests, water bodies, and others that are considered important sources of livelihood.
- Occupational structure — indicating relative importance of household's present economic activities, and the extent to which they might be affected or benefited.
- Level of market participation — engagement in activities that produce marketable goods and services, and how and to what extent market participation would be affected or enhanced.

### **Impact Mitigation & Development Measures**

17. *To use private and public lands and avoid or minimize adverse impacts on indigenous peoples, DPE will apply the same principles and guidelines proposed in the following section for involuntary resettlement (Section C). Eligibility and standards for compensation will also use those proposed therein. In addition, particular attention will be paid not to intrude into the IP localities by non-local workers, or resort to actions and behaviour that could be construed culturally insensitive and disrespectful by IPs.*

18. Choice of appropriate and culturally compatible development measures will largely depend on preferences and priorities of the affected indigenous peoples and their communities. Wherever feasible and opportunities exists, these measures will be undertaken beyond those meant for adverse impact mitigation. In general such measures might vary from one area to another in the plains and CHT and may include providing credits where indigenous peoples are likely to engage in the production of marketable goods, such as handicrafts, handlooms, small-scale horticulture; employment in school construction and maintenance activities; basic water supply and sanitation facilities; etc. If credit programs are found appropriate, DPE will call upon civil society organizations like NGOs to organize and administer them.

### **Monitoring and Reporting**

19. As executing agency, DPE will be responsible for monitoring and evaluation of activities related to IPs. DPE, with the help of the IA, will collect ethnicity-disaggregated data. DPE will regularly analyze Project output and impact indicators, including by ethnicity. A Gender and IP specialist may be appointed who would build the capacity of the EA and relevant IA personnel to collect ethnicity-disaggregated Project data and ensure that monitoring and evaluation procedures include indicators for monitoring impact on the Project's beneficiaries. DPE will provide World Bank, ADB and other DPs with the following information for their review of performance and compliance with the SPS.

- Social safeguard screening: As and when requested, filled-out screening form (Annex A1) for all schools/contract packages included in the civil works program.
- Updates for formal review missions, which would include summary information on schools that have significant adverse impacts on indigenous peoples.
- Semi-annual report on compliance of safeguard requirements on IPs for all civil works contract packages and other PEDP III activities.



## C. PEDP III: GUIDELINES FOR USING PRIVATE & PUBLIC LANDS AND IMPACT MITIGATION

### Land Needs & Impact Mitigation Issues

1. The need for using private and public lands will arise where schools do not presently have land under their ownership to accommodate the required improvements, such as separate toilets for boys and girls; additional classrooms; dormitories for students and teachers in CHT; or carry out any other land-based improvements. For such schools, the lands have to come from private and/or public ownerships. Depending on actual situation on the ground, new schools – with and without cyclone shelters and dormitories -- would either be built on private lands or, where available, on public lands, such as *khas* and those belonging to various GOB agencies.<sup>16</sup>

2. As to how private lands would be obtained may vary depending on how the local communities cooperate with DPE, in terms of providing lands on donation or other arrangements.<sup>17</sup> Unless there is an absolute need, DPE would use any feasible option to avoid private land acquisition. *Khas* lands — wherever exist and are considered suitable in terms of location – could be easily available for social services institutions like schools. Other public agencies may also be persuaded to let use their lands where they may have remained unutilized. Unless located in urban and peri-urban areas, there is little possibility that public lands would be under use by unauthorized persons or squatters.<sup>18</sup> Considering the overall situation, unless there is an absolute need for acquisition, DPE will also consider other options, including voluntary donation, where lands are needed for expansions and new constructions.

3. **Obtaining Private Lands:** In order to avoid the time-consuming cumbersome process, DPE would obtain lands through acquisition only where other options, as suggested below, will be found totally infeasible:

- Voluntary Donation: Where landowners agree to donate the lands without the fear of adverse consequences. The landowners will have the option to refuse sale of their land if they so wish. Voluntary donation will be sought only from persons not recognized as small and marginal landowners<sup>19</sup>.
- Direct Purchase: DPE can purchase the lands directly from the owners on a "willing buyer-seller" basis at least at current market prices.

---

<sup>16</sup> All lands that do not belong to private citizens or not in use by any public entities are administered by the Ministry of Land (MOL). On request, MOL allocates lands for public good purposes to other GOB agencies. Such lands are also leased to private citizens for specified uses, which often stipulate return of the lands whenever MOL needs them.

<sup>17</sup> Traditionally, schools are first established by the communities according to their needs, on lands most often donated by individuals who are keenly interested in education, or collectively by the communities. In course of time the communities approached DPE to take them over and, when that happens, schools become a part of the system. Now that DPE is going to the communities with the "supply" of schools under a time-bound program, it remains uncertain whether DPE could mobilize the support needed for community provision of lands.

<sup>18</sup> In rural areas, especially in the coastal regions, *khas* is often illegally occupied by local rich and influential persons. Such lands can be used for new schools by persuading the occupants, or simply by taking legal actions by the district land administration authorities.

<sup>19</sup> See footnote 20.



- Acquisition: Under the present *Acquisition and Requisition of Immovable Property Ordinance, 1982*, and mitigating the associated adverse impacts in compliance with the Bank's OP 4.12 on Involuntary Resettlement and OD 4.10 on Indigenous Peoples.

#### 4. **Obtaining Public Lands**

Under Authorized Use: If the required lands are under lease from the Land Ministry or any other GOB agencies, DPE may seek to use such lands by fulfilling the lease conditions.

Under Unauthorized Use: Where the current users are well-off and an end to further use would be socioeconomically inconsequential, DPE and communities may persuade them to relinquish occupancy of the lands. However, where the lands are presently used for living and livelihood by the poor and vulnerable, DPE can take them back only by mitigating the adverse impacts in accord with the OP 4.12 and OP 4.10 provisions.

5. *DPE will apply the principles and guidelines as proposed in this SMF to all physical works, regardless of their scope, which will involve use of private and public lands that would be obtained through voluntary private donation, direct purchase from landowners; and acquisition by using the present ordinance.*

#### **Impact Mitigation Objectives**

6. The main objectives are to assist the project affected persons (PAPs) to improve, or at least to restore, their living standards and income earning or production capacity to the pre-project levels, in cases where the adverse impacts could not be avoided completely. In view of this, DPE will adhere to the following strategic guidelines while deciding on scope of physical works, as well as options to obtain lands from private and public ownerships.

