

Indigenous Peoples Development Planning Document

Indigenous Peoples Development Framework
Document Stage: Draft
Project Number: 39432
October 2008

BAN: Preparing the Participatory Small-Scale Water Resources Project III

Prepared by Local Government Engineering Department for the Asian Development Bank (ADB).

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PROJECT PREPARATORY TECHNICAL ASSISTANCE

ADB TA 7041-BAN

INDIGENOUS PEOPLE'S DEVELOPMENT FRAMEWORK

for the

Participatory Small-Scale Water Resources Project

October 2008

**Local Government Engineering Department,
Local Government Division,
Ministry of Local Government, Rural Development and Cooperatives,
People's Republic of Bangladesh
LGED, Bhaban, Sher-e-Bangla Nagar, Agargaon, Dhaka**

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Abbreviations

ADB	Asian Development Bank
BBS	Bangladesh Bureau of Statistics
BME	Benefit Monitoring and Evaluation
CAP	Community Action Plan
CHT	Chittagong Hill Tract
DAE	Department of Agricultural Extension
DOC	Department of Cooperatives
DOF	Department of Fisheries
DOL	Department of Livestock
DWA	Department of Women’s Affairs
EA	Executing Agency
EMA	External Monitoring Agency
FGD	Focus Group Discussion
IGA	Income Generating Activities
IP	Indigenous People
IPDF	Indigenous People’s Development Framework
IPDP	Indigenous People’s Development Plan
IPSAP	Indigenous People’s Specific Action Plan
IWRMU	Integrated Water Resource Management Unit of LGED
LCS	Labor Contracting Society
LGED	Local Government Engineering Department
MOU	Memorandum of Understanding
NGO	non-Government organization
O&M	Operation and Maintenance
PAM	Project Administration Memorandum
PIC	Project Implementation Consultant
PPTA	Project Preparation Technical Assistance
PRA	Participatory Rural Appraisal
PRP	Poverty Reduction Plans
PRPB	Poverty Reduction Plan Book
RF	Resettlement Framework
RP	Resettlement Plan
SGADS	Social and Gender and Development Section (IWRMU)
SPFR	Subproject Feasibility Report
SSWR	Small Scale Water Resource
SSW-1	SSWR Development Project Phase 1
SSW-2	SSWR Development Project Phase 2
TOT	Training Of Trainers
WMCA	Water Management Cooperative Association
XEN	Executive Engineer
UDCC	Upazila Development Co-ordination Committee
UP	Union Parishad

Executive Summary

The Asian Development Bank (ADB) in its *Policy on Indigenous People* (April 1998) defines Indigenous Peoples (IPs) as 'groups with social or cultural identities distinct from those of the dominant or mainstream society, which makes them vulnerable to being disadvantaged in the process of development.' According to the Bangladesh Bureau of Statistics (BBS 2004), minority '*ethnic groups*' (meaning IP) in Bangladesh constitute about 1.13 % of the total population, which is predominantly made of *Bengalis*, the nation's majority ethnic group. In terms of geographical distribution within Bangladesh, IPs can be grouped into two broad categories:

- IPs living within or close to forest areas in the plains and
- IPs living in hills, predominantly in the Chittagong Hill Tract (CHT).

Historically, IP plains communities have remained at a disadvantaged position due to their geographical, social and political positioning and therefore have been economically marginalized, with low access to education or other social services. The CHT is not within the Project area and so is not presently covered by this IPDF; however, this Project Preparation Technical Assistance (PPTA) will develop a terms of reference and associated resource requirements for a comprehensive study of the CHT to explore possibilities for introducing Small Scale Water Resource (SSWR) development in the area. The study will include a literature review, dialogue with other similar projects in the area, field visits and consultation with relevant stakeholders

The Participatory Small Scale Water Resource Project was categorized as an A Project for IPs and according to the ADB' *Policy on Indigenous Peoples*. Category A Sector Loan projects having possible impacts on IPs require the preparation of an Indigenous People's Development Framework (IPDF). The IPDF seeks to ensure that IPs, if found to be in subproject villages, are informed, consulted, and mobilized to participate in subproject preparation. The IPDF is intended to guide selection and preparation of additional subprojects under the Project where impacts on IPs are identified to ensure better distribution of the Project benefits and to promote development of any IPs found to be within the Project areas.

The ADB's Policy on IPs aims to protect ethnic minorities from the adverse impacts of development, and to ensure that ethnic minorities benefit from development projects. The need for an Indigenous People's Specific Action Plan (IPSAP) will be established on the basis of the criteria set out in the ADB's Policy on IPs. The IPSAP will ensure that project affected IPs are, as well off with the Project as without it after the implementation of the plan. This plan will also aim to identify measures towards satisfying the needs and development aspiration of the IPs. Based on Bangladesh's constitutional guarantees and the ADB's *Policy on Indigenous Peoples*, the objective of the plan will be to: (i) ensure that IPs affected by any subproject will benefit from the subproject; (ii) ensure IP inclusion in the entire process of planning, implementation, and monitoring of the subproject; (iii) ensure that benefits of the subprojects are available to IPs more than or at least at par with other affected groups; and (iv) provide a base for IPs in the area to receive adequate development focus and attention.

As there are limited numbers of IPs living in districts under the Project, in most subprojects no IP communities will be affected. Also, as the Project procedures are designed to ensure the participation of *all* local stakeholders including IPs, and since subprojects will improve the overall environment and agricultural production, no adverse impact on IPs is likely where they

are found in subproject areas. If the impacts on IPs are determined to be *insignificant*, then specific actions in favor of the IPs will be integrated in Resettlement Plans (RPs) developed for the subprojects or a common Community Action Plan (CAP) including IPs and non-IPs will be developed.

