



**Government of Nepal  
Ministry of Physical Infrastructure and Transport (MoPIT)  
Department of Roads**

## **Development Cooperation Implementation Division (DCID)**

**Jwagal, Lalitpur**

**Strategic Road Connectivity and Trade Improvement Project (SRCTIP)**

## **Indigenous Peoples Planning Framework (IPPF)**

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## **ACRONYMS AND ABBREVIATIONS**

CBO	Community-Based Organization
CSC	Construction Supervision Consultant
DCID	Development Cooperation Implementation Divisions
DOR	Department of Road
ESA	Environmental and Social Assessment
EIA	Environmental Impact Assessment
ESF	Environmental and Social Framework
ESIA	Environmental and Social Impact Assessment
ESS	Environmental and Social Standard
FGD	Focus Group Discussions
IPDP	Indigenous Peoples Development Plan
IPPF	Indigenous Peoples Planning Framework
MoPIT	Ministry of Physical Infrastructure and Transport
ROW	Right of Way
SRCTIP	Strategic Roads Connectivity and Trade Improvement Project
WB	World Bank

## **EXECUTIVE SUMMARY**

### **1. Introduction**

The Government of Nepal (GoN) has requested financial support from the World Bank (WB) to prepare and implement the Strategic Road Connectivity and Trade Improvement Project (SRCTIP). Amongst other activities the proposed project will support the upgrading of the 130km Kamala-Dhalkebar-Pathlaiya (KDP) road, and will support periodic maintenance within the SRN road network. This Indigenous Peoples Planning Framework (IPPF) outlines the policy, process and procedures to understand project impacts on Indigenous Peoples (IPs) under the Strategic Road Connectivity and Trade Improvement Project (SRCTIP), and specifically with regards to the upgrading of the KDP road and to the periodic road maintenance subcomponent. The locations of periodic road maintenance have not yet been determined. As the exact scale of impacts from these project activities have not yet determined, this IPPF has been developed. The IPPF has been prepared according to the standards of GoN legislation and policy, and to the World Bank's Environmental and Social Standard (ESS) 7 on Indigenous People. 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 the Mahendra Highway as a strategic corridor and is firmly committed to upgrading the 130km KDP Road to a 2-lane to a 4-lane, within the 366-km Kakarbhitta–Pathalaiya (KP) corridor of the Mahendra Highway. The KDP road section 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. Feasibility studies for the KDP road are underway. Detailed design of the project has not commenced, and therefore detailed impacts to IPs will be assessed during the Environmental and Social Impact Assessment (ESIA) exercise. As the road activities will be undertaken within the existing Right of Way (ROW), land acquisition is not expected. It is therefore 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 have significant negative impacts to cultural heritage of IP groups.

#### **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 communities. 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 United Nations (UN) Declaration on the Rights of Indigenous Peoples was adopted by the General Assembly. Nepal ratified ILO Convention No. 169 on September 14, 2007. 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. Article 15 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 ESS 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 WB-funded operations in a culturally appropriate way, and that adverse impacts on them are avoided, or where not feasible, minimized or mitigated.

##### *Requirements of Free and Prior Informed Consent (FPIC)*

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 of Indigenous Nationalities while making any decisions concerning these people.

FPIC criteria has been elaborated under ESS7. However the KDP road 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)**

An IPDP will be prepared if the subprojects are found to impact IPs. 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 an ESIA and the development of an Environmental and Social Mitigation Plan (ESMP) with the help of IP communities and organizations working for them. The ESIA 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 into the project design to help ensure the broader IP support for the project. 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.

## **6. Implementation Arrangement**

At the central level, the Ministry of Physical Infrastructure and Transport (MoPIT) is the Executing Agency (EA), and the Development Cooperation Implementation Division (DCID) within DOR is the key implementing agency for the sub-projects. The project coordination unit (PCU) will be responsible for overall planning, budgeting, approval and implementation of IPDPs of sub-projects. All aspects relating to community level activities will be addressed in close consultation and collaboration with the 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 and IPDPs will follow a participatory approach to enable IPs to have a role in the project planning and development process. The detailed project activities, location of the IP communities, and impacts on IP community and IP households will be confirmed as 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 (FGDs) will be held with IP communities to assess the project impacts and benefits to these groups.

## **8. Grievance Redress Mechanism**

In order to address the grievances in regards to the project, a grievance redress mechanism (GRM) will be established, which will include the formation of a two-level grievance redresses 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 sent 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 the 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; monitor whether the time lines of the activities planned in the IPDP are being met; assess if social uplift measures or social development support program are sufficient; identify problems or potential problems; and identify measures of responding immediately to mitigate problems.

