

Small Ethnic Communities Planning Framework (Draft)

June 2013

BAN: Secondary Education Sector Investment Program

Prepared by the Ministry of Education.

The Small Ethnic Communities' Planning Framework is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

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CURRENCY EQUIVALENTS

(as of 30 May 2013)

Currency unit	–	taka (Tk)
Tk1.00	=	\$0.01306
\$1.00	=	Tk76.5702

ABBREVIATIONS

ADB	–	Asian Development Bank
CHT	–	Chittagong Hill Tracts
DSHE	–	Directorate of Secondary Higher Education
GOB	–	Government of Bangladesh
GRM	–	grievance redress mechanism
M&E	–	monitoring and evaluation
MOE	–	Ministry of Education
NEP	–	National Education Policy
SEC	–	small ethnic community
SECPF	–	Small Ethnic Communities Planning Framework
SECPP	–	Small Ethnic Communities Peoples' Plan
SESIP	–	Secondary Education Sector Investment Program
SIA	–	social impact assessment
SPSU	–	Sector Program Support Unit

NOTE{S}

- (i) The fiscal year (FY) of the Government of Bangladesh ends on 30 June. FY before a calendar year denotes the year in which the fiscal year ends, e.g., FY2013 ends on 30 June 2013.
- (ii) In this report, "\$" refers to US dollars.

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I. INTRODUCTION

1. The National Education Policy (NEP) of the Government of Bangladesh (GOB) has been approved by the National Parliament of Bangladesh in 2010. It envisions a holistic and balanced development of the entire education sector, aiming for all children to complete eight years of primary education and continue for four years of secondary education, considered as a job entry point. Hence, with the context of the implementation strategy of the NEP 2010, the Secondary Education Sector Investment Program (SESIP) has been designed by GOB, taking Asian Development Bank (ADB) as a core development partner, in particular, to support implementation of key reforms envisaged in the policy using a multitranche financing facility (2013-2022) in a phased manner. The SESIP will adopt a sector-wide approach that supports the government to lead a common secondary education program framework with ADB and other development partners' assistance. The SESIP aims at assisting GOB to implement the NEP 2010 which focuses on Grade 1-8 and 9-12. The NEP has four components: (i) enhancing quality & relevance of secondary education; (ii) increased equitable access and retention of all students, including peoples of small ethnic communities¹ (SECs); (iii) strengthened educational management and governance; and (iv) monitoring and evaluation (M&E) of the program progress. Students from SEC will receive culturally appropriate and social benefits from the improved quality education.

2. The Small Ethnic Communities Planning Framework (SECPF) guides the Ministry of Education (MOE), as executing agency, and the Directorate of Secondary and Higher Education (DSHE), as implementing agency, on how to prepare and implement SEC People's Plan (SECPP) in order to ensure that SEC peoples in a project area will receive its benefits. It also guides the executing agency on how to formulate a strategy to share the program's benefits with such groups.

3. In Bangladesh, there exist marked inequalities in receiving development benefits. In fact, currently, the SEC groups are lagging behind in secondary education. The SESIP's project preparatory technical assistance team assessed the: (i) issues of the SEC peoples; (ii) identified the needs of ethnic communities and potential impacts of the project on them, and (iii) prepared necessary documents on peoples safeguard, including this SECPF, in compliance with ADB's safeguard policies, as well as, reflecting GOB's commitments on SECs' protection in the country's constitution and in other legal documents. The proposed program will attempt to create a sector-wide enabling condition for secondary education system in order to ensure acceptable learning outcomes will benefit all people, irrespective of their socioeconomic, ethnic, linguistic, or gender status.

II. ETHNIC COMMUNITIES OF BANGLADESH

A. Terminology

4. Different terms are used to refer to SEC peoples. Some government agencies prefer the term "upajati" (literally "sub-nation") and "akin" (tribe) to "adibashi" (indigenous or aboriginal). In legal and policy documents and in official correspondence, one finds (i) "indigenous", (ii) "aboriginal", (iii) "adivasi", (iv) "ethnic minority", (v) "hillmen/hill people", and (vi) "upajati" (sub-nation/tribe/tribal) to refer to indigenous peoples of Bangladesh. However, recently the

¹ The GOB does not endorse the term "Indigenous Peoples" officially and prefers to use the term "Small Ethnic Community" for the same group of people. This document will use the single term SEC to mean all Indigenous Peoples/SEC peoples of Bangladesh.

government issued a circular requesting to use the term SEC when referring to indigenous peoples in Bangladesh. Conforming to this requirement, the program will use SEC to refer to indigenous peoples of Bangladesh.

