

Population Crisis Control and Mass Education Committee

Indigenous Peoples Programme Framework

December 2010

Khulna

A. Introduction

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

2. The Government of Bangladesh in its Sixth Five Year Plan (2011-2016) has identified education of poverty is key to development of Bangladesh. The poverty is multi-dimensional and inequality is going to be key factor in eradicating the poverty.

3. Proposed Major Activities of PCC&MEC

B. Background

4. Population Crisis Control & Mass Education Committee (PCC & MEC) is a non-profit, non-political, and non- Government voluntary organization came into appearance in 1985 with the initiative of a few young people under the leadership of renowned freedom fighter Mr. Mirza Taslim Hossain. After the independence, he was involved in business and working in rural areas of Khulna, Bagerhat and Satkhira. After 15 years of independence, he and his friends and fellows involved in freedom fight in 1971 were upset with the poverty, health, education and disaster situations of the rural areas of his fighting constituencies (Sector 9). Then they decided to leave the business and start the social movement for eradication of poverty, improve health, water, and sanitation condition of the poor people, enhance literacy of the mass and poor people, and to help the disaster victims in the coastal areas including Satkhira, Khulna, Bagrhat, Barguna, Patuakhali and Bhola. Then the first general committee decided to make the organization registered. It was first registered in Social Welfare in 1986 as a non-profit organization. During 1986 to 1991, the PCC&MEC worked with other national NGOs as social mobilization partners who were partner of ODA. In 1991, the organization received direct fund from ODA and registered under the NGO Affairs Bureau. The founder of the PCC&MEC died in 14th August of 2006 in a road accident, and many of the founder members retired and passed away with leaving so much strengths and capacity for new generation of social worker to fulfill their dreams.

5. Since its inception, the spirit of the organization remains focused to work for the marginal people in rural and urban areas. The first decade (1985-1994) the organization focused on "Human Development" in terms of health, education, nutrition, agricultural, and disaster relief

service delivery to protect the vulnerable men, women and children in rural and urban areas. The second decade (1995-2004) the organization focused capacity building of the poor and marginal for “human development” in relation to health, water sanitation, technology transfer, education, nutrition, micro-credit, and disaster preparedness. The third decade (2005-2014) added livelihood promotion of the poor as additional input for the sustainable ‘human development’ of the urban and rural poor. In the current decade (2015-2024), the organization has added ‘risk informed human development’, which includes climate change adaptation, adaptation technology innovation, innovative and inclusive financing, disaster risk reduction, humanitarian response, and protecting the human rights of the most vulnerable people struggling with identity challenges in the dominant power structures.

C. Objectives and Policy Framework

6. Principles and objectives. The objective of PCC&MEC’s Ethnic Minority (popularly known as Indigenous People (IP) Safeguards is to design and implement projects in a way that fosters full respect for Indigenous Peoples’ identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the Indigenous Peoples themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them.

7. Keeping consistency with the PCC&MEC requirements, the main objectives of this IP framework are to ensure that the program activities in general, and the physical works in particular, do not adversely affect indigenous peoples, and that they receive culturally compatible social and economic benefits. This will require during implementation, PCC&MEC to carefully select and screen all project entities and their locations and sites that are to be expanded or built anew and determine presence of indigenous peoples in the project localities and ensure their participation in the civil/economic/social works selection and implementation processes. Depending on prevalence of indigenous peoples and their needs and concerns – which will be assessed through consultations — PCC&MEC will work with the following guidelines:

- Plan and design civil/economic/social works for existing development initiatives and select location and sites of new civil/economic/social works to avoid or minimize, to the extent feasible, adverse impacts on indigenous peoples.
- Where adverse impacts on indigenous peoples are unavoidable, adopt and implement socially and culturally appropriate measures to mitigate them.
- Wherever feasible, adopt special measures – in addition to those for impact mitigation – to reinforce and promote any available opportunities for socioeconomic development of indigenous peoples’ communities.
- To the extent feasible, PCC&MEC and its implementing partners will try to (i) avoid subprojects that will require private land acquisition in IP locality; (ii) carry out the extension/renovation works in the lands already owned by schools; (iii) use their own or other public lands for building new civil/economic/social infrastructures and initiatives.
- Where adverse impacts could not be avoided completely, PCC&MEC and its partners will screen all subprojects to identify the potential safeguards issues and impacts by using a specified instrument and, if required, will prepare and implement impact mitigation plans as per the guidelines provided in this IPF.
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PCC&MEC and its implementing partners will not undertake any physical works that have attributes as those described in the list below.

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

1. Threaten cultural tradition and way of life
2. May severely restrict access to common property resources and livelihood activities
3. May affect places/objects of cultural and religious significance (places of worship, ancestral burial grounds, etc.)