# आदिवासी जनजाती योजना तर्जुमाको ढाँचा

## कार्यकारी सारांश

### १. परिचय

यस आदिवासी जनजाती योजना तर्जुमाको ढाँचा (आई.पि.पि.एफ), विश्व बैंकको ऋण सहयोगमा रणनीतिक सडक पहुँच तथा व्यापारिक सुधार आयोजना (एस.आर.सि.टि.आइ.पि.) अन्तर्गत करीब १३० की.मी. लम्वाई रहेको कमला-ढल्केवार-पथलैया सडक तथा सामरिक सडक अन्तर्गतका फेह्रि सडकको पिरियोडिक मेन्टेनेन्स कार्य को लागि बनाइएको हो । यस आदिवासी जनजाती योजना तर्जुमाको रूपरेखाले कमला-ढल्केवार-पथलैया सडक आयोजना तथा पिरियोडिक मेन्टेनेन्स कार्य अन्तर्गत आदिवासी जनजाती समदायमा पर्ने सक्ने प्रतिफूल प्रभावको पहिचान गर्न, प्रतिफूल प्रभावहरू सकेसम्म निषेध गर्न वा न्यूनीकरण गर्न तथा सो सम्भव नभए उचित क्षतिपूर्तिको लागि उपयुक्त संगठनात्मक व्यवस्थाहरू र डिजाइन मापदण्ड लागू गर्न र आवश्यक आदिवासि जनजाति विकास योजना निर्माण गर्न नीति, रणनीति, प्रक्रिया र कार्यविधीहरू प्रदान गर्दछ । यो आदिवासी जनजाती योजना तर्जुमाको ढाँचा तयार हुनेवेला सम्म पिरियोडिक मेन्टेनेन्स कार्य फह्राँ गर्ने निश्चित भैनसकेकोले यसबाट पर्नेसक्ने प्रतिफूल प्रभावको यकिन गर्न सकिएको छैन । यस आदिवासी जनजाती योजना तर्जुमाको रूपरेखा नेपाल सरकारको प्रचलित कानून र र विश्व बैंकको वातावरणीय तथा सामाजिक ढाँचा/रूपरेखा (ई.एस.एफ) को स्ट्याण्डर्ड ई.एस.एस-७ (आदिवासी जनजाती) अनुसार तयार गरिएको छ । कमला-ढल्केवार-पथलैया सडक आयोजना कार्यान्वयनको दौरानमा जब वातावरणीय तथा सामाजिक प्रभाव मूल्याङ्कन अध्ययन गरिन्छ, आदिवासी जनजाती विकास योजना (आई.पि.डि.पि) यसै आदिवासी जनजाती योजना तर्जुमाको ढाँचा अनुरूप बनाइने छ ।

### २. आयोजना विवरण

कमला-ढल्केवार-पथलैया सडक नेपालको महेन्द्र राजमार्ग अन्तर्गतको एक खण्ड हो जुन तराई क्षेत्र ( हिमालयको दक्षिण सतहीमा अवस्थित समथर भूमि) भएर गएको छ । महेन्द्र राजमार्ग अन्तर्गतको करिब ३६६ कि.मी. लामो काकडभिट्टा-पथलैया सडक मध्ये कमला-ढल्केवार-पथलैया सडक खण्डको १३० कि.मी. लम्बाइलाई हालको २ लेनबाट ४ लेनमा स्तरोन्नति गर्न प्रस्ताव गरिएको छ । २X२ सडकका साथै ढवल लेनको ट्राफिक तथा उपयुक्त सोल्जर सहितको स्तरोन्नोती कार्य दुवै तर्फको सडक फिनारमा हुने छ । यस कार्यको लागि हाल अवस्थित पुललाई चौडा पार्ने तथा संगै नयाँ अर्को पुल निर्माण गर्नुपर्ने हुन्छ । कमला-ढल्केवार-पथलैया सडक खण्ड प्रदेश नं. २ का जिल्लाहरू कमला धनुषा, महोत्तरी, सर्लाही, रौतहट र बारा भएर जान्छ ।

कमला-ढल्केवार-पथलैया सडकखण्डको सम्भाव्यता अध्ययन हालसालै मात्र सम्पन्न भएको छ भने विस्तृत इन्जिनियरिङ डिजाइन (डिटेल्ड डिजाइन स्टडि) हुन बाँकि छ । कमला-ढल्केवार-पथलैया सडकखण्डको वातावरणीय र सामाजिक मूल्याङ्कन भइसकेको छ । उक्त अध्ययनले सामाजिक तथा वातावरण सम्बन्धी रणनीतिक सवालहरू र यस सडक खण्डको स्तरोन्नतीको कममा देखिएको सुझावहरूलाई उक्त सडक खण्डको विस्तृत इन्जिनियरिङ डिजाइन प्रतिवेदन तयार गर्दा गरिने विस्तृत वातावरणीय र सामाजिक प्रभाव मूल्याङ्कन अध्ययनलाई समेत सुसूचित र सहयोग गर्नेछ । पिरियोडिक मेन्टेनेन्स कार्य जसले सामरिक सडक अन्तर्गतका फेह्रि कि.मी. लम्बाइ सडकको संरचनात्मक मजबुत तथा सुरक्षा गर्दछ । उक्त



पिरियोडिक मेन्टेनेन्स कार्य ठूलो संख्यामा दक्ष जनशक्ति विपेश उपकरणको माध्यमबाट संचालन गरिन्छ । यसको लागत रुटिन मेन्टेनेन्सको भन्दा अलि बढि हुनुको साथै यसको कार्यान्वयनमा तथा डिजाइनमा समेत विपेश पहिचान सहितको योजना चाहिन्छ ।

