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Development Cooperation Implementation Division (DCID)

Jwagal, Lalitpur

Strategic Road Connectivity and Trade Improvement Project (SRCTIP)

Indigenous People Planning Framework (IPPF)

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Acronyms and Abbreviations

AH	Asian Highway
CBO	Community Based Organization
CBS	Central Bureau of Statistics
CDC	Compensation Determination Committee
CDO	Chief District Officer
CDR	Central Development Region
CSC	Construction Supervision Consultant
DAO	District Administration Office
DCC	District Coordination Committee
DCID	Development Cooperation Implementation Divisions
DeC	District Coordination Committee
DIA	Direct Impact Area
DoR	Department of Road
ESA	Environmental and Social Assessment
EIA	Environmental Impact Assessment
ER	Earthen Road
ESF	Environmental and Social Framework
ESIA	Environmental and Social Impact Assessment
ESS	Environmental and Social Standard
PO	Project Office
IPDP	Indigenous Peoples Development Plan
IPPF	Indigenous Peoples Planning Framework

Executive Summary

1. Introduction

This Indigenous Peoples Planning Framework (IPPF) provides policy, strategy, process and procedures to understand project impacts on Indigenous Peoples (IPs) under the Strategic Road Connectivity and Trade Improvement Project (SRCTIP). The Government of Nepal (GoN) has requested the World Bank (WB) to support the preparation and implementation of the SRCTIP. Out of the three components of SRCTIP, regional road connectivity improvement (Component 2) and Institutional Strengthening (Component 3) will be implemented by the Ministry of Physical Infrastructure and Transport (MoPIT) through the Department of Roads (DoR). The regional road connectivity improvement component covers the improvement of the existing Nagdhunga-Naubise-Mugling (NNM) road to a 2-lane standard, and the upgrading of the Kamala-Dhalkebar-Pathlaiya (KDP) road from 2-lane into 4-lane standard. In addition, implementation of a safe corridor demonstration program for Strategic Road Network (SRN) road network has been proposed. The institutional strengthening component covers support for the National Road Safety Council, capacity enhancement of DoR for improved management of SRN, and support for periodic maintenance within the SRN road network.

The IPPF will be applicable to the upgrading of the KDP road and to the periodic maintenance subcomponent. The locations of periodic maintenance have not yet been determined. As the exact scale of impacts from project activities have not yet been determined, this IPPF has been developed. The IPPF has been prepared in full compliance with GoN policies and with Environmental and Social Standard (ESS) 7 on Indigenous People of the World Bank's Environmental and Social Framework (ESF). During project implementation, when project environmental and social impact assessments (ESIAs) are developed, an Indigenous Peoples Development Plan (IPDP) will be prepared according to this IPPF.

2. Project Description

The KDP road is part of the Mahendra Highway, the longest highway in Nepal running across flat Terai region (lowland that lies south of the outer foothills of the Himalayas). The GoN considers Mahendra Highway as a strategic corridor and is firmly committed to upgrading the entire length (130km) of the road to a standard 4-lane configuration. It has proposed to widen the section of the Mahendra Highway between Kamala River in the East and Pathlaiya settlement in the West. The upgrading activities will involve provision of 2x2 roads with 2 traffic lanes in each direction and appropriate shoulders. This work would require the widening of the existing bridges or construction of new bridges adjacent to existing ones. The KDP road section of Mahendra Highway passes through districts of Dhanusa, Mahottari, Sarlahi, Rautahat and Bara of Province 2.

The periodic maintenance work which covers the activities on a section of road within the SRN at regular and relatively long intervals, aims "to preserve the structural integrity of the road" (WB Maintenance website). These operations tend to be large scale, requiring specialized

equipment and skilled personnel. They cost more than routine maintenance works and require specific identification and planning for implementation and often even design.

3. Potential Issues and Impacts on Indigenous Peoples

The potential risks and impacts related to IPs of the proposed upgrading of the existing KDP road have been assessed on the basis of available information and knowledge of the existing corridor. The feasibility study of KDP has completed and detailed design of the project has not started, detailed impacts to IPs will be assessed during the ESIA exercise. The upgrading of the KDP road will cover the activities related to the 4-lane upgrading of the 130-km KDP section, within the 366-km Kakarbhitta–Pathalैया (KP) corridor of MRM. As the road activities will be undertaken within the existing Right of Way (ROW), land acquisition is not expected, and therefore it is not expected that the project will cause any adverse land impacts to IP communities. Further, based on current primary screening, it is also not expected that the project will cause relocation of IP groups from their land, nor that the project will not have significant negative impacts to IP groups' cultural heritage.

4. Legal, Policy and Regulatory Frameworks

Nepal does not have a standalone policy on Indigenous Peoples, however in the Tenth Plan significant emphasis has been placed on delivering basic services to the disadvantaged people such as indigenous community. One of the main thrusts of the Tenth Plan is the implementation of targeted programs for the uplift, employment and basic security of indigenous people. In 2007 the UN Declaration on the Rights of Indigenous Peoples was adopted by the General Assembly. Nepal ratified ILO Convention No. 169 on September 14, 2007 (BS 2064/05/28). Article 1 of the convention provides a definition of tribal and indigenous peoples. Article 6 requires consultation with the peoples concerned through appropriate procedures and, in particular, through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly. In Article 15, it states that indigenous and tribal peoples shall, wherever possible, participate in the benefits of natural resource utilization activities and shall receive fair compensation for any damages which they may sustain as a result of such activities.