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

1. Require involuntary land donation, and purchases that are not offered on —willing buyer-seller basis
2. Affect private homesteads
3. Render households using public lands homeless
4. Affect mosques, temples, graveyards, cremation grounds, and other places/objects that are of religious and cultural significance
5. Significantly restrict access to common property resources and livelihood activities of groups and communities

8. Comparison of applicable national laws and regulations. Policies for indigenous peoples development in general and development in particular is guided by the constitution of the People's Republic of Bangladesh. In addition, the policies and programs are also directed by international conventions endorsed by Bangladesh. Bangladesh is a signatory to many international conventions and initiatives to promote equity and equality in development opportunity, including the rights of the indigenous people, which emphasizes that an equal opportunity to access all development opportunities. This is reflected in the government's commitment to achieving the Sustainable Development Goals to eliminate all sorts of inequalities by 2030.

D. Identification of Affected Indigenous Peoples

9. No single definition can capture the diversity of the indigenous peoples, as they are found in varied and changing contexts. As such, PCC&MEC will also use the respective development partner guidelines to identify indigenous peoples in particular geographic areas by referring to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees:

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

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

Table 1: Location of Indigenous people in Bangladesh

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

E. Social Impact Assessment and IPP for Subprojects and/or Components

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

- Fully include indigenous peoples communities in general and their organizations in the process leading to identification, planning and implementation of expansion/improvements of physical works and introducing new social and economic works and locations and sites of new interventions;
- Carefully screen, together with indigenous peoples, the required physical/non-physical works on existing development interventions and locations and sites of new ones for a preliminary understanding of the nature and magnitude of potential impacts, and explore alternatives to avoid or minimize any adverse impacts;
- Where alternatives are infeasible and adverse impacts are unavoidable, immediately make an assessment of the key impact issues jointly with indigenous peoples and others knowledgeable of indigenous people cultures and concerns;
- Undertake the tasks necessary to prepare IPPs with the most appropriate measures to mitigate the adverse impacts and, if opportunities are there, development measures for the general IP communities; and

- Not undertake civil or economic/social works where the indigenous people communities remain unconvinced about the benefits to offer broad support for the project.

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

Baseline data, including analysis of cultural characteristics; education; social structure and economic activities; land tenure; customary and other rights to the use of land and other natural resources; relationship with the local mainstream peoples; and other factors that may have been suggested by indigenous peoples during consultations and are to be addressed in civil/social/economic development project design and implementation. (Key areas of investigation are also suggested below).

Strategy for local participation, indicating timing of consultation and the participants, such as affected indigenous people communities, indigenous people organizations, and individuals and entities which have provided useful feedback and inputs during initial consultations.

Mitigation measures and activities, which will generally follow indigenous people preferences and priorities, including those agreed between the indigenous people communities/ indigenous people organizations and PCC&MEC during consultations.

Institutional capacity, taking into account PCC&MEC's staff experience, consulting services, and indigenous peoples and civil society organizations in designing and implementing IPPs.

IPP implementation schedule, taking least disruptions to the indigenous peoples' livelihood and other activities into consideration.

Monitoring and evaluation, with the participation of indigenous people representatives and organizations, and other civil society organizations that may have been operating in these areas.

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

13. Indigenous Peoples' Socioeconomic Characteristics & Concerns. Baseline data and identification of social concerns will primarily focus on the cultural and socioeconomic characteristics of indigenous peoples and the potential vulnerability that might be caused by the proposed school physical works. Data on the following socioeconomic characteristics are expected to indicate the nature and magnitude of adverse impacts and provide the essential inputs for IPPs.

Social & Cultural Characteristics

- Relationships with areas where they live — relating to religious/cultural affinity with the ancestral lands, existence and use of livelihood opportunities, etc.

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

Settlement Pattern

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

Economic Characteristics

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

F. Consultation and Participation

14. IP Participation and Consultation Strategy. Participation of indigenous peoples in selection, design and implementation of the subprojects will largely determine the extent to which the IPP objectives would be achieved. Where adverse impacts are likely, PCC&MEC will undertake free, prior and informed consultations with the would-be affected indigenous peoples' communities

and those who work with and/or are knowledgeable of indigenous peoples' development issues and concerns. To facilitate effective participation, PCC&MEC will follow a time-table to consult indigenous people communities at different stages of the program cycle, especially during preparation of the civil works program. The primary objectives would be to examine the following.

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

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

16. To ensure free and informed consultation, PCC&MEC will,

Facilitate widespread participation of indigenous people communities with adequate gender and generational representation; customary/ traditional IP organizations; community elders/ leaders; and civil society organizations like NGOs and CBOs; and groups knowledgeable of indigenous people development issues and concerns.