The Project is already using a well defined participatory approach, so the ‘Indigenous Peoples Plan’ for subprojects having an IP population within the subproject area, will take the form of an IPSAP. Because the outcome of the Project is mainly increased agricultural production and because of the participatory manner in which the Project is implemented, when IPs are living in a subproject area they will normally in any case benefit from the subproject in the same way as all other local stakeholders. IPs will have a say in all stages of subproject activities, and will be able to join the Water Management Cooperative Association (WMCA) and benefit from its activities. Nevertheless, throughout Project implementation, IPSAPs will be prepared for specific subprojects when IPs communities are found to be within the subproject area.

This IPDF describes the preparation of IPSAPs for individual subprojects. The IPSAP will ensure that IPs participate in all subproject activities and are eligible to join their WMCA. In this way, their specific needs will be included in the subproject development plans and activities. The IPSAP will ensure IP an equitable share of the benefits and protect their interests by engaging them in the development process. The IPSAP preparation process will comprise a preliminary screening process, followed by a social impact assessment to determine the degree and nature of impacts of each subproject, and an action plan will be prepared if warranted. The IPSAP will consist of a number of activities and will include mitigation measures modifying the subproject design and development assistance as feasible and appropriate. Where there is land acquisition in IP communities, the Project will ensure that their rights will not be violated and they will be compensated for the use of any part of their land in a manner that is culturally acceptable to them. The compensation will be in keeping with entitlement matrix as provided in the Project’s Resettlement Framework (RF). The IPSAP will include: Baseline Data; Land Tenure Information; Development or Mitigation Activities; Institutional Arrangement; Implementation Schedule; Monitoring and Evaluation; and a Cost Estimate and Financing Plan.

The Local Government Engineering Department’s (LGED’s) Integrated Water Resources Management Unit (IWRMU) will submit the IPSAP through the Project Director (PD) to the ADB for review and approval prior to the selection of the specific subprojects. The IPSAP policy and measures must comply with ADB’s *Policy on Indigenous Peoples*. The LGED will be the executing agency (EA) for the Project and the Project will be implemented by the Implementation Section of the IWRMU. The Social, Gender and Development Section (SGADS) of the IWRMU will have the primary responsibility for the preparation of the IPSAP supported by the PIC. The responsibility of financing, implementation and monitoring of the IPSAP will rest with the EA. A local non-government organization (NGO) or private consulting firm with relevant experience will be hired to assist the IWRMU in preparing and implementing the IPSAP.

The IWRMU will set up and operationalize internal monitoring with the relevant specialists of IWRMU and the NGO(s) implementing the IPSAP. An External Monitoring Agency (EMA) will also be engaged by the EA with ADB’s concurrence to monitor and proactively evaluate the IPSAP implementation. Reporting formats will be prepared for both internal and external monitoring. The monitoring will include process and impact indicators with the baseline established during the IPSAP’s preparation.

ADB TA 7401-BAN – Participatory Small Scale Water Resource Project**Indigenous People’s Development Framework****A. Background**

1. Based on the successful outcome of ADB supported sector projects Small Scale Water Resource Development Project Phase 1 (SSW-1) and the ongoing Small Scale Water Resource Development Project Phase 2 (SSW-2), the Project has been included in the ADB Country Strategy and Program for Bangladesh.¹ Both SSW-1 and SSW-2 have enhanced rural incomes by developing community based water management associations and community managed small scale infrastructure and this approach has proved effective in the drive to reduce rural poverty.

2. The expected impact of the Participatory Small Scale Water Resource Project (the Project), a sector project, is the enhanced effectiveness and sustainability in agricultural and fishery production, along with poverty reduction through small scale² water resource (SSWR) development. The success of the impact will be achieved by:

- Increasing agricultural and fishery production while reducing poverty in subproject areas through sustainable stakeholder driven SSWR management systems and
- Internalizing and institutionalizing participatory processes through strengthening of the Integrated Water Resources Management Unit (IWRMU) within the Local Government Engineering Department (LGED) of the Ministry of Local Government, Rural Development and Cooperatives, with particular emphasis on the IWRMU capacity to plan, implement, monitor, and support sustainable SSWR development

3. The Project objective is to develop sustainable stakeholder driven, SSWR management systems with special attention to the poorer sections of the community. In order for the Project to meet these objectives the Project will operate in three components:

- a) Component A – the Institutional Strengthening Component;
- b) Component B – the Participatory Development Component; and
- c) Component C – the Small Scale Water Resources Infrastructure Component.

4. *Component A – Institutional Strengthening* will continue to focus on strengthening the capacity and capability of agencies directly engaged in SSWR development. In particular this will include IWRMU but it will also include line agencies of: Department of Agricultural Extension (DAE), Department of Fisheries (DOF); the Department of Cooperatives (DOC); and, as appropriate, the Department of Livestock (DOL). Activities of the component will also strengthen linkages between these

¹ ADB 2005. *Bangladesh: Country Strategy and Program (2006-2010)*. Manila.

² “Small Scale” in the context of the Project is less than 1,000 ha of net beneficiary area.

agencies, as well as the Department of Woman Affairs (DWA) in regard to SSWR development particularly at district and *upazila* (sub-district) levels.³

Component B – Participatory Development will improve beneficiary participation in SSWR development by the strengthening of Water Management Cooperative Associations (WMCAs).⁴ This will be done through continued refinement of critical aspects of the participatory project process and value addition to performing WMCAs through structural and non-structural interventions. Project support to WMCAs will consist of management training for the elected management committees, as well as for the general membership.