5. The number of the different SECs and their respective populations are not known. According to the National Strategy for Accelerated Poverty Reduction² of the GOB, there are “45 different small ethnic communities” in Bangladesh. Recent Chittagong Hill Tract (CHT) laws, including the CHT Regional Council Act of 1998 (Act XII of 1998), recognize 11 ethnic groups in the three hill districts of CHT, while the East Bengal State Acquisition and Tenancy Act of 1950 (Act XXVIII of 1950), which applies to the rest of the country outside CHT, recognizes 21 “aboriginal castes and tribes” in the plains districts. The official census of 1991, on the other hand, recognizes 11 “tribes”.

6. The official census of 2001 does not contain ethnically disaggregated data. According to another study,³ ethnic households spread over in 17 districts of Bangladesh and constitute about 1.5% of total population of the country (Bangladesh Bureau of Statistics, 2005). The national Poverty Reduction Strategy (2009-2011) contains the following observation regarding the poverty status and overall situation of the country’s SECs: “Some of the ‘hardcore’ poor of Bangladesh are found among the indigenous communities. Indigenous communities face discrimination and sometimes, are subject to extortion by land grabbers. The level of social awareness among them is very low. Many suffer from ethnic prejudice, less or no education, ill-health, bad nutritional conditions, and bad hygiene”.⁴ However, the official census and the Bangladesh Bureau of Statistics do not contain adequate disaggregated data on indigenous peoples. They only identified 30 tribal groups in Bangladesh in 1991 census, whose distribution by division is shown in Table 1.

Table 1: Areas of Small Ethnic Minority People’s Concentration in Bangladesh⁵

Sl.	Areas of IP Concentration	Predominant IPs	% National IPs	% of District Populations
	Plains			
1	Rajshahi Division : Naogaon, Dinajpur Rajshahi, Rangpur & Joypurhat Districts	Santal, Munda and Oraon	36	4
2	Sylhet Division: Maulavibazar and Hobigonj Districts	Khasia, Manipuri, Patro, Garo and Tripura	8	3
3	Madhupur Area of Dhaka Division	Garo/Mandi	7	2
4	Patuakhali (Barisal Division) and Cox’ Bazar (Chittagong Division) Districts	Rakhain	6	
5	Khulna Division: <i>Sundarbans</i>	a. Munda	2	
	Hills			
6	CHT: Rangamati, Bandarban and Khagrachari	Chakma, Marma , Tripura and 8 more groups	41	44
	Total		100	--

CHT = Chittagong Hill Tracts, IP = indigenous peoples.

Source: Asian Development Bank.

² National Strategy for Accelerated Poverty Reduction, 2008.

³ Rafi, 2006.

⁴ Nasreen,M.(2007), Social Inclusion: Gender and equity in Education SWAp – A Case Study in Bangladesh p.48-9.

⁵ Government of Bangladesh, Bangladesh Bureau of Statistics. 2001. Dhaka.

7. According to the Statistical Year Book of Bangladesh (2008), about 41% of the total ethnic people of the country live in CHT in three hill districts namely Rangamati, Bandarban, and Khagrachari. They constitute about half of the total district population.⁶ The majority of them belong to Chakma, Marma, and Tripura groups. This is reflected in the CHT Accord of 1997 and the post-Accord legislation, including the CHT Regional Council Act of 1998 (Act XII of 1998). The findings of a socioeconomic baseline survey conducted by the Bangladesh Rural Advancement Committee in 2005 in the CHT⁷ showed the acutely disadvantaged situation of the population of the CHT, particularly of the SEC peoples, as compared with the population of the rest of the country. The report showed that only 7.8% of the community completed primary education and only 2.4% completed secondary education. 18% of the total population of the region was dependent upon farming/cultivation for their livelihood. The annual average rural household income was around Tk66,000 (US\$933.5), while in the rest of Bangladesh it was Tk84,000 (US\$1,188) (Hossain, K.M., 2005).