### ३. आदिवासी जनजाती संबन्धि मुख्य सवाल तथा प्रतिकूल प्रभावहरु

आदिवासी, जनजाती सम्बन्धी मुख्य सवाल तथा प्रतिकूल प्रभावहरु प्रस्तावित सडक कमला-ढल्केबर-पथलैया सडकखण्डको अहिले सम्म गरिएको अध्ययनहरु मध्य हालसालै मात्र सम्पन्न भएको संभाव्य अध्ययन तथा प्रारम्भिक चरणको सामाजिक र वातावरणीय मूल्याङ्कन अध्ययनबाट छनौट गरिएको छ । तर यसको विस्तृत इन्जिनियरिङ डिजाइन र वातावरणीय तथा सामाजिक प्रभाव मूल्याङ्कन अध्ययन भैनसकेकोले आदिवासी जनजातीलाइ आर्इपन गर्नै जोखिम तथा प्रतिकूल प्रभावहरु यकिन गर्न कठिन छ । तथापी हाल सम्म सम्पन्न भैसकेको यस सडकको सम्भाव्यता अध्ययन र प्रारम्भिक चरणको सामाजिक र वातावरणीय प्रभाव मूल्याङ्कन अध्ययनले कुनैपनि आदिवासी, जनजाती समुदायलाइ उनिहरुको सामुदायीक जग्गा बाट स्थानान्तरण गर्नु नपर्ने देखाएको छ र उनिहरुको सांस्कृतिक महत्वको वस्तुमा प्रतिकूल प्रभाव नपर्ने देखिएको छ । उक्त सडक स्तारोन्ती कार्य, सडक अधिकार क्षेत्रभित्र सिमित रहने भएकोले जग्गा अधिग्रहण आवश्यक नपर्ने देखिन्छ साथै उक्त कमला-ढल्केबर-पथलैया सडकखण्डको स्तारोन्तीको क्रममा आदिवासी, जनजाती समुदायमा कुनैपनि प्रतिकूल प्रभावहरुको अपेक्षा गरिएको छैन ।

### ४. नीति नियम तथा कानूनी व्यवस्थाको रूपरेखा

नेपालमा आदिवासी जनजाति संबन्धि कुनै एउटा छुट्टै नीति बनेको छैन तापनि आदिवासी/जनजाती समुदायको अधिकार सुनिश्चित गर्न थुप्रै कानूनी आधारहरु भने छन । नेपालको संविधान, नेपाल आदिवासी/जनजाती उत्थान तथा प्रवर्धन ऐन २००२, स्थानिय सरकार संचालन ऐन २०१७, वन ऐन १९९३, वन नियमावलि १९९५ र पंच वर्षिय योजनाले आदिवासी जनजाती तथा उनीहरुको सांस्कृतिक सम्पदाको सुरक्षणको लागि महत्वपूर्ण आधारहरु तय गरेको छ । दसौं विकास योजनामा उत्पीडीत वर्ग आदिवासी जनजातिलाइ प्राथमिकतामा राखी उल्लेखनिय आधारभुत सुविधाहरुको व्यवस्था गरेको छ । संयुक्त राष्ट्र संघको महासभाले सन २००७ मा आदिवासी जनजातीको अधिकार घोषण गरेको छ । त्यस्तै गरेर नेपालले १४ सेप्टेम्बर, २००७ मा आइ.एल.ओ अधिवेशन (कन्भेन्सन) नं १६९ लाइ स्वीकार गरेको छ । अधिवेशनको अनुच्छेद १ मा आदिवासी जनजातीलाइ परिभाषित गरेको छ भने अनुच्छेद ६ मा यस्ता समुदायहरुको विचार बुझनको लागि उनीहरुको प्रतिनिधित्व गर्ने संस्थाको मार्फत उपयुक्त प्रक्रिया अनुरूप छलफलको कार्यक्रम आवश्यक भएको उल्लेख गरेको छ । यदि प्रत्यक्ष प्रतिकूल प्रभाव परेमा कानूनी तथा प्रशासनिक उपाय समेत दिईने छ । अनुच्छेद १५ ले आदिवासी जनजातीलाइ सम्भव भए सम्म प्राकृतिक श्रोत र सम्पदाको उपयोग फाइदाहरुमा सहभागी गराउने र कुनै किसिमको क्षति भएमा उचित क्षतिपुर्तिको व्यवस्था गर्नुपर्ने कुरा उल्लेख गरेको छ ।

विश्व बैँकको वातावरणीय तथा समाजिक स्ट्याण्डर्ड ई.एस.एस-७ ले आदिवासी जनजाति समुदायहरुको सहभागीमुलक सार्वजनिक छलफल तथा सांस्कृतिक मान्यता अनुरूप लाभको सुनिश्चित गर्नुको साथै सकेसम्म यस्तो प्रतिकूल प्रभावहरुलाई निषेध गर्ने र यदि निषेध गर्न नसकिएमा कम गर्न अथवा क्षतिपुर्ति दिने व्यवस्था विश्व बैँक ऋण सहयोग आयोजनाले गर्नुपर्छ ।

## स्वतन्त्र अग्रिम जानकारी सहितको मन्जुरी (एफ.पि.आई.सि.) को आवश्यकता

अन्तराष्ट्रिय मानव अधिकार मापदण्डको रूपमा विकसित हुँदै गइरहेको स्वतन्त्र अग्रिम जानकारी सहितको मन्जुरी अवधारणाले आदिवासी जनजातिको जल, थल र चर माथिको आरमा निर्णय र सामूहिक अधिकारलाई बुझाउँछ । स्वतन्त्र अग्रिम जानकारी सहितको मन्जुरी (एफ.पि.आई.सि.) विशेषतः आदिवासी जनजातिका सामूहिक अधिकार तथा निर्णय आफुले छानेको प्रतिनिधि र प्रचलित प्रथा वा संगठनद्वारा सरकारी आयोजनाहरू (जुन उनीहरूको जग्गा, भु-भाग र श्रोत क्षेत्रमा) निर्माण स्वीकृत हुनु पूर्व मन्जुरी दिने वा नदिने भन्ने प्रक्रियालाई बुझाउँछ ।