5. *Component C – Establishment of SSWR Infrastructure* is by far the largest component of the Project in terms of expenditure, activity and focus. Yet the desired outputs of this component will not be optimized without the support of successfully managed Components A and B. Subprojects have included the planning, implementation and management of infrastructure for (i) flood management; (ii) drainage; (iii) water conservation; (iv) command area development; and (v) combinations of these. The SSWR Infrastructure Component will develop SSWR management systems by implementing subprojects with appropriate agricultural extension and fisheries development activities, as well as environmental and appropriate levels of social safeguard regulation and monitoring.

7. The Project will enhance the effectiveness and increase sustainability in agriculture production along with poverty reduction through SSWR development. The Project will continue to institutionalize and internalize the beneficiary driven approach for sustainable small scale water resources management. At the same time, the Project will give particular attention to poorer sections of the community, including Indigenous Peoples (IPs), as well as to environmental and social safeguards. Project activities will comprise:

- Institutional strengthening of the IMWRU in planning, design, Operations and Maintenance (O&M) and Benefit Monitoring And Evaluation (BME) functions in order to internalize and institutionalize the SSWR development process
- Beneficiary participation, including IPs, and WMCA strengthening through further refinement of critical aspects of the participatory project process and value addition to well performing WMCAs through structural and non-structural interventions and
- Implementation of subprojects involving the development of small scale water resource management systems with appropriate agricultural extension and fisheries development activities

³ Bangladesh is divided administratively into 64 districts. Districts are divided into *upazilas* (sub-districts) and LGED is represented at the district and *upazila* levels. The number of *upazilas* in each district varies, but country wide there are 482 *upazilas*.

⁴ WMCAs have facilitated, in addition to establishing infrastructure, micro-credit facilities, input supply, dissemination of improved technology, and, in many cases, organization of voluntary labor for productive or social purposes

B. Indigenous People in Bangladesh

8. The term ‘indigenous peoples’ (IPs) encompass a generic concept not easily reflected in a single term. Other terms relating to the concept of indigenous peoples include "cultural minorities," "ethnic minorities," "indigenous cultural communities," "tribals," "scheduled tribes," "natives, and "aboriginals. Accepted or preferred terms and definitions vary country by country, by academic discipline, and even by the usage of groups concerned. In Bangladesh, indigenous people (IP) are often referred to as *Adibasi*, small ethnic groups, ethnic communities, hill people (*paharis*) and forest people. *Adibasis* will be referred to as IPs, in line with ADB terminology, throughout the rest of this document.

9. ADB in its *Policy on Indigenous People* (April 1998) defines IPs as ‘groups with social or cultural identities distinct from those of the dominant or mainstream society, which makes them vulnerable to being disadvantaged in the process of development.’ In addition, ADB recognizes that IPs exhibit certain defining characteristics such as:

- Descent from population groups present in a given area, most often before modern states or territories were created and before modern borders were defined; and
- Maintenance of cultural and social identities; and social, economic, cultural, and political institutions separate from mainstream or dominant societies and cultures.

16. According to the Bangladesh Bureau of Statistics (BBS 2004), minority ‘*ethnic groups*’ (meaning IP) in Bangladesh constitute about 1.13 % of the total population, which is predominantly made of *Bengalis*, the nation’s majority ethnic group.

17. In terms of geographical distribution within Bangladesh, IPs can be grouped into two broad categories:

- IPs living within or close to forest areas in the plains and
- IPs living in hills, predominantly in the Chittagong Hill Tract (CHT). The CHT is not within the Project area and so is not presently covered by this IPDF; however, this PPTA will develop a terms of reference and associated resource requirements for a comprehensive study of the CHT to explore possibilities for introducing SSWR development in the area. The study will include a literature review, dialogue with other similar projects in the area, field visits and consultation with relevant stakeholders

18. *Plains Area IPs.* Within the plains, there is a high concentration of ethnic groups in Naogaon, Dinajpur Rajshahi, Rangpur and Joypurhat Districts of Rajshahi Division in northwest Bangladesh, constituting about 36 percent of the IP population of the country. There are some 6 IP groups identified in this part of Bangladesh, but more than half of them are Santals. The IP population constitutes less than 4 percent of the total population of the respective districts.

19. The hillocks of Sylhet Division may also be included in the Plains Area. IPs here are mostly in Maulavibazar and Hobigonj Districts constituting 8 percent Bangladesh’s IP communities, with Khasi, Manipuri, Pathor and Tipra communities less than 3 percent of the district populations.

20. Mymensingh, Netrokona and Tangail region commonly known as the Madhupur area of Dhaka Division contain about 7 percent of the nation’s IP population. The majority of these belong to the Garo/Mandi group, less than 2 percent of the district populations. In addition, a miniscule presence of tribal groups like Rakahain are found in coastal areas of Patuakhali (Barisal Division) and Cox’ Bazar (Chittagong Division) districts. Similarly miniscule IPs are found in Khulna Division in the largely uninhabited Sundarbans mangrove forest area.

21. *Hill Area IPs.* About 41% of the total IP population of the country lives in three districts of Rangamati, Bandarban and Khagrachari of CHT. They constitute about half of the total population of each district. Altogether there are 11 ethnic groups who live in these hill districts; but a vast majority of them belong to Chakma, Marma and Tripura groups.