The World Bank Standard on indigenous peoples, ESS7, underscores the need for the project to identify indigenous peoples, consult with them, ensure that they participate in, and benefit from Bank-funded operations in a culturally appropriate way and that adverse impacts on them are avoided, or where not feasible, minimized or mitigated.

Requirements of FPIC (Free and Prior Informed Consent) of IPs

The concept of free, prior and informed consent (FPIC) has emerged as an international human rights standard that recognizes the collective rights of indigenous peoples to self-determination and to their lands and territories. FPIC is usually considered as a collective right of indigenous peoples to make decisions through their own freely chosen representatives and customary or other institutions and to give or withhold their consent prior to the approval by

government, industry or other outside party of any project that may affect the lands, territories and resources that they customarily own, occupy or otherwise use.

Whilst Nepal legislation does not include any explicit legal and policy provision on FPIC, the Constitution of Nepal 2015, Article 51, Sub article J (8) has some implicit elements requiring FPIC (Free Prior Informed Consent) of Indigenous Nationalities while making any decisions concerning these people.

The FPIC criteria have been elaborated in ESS7. However the project is not expected to require FPIC given that project activities are unlikely to cause adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation, relocate any IP community from their location with collective attachment, nor have any significant impact on the cultural practice/ heritage sites, ceremonial or spiritual aspects of affected of IP communities. However, whether FPIC is required will be confirmed during detailed design.

5. Preparation of the Indigenous People Development Plan (IPDP)

The SRCTIP-Regional Connectivity Improvement and Institutional Strengthening Component's environmental and social team, with the support from the consultant, will prepare an IPDP if the subprojects are found to impact IPs. The project coordination unit (PCU) will submit the IPDP to the World Bank for final approval.

During the detailed design phase of the project, a screening survey will be carried out based on group discussions with communities in the sub-project area in order to identify presence of any IP communities which have collective attachment to the project area.

The project will be responsible for conducting a social impact assessment (SIA) and the development of an action plan with the help of IP communities and organizations working for them. The SIA will gather relevant information on demographic, social, cultural; economic and networking aspects of IPs. The suggestion and feedback of the community taken through meaningful consultation will be incorporated on the design hence to ensure the broader community support for the project.

6. Implementation Arrangement

At the central level, the MoPIT is the Executing Agency (EA) and DoR-Development Cooperation Implementation Division (DCID) is the key implementing agency for the sub-projects. The PCU will be responsible for overall planning, budgeting, approval and implementation of IPDP of the sub-projects. All aspects relating to community level activities will be addressed in close consultation and collaboration with Geo-Environmental and Social Unit (GESU) of DoR. At the municipality and wards level, offices of various line ministries such as Home, Finance, Agriculture and Co-operatives, Forest, Health, Education and Sports and others will be consulted during IPDP implementation. Similarly, community-based organizations (CBOs), non-government organizations (NGOs) and civil society of the concerned project area will equally be considered during the preparation and the implementation of the IPDP.

7. Stakeholder Engagement, Public Consultation and Disclosure

The development of the IPPF/IPDP will follow a participatory approach to enable indigenous peoples have a role in the project planning and development process. The detailed project activities and location of the indigenous communities and impacts on IPs community and IPs households will be confirmed as the detailed design is finalized. IPs that may be impacted due to the implementation of the project will be consulted on an individual basis, and in group discussions and meetings, in order to understand and collect their views on their needs, priorities, and preference regarding the project implementation. Separate focus group discussions will be held with indigenous communities to assess the project impacts and benefits to these groups. The IPDP will be prepared based on findings made in the ESIA, with feedback from consultation and addressing views, concerns, requests and recommendations of IPs.

8. Grievance Redress Mechanism

In order to address the grievances in regards to the SRCTIP Regional Connectivity Improvement and Institutional Strengthening Component, a grievance redress mechanism (GRM) will be established, which will include the formation of a two-level grievance redress committee (GRC), one at the project level, and one at the Central DoR level. The project level GRC will record all the grievances at site office, will analyze the grievances and will then submit its recommendation to the central level GRC for further action. The central level GRC will take the decision of the grievance and send the decision to the project level GRC for disclosure to the complaining parties. The GRM will be functional throughout the project cycle.

9. Monitoring and Evaluation of IPDP

Regular monitoring of IPDP implementation will be conducted by DoR-DCID project office with support from construction, supervision consultant team. DoR will establish a quarterly monitoring system involving project staff, and with the participation of NGOs, affected IPs communities, and local organizations of the IPs communities to ensure participatory monitoring arrangements.

A set of monitoring indicators will be developed during IPDP implementation. Appropriate monitoring formats will be developed for effective internal and external monitoring and reporting requirements. In particular, the monitoring aims: to ensure that the standard of living of IPs groups are restored or improved; to monitor whether the time lines of the activities planned in the IPDP are being met; to assess if social uplift measures or social development support program are sufficient; to identify problems or potential problems; and to identify measures of responding immediately to mitigate problems.

Chapter- 1: Introduction

1.1 Background

This Indigenous Peoples Planning Framework (IPPF) provides policy, strategy, process and procedures to understand project impacts on Indigenous Peoples (IPs) under the Strategic Road Connectivity and Trade Improvement Project (SRCTIP). The Government of Nepal (GoN) has requested the World Bank (WB) to support the preparation and implementation of the Strategic Road Connectivity and Trade Improvement Project (SRCTIP) with the project development objective of reducing time and costs of goods transit between Nepal and India, by improving the capacity and efficiency of trade and transport infrastructure and strengthening the institutions managing them. The IPPF will be applicable to the KDP road and Periodic Maintenance Subcomponent. At present the Feasibility Study of KDP road has not been finalized yet and the locations of the proposed Periodic Maintenance were not determined. During project implementation, when project ESIA's are developed, IPDP will be prepared according to this IPPF. The IPPF has prepared relevant strategies in full compliance with Government of Nepal (GoN) and World Bank's Environmental and Social Framework, specific objectives of Environmental and Social Standard 7: Indigenous People (ESS7).

