

INDIGENOUS PEOPLES DEVELOPMENT FRAMEWORK for Rural Reconstruction and Rehabilitation Sector Development Programme

1. Introduction

1. The Rural Reconstruction and Rehabilitation Sector Development Project (the Project) will improve the rural infrastructures in 38 districts of Nepal that have been abandoned, left unfinished or rendered inoperable due to the decade-long armed/political conflict in Nepal. These infrastructures include: (i) about 800 km rural roads and 50 bridges, and (ii) supplementary infrastructure including water supply, construction and rehabilitation of social and market facilities, school infrastructure, micro-irrigation, micro-hydropower, link trails, and trail bridges. The sub-projects will be selected and constructed based on the labor-based, environment-friendly and participatory (LEP) approach. The Ministry of Local Development/Department of Local Infrastructure Development and Agricultural Roads is the Executing Agency (EA) and the District Development Committees (DDCs) will be the Implementing Agencies. The Project will be financed by the Asian Development Bank (ADB) and other donors.

2. Five core subprojects from five districts (covering five development regions and three ecological zones) were included under the PPTA for the feasibility study. Out of these subprojects, Khopasi-Taldhunga in Kabre district was noted to have presence of Indigenous People (See Section 2 for more detail) and accordingly, Indigenous Peoples Development Plan (IPDP) has been prepared for this subproject alone. However, IP specific actions has been included in the resettlement plans and social action plans of the respective sub-projects in order to address the insignificant or limited impacts on IPs.

3. This Indigenous Peoples Development Framework (IPDF) provides policy and procedures to screen project impacts on IPs and prepare planning documents in compliance with ADB's Indigenous Peoples Policy for sub-projects during implementation.

2. Indigenous Peoples in Nepal

4. Nepal's complex social structure makes it challenging to define IPs in Nepal. The 2001 census has identified 100 different social groups in the country with over 92 languages and a mix of Hindu, Buddhist, Kirat, Animism and Muslim religions. Nevertheless, 2001 Census reports 8.4 million population of 43 ethnic nationalities (37.2% of Nepal's population). Furthermore, Government of Nepal has recognised 59 different nationalities as indigenous peoples of Nepal who comprises about 37.2% of the country's population of over 25 millions.. National Foundation for Development of Indigenous Nationalities (NFDIN) affiliated NGO, the National Federation of Indigenous Nationalities (NEFIN), has classified these groups into five categories based on their population size and other socio-economic variables such as literacy, housing, land holdings, occupation, language and area of residence at present. Social scientists under PPTA reviewed the characteristics of the groups in the list and concluded that while majority of these groups were integrated into the mainstream society/culture, following 24 groups (recognized by NEFIN as highly marginalized/endangered at present but the number maybe revised in higher side) would be defined as IPs for the purpose of this Project.

- i. Mountain Districts: *Lhomi-Singsa, Siyar, and Thudam (3 groups)*
- ii. Hill Districts: *Baramu, Chepang, Hayu, Kusunda, Lepcha, Raute, Sural and Thami (9 groups)*

- iii. Inner Terai Districts: *Bote, Bankariya, Danuar, Majhi and Raji (4 groups)*
- iv. Terai Districts: *Dhanuk, Jangad/Dhangad/Urau, Khadiya, Kisan, Kusbadiya; Satar/Santhal, Meche and Munda (8 groups)*

3. Indigenous Peoples in Core Sub- Projects

5. Five core sub-projects (four roads and one water supply) were studied under PPTA. The social assessment was carried out with disaggregated data by caste and ethnicity. Focus group discussions were held with relevant stakeholders, including IPs, and the significance of impacts on IPs was assessed in line with ADB's Policy on Indigenous People. Socio-economic survey and focus group discussions revealed that there were no IPs in core subprojects, except in Khopasi-Taaldhunga in Kavre district where 27 HH (148 people) belonged to *Majhi* community which falls under the IP definition. While the subproject will have no adverse impact on this group, it has been assessed that they will experience significant positive impacts due to improved road access and thus an IPDP has been prepared to maximize project benefits to them. This includes: (i) mandatory employment of at least one member from each affected IP household falling under below poverty line in project construction and maintenance work; and (ii) at least one member from each of the 27 affected IP households to participate in livelihood empowerment activities, including skills training for income generation, traditional skills development and linkages with the modern market, awareness training in health, sanitation, gender and other life-skills improvement activities (Please see IPDP for details). It also includes supplementary infrastructure facilities in the *Majhi* settlements, including latrine construction and drinking water facilities. Preference will be given to qualified *Majhi* community in recruitment of community facilitators, who will maintain frontline contact with the community in implementing IPDP activities.