8. The socioeconomic status of most SEC in the plains, particularly in the north-western Rajshahi, is known to be even worse than that of SECs in the CHT. From a study on the indigenous peoples of north-west Bangladesh, a researcher on Adivasis makes the following observation on well-being and food security of the indigenous peoples “... *the colonial history of Adivasis is, in many respects, a disturbing one of exploitation, deprivation, deteriorating livelihoods and occasional experience of famine, as well as the regular, unavoidable autumn periods of food scarcity. On the other hand, their history is one of an extraordinary ability to cope with crises, shocks and stresses*”. Another writer, a well-known authority on the Adivasis of Bangladesh, mentions the common instances of land-grabbing perpetrated against Adivasi communities in north-west Bangladesh, through the discriminatory use of the Vested Property Act, 1974. The socioeconomic situation of SEC peoples in other parts of the plains is also vulnerable.

III. LAWS TO PROTECT THE INTEREST OF SMALL ETHNIC COMMUNITIES

9. The East Bengal State Acquisition and Tenancy Act of 1950 restricts the sale of lands of “aboriginal castes and tribes” to anyone other than aboriginal castes and tribes domiciled in Bangladesh. It recognizes 21 “aboriginal castes and tribes” in the country. The CHT-Accord applies only to the CHT region. Five major acts of the CHT-Accord address crucial aspects of the SEC groups’ rights, in addition to customary law on family and resource rights of indigenous peoples. Bangladesh has also ratified the International Labor Organization Conventions, as well as several other important human rights treaties, including:

- (i) International Labor Organization Conventions on Indigenous and Tribal Populations (Convention No. 107) and on Discrimination in Employment (Convention No. 111);
- (ii) International Convention on the Elimination of All Forms of Racial Discrimination;
- (iii) International Covenant on Civil and Political Rights;
- (iv) International Covenant on Economic, Social and Cultural Rights;
- (v) Convention on the Right of the Child;
- (vi) Convention on the Elimination of All forms of Discrimination against Women; and
- (vii) Convention on Biological Diversity.

⁶ Elahi. (1990).

⁷ Hossain K.M. (2005).

IV. PROGRAM'S SMALL ETHNIC COMMUNITIES POLICY

10. The program will develop a project design that prioritizes the SEC students and teachers or teachers serving the areas. This prioritization will be supported by extensive consultation with authorities of the respective districts where potentiality of SEC teachers and students are high. This policy will also be supported by a need assessment of the SEC groups, particularly the more vulnerable groups in plain land and in CHT. All SEC students will be included in the program beneficiary groups.

11. Appropriate measures will be taken to fill up the reserved posts by SEC teachers by influencing policies of the education sector institutions, like Nongovernment Teachers' Registration & Certification Authority, National Academy for Educational Management, Bangladesh Bureau of Educational Information & Statistics, DSHE, etc.

12. SESIP will also undertake a comprehensive awareness creating program for its stakeholders on SEC peoples' rights and vulnerabilities and the need to respect their customary land rights. Its objective is to also include them in the program's benefit sharing on a priority basis.

11. SECs will participate in identifying secondary schools where a good number of students are from the ethnic minority groups. This will help provide a preferential treatment to SECs in the selection of teachers for jobs and for skill training programs

Table 2: Specific Actions Built Into the Secondary Education Sector Investment Program

Project Component	Tasks	Targets/ Indicators	Responsibility
Output Enhanced quality and relevance	<p>NCPF developed making curriculum more market-relevant and applying inclusive approach to the SEC students</p> <p>Integrate SEC aspects in the training programs for curriculum developers at NCTB</p> <p>Develop selection criteria of participants at trainings and pilot schools (e-learning and Science) ensuring SECs' participation</p> <p>Develop and implement SEC responsive media campaign on promotion of Science education</p>	<p>By 2016, market-relevant and inclusive NCPF approved.</p> <p>By 2016, orientation workshops organized for NCTB curriculum developers, including authors and artists, includes at least one session on SEC.</p> <p>By 2017, 60,000 (madrasah teachers: 24,000) (F: 20% for schools and all female teachers in selected madrasah) trained on core subjects. Teachers will be selected based on priority on underserved areas including SEC. Teachers at schools will be selected based on SEC peoples' proportion to the presence in upazila. The activity will be designed to reflect their needs.</p>	MOE, DSHE and SPSU