The IPPF is developed at this feasibility stage of KDP road sub- project given that the exact scale of impact by project activities are not yet determined. Details of the impact will be determined when the Environmental and Social Impact Assessment (ESIA) will be conducted during the detailed design phase.

The focus of the IPPF is on Impacts on the Indigenous People due to the implementation of the SRCTIP-Regional Connectivity Improvement and Institutional Strengthening Component. Adhering to this framework the sub project should develop Indigenous People Development Plan (IPDP). This will be conducted during the project detailed design and ESIA stage of KDP road and Periodic Maintenance works.

1.2 Project Description

KDP road is part of the Mahendra Highway, the longest highway in Nepal running across flat Terai region (lowland that lies south of the outer foothills of the Himalayas). The GoN considers Mahendra Highway as a strategic corridor; it is firmly committed to upgrade the entire length (130km.) of the road to a standard 4-lane configuration and has proposed to widen the section of the Mahendra Highway between Kamala River in the East and Pathlaiya settlement in the West.

The improvement and upgrading activities will involve provision of 2x2 roads with 2 traffic lanes in each direction and appropriate shoulders. This work would require the widening of the existing bridges or construction of new bridges adjacent to existing ones. The Kamala-

Dhalkebar- Pathlaiya (KDP), project road section of Mahendra Highway passes through districts of Dhanusa, Mahottari, Sarlahi, Rautahat and Bara of Province 2.

The KDP Road is under stage of feasibility study and the detailed design has yet to be carried out. The upstream Environmental and Social Assessment (ESA) was carried out to screen strategic environmental and social issues of the corridor and inform the detailed ESIA that will be carried out at the detailed design phase of the KDP Road segment. KDP detailed design expected to be completed within first year of the project implementation and IPDP will be prepared during detail design phase

The periodic maintenance work which covers the activities on a section of road at regular and relatively long intervals, aims “to preserve the structural integrity of the road” (WB Maintenance website). These operations tend to be large scale, requiring specialized equipment and skilled personnel. They cost more than routine maintenance works and require specific identification and planning for implementation and often even design. Activities can be classified as preventive, resurfacing, overlay, and pavement reconstruction. Resealing and overlay works are generally undertaken in response to measured deterioration in road conditions. For a paved road repaving is needed about every eight years; for a gravel road re-graveling is needed about every three years¹. The scope of periodic maintenance work is the Strategic Roads under DOR's administration, for a periodic maintenance, out of the 13,000 km of a Core Road Network (CRN), 4,200 lane-km (corresponding to 2,050 km of various widths) has been identified. The criteria for this is that the traffic (AADT) should exceed 5,000 Project Coordination Unit (PCU). Out of this 4,200 lane-km, only 3,450 lane-km will get Periodic Maintenance over 5 years through the USD 80M from the WB under The SRCTIP out of the 4,200 lane-km, only 3,450 lane-km will undertake Periodic Maintenance over 5 years through the US\$ 80 M credited by the World Bank.

1.3 Objectives of IPPF

The principal objectives of the framework are to:

- i. To ensure that project engages in free, prior, and informed consultation with the IP communities wherever they are affected
- ii. To achieve free, prior and informed Consent (FPIC) with IP communities when needed
- iii. To ensure that project benefits are accessible to IP communities living in the project area
- iv. To avoid any kind of adverse impact on the IP Communities to the extent possible and if unavoidable ensure that adverse impacts are minimized and mitigated
- v. To ensure IP Communities' participation in the entire process of preparation; implementation and monitoring of the sub project activities

¹Why road maintenance is important and how to get it done Sally Burningham and Natalya Stankevich

- vi. To minimize further social and economic imbalances within communities; and
- vii. To develop appropriate training / income generation activities in accordance to their own defined needs and priorities

1.4 Potential Issues and Impacts on IPs

The potential risks and impacts related to IPs of the proposed upgrading of the existing KDP road have been primary assessed based on available information and knowledge of the existing corridor. However, since the feasibility study is on-going and detailed design of the project did not start, the detailed impact has to be assessed during ESIA exercise. The upgrading of KDP road and bridges will cover the activities on 4-lane upgrading of the 130-km KDP section of the KP corridor of MRM. Based on current primary screening, it will be very unlikely that the project will cause any adverse land impact to IP communities; it will also unlikely to cause relocation of IP groups from their land; and the project will not have significant negative impacts to IP groups' cultural heritage. The possible potential impact related to IPs could be summarized as followed.

The Indigenous People Planning Framework (IPPF) is designed to ensure safeguard of the indigenous people affected by the implementation of the SRCTIP-Regional Connectivity Improvement and Institutional Strengthening Component. The SRCTIP-Regional Connectivity Improvement and Institutional Strengthening Component is not expected to take any of the land hence do not relocate any IP communities. Similarly, by the nature of the project it can be expected that the culture and customary right of the IP communities is not have any significant adverse impact.

While the project will have some adverse impact on indigenous communities, it has been assessed that they will also experience some positive impacts due to various development interventions like improved road access which come during the implementation of the SRCTIP- Regional Connectivity Improvement and Institutional Strengthening Component.