5. Most of the subprojects to be implemented under the Project are not expected to have any adverse consequences on the socio-economic condition of IPs, and to have any disruption in their community life or culture. In fact, improved road network is expected to augment access to services of these communities along with other sections of the subproject population, including increased access to health, education and market opportunities. Nevertheless, inclusive measures have been included in the project design to maximize project benefits and opportunities to indigenous/ethnic groups along through mainstreaming and targeted approaches. Mainstreaming approach includes increased participation and proportionate representation of IPs in various groups and committees under the sub-projects so that their needs, priorities, interests and perspectives are reflected in project planning and implementation. Targeted approach will cater poor and disadvantaged IPs through livelihood enhancement skills training activities to enable them to take full advantage of project opportunities and benefits, including employment opportunities. Livelihood enhancement skills training will be targeted to these groups on the basis of their specific needs and priorities, including promotion and upgrading of traditional skills for modern market requirements. These activities will be covered under the community empowerment budget heading under the social development plan of the Project. Additional health and hygiene training programs will be provided in drinking water and sanitation program targeting IP groups and other disadvantaged community members. Impacts related to land acquisition has been covered in the resettlement plans in each sub-projects.

4. Relevant Policies on Indigenous Peoples

6. The Interim Constitution of Nepal commits the government for the protection and development of IPs. For the welfare of *Adivasi/Janajati*, the government set up a National Committee for Development of Nationalities in 1997. The parliament passed a bill in 2002 for the formation of 'National Foundation for the Development of Indigenous

Nationalities,' which came into existence in 2003 replacing the previous committee. This foundation has been working for the preservation of the languages, cultures and empowerment of the marginalized ethnic nationalities.

7. The Three Years Interim Plan Paper (2007-2010) includes following policies for inclusive development of *Adivasi/Janajati* and other disadvantaged groups: (i) creating an environment for social inclusion; (ii) participation of disadvantaged groups in policy and decision making; (iii) developing special programs for disadvantaged groups; (iv) positive discrimination or reservation in education, employment, etc.; (v) protection of their culture, language and knowledge; (vi) proportional representation in development; and (vii) making the country's entire economic framework socially inclusive.

8. NFDIN Act 2002, National Human Rights Action Plan 2005, Environmental Act 1997 and Forest Act 1993 have emphasized protection and promotion of indigenous people's knowledge and cultural heritage. In 1999, Local Self-Governance Act was enacted to give more power to the local political bodies, including authority to promote, preserve and protect the IP's language, religion, culture and their welfare.

9. ADB's Indigenous People's Policy (1998) defines IPs as "*groups with social or cultural identities distinct from the dominant or mainstream society. IPs is a generic concept that includes cultural minorities, ethnic minorities, indigenous cultural communities, tribal people, scheduled tribes, natives and aboriginals.*" It recognizes the potential vulnerability of IPs in the development process and requires that development interventions should ensure that IPs have opportunities to participate in and benefit equitably from the interventions. As appropriate, concern for IPs should be reflected in and integrated into each step of the project design, implementation, and monitoring and evaluation processes. The interventions affecting IPs should (i) be consistent with the needs and aspirations of affected indigenous peoples; (ii) be compatible in substance and structure with affected indigenous peoples' cultures and social and economic institutions; (iii) be conceived, planned, and implemented with the informed participation of affected communities; (iv) be equitable in terms of development efforts and impacts; and (v) not impose the negative effects of development on indigenous peoples, but, if such effects are unavoidable, appropriate and acceptable compensation must be ensured.