- Strictly adhere to the guidelines adopted in this SMF while using the following options to obtain lands: voluntary private donation, and direct purchase from landowners (paragraphs 8-9 below).
- Avoid or minimize displacement of people, especially the socioeconomically vulnerable, who may have been using public lands for residential, commercial and other purposes;
- Avoid or minimize private land acquisition to extent feasible; and
- Identify and mitigate unavoidable adverse impacts associated with private land acquisition; displacement from public lands; and any other impacts during implementation of the physical works.

#### **Land Use Principles**

7. DPE will select to improve existing or build new schools and design and implement them in manners to avoid or minimize use of private and public lands in accord with the following principles:

- Where lands are required, DPE will consider to,
  - i. Use as much of public lands as possible

- ii. Completely avoid displacement from private homesteads
- iii. Avoid or minimize displacement of homesteads from public lands
- iv. Use lands of lower value in terms of productivity and uses
- v. Avoid affecting premises that are used for business/commercial activities
- vi. Avoid affecting religious sites like places of worship, cemeteries, and buildings / structures that are socially and historically important.
- Will not undertake civil works that will significantly restrict access of communities, especially the socioeconomically vulnerable members, to common property resources that have been a source of their livelihood.
- Will not plan, design and implement any physical works that will cause adverse impacts on physical cultural resources like buildings and objects that bear cultural and historical significance (ref: World Bank's *OP 4.11 on Physical Cultural Resources*).

### **Guidelines for Obtaining Private Lands**

DPE will obtain private lands in view of the options stated above (paragraph 2), and in compliance the following guidelines:

#### ***Voluntary Private Donation***

8. DPE will seek and obtain private lands on donation where landowners agree to voluntarily donate them without the fear of adverse consequences. Specific guidelines that will be followed are:

- Donations will be voluntary, and the landowners will have the right to refuse donations without the fear of reprisal.
- Donations will not be sought from small and marginal landowners<sup>20</sup> who might be made impoverished by the action.
- Donations will not impact on the livelihoods of vulnerable groups; and if so community developed mitigation measures are acceptable to all affectees.
- Where donations are required, the concerned landowners will be consulted very early in the process leading to the formulation of the civil works program.
- Will ensure that the donated lands are free of legal disputes and claims, and legally document the donations with the information required by land administration.
- The donated land will be transferred in the name of the recipient through the existing legal mechanism prevalent in the country

---

<sup>20</sup> There is no unique definition of small and marginal landowners. These groups are to be determined locally to identify those landowners, whose livelihood/ income generation might be hampered due to loss of the minimum area of land required for the construction. The threshold value for demarcating this group may vary in Upazila to Upazila depending on the land use pattern and the agro-economy of the locality. However, as per Bangladesh Bureau of Statistics, marginal land owners and small land owners are defined as having land with the ranges of 0.5-0.99 acres and 1.00-2.49 acres, respectively.

- An agreement will be drawn up and signed between the donor of the land and the recipient reflecting the details and conditions of the transaction and signed by a witness
- The donation would be well documented in any one of the following manners:
  - i. Recorded in the local sub-registry office in the regular process of land registration, to establish the ownership by the school/ DPE. In such case a registration fee would be applicable (budget provision to be kept in DPE's revenue head).
  - ii. The transaction done locally and documented in the Judicial Stamp in front of third party witness. All the relevant documents along with signed stamps are received by the Upazila Nirbahi Officer (UNO) on behalf of DPE.
- Will share with DPs the legal records of donations for all civil works contract packages that may contain works on multiple schools.

#### ***Direct Purchase from Landowners***

9. To avoid the lengthy acquisition process, DPE may also consider purchasing lands directly from the private landowners, as per the following guidelines:

- a) If the landowners agree to sell lands on a 'willing buyer-seller' basis. This means that the landowners will not be forced directly or indirectly to sell their lands, or at prices lower than the current market rates.
- b) Advertisement in local news papers for the required land by DPE might be a good option to allow the willing sellers to come forward to sell their lands.
- c) Prices will be negotiated openly and paid transparently in the presence of community leaders and organizations, NGOs, and others who are respected for fairness and integrity.
- d) DPE will engage an independent external party to document the negotiation and settlement process. Minutes of negotiations will be prepared with names and address of the participants. This, along with the legal purchase records and evidence of payment will be shared with DPs for all contract packages.
- e) Negotiated settlement with land holders is the most desired option for acquiring a land which has the potential to accelerate the progress of overall project works under PEDPIII. The safeguard requirement of ADB and OP of World Bank for involuntary resettlement will not trigger in the case of negotiated settlement, unless expropriation would result upon the failure of negotiations.

#### ***Acquisition of Private Land & Resumption of Public Lands***

10. DPE will acquire private lands in cases of absolute need and infeasibility of other options. Consistent with the current practice, acquisitions will be made under the Bangladesh *Acquisition and Requisition of Immovable Property Ordinance, 1982*, OP 4.12, and SR2 on Involuntary Resettlement. The ordinance will legalize the acquisitions in the country's land administration system; OP4.12 and SR2 will be used to adopt and implement impact mitigation measures. In keeping with the OP 4.12/ SR2, DPE,

- Will follow the principles and guidelines provided in paragraph 7, to acquire private lands and resume public lands from private uses, and adopt impact mitigation measures.
- Where portion of a plot remaining after acquisition becomes economically unviable, the landowner will have the option to offer the entire plot to acquisition.

### **Impact Mitigation Principles**

11. Adverse impacts are unlikely where lands are received according to the guidelines on voluntary donations or direct purchases are free of encumbrances and disputes/claims. The issue of impact mitigation will arise where lands are acquired or taken back from private uses. In such cases, DPE will plan and implement resettlement of the project affected persons (PAPs) as an integral part of design of the school physical works, as per the following guidelines.