Given the employment and supply chain opportunities that will be created from the project, labor influx in project areas is expected and assessed as Substantial risk. Labor The focus of the SRCTIP- Regional Connectivity Improvement and Institutional Strengthening Component's operational procedure is to localize the economic benefits with minimal opportunities for outside labor to service work that require specialized/skilled labor that is not present in project localities. The priority for local labor (dependent on skill, experience capacity) is expected to minimize the risk of influx, where there is a requirement for special skills. For external workers, proper labor camp will be established. If it is necessary, there will be dedicated camps established for worker accommodation in the project.

Specific requirements to manage risks associated with labor influx, related to the interaction between project workers, local communities and IPs, such as communicable diseases and gender-based violence most specifically sexual exploitation and abuse and sexual harassment, will be managed through contractual requirements, code of conduct and training set out in this document. These procedures are guided by national legislation, ESS2 and ESS4. The sub –project KDP are located nearby the project: Godar Bazar, Birendra Bazar, Dhalkebar, Jamuniua, Lalgadh, Bardibas, Raniganj, Lalbandi, Nabalpur, Hariwan, Milanchok, Chandrapur, Nijagadh, Pathalaiya, Labatoli, Bharatpur, Yagyabhumi, Puspapur, Phuljor, Hariharpur, Karmaiya, Paurahi, Piluwa are the major market areas so the impact of the labor influx will be manageable as specified measures in LMP.

GBV risk assessment for the project is Substantial, indicating the potential for labor to create or exacerbate patterns of GBV, SEA risk. A large influx of male labor may lead to an increase in exploitative sexual relationships and human trafficking whereby women and girls are forced into sex work. This can lead to inappropriate and criminal behavior, such as sexual harassment of women and girls, exploitative sexual relations, and illicit sexual relations with minors from the local community in general and IP community in particular.

OCHS risk is likely to be high based on previous project experience. The expected risks relate to potential for injury, traffic-related accidents, fall from height, poor working and living conditions of workers, and lack of PPEs. The PCU has corporate requirements for contractor training and safety which will apply to contracts and sites under the project.

Trafficking in persons is defined as the recruitment, transportation, transfer, harboring or receipt of persons by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. IPs as well as Women and children are particularly vulnerable to trafficking practices. Some of the sub- projects are located near the Nepal-India boarder area where the occurrence of human trafficking is existing. The project will enforce stringent requirements to against trafficking.

After the finalization of the relevant environment and social studies and the impact on the Indigenous people get identified. The project will develop a separate Indigenous people development plan (IPDP) that may include some IP specific programs will be prepared and implemented to minimize adverse impacts while maximizing project benefits to indigenous people. These program activities are proposed based on the assessment of project impacts, both positive and negative, and the consultation feedback of concerns and requests from the indigenous communities

Chapter-2 Situation of IP communities in Project Area

As per the World Bank Environment and Social Standard 7 (ESS7) the term indigenous people is used in a generic sense to refer exclusively to a distinct social and cultural group processing the following characteristics in varying degrees:

- a) Self – identification as member of distinct indigenous social and cultural group and recognition of this identity by others; and
- b) Collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resource in these areas; and
- c) Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture; and
- d) A distinct language or dialects, often different from the official language or languages of the country or region in which they reside.

The indigenous (*Adibasi/janajati*) groups in Nepal are defined as social groups with a social and cultural identity distinct from the dominant society. National Foundation for Upliftment of Adivasi/Janjati Act, 2058 (2002) defines those ethnic groups and communities who have their own mother language and traditional rites and customs, distinct cultural identity, distinct social structure and written or unwritten history. The act has recognized 59 indigenous communities in Nepal.

These indigenous communities are known as Adivasi/Janjati in Nepali and Indigenous Nationalities in English as per the act. These groups as whole are generally considered to be the marginalized segment of the population who engage in economic activities ranging from hunting/gathering and shifting agriculture in or near forests to wage laborers or even small-scale market oriented activities. However, *Adibasi/janajati* among themselves are diverse groups who do not all come under one economic system.

There are disparities among different *Adivasi Janajati* groups in Nepal. While *Adivasi Janajati* groups such as *Rautes* are still engaged in hunting and collecting food, *Chepangs* and *Kusundas* are practiced slash and burn, shifting cultivation and depend mainly on natural resources. On the other hands, *Newars*, *Thakalis* and *Gurungs* are more exposed to modernity and are involved in foreign employment, government and nongovernment services, industry and commerce.

Considering their diverse socioeconomic status, Nepal Federation of Indigenous Nationalities (*Adivasi Janajati*) (NEFIN) 2004, an umbrella organization of *Adivasi Janajati* groups has classified *Adivasi Janajati* groups into five categories (Table 1). Of the total 59 *Adivasi Janajati* groups, 10 groups are categorized as "endangered", 12 groups as "highly marginalized", 20 groups as "marginalized", 15 groups as "disadvantaged" and 2 groups as "advanced" or better off on the basis of a composite index consisting of literacy, housing, land holdings, occupation, language, education, and population size.