Table 1: Areas of IP Concentration in Bangladesh

#	Areas of IP Concentration	Predominant IPs	% National IPs	% of District Populations
	Plains (Within the Project)			
1	Rajshahi Division, Naogaon, Dinajpur Rajshahi, Rangpur & Joypurhat Districts	Santal, Munda	36	4%
2	Sylhet Division, Maulavibazar and Hobigonj Districts	Khasi, Manipuri, Pathor & Tipra	8	3%
3	Madhupur Area of Dhaka Division	Garo/Mandi	7	2%
4	Patuakhali (Barisal Division) and Cox’ Bazar (Chittagong Division) Districts	Rakahain, Oraow/Oraon	6	
5	Khulna Division, in <i>Sundarbans</i>	-	2	
	Hills (Not Presently within the Project)⁵			
6	CHT	Chakma, Marma & Tripura	41	50%
	Total		100	--

15. Historically, IP plains communities have remained at a disadvantaged position due to their geographical, social and political positioning and therefore have been economically marginalized, with low access to education or other social services, and denied access to power. The overall IP literacy rate, for instance, is below 20 percent compared to a national rate of 50 percent (BBS 2004). IP traditional subsistence has been reliant on forests and shifting agriculture (*Jhum* cultivation⁶). The establishment of rubber plantations, national and eco-forest parks, and other development eroding forest lands have impacted the IP communities.

16. In recent times, the situation has improved to some extent where constitutional safeguards have been provided through either reservations or affirmative action for such groups. Still, their negotiation capacity to benefit equitably from the development activities remains weak compared to the majority Bengalis; and in many parts of the country they are in a continuing struggle for formal recognition their communal and private land ownership as well as their traditional rights to forest resources.

C. Indigenous Peoples Development Framework Objectives

17. The Project was categorized as an A Project for IPs and according to the ADB *Policy on Indigenous Peoples*. Category A Sector Loan projects having possible impacts on IPs require the preparation of an Indigenous People’s Development Framework (IPDF). The IPDF seeks to ensure that IPs, if found to be in subproject villages, are informed, consulted, and mobilized to participate in subproject preparation. The IPDF is intended to guide selection and preparation of additional subprojects under the Project where impacts on IPs are identified to ensure better distribution of the Project benefits and to promote development of any IPs found to be within the Project areas.

⁵ The SSWR activities will operate in 61 of the 64 districts nationwide. Subject to a study to be conducted by the Project, Project support to these activities may be extended to the three districts in the CHT.. Terms of reference for the study of the possible inclusion of the three Chittagong Hill Tracts districts will be prepared during the preparation of the Project.

⁶ This system often involves clearing of a piece of land followed by several years of wood harvesting or farming until the soil loses fertility. Once the land becomes inadequate for crop production, it is left to be reclaimed by natural vegetation, or sometimes converted to a different long term cyclical farming practice. This system of agriculture is often practiced at the level of an individual or family, but sometimes may involve an entire village.

D. IPDF Policy Framework

18. The ADB uses the following characteristics to define indigenous people: (i) descent from population groups present in a given area before territories were defined; (ii) maintenance of cultural and social identities separate from dominant societies and cultures; (iii) self identification and identification by others as being part of a distinct cultural group; (iv) linguistic identity different from that of dominant society; (v) social, cultural, economic and political traditions and institutions distinct from dominant culture; (vi) economic systems oriented more towards traditional production systems rather than mainstream; and (vii) unique ties and attachments to traditional habitats and ancestral territories. Essentially, indigenous people have a social and cultural identity distinct from the mainstream society that makes them vulnerable to being overlooked in development processes..

19. The Constitution of the People's Republic of Bangladesh, which came into effect in 1972, affords the citizens of Bangladesh a number of protections. These protections extend to IPs. In other words, IP communities in Bangladesh have the same fundamental rights as other citizens.

20. The following articles of the Constitution relate to the fundamental rights of all citizens, including IPs:

- Article -11: the Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed
- Article -19: the State shall endeavor to ensure equality of opportunity to all citizens, and the State shall adopt effective measures to remove social and economic inequality between man and man and to ensure the equitable distribution of wealth among citizens, and of opportunities in order to attain a uniform level of economic development throughout the Republic
- Article -28: says that:
 - The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth
 - Women shall have equal rights with men in all spheres of the State and of public life
 - No citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution and
 - Nothing in this article shall prevent the State from making special provision in favor of women or children or for the advancement of any backward sections of citizens

21. The following articles specifically protect IP cultural traditions:

- Article – 23: The State shall adopt measures to conserve the cultural traditions and heritage of the people, and so to foster and improve the national language, literature and the arts that all sections of the people

are afforded the opportunity to contribute towards and to participate in the enrichment of the national culture

- Article – 24: The State shall adopt measures for the protection against disfigurement, damage or removal of all monuments, objects or places of special artistic or historic importance or interest

22. Particular articles in the Constitution address the people’s (including IP’s) rights before the law and their access to the law. These are:

- Article – 27: all citizens are equal before law and are entitled to equal protection of law
- Article – 31: to enjoy the protection of the law, and to be treated in accordance with law and only in accordance with law, is the inalienable right of every person for the time being with Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law.

23. ADB’s Policy on IPs aims to protect ethnic minorities from the adverse impacts of development, and to ensure that ethnic minorities benefit from development projects. The need for an Indigenous People’s Specific Action Plan (IPSAP)⁷ will be established on the basis of the following criteria set out in ADB’s *Policy On Indigenous People* to determine if project impacts are significant: (i) adverse impacts on customary rights of use and access to land and natural resources; (ii) negative impacts on socio-economic and cultural identity; (iii) impacts on health, education, livelihood and social security status; (iv) any other impacts that may alter or undermine indigenous knowledge and customary institutions. The IPSAP will ensure that project affected IPs are, as well off with the Project as without it after the implementation of the plan. This plan will also aim to identify measures towards satisfying the needs and development aspiration of the IPs.