5. Objectives of the Indigenous Peoples Framework

~~40-10~~ IPDF is prepared to guide the preparation of subprojects under the Project to ensure better distribution of the project benefits and promote development of the *Adivasi/Janajati* along with other disadvantaged social groups in the project areas of influence. The IPDF is developed based on the national policies/strategies as well as ADB's Indigenous Peoples Policy. The principal objectives of the IPDF are to:

- (i). Ensure the participation of the affected IPs in the entire process of preparation, implementation, and monitoring of project activities;
- (ii) Ensure project benefits will accrue to IPs, and mitigate any adverse impact;
- (iii) Define the institutional arrangement for screening, planning and implementation of IP plans for sub-projects; and
- (iv) Outline the monitoring and evaluation process.

6. Specific Procedures for Sub-project Planning and Participation of IPs

41-11 This section provides detailed procedures to be followed in screening, social impact assessment, and preparation of IP plans for additional sub-projects. It will be ensured that indigenous people are informed, consulted and participated in the entire sub-project cycle.

6.1 Screening and Categorization of Impacts on IPs

4712. Initial screening of sub-project impacts on IPs will be conducted as early as possible in the sub-project cycle to categorize the impacts and identify subsequent approaches and resource requirements to address IP issues with due consultation with NEFIN's district representatives and District Coordination Committee of Janjati at DDCs.. A thorough screening will be conducted during Initial Poverty and Social Assessment (IPSA) as part of sub-project (pre)feasibility study. The DIU with support of District Implementation Support Team (DIST) will identify IP community belonging to the 24 IP groups, their population (number and ratio), and their characteristics as compared to the main population in the sub-project influence zone through primary and secondary data information collection. Janajati Empowerment Project Report, District Development Profile, VDC and Ward level information will be consulted and meetings with leaders and NGOs/CBOs representing causes of IPs will be held to assess the population size of IPs, the sub-category within them, and the likely impact of the sub-project on each sub-groups. The IPSA will be carried out in accordance with ADB's Handbook on Poverty and Social Assessment, particularly the Appendix 7 on Indigenous Peoples (http://www.adb.org/Documents/Handbooks/Poverty_Social/appendix7.pdf).

42-13 Sub-projects will be categorized according to the level of impacts on IPs. The level of impacts will be determined by the type, location, scale, nature, magnitude of potential impacts on IPs. The sub-project will fall to one of the following categories:

- i) Category A: sub-projects expected to have significant impacts that require IPDP;
- ii) Category B: sub-projects expected to have limited impacts that require specific action for IP in resettlement plans and/or social action plan; and
- iii) Category C: sub-projects not expected to have impacts on IPs and therefore do not require special provision for IPs.

43-14 The impacts on IPs will be considered significant if the project positively or negatively: (i) affect their customary rights of use and access to land and natural resources; (ii) change their socio-economic status; (iii) affect their cultural and communal integrity; (iv) affect their health, education, livelihood and social security status; and/or (v) alter or undermine the recognition of indigenous knowledge.

44-15 The screening and categorization will be initiated by DDC/DTO/DIU, supported by DIST Social Development Specialist, and reviewed and confirmed by PCU. Once finalized, the IPSA report and categorization form will be included in sub-project feasibility/design report to be submitted to ADB. The Sub-project Impact Categorization Form is in Attachment 1.

6.2 Social Impact Assessment and Preparation of IP Plans

45-16 The DDC/DTO/DIU will undertake an SIA as part of the detailed feasibility/design of the sub-project. The SIA will gather relevant information on demographic data; social, cultural and economic situation; and social, cultural and economic impacts. The

information will be gathered through separate group meetings within the IP community, including their leaders, NGOs, CBOs, and affected persons. Discussions will focus on potential positive and negative impacts of the sub-project; measures to enhancing positive impacts; and strategies/options to minimize and/or mitigate negative impacts. The outline of terms of reference for the SIA are in Attachment 2.

~~16.17~~ Based on the SIA, the project will develop appropriate mitigation measures and livelihood enhancement activities for IPs. In case of limited impacts, specific actions for IPs will be spelled out in resettlement plan and/or social development plan for the sub-project. If SIA identifies the project will have significant differential impact compared to the mainstream population, an IPDP will be prepared to enhance distribution of project benefits and promote the development of IPs.