Table 1: Classification of Adivasi Janajatis in Nepal

Region	Classification of <i>Adivasi Janajatis</i>				
	Endangered (10)	Highly Marginalized (12)	Marginalized (20)	Disadvantaged (15)	Advantaged (2)
Mountain (18)		<i>Shiyar, Shingsawa (Lhomi), and Thudam</i>	<i>Bote, Dolpo, Larke, Lhopa, Mugali, Tokpegola, and Walung</i>	<i>Bara Gaule, Byansi (Sauka), Chhaintan, MaparphaliThakali, Sherpa, Tangbe, andTingaunleThakali</i>	<i>Thakali</i>
Hill (24)	<i>Bankariya, Hayu, Kusbadiya, Kusunda, Lepcha, and Sural</i>	<i>Baramu, Thami (Thangmi), and Chepang</i>	<i>Bhujel, Dura, Pahari, Phree, Sunuwar, and Tamang</i>	<i>Chhantyal, Gurung (Tamu), Jirel, Limbu (Yakthumba), Magar, Rai, Yakkha, &Hyolmo</i>	<i>Newar</i>
Inner Terai (7)	<i>Raji, andRaute</i>	<i>Bote, Danuwar, and Majhi</i>	<i>Darai, and Kumal</i>		
Terai (10)	<i>Kisan, and Meche (Bodo)</i>	<i>Dhanuk (Rajbansi), Jhangad, and Santhal (Satar)</i>	<i>Dhimal, Gangai, Rajbansi (Koch), Tajpuriya, andTharu</i>		

Source: NEFIN, 2004

The proposed project area is a mixed type of community and there are no homogenous settlements especially for a particular group. The indigenous (Adivasi Janjati)

communities of the project area though belong to a different ethnicity and/or group, share common approach to their economic and livelihood activities. These groups will experience similar impacts from the project as part of a mosaic community.

Chapter-3 Legal, Policy and Regulatory Frameworks

3.1 Relevant Policies on Indigenous Peoples

Nepal does not have a standalone policy on Indigenous Peoples, however in the Tenth Plan significant emphasis has been placed on delivering basic services to the disadvantaged people such as indigenous community. One of the main thrusts of the Tenth Plan is the implementation of targeted programs for the uplift, employment and basic security of indigenous people.

The policy provision also outlines that the government should pilot strong and separate package of program of basic security for vulnerable sections of society. Policies and action for their protection and development have also been developed in the plan. The plan states that targeted and empowerment programs shall be promoted to enhance the wellbeing of the vulnerable, disadvantaged and exploited groups.

14th Development Plan adopts inclusive and equitable development strategy to uplift the living standard of the excluded groups including, *Adibasi/Janajati*, women, people with disability and remote geographical areas and poor people of the various regions of the country from the prevailing discriminatory practices in the society. One of the strategies of its Social Development Policy is to increase the accessibility of socially, economically and geographically deprived class, region and community in the available resources by empowering them through the principles of equity and inclusion.

The plan emphasized to increase investment to support development by promoting inclusion of excluded communities, region and gender in all structure, sector and processes of the nation. The plan has given emphasis in implementing different types of income generation supportive program targeting the poor and vulnerable people

Similarly, the National Foundation for Upliftment of *Adivasi/Janjati* Act, 2058 (2002), the National Human Rights Action Plan 2005, the Environmental Act 1997, and the Forest Act 1993 have emphasized protection and promotion of indigenous peoples' knowledge in particular. In 1999, the Local Self-Governance Act was amended 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.

In 2007 the UN Declaration on the Rights of Indigenous Peoples was adopted by the General Assembly. Nepal ratified ILO Convention No. 169 on September 14, 2007 (BS 2064/05/28). Article 1 of the convention provides a definition of tribal and indigenous peoples.

Article 6 requires consultation with the peoples concerned through appropriate procedures and, in particular, through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly. In Article 15, it states that indigenous and tribal peoples shall, wherever possible, participate in the benefits of natural resource utilization activities and shall receive fair compensation for any damages which they may sustain as a result of such activities.

Article 16(2) clearly mentions that where the relocation of these peoples is considered necessary, such exceptional measures and such relocation shall take place only with their free and informed consent. Where their consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of the peoples concerned.

Article 16(3) mentions that, whenever possible, these peoples shall have the right to return to their traditional land as soon as the grounds for relocation cease to exist. Article 16(5) specifies the persons thus relocated shall be fully compensated for any resulting loss or injury

The World Bank Standard on indigenous peoples, ESS7 underscores the need for borrowers and Bank staff to identify indigenous peoples, consult with them, ensure that they participate in, and benefit from Bank-funded operations in a culturally appropriate way - and that adverse impacts on them are avoided, or where not feasible, minimized or mitigated.

3.2 Requirements of FPIC (Free and Prior Informed Consent) of IPs

The concept FPIC has emerged as an international human rights standard that recognizes the collective rights of indigenous peoples to self-determination and to their lands and territories. FPIC is usually considered as a collective right of indigenous peoples to make decisions through their own freely chosen representatives and customary or other institutions and to give or withhold their consent prior to the approval by government, industry or other outside party of any project that may affect the lands, territories and resources that they customarily own, occupy or otherwise use. It is thus not a stand-alone right but an expression of a wider set of human rights protections that secure indigenous peoples' rights to control their lives, livelihoods, lands and other rights and freedoms.

In these regards, though Nepal has no any explicit legal and policy provision on FPIC, the Constitution of Nepal 2015, Article 51, Sub article J (8) has some implicit elements requiring FPIC (Free Prior Informed Consent) of Indigenous Nationalities while making any decisions concerning these people. The essence of this constitutional provision is to ensure the indigenous nationalities participate in decisions concerning their community

by making special provisions for opportunities and benefits in order to ensure the right of these peoples to live with dignity, along with their identity, and protect and promote traditional knowledge, skill, culture, social tradition and experience of the indigenous nationalities and local communities.