नेपालको प्रचलित कानूनी प्रावधान अनुसार स्वतन्त्र अग्रिम जानकारी सहितको मन्जुरी (एफ.पि.आई.सि.) संबन्धि स्पष्ट रूपमा कुनै छुट्टै नीति नियम नभए तापनि नेपालको संविधानको अनुच्छेद ५९, सहायक अनुच्छेद जे.(८) ले यदि आदिवासी जनजाति संबन्धि कुनै निर्णय गर्नु परेमा उनिहरूको मन्जुरी/राय लिनु सकिने कुरा उल्लेख गरेको छ ।

स्वतन्त्र अग्रिम जानकारी सहितको मन्जुरी (एफ.पि.आई.सि.) को मापदण्ड वारे विश्व बैकको वातावरणीय तथा सामाजिक स्टाण्डर्ड ई.एस.एस.-७ मा स्पष्ट रूपमा उल्लेख गरेको छ । तापनि कमला-डल्केवर-पथलैया सडकखण्डको आयोजनाको स्तरोन्नतीको क्रममा आदिवासी, जनजाती समुदायको सामूहिक रूपमा परापूर्वकाल देखि भोगचलन गर्दै आएको जग्गा, परम्परागत व्यवसाय प्राकृतिक सम्पदामा, सांस्कृतिक व्यवहारहरू, हेरिटेज साइट, मठ मन्दिर, माने, पाटिपौवा आदि कुनैमा पनि प्रतिकूल प्रभाव पर्ने तथा यस्ता समुदायको सामुदायीक भावना गाँसिएको परम्परागत वासस्थानको स्थानान्तरण पनि गर्नु पर्ने देखिएकोले स्वतन्त्र अग्रिम जानकारी सहितको मन्जुरी (एफ.पि.आई.सि.) गर्नुपर्ने देखिदैन । तैपनि स्वतन्त्र अग्रिम जानकारी सहितको मन्जुरी स्वतन्त्र अग्रिम जानकारी सहितको मन्जुरी (एफ.पि.आई.सि.) को आवश्यकता विस्तृत सामाजिक र वातावरणीय प्रभाव मूल्याङ्कन अध्ययन तथा विस्तृत इन्जिनियरिङ डिजाइन (डिटेल्ड डिजाइन) बाट निश्चित गरिने छ ।

## ५. आदिवासी, जनजाती विकास योजना (आई.पि.डि.पि.) को तयारी

यदि यस आयोजनाले आदिवासी, जनजाती समुदायमा प्रतिकूल प्रभाव पारेमा आदिवासी, जनजाती विकास योजना तयार गरिने छ । विस्तृत इन्जिनियरिङ डिजाइन (डिटेल्ड डिजाइन) को चरणमा गरिने सामूहिक छलफलबाट आदिवासी, जनजाती समुदाय र उनिहरूसंग गाँसिएको सामुदायीक भावना यस आयोजना अर्न्तगत पर्छ कि पर्दैन भन्ने निश्चय गरिनेछ । कमला-डल्केवर-पथलैया सडकखण्ड आयोजना विस्तृत वातावरणीय र सामाजिक प्रभाव मूल्याङ्कन (ई.एस.आई.ए.) अध्ययनको लागि उत्तरदायी हुने तथा आदिवासी, जनजाती समुदाय, उनीहरूको संघ संस्था र संगठनको मद्दतद्वारा वातावरणीय तथा सामाजिक व्यवस्थापन योजना (ई.एस.एम.पि.) तयार गर्नुपर्ने हुन्छ । ई.एस.आई.ए. ले आदिवासी, जनजातीको डेमोग्राफि, सामाजिक, सांस्कृतिक, आर्थिक र आदिवासी, जनजाती सामाजिक संगाल सम्बन्धी सूचना जम्मा गर्छ । त्यस्तै गरेर अर्थपरक सार्वजनिक छलफलद्वारा समुदायबाट प्राप्त सुझाव तथा प्रतिक्रियाहरूलाई आयोजनाको इन्जिनियरिङ डिजाइनमा समावेश गरि आयोजनाको लागी एउटा ठूलो समर्थन आदिवासी, जनजाती समुदायको तर्फबाट लिइनेछ । उक्त आदिवासी, जनजाती विकास योजना (आई.पि.डि.पि.) को ई.एस.आई.ए. को सार्वजनिक छलफलद्वारा प्राप्त प्रतिक्रिया, विचार, अनुरोध तथा सुझावको निचोडबाट तयार गरिन्छ ।