- a) Not consider absence of legal title a bar to resettlement assistance, especially for the socioeconomically vulnerable groups like squatters.
- b) Mitigate socioeconomic vulnerability of the PAPs according to the provisions adopted in this SMF.
- c) Assist persons/households displaced from public lands to relocate on available public lands in the vicinity or general area.
- d) Not provide financial or any form of assistance to people, who are economically well-off<sup>21</sup> and use the public lands/properties for free.
- e) Mitigate community-wide impacts that may include community facilities, access to common property resources, etc., by rebuilding or providing alternatives in consultation with the user communities.

### **Eligibility for Compensation/Assistance**

12. Given the scope of the civil works, which are expected to be quite limited in scope, the following are the categories of persons who are likely to be affected.

- *Private Landowners:* Persons who have legal rights to the affected lands and other assets, such as houses/structures, trees, etc, built and grown on them.
- *Squatters:* Persons/households who do not have legal rights to the affected lands, but use them for residential and livelihood purposes. (Compensation for squatters will follow the mitigation principles proposed above.).
- *Others,* who do not have legal rights to the affected lands and any assets built or grown on them, but whose livelihood activities are significantly affected by the civil works.

---

<sup>21</sup> They generally build durable structures for their own use or to rent them to others. Quality of the building materials will be considered to determine their eligibility for resettlement assistance. Structures made of bricks, reinforced cement concrete, steel, GI sheets, etc. will be considered ineligible for compensation. The affected households' global landownership will also be used to see if they are landless, which may have required them to squat on public lands.

13. *Cut-off Dates:* Where lands are to be acquired, DPE will establish the cut-off dates. These are the dates on which censuses of PAPs and affected assets are taken. Assets like houses/structures, that are built and the persons claiming to be affected, after the cut-off dates become ineligible for compensation. For private lands, these dates may not constitute ‘cut-off dates’, if the legal Notice 3 is issued before the PAP census. In such a situation, dates of Notice 3 will be considered ‘cut-off dates’, as the acquisition ordinance prohibits changes in the appearance of the lands after the notice is issued.

### **Compensation Principles & Standards**

14. DPE will use the following principles and standards to determine compensation and assistance for persons/households in the different impact categories.

- Lands of All Kinds: Replacement costs for an equal amount of land of same use and quality, including the registration costs and stamp duties.
- Built Assets: Replacement costs of built items outside the homestead at the current market prices of same building materials, plus the current costs of labor to build them. Depreciation and salvage value will not be deducted.
- Trees & Other Irreplaceable Items: Current market prices of trees based on their species, maturity and other factors like timber and fruit trees that influence their prices, and other items which are irreplaceable.
- If the acquired lands are agricultural and amount to 20% or more of the total productive area, a *transition allowance* at three times the value of the crops produced a year in the acquired portion of the land.

15. It is expected that lands for even a new school, which will require relatively larger amount, may affect very few landowners.<sup>22</sup> In such cases, DPE would explore the possibility of determining replacement costs/market prices of all affected assets jointly with the affected landowners and beneficiary communities in compliance with the principles and guidelines provided in the SMF. Some the methods are suggested in Annex C1.

### **Impact Mitigation Plans**

16. DPE will document the lands received on voluntary donation and direct purchase from the landowners and share with IDA. Impact mitigation plans will be prepared where private lands are to be acquired and public lands taken back from unauthorized users. Depending on scale of adverse impacts, DPE will prepare and implement one of the following impact mitigation plans:

Resettlement Plan (RP). Where land acquisition and resumption of public lands, which may include MOPME’s own, for a school affect 200 or more persons. (*The number of persons consists of all household members, irrespective of the tenure under which they use the lands.*), or

---

<sup>22</sup> Since the school is a one-piece facility, acquisitions will be made in one location and may affect only a few plots that may belong to as many or fewer landowners.

Abbreviated Resettlement Plan (ARP)<sup>23</sup>. Where land acquisition and resumption of public lands for a school affect fewer than 200 persons, documenting the affected persons and valuation of affected assets, impact mitigation measures and budget, and an ARP implementation schedule.

### **Compensation Payment**

17. In keeping with the legal practice of land acquisition the DC will make the assessment of land acquisition costs based on an average of the registered land price over the last 12 months as recorded at the DC's Office. The requiring body (DPE) will then deposit funds with the DC's office from where it will be paid out to the identified landowners as Cash Compensation Under the Law (CUL). However, it is a well known fact that the prices registered at the DC's Office are usually a fraction of the real market price (in order to avoid taxes). The GOB recognizes this fact itself and so stipulates a 50% premium to be added to the CUL. Since under OP 4.12 all compensation must be made at replacement value, if the CUL, is found lower than the replacement value, DPE will directly pay the difference as 'top-up' to make up for the shortfall. Replacement value of all assets will be determined via market surveys which will be fully documented in the RAP. Compensations/entitlements that are stipulated beyond the ordinance (for affected landowners and squatters and others, who are not recognized by the ordinance) will also be directly paid by DPE. The top-up and all additional resettlement related costs which are not covered under the acquisition ordinance will be covered through project funds.

18. If lands are purchased directly from the owners on a "willing buyer-seller" basis, DPE will directly pay the prices in manners specified in paragraph 9.

19. *Top-up Determination and Payment:* The amount of top-up due to the affected person will be determined by comparing the *total amount of CUL* paid by DCs for lands and other acquired assets with the *total replacement costs and/or market prices thereof*.

20. Based on the principles proposed for impact mitigation, the following matrix defines the specific entitlements for different types of losses, entitled persons, application guidelines, and the institutional responsibility to implement them.

---

<sup>23</sup> An abbreviated resettlement plan (ARP) is a requirement of the World Bank for projects with not significant involuntary resettlement impacts. In the case of ADB a resettlement plan's level of detail and comprehensiveness are commensurate with the significance of involuntary resettlement impacts.