The SRCTIP-upgrading of KDP road and periodic maintenance work under regional connectivity improvement and institutional strengthening component are unlikely to

- Adverse impacts on Land and natural resources subject to traditional ownership or under customary use or occupation
- Do not relocate any IP community from their location with collective attachment
- Do not have any significant impact on the cultural practice/ heritage sites, ceremonial or spiritual aspects of affected of IP communities

According to above criteria, the project may not require to conduct Free and Prior Informed Consent (FPIC) of the Indigenous community. However, if any of the sub project is fall beyond the above mentioned criteria, Free and Prior Informed Consent (FPIC) of the Indigenous community will be conducted. The ESIA during detailed design phase will finalize about the FPIC procedures.

Chapter-4 Preparation of the Indigenous People Development Plan (IPDP)

The SRCTIP-Trade Facilitation Component's Project Coordination Unit(PCU) E &S team with the support from the consultant prepare Indigenous People Development Plan (IPDP) if the sub project has found of having significant impact on IP. The PCU will submit the IPDP to The World Bank for final approval. The components of IPDP are as follows:

4.1 Steps for IPDP preparation

The steps to be followed for IPDP are as follows:

- i. Screening to identify whether Indigenous communities are present or have collective attachment to, the project area
- ii. Social assessment and analysis to be carried out to address the social concerns of the sub-project area from identified IP groups
- iii. Identifying views of the affected communities) at each stage of the project, and particularly during project preparation
- iv. When FPIC is needed, conduct FPIC according to ESS7 and documented
- v. When FPIC may not necessary, meaningful consultation is needed, and document the consultation process

- vi. Institutional arrangements (including capacity building wherever necessary) for screening project-supported activities, evaluating their effects on IP, preparing IPDP (if required), and addressing grievances
- vii. The preparation of IPDP and approved and disclosed by DoR-DCID and World Bank
- viii. Monitoring and reporting

4.3 Screening

During the planning and design phase of the sub project, screening survey will be carried out based on group discussion with the communities in the sub project area in order to identify presence of any IP communities that have collective attachment to the project area. Apart from the consultation with the community members, consultations / in depth interviews will also be carried out with the NGOs working in the area and representative of local self-government. The screening will look into the details of tribal/IP households, assessing the number of such households along the zone of influence of the proposed sub project. If the result shows that there are tribal/IP communities, the issues related to the community will be included in the social impact assessment (SIA) survey.

4.4 Social Impact Assessment

The project will be responsible for conducting SIA and the development of an action plan with the help of IP communities and organizations working for them. The SIA will gather relevant information on demographic, social, cultural; economic and networking aspects of each household and needs of the community as a whole. The information on individual household will be collected through household survey whereas community-based needs would be accessed through group discussions with the community as a whole as well as in discussion with the community leaders and other stakeholders. The discussion will focus on both positive and negative impacts of the sub project. The suggestion and feedback of the community taken through meaningful consultation will be incorporated on the design hence to ensure the broader community Support for the Project.

4.5 Suggested format for IPDP

The suggested format for the IPDP is as follows

- Description of sub projects and implications for the IP community
- Gender disaggregated data on number of IP households by impact category
- Social, cultural and economic profile of the households/communities
- Land tenure information

- Documentation of consultations with the community to ascertain their views about the project design and mitigation measures
- Summary of FPIC exercise when relevant
- Since FPIC is not required consultation exercise need to be documented
- Findings of need assessment of the community
- Community development plan based on the results of need assessment
- Modalities to ensure regular and meaningful engagement with the community
- Institutional arrangement and linkage with other national or state level programs
- Institutional mechanism for monitoring and evaluation of IPDP implementation and grievance redress
- Implementation Schedule and cost estimate for implementation

Further details outlining the main elements required in an IDPD are provided at Annex 1.

4.6 Sub-Project Approval

In the event that a sub-project has IP group in its project area, the project shall not approve the subproject until a satisfactory IPDP has been prepared and shared with the affected IP community. When Standalone IPDP is not needed because majority of beneficiaries of the sub component are specific IP HHs, the project design should ensure all elements of the ESS7 incorporated in the sub-project level as recommended by ESIA.

Chapter-5 Implementation Arrangement

At central level, the Ministry of Physical Infrastructures and Transport (MoPIT) is the Executing Agency (EA) and Department of Roads (DoR)-Development Cooperation Implementation Division (DCID) is the key implementing agency for the sub-projects forthcoming under this program a Project Coordination Unit (PCU) DCID at DoR, and Project Office (PO) headed by the Project Manager (PM). This PCU will be responsible for the overall planning, budgeting, approval and implementation of IPDP of the sub-projects. All aspects relating to community level activities will be addressed in close consultation and collaboration with GESU of DoR.

At municipality and wards level, offices of various line ministries such as Home, Finance, Agriculture and Co-operatives, Forest, Health, Education and Sports and others will be consulted during IPDP implementation. Similarly, CBOs, NGOs and Civil Society of the concerned project area will equally be considered during the preparation and the implementation of the IPDP.

The sub-project IPDP will have, as applicable, its own budget. A detailed budget will be prepared by the consultant taking into account of all activities associated with the formulation and implementation of the IPDP. The budget will include cost associated with recommended program activities, human resource cost, monitoring and other associated cost. Such budgets will be an integral part of the project cost, to be included in the cost item In IPDP

The budget will be made available during project implementation. The EA will ensure that adequate budget is available to implement IPDP.