~~17.18~~ The IPDP will consist of a number of activities and include mitigation measures of the potential negative impacts through modification of project design and development assistance to enhance distribution of project benefits. Where there is land acquisition or structural losses in the ethnic/indigenous communities, the Project will ensure that their rights will not be violated and that they be compensated for the use of any part of their land in a manner that is culturally acceptable to them. The compensation measures will follow the Resettlement Framework of the Project.

~~18.19~~ An IPDP will addresses the (i) aspirations, needs, and preferred options of the affected indigenous peoples; (ii) local social organization, cultural beliefs, ancestral territory, and resource use patterns among the affected indigenous peoples; (iii) potential positive and negative impacts on indigenous peoples; (iv) measures to avoid, mitigate, or compensate for the adverse project effects; (v) measures to ensure project benefits will accrue to indigenous peoples; (vi) measures to strengthen DDC/DTO capacity to address indigenous peoples issues; (vii) the possibility of involving local organizations and non-governmental organizations with expertise in indigenous peoples issues; (viii) budget allocation; and (ix) monitoring. The PCU will submit the IPDP to ADB for review and approval prior to commencement of civil works. ADB will review and send comments within three weeks.

6.3 Consultation, Participation and Disclosure

~~19.20~~ The consultation with and participation of IPs will be ensured in formulation of sub-project to ensure that it adequately deal with their needs, priorities, and preference. The IPs will be provided relevant project information in language(s) and manner suitable to them. A separate focus group discussions will be held with indigenous groups to assess the project impacts and benefits to these groups. Accordingly, the project plans, including IP plans, will be prepared in consultation with IPs. Outcome of social assessment and programs/measures for IPs will be presented in community workshops/meetings.

~~20.21~~ The DDC/DTO/DIU shall make available the following documents to the project-affected indigenous peoples and disclose to the public:

- (i) a draft IPDP, before sub-project appraisal;
- (ii) a final IPDP, after completion of such an IPDP; and
- (iii) the revised IPDP, following the detailed technical design or change in scope in the sub-project.

~~21.22~~ The information from the documents specified above will be made available to affected persons as leaflets in Nepali language . DoLIDAR shall also post the above documents on its website. During implementation, DIU will prepare social monitoring

reports, make them available to affected IPs, post them on its website, and submit these to ADB for review.

7 Institutional Arrangement

~~22.23~~ Social Development Specialist will be placed in the Central Infrastructure Support Consultancy (CISC) and if required a Social Development Officer will be placed in the District Infrastructure Support Team (DIST) to support PCU and DIU to implement IPDP activities. The social mobilization team at the DIST level will assist in the planning and implementation of IPDP.

8 Monitoring and Evaluation

~~4.24~~ The PCU will establish a ~~quarterly~~trimesterly monitoring system to monitor the implementation of the IPDP. A set of monitoring indicators will be determined during IPDP preparation. A survey of existing socio-economic status and cultural practices of IPs, which will be carried out during sub-project feasibility study/design, will be the basis for establishing the baseline data to monitor the project impacts on IPs. The IPDP will also specify the system to collect data and monitor the changes and will include TOR for monitoring agency/consultant. The PCU will prepare quarterly monitoring reports, post them on its DoLIDAR's website, and submit to ADB for its review.

~~9~~ Budget ~~9~~ ~~Budget~~

~~4.25~~ All the cost required to implement the IP plans will be incorporated in the project cost under the Community Empowerment. The IPDP/SAP will include detailed cost estimate and indicate source of funds for the required activities. While the administrative costs for survey, social assessment, and preparation of IPDP will be financed under Project Management Services, the program cost will be financed from Community Empowerment.

Indigenous Peoples Impact Categorization Form

A. Project Data

**District/ Sub-project
Title:**

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B. Identification of indigenous peoples in sub-project area

Impact on indigenous peoples (IPs)	Not known	Yes	No	Remarks or identified problems, if any
Are there IPs present in project locations?				
Do they maintain distinctive customs or economic activities that may make them vulnerable to hardship?				
Will the project restrict their economic and social activity and make them particularly vulnerable in the context of project?				
Will the project change their socioeconomic and cultural integrity?				
Will the project disrupt their community life?				
Will the project positively affect their health, education, livelihood or social security status?				
Will the project negatively affect their health, education, livelihood or social security status?				
Will the project alter or undermine the recognition of their knowledge, preclude customary behaviors or undermine customary institutions?				
In case no disruption of indigenous community life as a whole, will there be loss of housing, strip of land, crops, trees and other fixed assets owned or controlled by individual indigenous households?				