Project Component	Tasks	Targets/ Indicators	Responsibility
		For the campaign in SEC areas, materials in local languages will be used for raising awareness among parents.	
Output Increased equitable access and retention	<p>Ensure minimum standard of school infrastructure to include safe gender and SEC friendly environment in SEC, including safe drinking water and separate toilets for girls and boys</p> <p>Include SEC check list in the TOR of construction in SEC and supervision consultants</p> <p>Study gender and SEC aspect within the existing stipend program with attention on boys' enrollment and girls' retention by engaging a gender consultant in the independent review team and recommend improved methodology</p>	<p>By 2015, Policy Guideline on School Construction with minimum standard to improve learning environment and gender and SEC responsiveness developed and approved. Schools will be selected based on priority on underserved areas including SECs. Schools in SEC will be selected based on SEC peoples' proportion to the presence in selected upazila. The activity will be designed to reflect their needs.</p> <p>By 2016, independent review of existing stipend programs conducted recommending pro-poor stipend with unified rate and renewed targeting methodology to ensure gender equity on enrollment and retention.</p>	MOE, DSHE EED and SPSU

DSHE = Directorate of Secondary and Higher Education, EED = Education Engineering Department, MOE = Ministry of Education, NCPF = National Curriculum Policy Framework, NCTB = National Curriculum and Textbook Board, SEC = small ethnic community, SPSU = Sector Program Support Unit, TOR = terms of reference.
Source: Asian Development Bank.

V. FORMULATION OF A SMALL ETHNIC COMMUNITY PEOPLES PLAN: KEY STEPS

13. The following actions will be followed by the executing/implementing agency in formulating a SECPP for a project under the program:

- (i) Screen the subproject to determine the presence of SEC in the area and find out whether they claim a collective attachment to the project area and to determine likely program impacts on SEC. Rapid social assessment will be done to check whether any SEC population is in the subproject area. This will be mainly done through consultation with district administration, school personnel, and parents of children who attend the selected schools for the program. The representative of SEC population will be contacted to understand their views on the proposed program activities, their requests and suggestions, and also to inform them the specific arrangements that the program has to provide through the subproject. If the SEC population is significant and the program activities directly impact on them the executing/implementing agency will prepare a SECPP following the guidelines given in the SECPF. The SECPF will be sent to ADB for review prior

to the commencement of any subproject activity. If the identified impacts on SEC are only beneficial to them, the SECPP will outline who will ensure that such benefits accrue to them and that they receive such benefits proportionate to other populations in the project area. If the subproject is likely to have any impact on SEC's population traditional land, indigenous knowledge, or their control over natural resources, executing/implementing agency will closely follow the steps provided in ADB's Safeguard Policy Statement 2009 on how to conduct meaningful consultation to obtain their broad community support on the subproject.⁸ The summary of such consultations including conclusions and recommendations will be recorded by the executing/implementing agency and forwarded to ADB for further directions before the SECPP is prepared.

- (ii) Conduct culturally appropriate and gender-sensitive social impact assessment (SIA) to assess potential project impacts on SECs.
- (iii) Discuss and identify the affected SECs' options in relation to the provision of project benefits and the design of mitigation measures.
- (iv) Identify social and economic benefits that will accrue to affected SEC peoples and what measures are to be included in the subproject to avoid, minimize, and/or mitigate adverse impacts on SEC.
- (v) Undertake meaningful consultations with the affected SEC and the concerned SEC organizations to confirm their active participation to avoid any adverse impacts on them.
- (vi) Conduct meaningful consultations in tailoring project benefits for affected SECs in a culturally appropriate manner.
- (vii) Enhance SECs' active participation in subprojects that affect them so that they could contribute to develop culturally-appropriate and gender-inclusive strategy to share program's benefits.
- (viii) Ascertain the consent of affected ethnic communities before any physical displacement from their traditional or customary lands that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of the SEC.
- (ix) Avoid any restricted access to and physical displacement from protected areas and natural resources.
- (x) If the impact on SEC peoples in any of the project area is anticipated to be significant, prepare a SECPP based on an SIA, with the assistance of qualified and experienced experts having knowledge on SEC populations.
- (xi) Monitor implementation of the SECPP using qualified and experienced experts through a participatory monitoring approach and assess whether the SECPP's objective and desired outcomes have been achieved.