24. Based on Bangladesh’s constitutional guarantees and the ADB’s *Policy on Indigenous Peoples*, the objective of IPDP will be to: (i) ensure that IPs affected by any subproject will benefit from the subproject; (ii) ensure IP inclusion in the entire process of planning, implementation, and monitoring of the subproject; (iii) ensure that benefits of the subprojects are available to IPs more than or at least at par with other affected groups;⁸ and (iv) provide a base for IPs in the area to receive adequate development focus and attention.

E. Preparation of the Indigenous People’s Specific Action Plan

1. Introduction

25. As there are limited numbers of IPs living in districts under the Project, in most subprojects no IP communities will be affected. Also, as the Project procedures are designed to ensure the participation of *all* local stakeholders including IPs, and since subprojects will improve the overall environment and agricultural production, no adverse

⁷ Given the Project’s small likelihood of having significant impacts on IP communities, its participatory and pro-poor characteristics, it is unlikely that a full Indigenous Peoples Development Plan (IPDP) will be required for any of the subprojects. However, the need for a full IDPD will not be ruled out prior to a subproject feasibility study and IP screening process described below.

⁸ This may require giving preference to IPs as vulnerable groups over other non-vulnerable groups on certain benefits under the subprojects.

impact on IPs is likely where they are found in subproject areas. If the impacts on IPs are determined to be *insignificant*,⁹ then specific actions in favor of the IPs will be integrated in Resettlement Plans (RPs) developed for the subprojects or a common Community Action Plan (CAP) including IPs and non-IPs will be developed.

26. The Project is already using a well defined participatory approach, so the ‘Indigenous Peoples Plan’ for subprojects having an IP population within the subproject area, will take the form of an Indigenous People Specific Action Plan (IPSAP). Because the outcome of the Project is mainly increased agricultural production and because of the participatory manner in which the Project is implemented, when IPs are living in a subproject area they will normally in any case benefit from the subproject in the same way as all other local stakeholders.¹⁰ IPs will have a say in all stages of subproject activities, and will be able to join the Water Management Cooperative Association (WMCA) and benefit from its activities. Nevertheless, throughout Project implementation, IPSAPs will be prepared for specific subprojects when IPs communities are found to be within the subproject area. This framework describes the preparation of IPSAPs for individual subprojects.

27. A specific IPSAP may take the form of: (i) incorporating IPs who otherwise might be excluded from the subproject into the subproject beneficiary group; (ii) incorporating IP’s specific needs that otherwise may not be addressed by the subproject into the Subproject Plan; and (iii) preparation of a common Community Action Plan where IP groups live with the non-indigenous peoples in the same subproject location.

28. The SSW-2 strategy to benefit the poor and landless has been determined to work and is being recommended for inclusion in the Project. The strategy, which can be specifically applied to IPs through an IPSAP includes these major elements:

- Temporary employment as members of LCS groups
- additional employment as farm laborers resulting from increase in agricultural production
- Additional employment in O&M, tree planting, and subproject care activities;
- Promotion of income generating activities, micro-credit and skills enhancement through association with the WMCA and
- Effective linkages between the WMCA and NGOs

29. Once subproject implementation agreements have been signed, but before implementation commences, Poverty Reduction Plans (PRP) are prepared.¹¹ As part of

⁹ Impacts are insignificant when fewer than 100 IP are affected. A full IPDP is not required but impacts and mitigation measures can be dealt with through the RP. The impacts of ADB-financed projects on IPs will also be considered significant if they positively or negatively: (i) affect IP customary rights of use and access to land and natural resources; (ii) change IP socioeconomic status; (iii) affect IP cultural and communal integrity; and/or (v) alter or undermine the recognition of indigenous knowledge.

¹⁰ One criteria for eligibility of subprojects is more than 40% of the subproject benefit area will be owned by landless sharecroppers, marginal or small farmers. Marginal or small farmers are those having access to less than 1ha of land. Another is that at least 70% of direct beneficiary households (owners and tenants) have enrolled representation on the Water Management Cooperative Association (WMCA).

¹¹ Each WMCA, assisted by Project staff and Community Assistants, will develop its own Poverty Reduction Plan for local stakeholders within the subproject area. The Plan presents a vision and target to generate capital from the WMCA members (shares and savings), and to develop its own investment plan. The investment plan targets socially useful and economically gainful areas, and includes a self-managed

the PRP, the WMCA prepares and maintains a Poverty Reduction Plan Book (PRPB) which plans and monitors all poverty reduction activities. The PRP process will be continued by the Project, with ongoing fine tuning.

30. Another measure to direct benefits, under an ISAP, to IPs is earthwork will be carried out by Labor Contracting Societies (LCSs), following LGED's *LCS Management Guidelines* issued in January 2004. When LCSs are formed, the list of vulnerable persons that is maintained by the Union Parishad Chairman will be used as a starting point in developing the roster of individuals invited to participate in carrying out the earthwork. IPs and especially IP women may be given preference in joining these groups. The list of LCS members will in this case be reviewed, finalized and approved by a selection committee composed of the Upazila Engineer, the UP Chairman, the WMCA Chairman, the Community Assistant, the Community Organizer, and one IP representative.