C. Anticipated project impacts on indigenous peoples

Project activity and output	Anticipated positive effect	Anticipated negative effect
1.		
2.		
3.		
4.		
5.		

D. Decision on Categorization

After reviewing the answer above, it is determined that the sub-project is:

- Categorized as an A project, an Indigenous Peoples Development Plan (IPDP) is required
- Categorized as a B project, a specific action favorable to indigenous peoples is required and addressed through a specific provision in related plans such as a Resettlement Plan, or a general Social Action Plan
- Categorized as a C project, no IPDP or specific action required

 Social Development Specialist,
 (DTO/DIU/DIST)
 Date: _____

Endorsed by:

 Project Manager, DTO/DIU
 Date: _____

Reviewed by

 Social Development Specialist,
 PCU/CISC
 Date: _____

Approved by:

 Project Director, PCU
 Date : _____

Outline Terms for Reference for Social Impact Assessment and Preparation of IPDP

The Social Development/IP /Resettlement Specialist with relevant qualifications and experience of working on issues related to indigenous peoples, will carry out assessment of impacts on IPs and prepare necessary plans in accordance to the ADB's Policy on Indigenous Peoples. The tasks will include but not be limited to the following:

(i) Providing an overview of the characteristics of the ethnic population in the project area

The dominant ethnic group(s):

- (a) relations of the dominant ethnic group(s) to the land in the project area
- (b) main socio-cultural characteristics of the dominant ethnic group(s)
- (c) the socio-cultural influence of the dominant ethnic group(s) on the ethnic minorities in the project area

The minority ethnic group(s) :

- (a) relations of the minority ethnic group(s) to the land in the project area
- (b) main socio-cultural characteristics of the minority ethnic group(s)
- (c) degree of acculturation to the dominant culture (language, religion, customs, etc)

(ii) Providing a profile of the dominant and minority ethnic groups in the project area

Prepare a socioeconomic profile of the ethnic groups

Describe the main activities of the ethnic groups

Describe the local resources utilized by each ethnic group

Describe the actual rights to land and natural resources for each group

(iii) Identification of existing problems perceived by IPs in the project area

Describe the problems that restrict IPs' main economic activities

Describe the problems with the availability of local resources utilized by IPs

Describe the problems with the continuation of IPs' rights to land and natural resources;

(iv) Identification of the IPs' demands

Examine the variations in existing knowledge and skills, including any socio-cultural norms that may reduce demand for the project and/or influence the way services are provided.

Assess the ability and willingness of the IPs to pay for project inputs and/or provide labor to improve their production systems;

Identify and examine efforts which have already been made by members of the IP communities and examine the experiences of those involved and their perceptions of whether these efforts have been successful

Assess the demand of the IP communities in areas which will be affected by the project activities and determine the preferred methods for the delivery of services under the project activities;

(v) Description of the differing culturally defined roles of males and females and assessment of the cultural importance of these differences in the likelihood that certain practices will be adopted and retained under the project. Assess the culturally defined access to land and resources and identify the potential cultural constraints for men and women in obtaining access to resources, services and facilities that may be provided under the project;

(vi) Identification of the anticipated project impacts and communicate as much information about the project to the IP communities;

- (vii) Identification of national and local government policies in relation to IPs (legal status, citizenship, health, education, access to natural resources);
- (viii) Assessment of local institutional, personnel and financial capacity of the relevant agencies and organizations and institutions working with and for IPs and identify a strategy for their participation;
- (ix) If needed, preparation of an indigenous peoples development plan (IPDP) in accordance with ADB's policy, ensuring meaningful participation of the IPs and facilitate the involvement of NGOs where appropriate;
- (x) Identification of PPMS indicators of the IP-specific achievement of the project outputs, purposes and goals.