VI. CONSULTATION AND PARTICIPATION

14. The Sector Program Support Unit (SPSU) will conduct a meaningful consultation with SEC and civil society in planning SECPPs. Consultation will take place all throughout the project cycle that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information to affected SEC; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender-inclusive and responsive and tailored to the needs of SEC and vulnerable groups; and (v) enables the incorporation of all relevant views of SEC and other stakeholders into decision-making, such as project design, identifying mitigation measures, and

⁸ Appendix 2 contains special requirements.

sharing of program benefits. Consultation will be carried out in a manner commensurate with the significance of impacts on affected communities and will be carried out with the assistance of the implementing nongovernment organization or SEC/Safeguard Specialist. The SPSU will continue to arrange public consultations and take the following steps:

- (i) SPSU will organize public meetings and appraise the communities about the progress in the implementation of resettlement, social, environmental, and SEC development activities (if applicable).
- (ii) All M&E reports will be disclosed.
- (iii) Executing agency will ensure that vulnerable groups and SEC/Ethnic Minorities understand the program's benefits and how to obtain them.

VII. DISCLOSURE

15. To ensure transparency in planning and to engage SECs and other stakeholders, the program and subproject information will be disclosed. A summary SECPF will be translated and disclosed in publicly accessible locations shortly after the executing agency and ADB endorses it. The information on benefits and incentives packages for SECs will be disclosed and reported through meetings/public notifications. The benefit/results of a subproject will be displayed on local billboards/upazila secondary education offices and project progress reports will be widely disseminated.

16. SPSU will keep the SEC informed about the impacts, mitigation measures, and assistances proposed for them and facilitate grievance redress. Each SECPP will also be made available at a convenient place, especially at the district offices of DSHE and in other key accessible locations (secondary and higher schools of respective districts) convenient to the SEC peoples. A copy of the SECPF will be disclosed on ADB and DSHE website. The executing agency will submit the following documents to ADB for disclosure on ADB's website:

- (i) SECPF endorsed by the executing agency;
- (ii) SECPP for each subprojects/ project components which is likely to have significant impacts on SECs;
- (iii) SECPP monitoring reports; and
- (iv) Corrective Action Plans, if any.

VIII. GRIEVANCE REDRESS MECHANISM

17. The project level grievance redress mechanism (GRM) will be established to receive, evaluate, and facilitate the resolution of the affected people's concern, complaints, and grievances about the SECPP performances at the level of the project. The GRM will aim to provide a time-bound and transparent mechanism to voice and resolve ethnic minority people's personal and community concerns linked to the project.

18. Grievance Redress Committee will be formed at each district level for any grievances involving resettlement benefits, mitigation of any adverse impact on the SEC peoples, as individual or community, and other assistance as mentioned in SECPF/SECPP. A gazette notification on the formation and scope of the Grievance Redress Committee will be required from DSHE/MOE.

19. The SPSU shall make the public aware of the GRM through public awareness campaigns. SPSU will extend cooperation to the SEC peoples to express their grievance by

submitting complaints in writing to SPSU. In addition to that, the contact phone number of the respective project implementation units will serve as a hotline for complaints and shall be publicized through the media and placed on notice boards outside their offices and at construction sites. The project information brochure will include information on the GRM and shall be widely disseminated throughout the project area by the Safeguard Officer in the SPSU. Any aggrieved person can seek relief from the courts if GRM fails.

IX. INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS

20. During project implementation, a wide-ranging interactive discussion process with potential beneficiaries of SEC groups will be followed.

21. The annual component plans will be fully discussed between the implementing agencies and the intended beneficiaries to establish local priorities and capture changes in the community needs. Project component performance and achievements will be reviewed with beneficiaries in workshops at the end of each year.

22. The overall responsibility for ensuring this participatory planning and review process is carried out and monitoring the expected achievements of the SECPF will rest with SPSU. The implementing agencies of the individual components will be responsible for organizing and conducting the discussion meetings and workshops with beneficiaries and ensuring all the needs and concerns of major ethnic minorities/tribal groups are taken into account.

23. To establish a priority ranking of proposed activities and to accommodate any changes of community needs, SPSU will conduct meetings in all proposed work areas prior to finalizing the work program. The meetings will involve all affected/beneficiary groups particularly any small ethnic/tribal minorities and a full record of attendees and minutes of the meetings will be recorded by SPSU. SPSU will monitor the results of the meetings and their impacts on SPSU work plan. Follow-up workshops will be conducted with pertaining communities at the end of each year where the following year's work plan will be discussed and finalized. The consultant and support staff, if requested, will provide assistance to SPSU in this interactive process.