2. The Indigenous People's Specific Action Plan (IPSAP)

31. The IPSAP will ensure that Indigenous Peoples participate in all subproject activities and are eligible to join their WMCA. In this way, their specific needs will be included in the subproject development plans and activities. The IPSAP will ensure IP an equitable share of the benefits and protect their interests by engaging them in the development process. Specific action in favor of IP is required in order to ensure appropriate benefits and mitigate adverse impact. For subprojects having an IP community within the subproject area, the objectives of the IPSAP will be to:

- Fully integrate the needs of IPs into the subproject design
- Ensure that the subproject will not adversely affect access by IPs to resources within the subproject area or to the benefits of the subproject
- Identify appropriate mitigation measures to reduce, if not eliminate, any negative impact of the subproject to the IPs
- Establish an acceptable compensation plan if the negative measures can not be completely eliminated and
- Ensure participation of IPs in monitoring and evaluating the effects and impacts of subproject implementation

F. Procedure for Preparing the IPSAP

28. In order to prepare an IPSAP, the following steps will be undertaken:

- Establish baseline data on the IPs based on a social assessment of subsistence, employment, community networks, and so forth affected by the Project
- If the impacts are considered significant as defined above, prepare an IPSAP based on ADB's *Policy on Indigenous People* and
- Submit IPSAP to ADB for review and approval

micro-credit program, for the relatively poorer members of the community. Special focus is placed on women in general, and widow, destitute female headed households in particular. Income generation options are identified and provided with support necessary to their implementation. The poverty agenda of every WMCA is supported by the institutional support team of LGED (Sociologist, Community Organizer) and the locally-hired Community Assistant, and monitored by the IWRMU Senior Sociologist.

29. The IPSAP preparation process will comprise a preliminary screening process, followed by a social impact assessment to determine the degree and nature of impacts of each subproject, and an action plan will be prepared if warranted.

1. Subproject Identification and IPSAP Screening.

30. **Awareness Campaign.** Determination of the need for an IPSAP will begin at the outset of the Project with an *Awareness Campaign*, in which LGED will initiate a national television and newspaper campaign describing the key elements of the Project. At the same time, LGED will issue all Union Parishads with a letter and brochure that provides a clear explanation of the Project and the process whereby local stakeholders within the Union Parishad can obtain assistance in solving surface water management related problems. This will be followed up with a training workshop for the Union Parishads.¹² A similar letter will also be circulated to the NGO community through the NGO Bureau, to enable them to assist their target groups, who in many cases are IPs, in participating in the Project.¹³

31. Local people will request small water resources interventions through their elected representatives, the Union Parishad members, and the Union Parishad upon receiving the request from its constituency, will formulate a subproject concept and fill out a Subproject Identification Form (“Form 1”) to submit the subproject concept to the LGED Upazila Engineer.¹⁴

32. **Preliminary Site Visit.** In response to the *Union Parishad*, the Upazila Engineer will make a *Preliminary Site Visit* to the area of the proposed subproject to assess the problems and possible solutions. During this field visit, the Upazila Engineer will meet with people of different classes, both inside and outside the area to find out what they think about the proposed subproject. The Upazila Engineer will make a special effort, through an open public meeting, to meet people who might be affected by implementation of the subproject concept. In addition he will meet locally involved NGOs to determine if any IP community is present in the subproject area and will make a special effort to include them, should they be found, in his open meetings.

33. **Pre-Screening.** The Executive Engineer will forward the proposal, if further endorsed by the *Upazila Development Co-ordination Committee (UDCC)* or *Upazila Parishad* to LGED’s Integrated Water Resources Management Unit (IWRMU) in Dhaka. In Dhaka, the IWRMU will give priority to proposed subprojects from poverty-stricken districts as defined and elaborated in poverty indices and included in poverty maps and

¹² A Union is an administrative unit, the subdivision of an upazila, or sub-district. The *union parishad* is the local government institution at union level

¹³ The awareness campaign will also involve locally respected persons (Sub-Assistant Agriculture Officers - formerly Block Supervisors, Community Organizers, Upazila Engineers, etc.). Orientation training for the district Executive Engineers, Sociologists, Assistant Engineers, and Community Organizers will also spell out their respective roles in the awareness campaign.

¹⁴ The District Water Resources Assessments (DWRAs) will also support the identification of new subprojects. The “priority subprojects” indicated in the “indicative inventory” list annexed to the DWRAs will be sent back to the field for the Union Parishad to re-confirm their interest, adopt a resolution and submit the subproject concept to the LGED Upazila Engineer, thus initiating the regular “subproject development process”. In any case, the “indicative inventory” included in the DWRAs will not replace the existing local stakeholder-driven subproject identification process developed by LGED.

will take this *Pre-Screening* opportunity to confirm the presence of IPs in the subproject area.

34. **Reconnaissance.** If the subproject proposal survives pre-screening, the IWRMU, including one Water Resources Engineer from the Project Implementation Consultants (PIC) Team and a Water Resources Engineer in LGED, will organize a *multi-disciplinary field reconnaissance visit* to the subproject area, preferably in its crucial season. The reconnaissance visit will be carried out to verify the general concept and conditions described within the subproject proposal, including presence of any IP community.