## ६. कार्यान्वयन व्यवस्थापन

केन्द्रीय स्तरमा यस आयोगना कार्यान्वयन व्यवस्थापनको लागि भौतिक योजना तथा निर्माण मन्त्रालय कार्यकारी निकाय हुनेछ र सडक विभागको विकास सहायता कार्यान्वयन महाशाखा (डि.सि.आई.डि.) आयोगनाको योजना तर्जुमा कार्यान्वयन तथा समन्वयको सम्पूर्ण कामका लागि जिम्मेवार हुनेछ। आयोगना समन्वय शाखा (पि.सि.यु.) यस आदिवासी जनजाती योजना तर्जुमाको रूपरेखाको आधारमा आदिवासि जनजाति विकास योजना तर्जुमा र कार्यान्वयन गर्न पूर्ण रूपमा जिम्मेवार हुनेछ। स्थानीय तहमा रहेको आयोगना कार्यालयले आदिवासि जनजाति विकास योजना कार्यान्वयनको जिम्मेवारी वहन गर्नेछ। नगरपालिका तथा बाढा तथा थुपै मन्त्रालयहरू जस्तै गृह, अर्थ, कृषि तथा पशुपंछी साथै सहकारी, वन, स्वास्थ्य, शिक्षा खेलकूद आदि संग आई.पि.डि.पि. तयार गर्ने बेलामा छलफल गरिने छ। त्यस्तै गरेर आई.पि.डि.पि. तयार गर्ने बेलामा र कार्यान्वयन गर्ने बेलामा आयोगनासंग संबन्धित सामुदायिक संघ संस्थाहरू (सि.वि.ओ.), गैर सरकारी संस्थाहरू (एन.जि.ओ.), र नागरिक समाजलाई उतिकै महत्व दिइनेछ। आदिवासि जनजाति विकास योजना कार्यान्वयनमा वहन गर्नुपर्ने सम्पूर्ण दायित्व आयोगना प्रमुखले वहन गर्नेछन्।

## ७. सरोकारवाला व्यक्तिसंगको सार्वजनिक छलफल तथा सार्वजनिकरण

आदिवासी जनजाती योजना तर्जुमाको रूपरेखा र आदिवासी जनजाती विकास योजनामा सहभागीमुलक दृष्टीकोणबाट उनीहरूको सक्षम भूमिकालाई आयोगनाको योजना तर्जुमा र विकास प्रक्रियामा प्रयोग गरिनेछ। आयोगनाको इन्गिनियरिङ डिजाइनमा आयोगनाको सम्पूर्ण कार्यक्रम आदिवासी जनजाती समुदाय र उनीहरूको घरधुरीमा पर्न सक्ने प्रतिकूल प्रभाव निश्चीत गरी पूर्णता दिइनेछ। आयोगना कार्यान्वयनको दौरानमा पर्न गएको प्रतिकूल प्रभाव परेका आदिवासी जनजातीको विचार आवश्यकता प्राथमीकता बुझ्नको लागि व्यक्तिगत र सामुहिक छलफल गरिनेछ। यस्तै गरि आयोगनाको प्रतिकूल प्रभाव र फाउंडाको बारेमा बुझाउनको लागि छुट्टै अक्षित सामुहिक छलफल पनि गरिनेछ। परियोजना सम्बन्धी सुचनाहरू छापा तथा विधुतिय माध्यमबाट, सार्वजनिक परापर्श/स्थानिय परापर्श फोरम बैठकहरूको दौरान तथा प्रभावित परिवारहरू र संस्था संग प्रत्यक्ष छलफलका दौरान प्रसारण र सार्वजनिकरण गरिने छ।

## ८. उजुरी सम्बोधन संयन्त्र

विशेष गरेर उजुरी सम्बोधनको लागि आयोगनास्तरमा उजुरी निवारण संयन्त्रको स्थापना गरिनेछ। जसमा दुई तहको उजुरी निवारण समिति, एउटा आयोगना स्तरमा र अर्को सडक विभागको केन्द्रिय कार्यालयमा हुनेछ। आयोगनास्तरको उजुरीहरूलाई आयोगना स्तरमै रिफर्ड राखी विश्लेषण गरिन्छ र थप सम्बोधनको लागि केन्द्रिय तहमा पेश गरिनेछ। केन्द्रिय तहको उजुरी निवारण कमिटिले उचीत निर्णय लिई उक्त निर्णय सहितको उजुरी प्रस्तुतिकरणको लागि पुनः आयोगनास्तरमै पठाईनेछ। यसैगरी उजुरी निवारणको संयन्त्र आयोगनाको समयवधिभरी चालु हुनेछ।

## ९. अनुगमन तथा मूल्याङ्कन

आदिवासी जनजाती विकास योजनाको नियमित अनुगमन सडक विभाग अन्तर्गत विकास सहायता कार्यान्वयन महाशाखाले परामर्शदाताको सहयोगमा गर्नेछ। त्यसैगरी सडक विभागले सहभागीतामुलक अनुगमनको लागि आयोगनाको कर्मचारी, एन.जी.ओ., आयोगना प्रभावित समूह र स्थानीय संघ संस्थाको

सहयोगमा त्रैमासिक अनुगमनको व्यवस्था गर्नेछ । अनुगमन सूचकहरु आदिवासी जनजाती विकास योजना निर्माणको बेलामा तयार गरिनेछ । साथै उपयुक्त आन्तरीक तथा बाह्य अनुगमन र प्रतिवेदनको खाका तयार गरिनेछ । विशेषगरी अनुगमनले आदिवासी जनजाती समुदायको जीवनस्तर पुनर्स्थापना अथवा सुधार भए नभएको, आयोजना प्रभावितलाई उचित सहयोग, रोजगारीको स्थिती, जिविकोपार्जनको अवस्था जस्ता विषयहरुलाई केन्द्रित गर्नेछ ।