24. Through its consulting support, the SPSU will be responsible for planning the training of trainers and beneficiary training for the relevant stakeholders on SEC safeguards in particular on customary land rights, ADB Indigenous People Safeguards, and other relevant topics. For the training of trainers, suitable local consulting firms will be contracted and carried out to the training program of local nongovernment organizations, participating government agencies, traditional governance leaders, and local community groups, namely school management committees. Under the SPSU direction, these latter organizations, agencies and groups will carry out the training of beneficiaries.

25. Some of SECPP actions may be subcontracted or out-sourced. During SECPP implementation, the program will deploy an Involuntary Resettlement, Social Development & SEC Peoples Specialist or Social Safeguards Specialist (National Consultant). The tasks of the specialist will screen subprojects to identify SEC groups and preparation of SECPPs, if required. The consultant will work in coordination with the SPSU Director, Team Leader, and other relevant SPSU staff/organizations. He will assist the SPSU Director to develop an action plan for SEC to get information on SIA/survey on educational opportunities. He will also assist to collect area specific data on age, sex, ethnicity-disaggregated occupation, etc. to enable planning for future tasks on SEC to fill the gap of missing data, and to train the trainers on inclusive education and SEC-related courses/activities, and comply with all safeguard activities.

26. Some actions may be implemented by other organizations through a memorandum of understanding, under MOE, like, National Academy for Educational Management, University of Dhaka-Institute of Education and Research, Bangladesh Bureau of Educational Information & Statistics, Technical Training Centers, etc. The SECPPs will also be monitored/evaluated by the SPSU officials, with the help of the Social Safeguards Specialist. The SPSU Director will liaise to undertake required steps to deal with the third party evaluation, for impacts assessment on SEC, and M&E related to the safeguards.

27. The SPSU Director/Team Leader will regularly analyze project output indicators and impacts, including ethnicity and gender balance. The Social Safeguard Specialist will build the capacity of relevant MOE/DSHE personnel to collect ethnicity-disaggregated project data of beneficiaries and ensure that M&E procedures include indicators for monitoring the impacts of the project. Where applicable, the program will provide project budget for incentives to SEC to reinforce the efforts. If SEC still has unequal access to program's benefits the specialist will prepare a corrective action plan to address such deficiencies in program implementation.

X. MONITORING AND REPORTING ARRANGEMENTS

28. The MOE/DSHE/SPSU Director will supervise and monitor the SESIP's result framework (including SEC impacts) through the approved formats, as per time-bound monitoring system of the Implementation Monitoring and Evaluation Division,⁹ establish internal monitoring mechanisms and benchmarks appropriate for monitoring and reporting by the monitoring consultants (with support from the Social Safeguards Specialist). The Safeguard Specialist will help the Monitoring Specialist to develop a monitoring strategy for SEC development issues, indicators, and action plan for reporting on the implementation of the SECPP activities.

29. The Project Director/Team Leader (with support from the Social Safeguards Specialist) will collect project baseline ethnicity-disaggregated data and will regularly store, analyze, and prepare reports for the project progress.

30. DSHE will ensure that M&E procedures include indicators for monitoring impact on the project's beneficiaries. SPSU will provide ADB and other development partners with the following information for their review of performance and compliance with the Safeguard Policy Statement:

- (i) Social safeguard screening:¹⁰ As and when requested, filled-out screening form (Appendix 1) for all contract packages included in the civil works program.
- (ii) Updates for formal review missions which would include summary information on schools that have significant adverse impacts on SEC.
- (iii) Semi-annual report on compliance of safeguard requirements on SEC for all civil works, contract packages, and other SESIP activities.

XI. BUDGET AND FINANCING

31. The executing agency will be responsible for the timely allocation of the funds needed to formulate SECPPs where required following the approved SECPF. All land acquisition-related expenses, rehabilitation, training, consultation and administrative expenses, monitoring and

⁹ Implementation, M&E Division of GOB.

¹⁰ Appendix 1.

consultation cost, mitigation of negative impacts, and restoration cost will be considered as an integral component of project costs and each of these will be itemized in the budget. No physical work in any subproject area where SECs are present will be started until the full budget is allocated for the above purposes. The progress in budget use will be reported to ADB (Bangladesh Resident Mission) bi-annually.