35. **Participatory Rural Appraisal (PRA).** The successful outcome of the reconnaissance review will trigger the start of the Participatory Rural Appraisal (PRA) to be conducted by a contracted Firm/Institution. This will include a series of public meetings within the subproject area, to include any IP communities present, to describe the subproject concept and independent meetings with stakeholders that are potentially negatively affected including fishermen and/or those living upstream or downstream. The PRA will determine:

- If there is broad, popular support for the proposed subproject
- If there is any opposition to the proposed subproject, and if so, to quantify the opposition
- The likely environmental impacts and possible mitigation measures that must be taken
- Beneficiary willingness to assist with land acquisition and assume the costs associated with operation and maintenance
- By self analysis, the situation of the people in the subproject area as well as a basic description of the type of community and the interest groups present
- If there are people negatively affected by the subproject and
- Any likely impacts on IP communities if found in the subproject area or nearby

36. If there are IP communities present, the PRA Report will cover, *inter alia*, the following:

- Names of IP communities in the area and total number of IP community groups
- Percentage of IP community population to that of local population
- IP access to natural resources
- Likely impact on land ownership and land distribution
- Share cropping and lease holding
- Job opportunities through wage labor within or outside agriculture
- Employment and income generating opportunities in agriculture, trade, business and services
- Poverty Status of IP community and households
- Gender relations and
- Felt needs and community organization

37. If the presence of negatively affected people (AP) is identified, the PRA will quantify and group these persons and assess the type of, and financial consequences,

for the them. Moreover, the ideas and suggestions for solutions suggested by the AP, especially if they are IPs, will be explicitly included in the PRA Report.

31. With a view to assess the life patterns of the affected IP population, pertinent baseline information will be collected during the PRA, compiled and analyzed. The baseline information on socio-economic characteristics including land tenure, land holding categories, occupational pattern, usual activity status, income – expenditure pattern, access to natural resources, health status, literacy level, age structure, gender, marital status, etc will be collected in order to facilitate the planning process.

32. The assessment of impacts on the IP population in or adjacent to the subprojects will focus on the probable consequences of the Project according to specific criteria/indicators. The indicators may include :(i) access to natural resources such as forest, grazing land, and weekly markets; (ii) job opportunities through wage labor within or outside agriculture; (iii) employment and income generating opportunities in agriculture, trades, services and business; (iv) tribal community rights, institutions, culture, values and way of life; (v) social infrastructure and public services such as sources of water, health facilities, and schools; (vi) reduction in political power, marginalization and social disarticulation; and (vii) changes in farming methods, cropping pattern, crop yield, income, and expenditure pattern. If the assessment identifies IPs specifically as a significantly and adversely affected population, or vulnerable to being so affected, the EA assisted by the PIC will consider other design options to minimize the adverse impacts and will prepare an IPSAP designed to mitigate the impacts.

38. **Subproject Feasibility Report (SPFR).** Subproject Feasibility Reports are normally prepared after a proposed subproject has passed the PRA step.¹⁵ Detailed data collection and survey for appraisal will be first undertaken, through contracts with eligible private firms and NGOs. Latest data on social, topographic surveys, water level, stream flow, agriculture, fisheries, and environment will be collected through the necessary survey work. The collected data and information, including the PRA will be then used to prepare a comprehensive Subproject Feasibility Report (SPFR) in accordance with established practice to determine feasibility level investment costs and benefits.¹⁶ The SPFR will include specified levels of stakeholder consultation. The subproject concept will be discussed with the local stakeholders, including IP communities if present, during a subproject planning meeting. PIC consultants and the IWRMU’s Planning and Design Office will jointly provide oversight guidance and quality control in this process.

2. Preparation of the Indigenous People’s Specific Action Plan (IPSAP)

39. An IPSAP will be prepared for subprojects identified as having Indigenous People residing or working in the subproject area. The IPSAP will be prepared based on the Indigenous People’s Development Framework (IPDF), which will be part of the Project Administration Memorandum (PAM) prepared by ADB for the Project implementation. When required, the IPSAP will also be prepared by the contracted

¹⁵ If needed, the PRA and SPFR of a proposed subproject can be prepared in parallel, to shorten the process. One disadvantage of this is that, when the PRA “fails”, the costs of preparing the SPFR is lost. The PRAs have a success rate of around 85%.

¹⁶ The study will start with detailed water resources options analysis based on the dry and wet season water flows and water tables, tidal impacts, and other local water management conditions related to other schemes, which culminate into the subproject concept that best suit the local stakeholders’ interests with minimum local conflicts.

NGOs or private consulting firms. The PAM will be an important guideline for the PIC hired to assist the EA in implementing the Project and in particular the Social Safeguards Specialist hired by the PIC to assist in implementation of the Resettlement Framework (RF), preparation and implementation of any subproject Resettlement Plans (RPs) and subproject IPSAPs, as required.

40. The IPSAP will aim at strengthening the existing capacity of the affected IP community to participate in the Project; ensuring that the Project benefits will equitably accrue to affected IPs and ensuring that mitigation measures are in place to address negative impacts resulting from the Project. The strategy of IPSAP therefore will be to promote participation of the IPs initiating and identifying their needs, priorities and preferences through participatory approaches.

41. The IPSAP will consist of a number of activities and will include mitigation measures modifying the subproject design and development assistance as feasible and appropriate. Where there is land acquisition in IP communities, the Project will ensure that their rights will not be violated and they will be compensated for the use of any part of their land in a manner that is culturally acceptable to them. The compensation will be in keeping with entitlement matrix as provided in the Project’s Resettlement Framework. The IPSAP will include:

- Baseline Data
- Land Tenure Information
- Development or Mitigation Activities¹⁷
- Institutional Arrangement
- Implementation Schedule
- Monitoring And Evaluation and
- Cost Estimate and Financing Plan

36. The LGED Integrated Water Resources Management Unit (IWRMU) will submit the IPSAP through the Project Director to ADB for review and approval prior to the selection of the specific subprojects. The IPSAP policy and measures must comply with ADB’s *Policy on Indigenous Peoples*.