## **CHAPTER- 1: INTRODUCTION**

### **1.1 Background**

The Government of Nepal (GoN) has requested financial support from the World Bank (WB) to prepare and implement the Strategic Road Connectivity and Trade Improvement Project (SRCTIP). Amongst other activities the proposed project will support the upgrading of the 130km Kamala-Dhalkebar-Pathlaiya (KDP) road, and will support periodic maintenance within the strategic roads network (SRN). This Indigenous Peoples Planning Framework (IPPF) provides the policy, process and procedures to inform the preparation of Indigenous Peoples Development Plans (IDPD) in relation to the upgrading of the KDP road (under Component 2 Regional Road Connectivity), and in relation to the periodic maintenance activities (under Component 3 Institutional Strengthening). Feasibility studies for the KDP road are underway and the locations of the proposed periodic road maintenance have not been determined. During project implementation, when project ESIA's are developed, IPDPs will be prepared according to this IPPF. The IPPF has prepared relevant strategies in accordance with GON and the World Bank's Environmental and Social Standard (ESS) 7 on Indigenous Peoples. The IPPF is developed at this feasibility stage of KDP road sub- project given that the exact scale of impacts of project activities have not yet been determined. Details of impacts will be determined when the ESIA is conducted during the detailed design phase.

### **1.2 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 the Mahendra Highway as a strategic corridor and is firmly committed to upgrading the 130km KDP road to a standard 4-lane road. Improvement and upgrading activities will involve the 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, within the 366-km Kakarbhitta–Pathalaiya (KP) corridor of the Mahendra Highway, passes through districts of Dhanusa, Mahottari, Sarlahi, Rautahat and Bara of Province 2.

The KDP road is currently under the stage of feasibility study and detailed design has yet commenced. An Environmental and Social Assessment (ESA) of the KP corridor was carried out to screen strategic environmental and social issues of the corridor and to inform the detailed ESIA that will be carried out at the detailed design phase of the KDP road. KDP road detailed design expected to be completed within the first year of the project implementation and an 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 years. Under periodic maintenance program for the preservation of road assets, 3,200 lane-km from within the core highway network would be taken up during the project duration.

### **1.3 Objectives of IPPF**

The principal objectives of the IPPF are to:

- i. Ensure that the undertakes consultations with IP communities wherever they are affected
- ii. Achieve free, prior and informed Consent (FPIC) with IP communities, as required
- iii. Ensure that project benefits are accessible to IP communities living in the project area
- iv. Avoid any adverse impacts on IP communities to the maximum extent possible and if unavoidable ensure that adverse impacts are minimized and mitigated
- v. Ensure the participation of IP communities in the entire process of preparation, implementation and monitoring of sub-project activities
- vi. Minimize further social and economic imbalances within IP communities; and
- vii. Develop the appropriate training / income generation activities in accordance to IPs own defined needs and priorities.

### **1.4 Potential Issues and Impacts on IPs**

The potential risks and impacts related to IPs from the proposed upgrading of the existing KDP road have been primary assessed based on available information and knowledge of the existing corridor. However, as the feasibility study is ongoing and detailed design has not commenced, detailed impacts have not been assessed. Based on the current primary screening, it is unlikely that the project will cause any adverse impacts to land of IP communities, give that land acquisition is not expected. It is also unlikely to cause the relocation of IP groups from their land, and it is unlikely to have significant negative impacts to the cultural heritage of IP groups. The possible potential impacts related to IPs could be summarized as followed.

Whilst 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 such as improved road access. 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. . 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. Measures to address impacts resulting from labor influx will be specified in the project's Labor Management Plan (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 finalization of the relevant ESIA and the impact on the IPs are identified, the project will develop a separate IPDP which may include some IP specific programs which will be prepared and implemented to minimize adverse impacts whilst maximizing project benefits to IPs. These program activities are proposed based on the assessment of project impacts, both positive and negative, and on the consultation and feedback of concerns and requests from IP communities.

## CHAPTER-2: SITUATION OF IP COMMUNITIES IN THE PROJECT AREA

As per ESS7, the term “indigenous peoples” (IPs) is used in a generic sense to refer exclusively to a distinct social and cultural group possessing the following characteristics in varying degrees:

- a) Self-identification as members of a 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 dialect, 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. The National Foundation for Upliftment of Adivasi/Janjati Act (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 a whole are generally considered to be a 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 undertaking 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 a 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 non-government services, industry and commerce.

Considering their diverse socioeconomic status, the 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 Adivasi Janajatis				
	Endangered (10)	Highly Marginalized (12)	Marginalized (20)	Disadvantaged (15)	Advantaged (2)
<b>Mountain (18)</b>		<i>Shiyar, Shingsawa (Lhomi), and Thudam</i>	<i>Bote, Dolpo, Larke, Lhopa, Mugali, Tokpegola, and Walung</i>	<i>Bara Gaule, Byansi (Sauka), Chhairotan, MaparphaliThakali, Sherpa, Tangbe, andTingaulleThakali</i>	<i>Thakali</i>
<b>Hill (24)</b>	<i>Bankariya, Hayu, Kusbadiya, Kusunda, Lepcha, and Surel</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, &amp;Hyolmo</i>	<i>Newar</i>
<b>Inner Terai (7)</b>	<i>Raji, andRaute</i>	<i>Bote, Danuwar, and Majhi</i>	<i>Darai, and Kumal</i>		
<b>Terai (10)</b>	<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 for any particular group. The indigenous (Adivasi Janajati) communities of the project area although belong to a different ethnicity and/or group, and share a 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 National and international laws and policies

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.