5.1 Key Milestone Linked with the Project Implementation

Following Table provides the key milestone with the project implementation of the IPPF

Table 2: Key Milestone Linked with the Project Implementation

Project Milestone	Description	Activities	Responsibility
Feasibility Study	Commission a consultant assess and advise on whether the project is technically feasible, financially viable, socially acceptable, and environmentally friendly	➤ Conducted feasibility study and identified anticipated social adverse impact with the level of screening	➤ DoR-DCID ➤ Feasibility consultant

Detail Design	Based on the finding of the Feasibility Study, number, nature infrastructure and alternative alignment will be identified, and corresponding design will be finalized	➤ Need to conduct Detailed design ➤ Identified Social Adverse impact ➤ Identify ➤ private asset loss ➤ Identified public properties loss ➤ Identified relocation activities of public utilities ➤ Meaningful Consultation with the IPs ➤ Identified impact related to IPs community ➤ Information disclosure of the project	➤ DoR-DCID ➤ Design Consultant
E &S Assessment	Need to conduct detail assessment of the Environmental and Social Impact Assessment (ESIA) based on the provided feasibility study and during detailed design stage. All the potential environmental and social impact/risk assessment will be carried out and corresponding mitigation measures as per mitigation hierarchy will be proposed.	➤ Identification of the affected IP Communities ➤ Impact on natural resources subject to traditional ownership and customary use ➤ Impact on IP communities and their social economical and political institutions ➤ Types of Impact ➤ Proposed Mitigation	➤ ESIA Consultant

		measures ➤ Preparation of IPDP ➤ Preparation of CESMP	
Bidding and Contract	Based on the Detailed Design and E&S study the findings are incorporated in the bid document. The bidders are examined and selected, and the contract will be awarded to the successful bidders.	➤ Include CESMP& LMP in bidding document ➤ Include various plan related to environment and social safeguards ➤ Incorporation of the requirement in the contract document	DoR-DCID CSC
Construction	Once the contract is awarded to the successful bidders the contractors have to fulfill all the requirements as listed in the Bidding document and construction is started once all the clearance is received	➤ Implementation of the IPDP ➤ Mitigation of the Potential Impact ➤ Enhancement of the benefit ➤ Monitoring of the IPDP implementation	➤ DoR-DCID-Safeguards team, Project ➤ CSC Safeguards team
Closure	This is also called the end of the implementation at this stage the project almost implemented	➤ Monitoring and Evaluation of the IPDP and Post Audit	➤ DoR- DCID Safeguards team and project

5.2 Implementation of the Specific Measures to IPs

Specific Implementation measures for indigenous peoples are outlined in table below. Source of funding and the agencies responsible to implement the proposed strategies are included in the table.

Table 3: Specific Measures for Indigenous People

Proposed Strategies	Sources of Funding	Agencies Responsible
A. Inclusion		
• Ensure awareness raising, active participation and capacity building of the IP communities • Ensure of participation in awareness campaign, project implementation and monitoring • Ensure equal wages for similar work during implementation • Launch project information campaign to inform the target groups about the key features of the project and sub project.	GON	DoR-DCID
B. Program & Planning		
• Asses and analyze the presence of indigenous people's communities in sub-project and sites • Treat and support indigenous people, preferentially • Involve indigenous people in beneficiary groups to increase their participation. • Define training/income generation activities based on the identified needs and priorities of IP in the subproject area.	GON	DoR-DCID-PCU CSC
C. Capacity Building		
• Conduct project related meetings in indigenous community areas to encourage their participation. Ensure a quorum which includes representation from IP groups. • Provide targeted assistance/training aimed at IP groups to enhance livelihoods and participation in the subcomponents • Built in awareness campaign about the project in the subproject • Build capacity of indigenous peoples, promoting necessary knowledge and skills to participate in subcomponent activities	GON	DoR-DCID-PCU CSC

Proposed Strategies	Sources of Funding	Agencies Responsible
• Develop capacity through trainings on application of Agriculture Information system to small farmers		

Chapter-6 Stakeholder Engagement, Public Consultation and Disclosure

The development of the IPPF/IPDP will follow a participatory approach to enable indigenous peoples have a role in the project planning and development process. Till the detailed design will be finalized, the detailed project activities and location of the indigenous communities and impacts on IP community and IPs households will be finalized. Once Indigenous people that may have impact due to the implementation of the project have been interviewed on an individual basis, consulted in group discussions and meetings in order to understand and collect their views on their needs, priorities, and preference regarding the project implementation. Separate focus group discussions were held with indigenous communities to assess the project impacts and benefits to these groups. According to the ESIA findings, IPDP, will be prepared with the feedback of consultation and respects their views, concerns, requests and recommendations and also fully considered.

The IPPF/IPDP implementation will continue this participatory approach to enable meaningful consultation and effective participation of indigenous peoples. The project's IPPF includes a strategy for the ongoing involvement of Indigenous People, in project preparation and implementation. Core components of this strategy are (a) the representation of Indigenous people on IPPF/IPDP implementation structures; (b) a grievance management system for the resolution of grievances and disputes; and (c) monitoring and evaluation mechanisms to track implementation issues. The detailed implementing plans will be developed jointly with the indigenous communities. The project team will work with them on the community schemes. For household-specific schemes and activities, the project team will work with individual households belonging to indigenous people to develop and implement their household-specific schemes.

Outcome of IPPF/IPDP programs and plans developed for indigenous will be disseminated through appropriate means of communication. SRCTIP-Regional Connectivity Improvement and Institutional Strengthening Component will use a range of communication/information dissemination mechanisms, including written documents (information sheets and newsletters), Social Media, FM radio broadcasts through local radio stations, community meetings, focus group discussions, participatory appraisal techniques, household interviews and social mobilization techniques. A key focus of

these consultations will be the project's Entitlement Matrix and impact mitigation measures. These topics will be further discussed extensively to ensure that individual households are aware of the different compensation and impact mitigation measures so that they can make informed choices. In particular, it will be important for the indigenous peoples to have an understanding of the following:

- Entitlements for the loss of private assets (land, trees and other assets);
- Entitlements for the loss of access to communal resources subject to traditional ownership or occupation
- Entitlements for the loss of culturally significant and historical ancient monuments and temples
- Entitlement eligibility criteria.