**Table 2: ENTITLEMENT MATRIX**

| Ownership & Location   | Entitled Person <sup>24</sup>   | Entitlements   | Responsibility          |
|--|---|--|-------------------------|
| <b>LOSS OF AGRICULTURAL &amp; OTHER LANDS</b>                            |   |  |                         |
| Private  | <b>Legal Owners</b> , as determined by ownership of title and by the DCs, or by courts in cases of legal disputes | Compensation-under-law (CUL) or replacement costs, whichever is greater.   | CUL paid by DCs         |
|  |   | <p><i>If applicable (subject to paragraph 17)</i></p> <ul style="list-style-type: none"> <li>• Top-up equal to the difference between CUL and replacement costs.</li> <li>• Transition allowance (TA) for income loss if acquisition amounts to 20% or more of the total productive area (see paragraph 14)</li> </ul>                                       | Top-up & TA paid by DPE |
| Public lands under legal lease   | <b>Leaseholders</b>   | Contractual obligations with the public agencies, as determined by DCs.  | Paid by DCs.            |
| <b>LOSS OF HOUSES &amp; OTHER BUILT ITEMS</b>                            |   |  |                         |
| Built items on private lands <u>outside the homesteads</u> <sup>25</sup> | <b>Legal owners</b> , as determined by DCs, or by courts in cases of legal disputes.                              | <ul style="list-style-type: none"> <li>• Compensation-under-law (CUL) or replacement cost, whichever is greater.</li> <li>• Transfer Grant (TG) to cover the carrying costs of any movable items at one-eighth of the replacement costs of the affected items.</li> <li>• Owners retain the salvageable materials.</li> </ul>                                | CUL paid by DCs.        |
|  |   |  | TG paid by DPE          |
| Shiftable & non-shiftable structures on acquired public lands            | <b>Vulnerable Squatters</b>   | <ul style="list-style-type: none"> <li>• <i>Shiftable structures</i>: House Transfer Grant (HTG) and House Construction Grant (HCG), @ Tk 50 per sft of floor area with minimum of Tk 4000 and maximum of Tk 6000.</li> <li>• <i>Non-shiftable structures</i>: HCG @ Tk 100 per sft of floor area with minimum of Tk 5000 and maximum of Tk 7000.</li> </ul> | HTG and HCG paid by DPE |
| <b>LOSS OF HOMESTEAD ON PUBLIC LANDS</b>                                 |   |  |                         |
| Homesteads on public lands   | <b>Vulnerable Squatters</b> <sup>26</sup>   | <ul style="list-style-type: none"> <li>• Relocation assistance in public lands in the vicinity where squatters are required to relocate their homes.</li> <li>• Provision of water supply &amp; sanitation facilities.</li> </ul>  | DPE                     |

<sup>24</sup> To comply with the draft Gender Action Plan of PEDP III, it is to be noted that the eligible female household heads (FHH) would also receive equal compensation as of male entitles person.

<sup>25</sup> According to the stipulations in paragraph 13 of Section A, homesteads, which consist of land, houses and other amenities, cannot be acquired. The built items here mean any structures that may have been built outside the homesteads for any purposes other than living.

<sup>26</sup> If any local influential person encroaches the public land or establishes squatters on the Government land targeted for the school, the land will be made available through legal actions by the district land administration authorities.. In such case, the Influential Person or the squatters will not be compensated or provided any assistance vacating the Government Land.

| <b>LOSS OF TREES ON PRIVATE &amp; PUBLIC LANDS</b>                      |  |   |                       |
|---|--|---|-----------------------|
| On private lands  | <b><i>Legal owners</i></b> as determined by DCs, or by courts in cases of legal disputes | <ul style="list-style-type: none"> <li>• Current market value of trees, based on species, size and maturity.</li> <li>• Current market prices of fruits on trees, if they are felled before harvest.</li> </ul> | DCs (included in CUL) |
|   |  | Owners will fell and retain the trees and fruits, after payment of compensation.  | DPE                   |
| On public lands   | <b><i>Vulnerable squatter</i></b>  | As those stipulated above for trees and fruits.   | DPE                   |
| <b>UNFORESEEN LOSSES</b>  |  |   |                       |
| As may be identified during preparation & implementation of civil works | <b><i>As identified</i></b>  | As determined in consultation with IDA and other DPs.   | DPE and IDA/ADB       |



## **Income Restoration and Relocation Strategy:**

21. The vulnerable Affected Persons (APs), including those experiencing indirect or secondary impact, will be eligible for assistance due to loss of employment/wage because of dislocation. DPE is to arrange training and credit support for Income Generation Activities (IGA) for sustainable income restoration of the eligible members of AP families. The poor and the vulnerable APs will be covered under IGA through Human Resource Development (HRD) and Occupational Skill Development training and subsequent credit support. The RPs will have provisions to provide assistance to affected businesses to restore and regain their businesses. All businesses irrespective of titled/non-titled owners of business premises, will receive a cash grant for loss of access to business premise, plus shifting or moving allowance, and one-time cash grant for loss of income. This assistance is intended to supplement the income loss during transitional period to re-establish businesses in new locations. Given the small size of subprojects, there would be little scope of developing a relocation site for the APs.

## **Preparation of Mitigation Instruments**

22. Based on social safeguard screening and consultations with the local communities, DPE would decide how the required lands would be obtained. In cases of acquisition, DPE will undertake the tasks required for planning and implementation of resettlement activities. In this respect, the major preparatory tasks are:

- *Land acquisition proposals (LAPs).* LAPs will be prepared as per the standard requirements of the acquisition authority indicating, among other information, the amount of lands that are to be acquired.
- *PAP census and fixing the cut-off dates.* To prepare RPs and ARPs, will gather details of the impacts and impacted persons with respect, but not limited, to the impact categories and compensation/assistance eligibility criteria adopted in paragraph 12. DPE will establish the cut-off dates as mentioned in Para 13.
- *Market prices.* To determine the replacement costs of lands, structures and other replaceable, and market prices of irreplaceable, affected assets (Survey methods suggested in Annex C1).

## **Contents of RP & ARP**

23. In cases of acquisition, DPE will prepare RPs or ARPs in view of the number of persons being affected by the expansion and/or new construction works for the individual schools. In view of the principles and guidelines in this SMF, the mitigation plans will include the following.<sup>27</sup>

### **Resettlement Plan (RP)**

- Brief description of the school location and proposed civil works, and required private and public lands;

---

<sup>27</sup> It is highly unlikely that private land acquisition for a school would require a full-fledged Resettlement Plan. The amount of land for even a new school, which would require 33 decimals each, is expected to be quite modest and acquisition may affect very few plots which may belong to as many or fewer families. If the average family size and the amount of land are considered together, it is very unlikely that acquisition for a school would affect 200 or more persons, which is the benchmark for an RP.