<i>Required Land is</i>	<input type="checkbox"/> School Property <input type="checkbox"/> Khas <input type="checkbox"/> Under Customary Use <input type="checkbox"/> Under Lease to small ethnic community Persons <input type="checkbox"/> Under Lease to Non-small ethnic community Persons		
Other Civil Works, if any (Describe):			
<i>If Require Lands are Private, they</i>	<input type="checkbox"/> Agriculture	No. of Landowners/users:	
<i>are Presently Used for</i>	<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 Public, 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:			
New building :	Total Land Area (decimal):		
<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 Ministries (Name):		
	<input type="checkbox"/> Other Entities (Name):		
<i>If Require Lands are Private, 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 Public, 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):	
<i>Remarks, if any, about land availability:</i>	
<p style="text-align: center;">C. ADDITIONAL INFORMATION ON SMALL ETHNIC COMMUNITIES (SECS) (IN ADDITION TO THE INFORMATION SOUGHT UNDER SECTION B)</p>	
<i>Names of SEC community members and organizations which participated in Social Screening:</i>	
<i>The would-be affected SECs have the following forms of rights to the required lands:</i>	
<input type="checkbox"/> Legal ownership	Number of SEC persons/households:
<input type="checkbox"/> Customary Rights	Number of SEC persons/households:
<input type="checkbox"/> Lease agreements with the Government	Number of SEC persons/households:
<input type="checkbox"/> Others form of Right	Number of SEC persons/households:
Describe Right:	
<i>The following are the three main economic activities of the would-be affected SEC households:</i>	
(a) (b) (c)	
<i>The following are the social concerns expressed by SEC community and organizations:</i>	
<i>The SEC 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	

In respect of the social impacts and concerns, is there a need to undertake an additional impact assessment study?

☐ Yes

☐ No

Prepared by (Name and Designation):

..... (A DSHE staff should fill in this form)

S i g n a t u r e :

D a t e :

SPECIAL REQUIREMENTS

A. Ancestral Domains and Lands and Related Natural Resources

1. Small Ethnic Community (SEC) peoples are closely tied to land, forests, water, wildlife, and other natural resources, and therefore special considerations apply if the project affects such ties. In this situation, when carrying out the social impact assessment and preparing the SEC People's Plan, the borrower/client will pay particular attention to the following:

- (i) the customary rights of the SEC peoples, both individual and collective, pertaining to ancestral domains, lands, or territories that they traditionally own or customarily use or occupy, and where access to natural resources is vital to the sustainability of their cultures and livelihood systems;
- (ii) the need to protect such ancestral domains, lands, and resources against illegal intrusion or encroachment;
- (iii) the cultural and spiritual values that the SEC peoples attribute to such lands and resources;
- (iv) the SEC peoples' natural resources management practices and the long-term sustainability of such practices; and
- (v) the need to rehabilitate the livelihood systems of SEC peoples who have been evicted from their lands.

2. If the project involves activities that are contingent on establishing legally recognized rights to lands and territories that SEC peoples have traditionally owned or customarily used or occupied, such as land titling projects, or the acquisition of such lands, the borrower/client will integrate an action plan for the legal recognition of customary rights to such lands, territories, and ancestral domains in the SEC Plan (IPP). The action plan is normally carried out before project implementation, but in some cases it may need to be formulated concurrently with the project itself. Such legal recognition may take the following forms:

- (i) full legal recognition of existing customary land tenure systems of SEC peoples or
- (ii) conversion of customary usage rights to communal and/or individual ownership rights.

3. If neither option is possible under the national law, the IPP will include an action plan for legal recognition of perpetual or long-term renewable custodial or user rights.

4. In addition, for projects with potential impacts on SEC peoples, the borrower/client will ensure their meaningful consultation and facilitate their informed participation on matters affecting them directly, such as proposed mitigation measures, sharing of project benefits and opportunities, and implementation arrangements.

B. Consent of Affected Small Ethnic Communities

5. SEC peoples may be particularly vulnerable when project activities include (i) commercial development of the cultural resources and knowledge of SEC peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of SEC peoples. In deciding

whether to proceed with a project involving such project activities, the borrower/client will seek the consent of affected SECs.

6. For purposes of policy application, consent of affected SECs refers to a collective expression by the affected SECs, through individuals and/or their recognized representatives, of broad community support for the project activities listed in para 30. Such broad community support may exist even if some individuals or groups object to the project activities.