14<sup>th</sup> 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

### **3.2 World Bank policy**

The World Bank ESS7 on indigenous peoples 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.

#### *Free and Prior Informed Consent (FPIC)*

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. 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 this regard, although Nepal does not have an explicit legal and policy provision on FPIC, the Constitution of Nepal 2015, Article 51, Sub article J (8) has some implicit elements requiring FPIC 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 to protect and promote traditional knowledge, skills, culture, social traditions and experience of the indigenous nationalities and local communities.

The upgrading of the KDP road and periodic road maintenance work are unlikely to cause:

- Adverse impacts on the land nor natural resources subject to traditional ownership or under customary use or occupation
- The relocation of any IP community from their location with collective attachment
- Any significant impacts on the cultural practice/ heritage sites, ceremonial or spiritual aspects of affected of IP communities

According to the above criteria, the project will likely not require FPIC of the Indigenous community. However, if any of the sub projects fall within the above mentioned criteria, the process of obtain FPIC from IP communities will be undertaken. The ESIA carried out during detailed design will determine the extent of any impacts on IPs and whether FPIC is required.

## **CHAPTER-4 PREPARATION OF THE INDIGENOUS PEOPLES DEVELOPMENT PLAN (IPDP)**

### **4.1 Steps for IPDP preparation**

An IPDP will be prepared if it is determined that IPs are present in or have collective attachment to the subproject area. The steps for preparing an IPDP are as follows:

- i. Screening to identify whether IP communities are present in or have collective attachment to the project area
- ii. Social assessment and analysis to address the social concerns of the sub-project area from identified IP groups
- iii. Identifying the views of the affected IP communities at each stage of the project, and particularly during project preparation
- iv. Where FPIC is determined to be required, conduct FPIC according to ESS7, with the FPIC process documented
- v. Where FPIC is determined to not be required, meaningful consultation is needed, and with the consultation process process
- vi. Determining 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. Preparation the IPDP and obtaining approval of and disclosure by DoR-DCID and the World Bank
- viii. Conducting monitoring and reporting.

#### ***Screening***

During the planning and design phase of the subproject, a screening survey will be carried out based on group discussions with the communities in the sub project area in order to identify the presence of any IP communities which have a collective attachment to the subproject area. Apart from consultations with community members, consultations and in depth interviews will also be carried out with the NGOs working in the area and with representatives of local self-government. The screening will look into the details of IP households, assessing the number of such households in proposed sub project area. If the result shows that there are IP communities, issues related to the community will be included in the ESIA survey.

#### ***Social Impact Assessment***

The project will be responsible for conducting the ESIA and the development of an action plan with the help of IP communities and organizations working for them. The ESIA will

gather relevant information on demographic, social, cultural, economic and networking aspects of each household and needs of the community as a whole. Discussions will focus on both positive and negative impacts of the sub project. The suggestions and feedbacks of the community taken through meaningful consultations will be incorporated on the design hence to ensure the broader community support for the project.

#### **4.2 Suggested format for the IPDP**

The suggested format for the IPDP is as follows:

- Summary of targeted social assessment, including the applicable legal and institutional framework and baseline data. Baseline data to include: gender disaggregated data on number of IP households by impact category; social, cultural and economic profile of the households/communities; land tenure information
- Description of sub projects and implications for IP communities
- Summary of the results of meaningful consultations tailored to IP communities
- Summary of FPIC exercise when relevant (since FPIC is not expected to be required, consultation exercise needs to be documented)
- Findings of the needs assessment of the IP communities
- Community development plan based on the results of need assessment
- Modalities to ensure regular and meaningful engagement with the community
- Institutional arrangements and linkages with other national or state level programs
- Institutional mechanisms for monitoring and evaluation of IPDP implementation and grievance redress
- Implementation schedule and cost estimate for IPDP implementation

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

#### **4.3 Sub-Project Approval**

In the event that the sub-project has an IP group in its subproject area, the project shall not approve the subproject until a satisfactory IPDP has been prepared and shared with the affected IP community. When a standalone IPDP is not needed because the majority of beneficiaries of the sub component are specific IP HHs, the project design should ensure that all elements of ESS7 are incorporated into 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 DoR-Development Cooperation Implementation Division (DCID) is the key implementing agency. For all sub-projects forthcoming under this project, a project coordination Unit (PCU) will be established within DCID, headed by the Project Manager (PM). This PCU will be responsible for the overall planning, budgeting, approval and implementation of the 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 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 the IPDP

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

### 5.1 Key Milestones Linked with the Project Implementation

The following table provides the key milestones associated with the project implementation of the IPPF.