- Details of the impacts in terms of, but not limited to, the categories suggested in this SMF;
- Legal Framework
- Socioeconomic Information and Profile which would outline the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings etc.
- A census of PAPs with income asset survey
- Identification of PAPs (with IDs etc.)
- An account of the alternatives that have been considered to avoid and/or minimize the adverse impacts;
- An account of the consultations that have been conducted with the displaced persons / households about the mitigation measures and implementation procedure (see below);
- An account of the entitlements for different types of losses;
- An account of households, if any, made vulnerable by the acquisition and the special assistance that are to be provided;
- Implementation Arrangements
- M&E and Reporting system
- Grievance Redress Mechanism
- Capacity Building training Plan
- Resettlement budget and a RP implementation schedule.

A Brief outline of a standard Resettlement Plan is in Annex E1

#### Abbreviated Resettlement Plan (ARP)<sup>28</sup>

- Documentation of the private and public lands required for the school, affected persons, and valuation of the affected assets as per the guidelines;
- Description of compensation and other resettlement assistance that are to be provided;
- A brief account of consultations with the affected persons about acceptable alternatives (e.g. compensation in cash and kind, etc); and
- A budget and an ARP implementation schedule.

#### **Stakeholder Consultations**

24. As noted in Section A, land availability issues would require extensive community consultations. Unless land is obtained through donation and direct purchase, acquisitions would require further consultations focusing more on the PAPs, regarding the potential adverse impacts, as well as the resettlement measures and implementation procedure. Consultation topics will include,

- Scope of civil works; land acquisition needs and the expected adverse socioeconomic impacts; and the rights and responsibilities on the parts of the stakeholders themselves and the agencies involved in the project (DPE, World Bank, other development partners, Consultants, etc.).

---

<sup>28</sup> See footnote 23

- Specifics of the mitigation measures and the process that will be followed to implement them (mitigation principles, compensation eligibility, compensation payment [CUL & top-up] responsibilities, etc).
- Legal documents required to claim compensation from DCs and explanation of the process to procure them in cases where the landowners may not have them ready.
- Explanation of the functions and limitations of GRCs, and how the aggrieved PAPs and others could lodge their complaints and grievances.

25. Depending on actual situation, stakeholder consultations will continue throughout the civil works preparation and implementation period, and DPE would consider stakeholder inputs and feedback to minimize the adverse impacts.

### **Documentation**

26. While RPs/ARPs will present summary of the impacts and impacted persons, DPE will ensure availability of the following documentations for review by IDA, ADB, and other DPs.

- Minutes of stakeholder consultation on matters like social safeguards implications of using private and public lands; alternative means of obtaining the required lands; mitigation measures adopted in this SMF; compensation procedure; etc.
- Legal records of lands donated by private owners and of those directly purchased by DPE on “willing buyer-seller” basis, with prices and names and addresses of peoples present during price negotiations and payment, and evidence of actual payment.
- Inventory of different types of PAPs, based on the census of affected persons / households and assets, as well as replacement costs and current market prices of different types of assets, as determined through market prices surveys, or in collaboration with the communities.
- Records of compensation payment to individual PAPs.  
Records of complaints and grievances and the decisions given by GRCs and DPE.  
Records of all Agreements pertaining to the voluntary contribution of land .

### **Monitoring & Reporting**

27. DPE will provide IDA, ADB, and other DPs with the following information for their review of performance and compliance with the OP 4.12, and SR2.

- Social safeguard screening: As and when requested, filled-out screening form (Annex A1) for all schools/contract packages included in the civil works program.
- Legal records as and when executed: Of lands donated by private owners, as well as of those directly purchased by DPE on “willing buyer-seller” basis, with prices and names and addresses of peoples present during price negotiations and payment, and evidence of actual payment.
- In cases of acquisition, semi-annual report indicating progress in land acquisition and implementation of impact mitigation plans, including compensation payment by DCs and DPE

- Updates for formal review missions, which would include summary information on schools that have obtained lands using any of the options suggested above for different types of civil works.

28. An independent review will be carried out to assess how effectively and efficiently the different procedural tasks have been carried out; relative advantage / disadvantages of the suggested land obtaining options; land acquisition and impact mitigation activities, if any, have been carried out; and efficacy of the provisions adopted in this SMF.

### **Land Acquisition & Resettlement Budget**

29. As required by the World Bank's project financing policy and SPS of ADB, DPE will pay for the costs of lands, as well as those of impact mitigation activities. These costs are expected to vary a great deal depending on how lands are obtained and the nature and scale of impacts they might cause. All of these would remain largely unknown until the civil works are proposed for specific schools. As a result, presently there are no realistic bases to propose a resettlement budget. Under the circumstances, it is proposed that,

*DPE will ensure availability of funds to pay for the lands that might be purchased directly or acquired under the 1982 ordinance. Detailed budgets will be included in RPs or ARPs, as and when they prepared to deal with resettlement issues.*

**Annex A1**  
**SOCIAL SAFEGUARD SCREENING**

*[The information sought in this form should be verified and recorded during school/site visits and/or community/stakeholder consultations. A DPE staff will fill in the form in presence of community members, local government officials, civil society representatives and others who have interests in the school.]*

| <b>A. GENERAL INFORMATION</b>  |  |
|--|--|
| Name of School:  |  |
| <input type="checkbox"/> Existing School <input type="checkbox"/> New School   |  |
| Union:   | Ward Name & No.:   |
| Upazila:   | District:  |
| <b>Screening Date:</b>   |  |
| <b>Names of Persons Participated in Screening:</b>   |  |
| DPE Staff:   |  |
| Local Government Representatives:  |  |
| Community Members:   |  |
| <b>B. SOCIAL SAFEGUARD INFORMATION</b>   |  |
| <i>The Scheme is located in an area (UP, or Ward or part of a Ward) where residents are:</i>   |  |
| <input type="checkbox"/> All mainstream or non-indigenous/tribal peoples<br><input type="checkbox"/> All indigenous/tribal peoples<br><input type="checkbox"/> Majority mainstream or non-indigenous/tribal peoples<br><input type="checkbox"/> Majority indigenous/tribal peoples |  |
| <b>Scope of Work:</b> <input type="checkbox"/> Improvements on Existing School <input type="checkbox"/> Construction of New School   |  |
| <b>Existing Schools:</b>   |  |
| <b>Toilets</b>   | Number:      Total Land Area (decimal/square feet):  |
| Required Land Belongs to:  | <input type="checkbox"/> School <input type="checkbox"/> Private Owners<br><input type="checkbox"/> Others (Name): |
| <b>Additional Class Room</b>   | Number:      Total Land Area (dec/sft):  |
| Required Land Belongs to:  | <input type="checkbox"/> School <input type="checkbox"/> Private Owners<br><input type="checkbox"/> Others (Name): |