7. Where broad community support has been ascertained, the borrower/client will provide documentation that details the process and outcomes of consultations with SEC peoples and their organizations, including (i) the findings of the social impact assessment; (ii) the process of meaningful consultation with the affected SEC; (iii) the additional measures, including project design modification, that may be required to address adverse impacts on the SEC peoples and to provide them with culturally appropriate project benefits; (iv) the recommendations for meaningful consultation with and participation by SECs during project implementation, monitoring and evaluation; and (v) the content of any formal agreements reached with SEC and/or SEC peoples' organizations. The borrower/client will submit documentation of the engagement process to Asian Development Bank (ADB) for review and for ADB's own investigation to assure itself of the existence of broad community support for the project activities. ADB will not finance the project if such support does not exist.

8. When the borrower/client and the affected SEC peoples have major disagreements relating to the design, the IPP, or the implementation of the activities relating to commercial development of the cultural resources, physical displacement of SEC peoples, and/or to commercial development of natural resources, the borrower/client will adopt a process of good faith negotiations for resolving such differences and disagreements.

9. **Commercial Development of Cultural Resources.** If the project involves the commercial development of SEC peoples' cultural resources and knowledge, the borrower/client will ensure that the affected communities are informed of (i) their rights to such resources under statutory and customary law; (ii) the scope and nature of the proposed commercial development and the parties interested or involved in such development; and (iii) the potential effects of such development on SEC peoples' livelihoods, environment, and use of such resources. The IPP will reflect the nature and content of agreements and will include arrangements to ensure that SEC peoples receive an equitable share of the benefits to be derived from such commercial development in a culturally appropriate way.

10. **Physical Displacement of SEC Peoples.** The borrower/client will explore to the maximum extent possible alternative project designs to avoid physical displacement of SEC peoples that will result in adverse impacts on their identity, culture, and customary livelihoods. In exceptional circumstances, when avoidance is impossible, the borrower/client will prepare an IPP that could be combined with a resettlement plan. Such a combined plan needs to be compatible with the SEC peoples' cultural preferences and will include a land-based resettlement strategy. Where possible, the plan will allow the affected SEC peoples to return to the lands and territories they traditionally-owned or customarily-used or occupied if the reasons for their relocation cease to exist. The plan should include provisions to rehabilitate such lands, if needed.

11. **Commercial Development of Natural Resources.** If the project involves the commercial development of natural resources (such as minerals, hydrocarbons, forests, water, or hunting or fishing grounds) within customary lands under use by SEC peoples, the

borrower/client will ensure that the affected communities are informed of (i) their rights to such resources under statutory and customary law; (ii) the scope and nature of the proposed commercial development and the parties interested or involved in such development; and (iii) the potential effects of such development on the SEC peoples' livelihoods, environment, and use of such resources. The borrower/client will include in the IPP arrangements to enable the SEC peoples to receive in a culturally appropriate manner an equitable share of the benefits to be derived from such commercial development that is at least equal to or higher than that of any other affected landowners.

C. Small Ethnic Community Peoples and Development

12. In furtherance of the objectives to benefit SEC peoples, developing member countries can ask ADB to support them in their development planning and poverty reduction strategies by providing financial assistance for a variety of initiatives, such as the following: (i) strengthen local legislation to establish legal recognition of the customary or traditional land tenure systems of SEC peoples; (ii) enhance participation by SEC peoples in the development process by incorporating their perspectives into the design of development programs and poverty reduction strategies and providing them with opportunities to benefit more fully from development programs through policy and legal reforms, capacity building, and meaningful consultations, participation, and empowerment; (iii) support the development priorities of SEC peoples through programs developed by the government in cooperation with SEC peoples; (iv) address the gender and intergenerational issues that exist among many SEC peoples, including the special needs of SEC women, youth, and children; (v) prepare participatory profiles of SEC peoples to document their culture, demographic structure, gender and intergenerational relations, social organization, institutions, production systems, religious beliefs, and resource use patterns; (vi) strengthen the capacity of SECs and their organizations to prepare, implement, monitor, and evaluate development programs; (vii) strengthen the capacity of government agencies responsible for providing development services to SEC peoples; (viii) preserve and respect SEC knowledge, including strengthening intellectual property rights; and (ix) facilitate partnerships among the government, SEC peoples' organizations, civil society organizations, and the private sector to promote SEC peoples' development programs.