3. Preparation of IEE and Subproject RP

42. **Initial Environmental Examination (IEE).** The IEE¹⁸ is prepared by the contracted private firms as part of the SPFR, once the subproject has been cleared to proceed to the feasibility stage. The IEE will investigate and highlight all negative environmental impacts that may arise as a result of subproject design, construction or post-construction operations. For all identified potential negative environmental impacts, the IEE will propose actions to be taken to mitigate these impacts to an acceptable level. If negative environmental impacts are significant and/or unable to be mitigated to a satisfactory level, the subproject may be rejected. An *Environmental Management and*

¹⁷ Based on surveys on various community specific development needs, such as (i) infrastructure development and community service facilities such as weekly markets, drinking water facility, sanitation, health facility, schools, community halls, post office, watershed structure, and drainage; and (ii) Water Management Associations (WMAs).

¹⁸ The IEE is in line with ADB’s *Guidelines in Environmental Impact Assessment* and Guidelines of DOE.

Monitoring Plan (EMMP) will be prepared as an attachment to the IEE. The EMMP will cover all safeguards including the IPSAP, if one is prepared.

43. **Preparation of Draft Subproject Resettlement Plan (RP)** - A draft subproject Resettlement Plan, in accordance with guidelines set out in the Resettlement Framework, will be prepared as part of feasibility studies and will be annexed to the SPFR. Once detailed design has been completed, the subproject RP will be finalized. The RP will list all affected people (AP) and the degree to which they are affected, including vulnerable APs such as female-headed household, elderly/disabled, those losing more than 10 percent of productive assets, any required to move their residence or business, and any affected IPs. Using levels of compensation set down in the RF, the RP will detail compensation to each AP in cash terms in respect to (i) involuntary resettlement either temporary or permanent; (ii) loss of land; (iii) loss of assets including crops and trees; and (iv) loss of income either temporary or permanent. Additional assistance will be given to vulnerable APs, including IP households according to the RF entitlement matrix.

G. Consultation and Disclosure

37. The IPs will be consulted in preparing the IPSAP. They will be informed of the mitigation measures proposed and their views will be taken into account in finalizing the IPSAP. The IPSAP will be translated into the IPs’ language and made available to the affected IPs before implementation. The IP institutions and organizations in the affected area will also be involved in implementing the IPSAP and in resolving any disputes that may arise.

H. Institutional Framework and Budget

38. The Local Government Engineering Department (LGED)¹⁹ will be the executing agency (EA) for the Project and the Project will be implemented by the Implementation Section of the IWRMU. The Social, Gender and Development Section of the IWRMU will have the primary responsibility for the preparation of the IPSAP supported by the PIC. The responsibility of financing, implementation and monitoring of the IPSAP will rest with the EA.

39. The Project is implemented with a well defined participatory approach through water management cooperative associations, which are fully inclusive community based organizations extending membership to all subproject beneficiaries (including IPs). The development process such as subproject selection, screening, consultation (through PRA) are inclusive of step wise activities as would be required for preparation, implementation and monitoring of the IPSAP. Consequently there is no additional cost to the project and IPSAP specific activities will be covered in the TORs for overall subproject social mobilization. IPSAP specific data collection (through PRA), plan preparation, implementation and monitoring will also be undertaken by the Project by mainstreaming under subproject development activities.

40. The review of IPSAPs and other associated documents, their approval and subsequent implementation supervision will be the responsibility of (the EA's) existing

¹⁹ LGED is a Government department within the Local Government Division of the Ministry of Local Government, Rural Development and Cooperatives.

Integrated Water Resources Management Unit's Social and Gender Development Section. This will be in addition to their other safeguard, social and gender related activities. This will therefore not warrant any additional (staffing, operational etc) budget rather will be integral to the overall costs attributed to the strengthening and operationalization of the Unit. Specialist social safeguard advice will be provided under the Project Implementation Consultancy (PIC) to support the EA and to ensure adequacy in content, planning and implementation of activities.

41. Poverty reduction activities are already undertaken through the Project's poverty reduction strategy which is targeted at more vulnerable and marginalized subproject beneficiaries such as IPs and include (i) temporary employment as labor to undertake subproject earthworks; (ii) involvement in income generating, micro credit and skills enhancement activities through the WMCA; (iii) employment opportunities as agricultural labor through overall enhanced productivity and (iv) improved links and access to NGOs through inclusion in WMCAs.

42. Based on these specific elements which are integral to the overall project design and implementation process there is no requirement for a separate, isolated budget for IPSAPs. Rather, development and implementation will be undertaken within the existing design frameworks utilizing project staff (government and implementation consultancy specialists) and budget to suffice.

43. The SSWR activities will operate in 61 of the 64 districts nationwide. Subject to a study²⁰ to be conducted by the Project. Project support to these activities may be extended to the three districts in the Chittagong Hill Tracts where over 40% of Bangladesh's IPs reside.

I. Monitoring and Evaluation

44. The IWRMU will set up and operationalize internal monitoring with the relevant specialists of IWRMU and the NGO(s) implementing the IPSAP. The NGO/private firm will be thoroughly briefed about the ADB's *Policy on Indigenous People*. Reporting formats will be prepared for monitoring IPSAP implementation. The monitoring will include process and impact indicators with the baseline established during the IPSAP's preparation.

²⁰ Terms of reference for the study of the possible inclusion of the three Chittagong Hill Tracts districts will be prepared during the preparation of the Project.

Annex 1 – Distribution of IP Communities in Bangladesh