|   |  |   |
|---|--|---|
| <b>Dormitory (CHT):</b>   | Capacity (# of students):  | Total land Area (decimals):                   |
| <i>Required Land is</i>   | <input type="checkbox"/> School Property <input type="checkbox"/> Khas <input type="checkbox"/> Under Customary Use<br><input type="checkbox"/> Under Lease to Indigenous Persons <input type="checkbox"/> Under Lease to Non-Indigenous Persons |   |
| Other Civil Works, if any (Describe):                                   |  |   |
| <i>If Require Lands are <u>Private</u>, they are Presently Used for</i> | <input type="checkbox"/> Agriculture   | No. of Landowners/users:                      |
|   | <input type="checkbox"/> Residential Purposes  | No. of household living on them:              |
|   | <input type="checkbox"/> Business Purposes   | No. of persons using the lands:               |
|   | <input type="checkbox"/> Other Purposes  | No. of persons using the lands:               |
|   | Name Purpose:  |   |
| <i>If Require Lands are <u>Public</u>, they are Presently Used for</i>  | <input type="checkbox"/> Agriculture   | No. of persons using the lands:               |
|   | <input type="checkbox"/> Residential Purposes  | No. of households using the lands:            |
|   | <input type="checkbox"/> Business Purposes   | No. of persons using the lands:               |
|   | <input type="checkbox"/> Other Purposes  | No. of persons using the lands:               |
| Name Purpose:   |  |   |
| <b>New Schools:</b>   | <input type="checkbox"/> Without Cyclone Shelter & Dormitory   | Total Land Area (decimals):                   |
|   | <input type="checkbox"/> With Cyclone Shelter  | Total Land Area (decimals):                   |
|   | <input type="checkbox"/> With Dormitory  | Total Land Area (decimals):                   |
| <i>Required Land Belongs to:</i>  | <input type="checkbox"/> School <input type="checkbox"/> Private Owners  | <input type="checkbox"/> Land Ministry (Khas) |
|   | <input type="checkbox"/> Other Ministrise (Name):  |   |
|   | <input type="checkbox"/> Other Entities (Name):  |   |
| <i>If Require Lands are <u>Private</u>, they are Presently Used for</i> | <input type="checkbox"/> Agriculture   | No. of Landowners/users:                      |
|   | <input type="checkbox"/> Residential Purposes  | No. of household living on them:              |
|   | <input type="checkbox"/> Commercial Purposes   | No. of persons using the lands:               |
|   | <input type="checkbox"/> Other Purposes  | No. of persons using the lands:               |
|   | Name Purpose:  |   |
| <i>If Require Lands are <u>Public</u>, they are Presently Used for</i>  | <input type="checkbox"/> Agriculture   | No. of persons using the lands:               |
|   | <input type="checkbox"/> Residential Purposes  | No. of households using the lands:            |
|   | <input type="checkbox"/> Commercial Purposes   | No. of persons using the lands:               |
|   | <input type="checkbox"/> Other Purposes  | No. of persons using the lands:               |
|   | Name Purpose:  |   |

|  |  |
|--|--|
| <i>If private lands are required, they will be obtained through</i>  |  |
| <input type="checkbox"/> Voluntary Donation  | Agreed by Landowners: <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/> Direct Purchase   | Agreed by Landowners: <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/> Other means (Describe):   |  |
| Remarks, if any, about land availability:  |  |
| <p align="center"><b>C. ADDITIONAL INFORMATION ON INDIGENOUS PEOPLES (IPs)</b><br/> <b>(IN ADDITION TO THE INFORMATION SOUGHT UNDER SECTION B)</b></p> |  |
| Names of IP community members and organizations which participated in Social Screening:  |  |
| The would-be affected IPs have the following forms of rights to the required lands:  |  |
| <input type="checkbox"/> Legal ownership   | Number of IP persons/households:   |
| <input type="checkbox"/> Customary Rights  | Number of IP persons/households:   |
| <input type="checkbox"/> Lease agreements with the Government  | Number of IP persons/households:   |
| <input type="checkbox"/> Others form of Right  | Number of IP persons/households:   |
| Describe Right:  |  |
| The following are the <u>three</u> main economic activities of the would-be affected IP households:  |  |
| (a)  |  |
| (b)  |  |
| (c) .  |  |
| The following are the social concerns expressed by IP community and organizations:   |  |