The project will adopt mainstreaming and targeted approaches to maximize the project benefits and opportunities for indigenous people.

Mainstreaming approach includes increased participation and proportionate representation of indigenous communities in various user groups and committees formed under the project promoted and sponsored social development activities so that their needs, priorities, interests and perspectives are reflected in project planning and implementation.

Targeted approach will cater indigenous people through livelihood enhancement skills training activities to enable them to take full advantage of project opportunities and benefit, including employment opportunities. Livelihood enhancement skills training will be targeted to these groups on the basis of their specific needs and priorities.

Chapter-7 Grievance Redress Mechanism

In order to address the incoming grievances in regards to implementation of the SRCTIP- Regional Connectivity Improvement and Institutional Strengthening Component, two level grievance redresses committee will be formed; one at the project level and next at the Central Department of Roads Level. The project level GRC has recorded all the grievances at site office and will analyze the grievances and central submit its recommendation to the central level GRC for further action. The Central Level GRC will take the decision of the grievance and sent the decision to the project level GRC for disclosure to the complaining parties. The grievances related to labor will redress through GRM mentioned in LMP and grievances related to GBV (if occurred) will be referred to referral committee to GBV service provider. The complaining parties will be notified about the decision through appropriate means. The GRM will be functional throughout the project cycle.

Details of the project-level GRM are provided in the Stakeholder Engagement Plan for the project.

Chapter- 8 Monitoring and Evaluation of IPDP

A monitoring and evaluation program will be implemented to (i) record and assess project inputs and the number of persons in the IPs households assisted, and (ii) confirm that former subsistence levels and living standards are being re-established. The implementation of IPDP will be monitored both internally and externally with the objective of providing feedback to management on implementation and identifying problems and successes as early as possible to facilitate timely adjustment of implementation arrangements.

DoR will establish a quarterly monitoring system involving project staff, implementing NGO, affected IPs communities, and local organizations of the IPs communities to ensure participatory monitoring arrangements. A set of monitoring indicators will be developed during IPDP implementation. Appropriate monitoring formats will be developed for effective internal and external monitoring and reporting requirements. In particular, the monitoring aims:

- To ensure that the standard of living of IPs groups are restored or improved;
- To monitor whether the time lines of the activities planned in the IPDP are being met;
- To assess if social uplift measures or social development support program are sufficient;
- To identify problems or potential problems; and
- To identify measures of responding immediately to mitigate problems.

Monitoring indicators are in principle the same as identified in the Indigenous Peoples Planning Framework applying two monitoring mechanisms, i.e. ongoing internal monitoring of process and output indicators; and external monitoring by an independent monitoring agency or establishing social audit system to assess the extent to which IPDP objectives have been met.

An overall impact evaluation will be carried out in the final year of the project to assess the changes in the overall living standards contributed by the project. For effective monitoring of the project impacts on the IPs groups, the socio-economic baseline established for the project will serve as comparative basis to cross-check and to verify project-induced impacts (positive and negative) on representative IPs households. Monitoring indicators will include, IP HH as specific indicators, and monitoring reports will present data accordingly. Indicators that can be monitored for this purpose will include how many IPs people participated actively in project activities, benefited from target assistance to enhance their livelihoods, documentation of their opinions on project impacts and if any of their specific concerns were addressed during implementation.

Regular monitoring of IPDP implementation will be conducted by the PCU E &S Team through the help of the consultant to verify:

IPPF: SRCTIP- DoR-DCID-KDP

- Actions and commitments described in the IPDP are implemented fully on time;
- Eligible affected people received their full compensation entitlements within agreed timeframe;
- IPDP actions and mitigation measures are effective in sustainably enhancing the livelihood of IPs affected peoples' living standards and income levels;
- Complaints and grievances lodged by IPs are followed up and that where necessary, appropriate corrective actions are implemented; and
- If necessary, changes in IPDP procedure are made to improve delivery planned action to IPs

The PCU E &S Team will prepare the monitoring and evaluation report of IPDP and submitted to the WB quarterly basis.

Annex 1: Outline of elements in an IPDP

Outline of elements required for an Indigenous Peoples Development Plan (IPDP) include the following:

- a. A summary of the targeted social assessment, including the applicable legal and institutional framework and baseline data.
- b. A summary of the results of the meaningful consultation tailored to IPs, and if the project involves the three circumstances specified in paragraph 24 of ESS7, then the outcome of the process of FPIC carried out with the affected IPs during project preparation.
- c. A framework for meaningful consultation tailored to IPs during project implementation.
- d. Measures for ensuring IPs receive social and economic benefits that are culturally appropriate and gender sensitive and steps for implementing them. If necessary, this may call for measures to enhance the capacity of the project implementing agencies.
- e. Measures to avoid, minimize, mitigate, or compensate IPs for any potential adverse impacts that were identified in the social assessment, and steps for implementing them.
- f. The cost estimates, financing plan, schedule, and roles and responsibilities for implementing the IPDP.
- g. Accessible procedures appropriate to the project to address grievances by the affected IPs arising from project implementation, as described in paragraph 35 of ESS7 and in ESS10.
- h. Mechanisms and benchmarks appropriate to the project for monitoring, evaluating, and reporting on the implementation of the IPDP, including ways to consider input from project-affected IPDP in such mechanisms.