Provide them with all relevant information about the subproject, including that on potential adverse impacts, organize and conduct the consultations in manners to ensure free expression of their views and preferences.

Document and share with GoB and other DPs the details of all consultation meetings, with IP perceptions of the proposed works and the associated impacts, especially the adverse ones; any inputs/ feedbacks offered by indigenous peoples; and an account of the conditions agreed with indigenous peoples that may have provided the basis for broad base community support for the proposed works.

17. Once broad base community support is received, PM will assess the impact details at household and community levels, with a particular focus on the adverse impacts perceived by indigenous peoples and the probable (and feasible) mitigation and community development measures. To ensure continuing informed participation and more focused discussions, PM will provide indigenous peoples with the impact details of the proposed civil works. Barring those that are technical in nature, consultations will cover topics/areas concerning cultural and socioeconomic characteristics, as well as those indigenous peoples

consider important. Starting with those for broad base support for the subproject, consultations will continue throughout the preparation and implementation period, with increasing focus on the households which might be directly affected.

Impact Mitigation & Development Measures

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

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

G. Disclosure

20. As required by the development partners' project financing policy, the IPF will be subjected to review and clearance by the designated regional sector unit of the Development partners and formally agreed with the Government of Bangladesh before program appraisal. PCC&MEC will share the impact mitigation plans – as and when required and prepared for any subproject/school – for review and clearance by development partners and Government of Bangladesh.

21. PCC&MEC will disclose a Bangla translation of the IPF to the public in Bangladesh by notifying in two newspapers, one in Bangla and other in English, and make it available in its web site as well as in its district and Upazila offices. The PCC&MEC will make the IPF available in the website.

H. Grievance Redress Mechanisms

22. PCC&MEC will establish a procedure to answer queries related to development projects undertaken for improvements and new construction; address complaints and grievances about any irregularities in application of the SPS guidelines for impact assessment and mitigation; and other IP community concerns. Adequate measure will be taken to establish culturally appropriate and gender-sensitive grievance redress mechanism for effected IPs. Based on consensus, the procedure will help to resolve issues/conflicts amicably and quickly saving the complainants resorting to expensive, time-consuming legal actions. A Grievance Redress Committee (GRC) decision will however not pre-empt the complainant's right to seek resolution in the courts of law.

23. PCC&MEC will constitute GRCs at the upazila level, with memberships to ensure impartial hearings and transparent decisions.

24. During community/stakeholder consultations in Chittagong Hill Tracts and other areas that are significantly inhabited by indigenous peoples, PCC&MEC will identify any existing traditional conflict resolution mechanisms.

25. If resolution attempts at the upazila level fail, the PM will refer the complaints to ED along with the minutes of the hearings. To ensure impartiality and transparency, hearings on complaints will remain open to the public. The Grievance Redress Committees will record the details of the complaints and the reasons that led to acceptance or rejection of the particular cases.

I. Institutional and Implementation Arrangements

26. PCC&MEC will ensure that the Indigenous Peoples Framework (IPF) and the corresponding IPP are implemented in its entirety or to the extent applicable. PCC&MEC will supervise and monitor IPP implementation. At the local level, project or programme staff will perform all process tasks specified in the framework, especially those related to obtaining lands from IPs (either privately owned or public land with traditional rights of IPs). As to monitoring, respective staff will directly provide PCC&MEC the up-to-date monthly information on all activities undertaken to obtain lands and those related to civil/economic/social works for specific development interventions. PCC&MEC will in turn process it for the entire program and share with the partners and concerned funding entities on a six monthly basis.

27. The PCC&MEC will have particular institutional arrangement with specific budgetary allocation and human resources for the implementation of the sub-component for the indigenous peoples and people from char, haor, baor, and tea garden areas. Such arrangement may consider involving their representative government institutions which, in the case of Chittagong Hill Tracts, can be the Hill District Councils (HDCs), the CHT Regional Council (CHTRC) and the Ministry of CHT Affairs (MoCHTA), besides specific personnel in the Programme Management and Implementation Office. In addition, this should also include adequate capacity building support for the relevant institutions.

J. Monitoring and Reporting

28. As executing agency, PCC&MEC will be responsible for monitoring and evaluation of activities related to IPs. PCC&MEC, with the help of the IA, will collect ethnicity-disaggregated data. PCC&MEC will regularly analyze Project output and impact indicators, including by ethnicity. A Gender and IP specialist may be appointed who would build the capacity of the EA and relevant IA personnel to collect ethnicity-disaggregated Project data and ensure that monitoring and evaluation procedures include indicators for monitoring impact on the Project's beneficiaries.