|   |                                   |  |
|---|-----------------------------------|--|
| <i>The IP community and organizations perceive the social outcomes of the scheme:</i>                                     |                                   |  |
| <input type="checkbox"/> Positive   | <input type="checkbox"/> Negative | <input type="checkbox"/> Neither Positive nor Negative |
| <i>In respect of the social impacts and concerns, is there a need to undertake an additional impact assessment study?</i> |                                   |  |
| <input type="checkbox"/> Yes  | <input type="checkbox"/> No       |  |

~~~~~

***Prepared by (Name and Designation):***

.....

(A DPE staff should fill in this form)

***Signature:*** .....

***Date:*** .....

---



## Annex B1

### INDIGENOUS PEOPLES CONSULTATION MATRIX

| Timing                                                                                                                           | Consultation Participants                                                                 |                                                                                                             | Consultation Method                                                                                                             | Expected Outcome                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                  | Project Authority                                                                         | IP Community                                                                                                |                                                                                                                                 |                                                                                                                                                                             |
| <b>Reconnaissance &amp; ground verification of existing and location/sites for new schools and hostels</b>                       | DPE/UEO, Local government, NGOs and others working with IP issues                         | IP Communities, including organizations, community leaders/elders                                           | Open meetings & discussions, visit of school sites, IP settlements & surroundings                                               | <i>First-hand assessment of IPs' perception of potential social benefits and risks, and prospect of achieving broad base support for the civil works</i>                    |
| <b>Screening of the school and dormitory sites</b>                                                                               | DPE/UEO, Local government, NGOs / CBOs and others working with IP issues                  | IP Communities, including would-be affected IPs, IP organizations, community leaders/elders, key informants | Open meetings, focus group discussions, spot interviews, etc.                                                                   | <i>Identification of major impact issues, feedback from IP communities and would-be affected persons, and establishing broad base community support for the civil works</i> |
| <b>In-depth study of risks and benefits taking into consideration, inter alia the conditions that led to community consensus</b> | DPE/UEO, project consultants (Social Scientist), NGOs / CBOs, other knowledgeable persons | Would-be affected IPs, IP organizations, community leaders/elders, key informants                           | Formal/informal interviews; focus group discussions; hotspot discussion on specific impacts, alternatives, and mitigation; etc. | <i>More concrete view of impact issues &amp; risks, and feedback on possible alternatives and mitigation and development measures</i>                                       |
| <b>Social impact assessment (SIA)</b>                                                                                            | DPE/UEO, project consultants (Social Scientist)                                           | Adversely affected individual IPs/households                                                                | Structured survey questionnaires covering quantitative & qualitative information                                                | <i>Inputs for IPP, and identification of issues that could be incorporated into the design of the civil works</i>                                                           |
| <b>Preparation of civil works and IPP</b>                                                                                        | DPE/UEO, project consultants (Social Scientist) and other stakeholders                    | IP organizations, community leaders/elders, adversely affected IPs                                          | Group consultations, hot spot discussions, etc.                                                                                 | <i>Preparation of IPP, and incorporation of SIA inputs into engineering design to avoid or minimize adverse impacts, and IP development programs</i>                        |
| <b>Implementation</b>                                                                                                            | DPE/UEO, DPs, consultants (Social Scientists) & other stakeholders                        | Individual IPs, IP organizations, community leaders/elders & other stakeholders                             | Implementation monitoring committees (formal or informal)                                                                       | <i>Quick resolution of issues, effective implementation of IPP</i>                                                                                                          |
| <b>Monitoring &amp; Evaluation</b>                                                                                               | DPE/UEO, DPs, consultants (Social Scientists), NGOs & CBOs                                | IP organizations/ groups and individuals                                                                    | Formal participation in review and monitoring                                                                                   | <i>Identification &amp; resolution of implementation issues, effectiveness of IPP</i>                                                                                       |

## *Annex C1*

### **SUGGESTED METHODS FOR MARKET PRICE SURVEYS**

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

#### ***Lands of All Kinds***

The surveys will explicitly take into consideration the quality of the lands under acquisition. Quality will take into account current uses (residential/commercial, etc.), cropping intensity in cases of agricultural lands, accessibility from the existing roads and to transportation, and any other characteristics that influence the lands' market value. These surveys will be conducted on the following three groups of respondents:

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

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

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

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

#### ***Built Structures***

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

- Survey of current prices of different types of materials with five or so dealers/manufacturers in the local markets.

- The replacement cost of the structure will be based on the lowest quoted price for each type of material, plus their carrying costs to the sites.
- The current costs of labor with different skills will be determined by interviewing local contractors, DPE staff, or local construction workers.
- The PWD schedule of rates would also be used for comparison of rates of materials and labor for analysis of irregular/ non conventional structures, or plinth area rate for the standard building structure. If these rates are found higher than the market price, PWD rates would govern.

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

### ***Trees & Other Irreplaceable Assets***

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

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

### ***Fruits and Other Crops***

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

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

## *Annex D1*

### **OUTLINE OF AN INDIGENOUS PEOPLES PLAN**

This outline is part of the Safeguard Requirements 3. An Indigenous Peoples plan (IPP) is required for all projects with impacts on Indigenous Peoples. Its level of detail and comprehensiveness is commensurate with the significance of potential impacts on Indigenous Peoples. The substantive aspects of this outline will guide the preparation of IPPs, although not necessarily in the order shown.

#### **A. Executive Summary of the Indigenous Peoples Plan**

This section concisely describes the critical facts, significant findings, and recommended actions.

#### **B. Description of the Project**

This section provides a general description of the project; discusses project components and activities that may bring impacts on Indigenous Peoples; and identify project area.

#### **C. Social Impact Assessment**

This section:

- (i) reviews the legal and institutional framework applicable to Indigenous Peoples in project context.
- (ii) provides baseline information on the demographic, social, cultural, and political characteristics of the affected Indigenous Peoples communities; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend.
- (iii) identifies key project stakeholders and elaborate a culturally appropriate and gender-sensitive process for meaningful consultation with Indigenous Peoples at each stage of project preparation and implementation, taking the review and baseline information into account.
- (iv) assesses, based on meaningful consultation with the affected Indigenous Peoples communities, the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is a gender-sensitive analysis of the relative vulnerability of, and risks to, the affected Indigenous Peoples communities given their particular circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to those available to other social groups in the communities, regions, or national societies in which they live.