**Table 2: Key Milestone Linked with the Project Implementation**

<b>Project Milestone</b>	<b>Description</b>	<b>Activities</b>	<b>Responsibility</b>
Feasibility Study (By July 2020)	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,	➤ Need to conduct Detailed design	➤ DoR-DCID ➤ Design Consultant

(By February 2021)	nature infrastructure and alternative alignment will be identified, and corresponding design will be finalized	<ul style="list-style-type: none"> <li>➤ Identified Social Adverse impact</li> <li>➤ Identify private asset loss</li> <li>➤ Identified public properties loss</li> <li>➤ Identified relocation activities of public utilities</li> <li>➤ Meaningful Consultation with the IPs</li> <li>➤ Identified impact related to IPs community</li> <li>➤ Information disclosure of the project</li> </ul>	
E &S Assessment (By March 2021)	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.	<ul style="list-style-type: none"> <li>➤ Identification of the affected IP Communities</li> <li>➤ Impact on natural resources subject to traditional ownership and customary use</li> <li>➤ Impact on IP communities and their social economical and political institutions</li> <li>➤ Types of Impact</li> <li>➤ Proposed Mitigation measures</li> <li>➤ Preparation of IPDP</li> <li>➤ Preparation of CESMP</li> </ul>	➤ ESIA Consultant
Bidding and Contract (By July 2021)	Based on the Detailed Design and E&S study the findings are incorporated in the bid document. The	➤ Include CESMP& LMP in bidding document	DoR-DCID CSC



	bidders are examined and selected, and the contract will be awarded to the successful bidders.	<ul style="list-style-type: none"> <li>➤ Include various plan related to environment and social safeguards</li> <li>➤ Incorporation of the requirement in the contract document</li> </ul>	
Construction (By July 2023)	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	<ul style="list-style-type: none"> <li>➤ Implementation of the IPDP</li> <li>➤ Mitigation of the Potential Impact</li> <li>➤ Enhancement of the benefit</li> <li>➤ Monitoring of the IPDP implementation</li> </ul>	<ul style="list-style-type: none"> <li>➤ DoR-DCID-Safeguards team, Project</li> <li>➤ CSC Safeguards team</li> </ul>
Closure (July 2024)	This is also called the end of the implementation at this stage the project almost implemented	<ul style="list-style-type: none"> <li>➤ Monitoring and Evaluation of the IPDP and Post Audit</li> </ul>	<ul style="list-style-type: none"> <li>➤ DoR- DCID Safeguards team and project</li> </ul>

**5.2 Implementation of the Specific Measures to IPs**

Specific implementation measures for IPs are outlined in table below. The 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
<b>A. Inclusion</b>		
<ul style="list-style-type: none"> <li>• Ensure awareness raising, active participation and capacity building of the IP communities</li> <li>• Ensure of participation in awareness campaign, project implementation and monitoring</li> <li>• Ensure equal wages for similar work during implementation</li> <li>• Launch project information campaign to inform the target groups about the key features of the project and sub project.</li> </ul>	GON	DoR-DCID
<b>B. Program &amp; Planning</b>		

Proposed Strategies	Sources of Funding	Agencies Responsible
<ul style="list-style-type: none"> <li>• Asses and analyze the presence of IP communities in sub-project and sites</li> <li>• Treat and support IPs, preferentially</li> <li>• Involve IPs in beneficiary groups to increase their participation.</li> <li>• Define training/income generation activities based on the identified needs and priorities of IP in the subproject area.</li> </ul>	GON	DoR-DCID-PCU CSC
<b>C. Capacity Building</b>		
<ul style="list-style-type: none"> <li>• Conduct project related meetings in indigenous community areas to encourage their participation. Ensure a quorum which includes representation from IP groups.</li> <li>• Provide targeted assistance/training aimed at IP groups to enhance livelihoods and participation in the subcomponents</li> <li>• Built in awareness campaign about the project in the subproject</li> <li>• Build capacity of indigenous peoples, promoting necessary knowledge and skills to participate in subcomponent activities</li> <li>• Develop capacity through trainings on application of Agriculture Information system to small farmers</li> </ul>	GON	DoR-DCID-PCU CSC

## **CHAPTER-6 STAKEHOLDER ENGAGEMENT, DISCLOSURE, AND GRIEVANCE MECHANISM**

### **6.1 Stakeholder engagement and information disclosure**

The development of the IPPF/IPDP will follow a participatory approach to enable IPs to have a role in the project planning and development process. Once detailed design is finalized, the detailed project activities and location of the IP communities and impacts on IPs community and IPs households will be determined. IPs that be impacted due to the implementation of the project were 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. Based on ESIA findings, an 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 IPs. The project's IPPF includes a strategy for the ongoing involvement of IPs 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.

Outcomes of IPPF/IPDP programs and plans developed for indigenous will be disseminated using appropriate means of communication. The Regional Connectivity Improvement component, and the Institutional Strengthening component of SRCTIP 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, FGDs, 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.

## **6.2 Grievance Redress Mechanism**

In order to address the incoming grievances in regards to the implementation of the SRCTIP- Regional Connectivity Improvement and Institutional Strengthening Component, a two level grievance redresses committee will be formed; one at the project level and next at the Central DOR level. The project level GRC will record all grievances received at the site office and will analyze the grievances, and will submit its recommendation to the central level GRC for further action. The Central Level GRC will make a decision regarding the grievance and will forward the decision to the project level GRC for disclosure to the grievant. Grievances related to labor will be redressed through the GRM outlined in the LMP, and a separate GRM will be established to receive any grievances related to gender-based violence (GBV). The grievant 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 (SEP) developed for the project.

## **CHAPTER-7 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 the IPDP will be monitored both internally and externally with the objective of providing feedback to management on implementation of the IPDP and to identify 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 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 maintained 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 IPPF 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 households 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 environmental and social (E&S) team through the help of the consultant to verify:

- Actions and commitments described in the IPDP are implemented fully on time;
- 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 will submit the report to the World Bank on a 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.