- (v) includes a gender-sensitive assessment of the affected Indigenous Peoples' perceptions about the project and its impact on their social, economic, and cultural status.
- (vi) identifies and recommends, based on meaningful consultation with the affected Indigenous Peoples communities, the measures necessary to avoid adverse effects or, if such measures are not possible, identifies measures to minimize, mitigate, and/or compensate for such effects and to ensure that the Indigenous Peoples receive culturally appropriate benefits under the project.

#### **D. Information Disclosure, Consultation and Participation**

This section:

- (i) describes the information disclosure, consultation and participation process with the affected Indigenous Peoples communities that was carried out during project preparation;

- (ii) summarizes their comments on the results of the social impact assessment and identifies concerns raised during consultation and how these have been addressed in project design;
- (iii) in the case of project activities requiring broad community support, documents the process and outcome of consultations with affected Indigenous Peoples communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities;
- (iv) describes consultation and participation mechanisms to be used during implementation to ensure Indigenous Peoples participation during implementation; and
- (v) confirms disclosure of the draft and final IPP to the affected Indigenous Peoples communities.

#### **E. Beneficial Measures**

This section specifies the measures to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate, and gender responsive.

#### **F. Mitigative Measures**

This section specifies the measures to avoid adverse impacts on Indigenous Peoples; and where the avoidance is impossible, specifies the measures to minimize, mitigate and compensate for identified unavoidable adverse impacts for each affected Indigenous Peoples groups

#### **G. Capacity Building**

This section provides measures to strengthen the social, legal, and technical capabilities of (a) government institutions to address Indigenous Peoples issues in the project area; and (b) Indigenous Peoples organizations in the project area to enable them to represent the affected Indigenous Peoples more effectively.

#### **H. Grievance Redress Mechanism**

This section describes the procedures to redress grievances by affected Indigenous Peoples communities. It also explains how the procedures are accessible to Indigenous Peoples and culturally appropriate and gender sensitive.

#### **I. Monitoring, Reporting and Evaluation**

This section describes the mechanisms and benchmarks appropriate to the project for monitoring, and evaluating the implementation of the IPP. It also specifies arrangements for participation of affected Indigenous Peoples in the preparation and validation of monitoring, and evaluation reports.

#### **J. Institutional Arrangement**

This section describes institutional arrangement responsibilities and mechanisms for carrying out the various measures of the IPP. It also describes the process of including relevant local organizations and NGOs in carrying out the measures of the IPP.

#### **K. Budget and Financing**

This section provides an itemized budget for all activities described in the IPP.

## *Annex E1*

### **OUTLINE OF A RESETTLEMENT PLAN**

This outline is part of the Safeguard Requirements 2. A resettlement plan is required for all projects with involuntary resettlement impacts. Its level of detail and comprehensiveness is commensurate with the significance of potential involuntary resettlement impacts and risks. The substantive aspects of the outline will guide the preparation of the resettlement plans, although not necessarily in the order shown.

#### **i. Executive Summary**

This section provides a concise statement of project scope, key survey findings, entitlements and recommended actions.

#### **ii. Project Description**

This section provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement, or both and identify the project area. It also describes the alternatives considered to avoid or minimize resettlement. Include a table with quantified data and provide a rationale for the final decision.

#### **iii. Scope of Land Acquisition and Resettlement**

This section:

- (i) discuss the project's potential impacts, and includes maps of the areas or zone of impact of project components or activities;
- (ii) describes the scope of land acquisition (provide maps) and explains why it is necessary for the main investment project;
- (iii) summarizes the key effects in terms of assets acquired and displaced persons; and
- (iv) provides details of any common property resources that will be acquired.

#### **iv. Socioeconomic Information and Profile**

This section outlines the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings, including:

- (i) define, identify, and enumerate the people and communities to be affected;
- (ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;
- (iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
- (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

#### **v. Information Disclosure, Consultation, and Participation**

This section:

- (i) identifies project stakeholders, especially primary stakeholders;
- (ii) describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
- (iii) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;

- (iv) summarizes the results of consultations with affected persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan;
- (v) confirms disclosure of the draft resettlement plan to affected persons and includes arrangements to disclose any subsequent plans; and
- (vi) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with affected persons during project implementation.

#### **vi. Grievance Redress Mechanisms**

This section describes mechanisms to receive and facilitate the resolution of affected persons' concerns and grievances. It explains how the procedures are accessible to affected persons and gender sensitive.

#### **vii. Legal Framework**

This section:

- (i) describes national and local laws and regulations that apply to the project and identify gaps between local laws and IDA/ADB's policy requirements; and discuss how any gaps will be addressed.
- (ii) describes the legal and policy commitments from the executing agency for all types of displaced persons;
- (iii) outlines the principles and methodologies used for determining valuations and compensation rates at replacement cost for assets, incomes, and livelihoods; and set out the compensation and assistance eligibility criteria and how and when compensation and assistance will be provided.
- (iv) describes the land acquisition process and prepare a schedule for meeting key procedural requirements.

#### **viii. Entitlements, Assistance and Benefits**

This section:

- (i) defines displaced persons' entitlements and eligibility, and describes all resettlement assistance measures (includes an entitlement matrix);
- (ii) specifies all assistance to vulnerable groups, including women, and other special groups; and.
- (iii) outlines opportunities for affected persons to derive appropriate development benefits from the project.

#### **ix. Relocation of Housing and Settlements**

This section:

- (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
- (ii) describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
- (iii) provides timetables for site preparation and transfer;
- (iv) describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
- (v) outlines measures to assist displaced persons with their transfer and establishment at new sites;
- (vi) describes plans to provide civic infrastructure; and

- (vii) explains how integration with host populations will be carried out.

**x. Income Restoration and Rehabilitation**

This section:

- (i) identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
- (ii) describes income restoration programs, including multiple options for restoring all types of livelihoods (examples include project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets);
- (iii) outlines measures to provide social safety net through social insurance and/or project special funds;
- (iv) describes special measures to support vulnerable groups;
- (v) explains gender considerations; and
- (vi) describes training programs.

**xi. Resettlement Budget and Financing Plan**

This section:

- (i) provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of resettlement plans during loan implementation.
- (ii) describes the flow of funds (the annual resettlement budget should show the budget-scheduled expenditure for key items).
- (iii) includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs, and
- (iv) includes information about the source of funding for the resettlement plan budget.

**xii. Institutional Arrangements**

This section:

- (i) describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;
- (ii) includes institutional capacity building program, including technical assistance, if required;
- (iii) describes role of NGOs, if involved, and organizations of affected persons in resettlement planning and management; and
- (iv) describes how women's groups will be involved in resettlement planning and management,

**M. Implementation Schedule**

This section includes a detailed, time bound, implementation schedule for all key resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronized with the project schedule of civil works construction, and provide land acquisition process and timeline.

**N. Monitoring and Reporting**

This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the resettlement plan. It specifies arrangements for participation of affected persons in the monitoring process. This section will also describe reporting procedures.



