

Indigenous Peoples Development Planning Document

Indigenous Peoples Development Framework
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DRAFT INDIGENOUS PEOPLES DEVELOPMENT FRAMEWORK

A. Background

1. The proposed Project adopts a two-stage process-type approach. The first two years of the Project will be concentrating on building capacity for (i) the Ministry of Provincial Councils and Local Government (MPCLG), (ii) Provincial Councils, and (iii) Local Authorities (LA). From year three onwards, basic infrastructure and services delivery will be implemented through loan and grant disbursement from the Local Loan and Development Fund (LLDF) to PCs. Through a participatory approach, an LA selection criteria has been developed.¹ The selected LAs will undertake subprojects under the following categories: (i) communal water supply; (ii) urban roads, (iii) urban drainage; (iv) solid waste management; and (v) municipal facilities. The selection of subprojects is based on the following: (i) project design and feasibility reports; (ii) environmental impacts; (iii) social impacts; (iv) LA priorities; (v) LA attributes (governance, social equity, finance, and standard of infrastructure development); and (vi) impact on LA staffing, resources, and operations and maintenance costs. Subproject selection and design will be primarily through a participatory process.

B. Indigenous Groups

2. Indigenous peoples (IPs) are defined as those having a distinct social, cultural, economic, and political traditions and institutions compared with the mainstream or dominant society.² In Sri Lanka, *veddas* retain a number of social and cultural traditions, and distinct economic activities such as group hunting, food gathering, and fishing. While most *veddas* are assimilated to and are integrated with main communities; there are instances that they do not enjoy full access to all public physical infrastructure and social amenities primarily because of their location. The Government does not have specific policies to assist *veddas* preserve traditional identities as indigenous peoples. *Veddas* also often prefer not to be recognized as IPs due to the social stigma attached to such a classification. This makes it difficult to obtain information regarding their population, location, livelihood, and other socio-economic characteristics.

3. During project preparation, extensive community consultations were undertaken in 24 LAs. These include (i) key informant interviews; (ii) focus group discussions with stakeholders including potentially vulnerable groups, nongovernmental organizations (NGO), and community based organizations (CBO); (iii) participatory needs assessment aimed at identifying basic infrastructure needs and priorities; (iv) strengths-weaknesses-opportunities-threats analysis involving stakeholders; and (v) questionnaires for potential beneficiaries. Analysis of data shows

¹ In developing the criteria, four parameters were examined: (i) involvement of citizens and community-based organizations in decision making at the local-level, complaint redressal system, availability of qualified and trained personnel in LA for project implementation, physical and economic plans and the degree of computerization of the administrative process; (ii) social equity focusing on issues of poverty, gender, and multicultural representation; (iii) LA financial management particularly tax collection, non-grant revenues, accounts, audits, outstanding loans and fixed deposits; and (iv) infrastructure deficiency in terms of lack/deficiency of water supply, tertiary roads, drainage, solid waste management, sanitation, community health centers, and the status of operations and maintenance of existing infrastructure.

² ADB uses the following characteristics to define IPs: (i) descent from population groups present in a given area before territories were defined; (ii) maintenance of cultural and social identities separate from dominant societies and cultures; (iii) self identification and identification by others as being part of a distinct cultural group; (iv) linguistic identity different from that of dominant society; (v) social, cultural, economic and political traditions and institutions distinct from dominant culture; (vi) economic systems oriented more toward traditional production systems rather than mainstream; and (vii) unique ties and attachments to traditional habitats and ancestral territories.

that Sinhalese comprise the dominant ethnic group in LAs that will be benefited by the Project, except in the North and East provinces where Tamils are the dominant group. Muslims are spread in all LAs as the second largest ethnic group, with the exception of the Kattankudi LA in the East Province, where they comprise 98% of the population. There are other ethnicities such as Malay and Burger communities in a few LAs in the Northwest and West Province. During field visits, it was noted that there are *veddas* in Mahiyangane and Monaragala Districts. However, these Districts are not among the LAs currently shortlisted for the Project. It was also noted during field surveys that *veddas* are well integrated into the larger community compared with their previous generations and compared with other areas. In view of this, the likelihood of subprojects affecting IPs is small. Further, subproject selection prioritizes rehabilitation over new construction of basic social infrastructure, avoiding land acquisition and consequent resettlement, and subproject siting in built-up areas. Despite the small likelihood, there is a possibility that subprojects and LAs that would be identified during project implementation may have some impact on *veddas*.

C. Indigenous Peoples Development Framework

4. The Indigenous Peoples Development Framework (IPDF) is intended to guide the preparation of subprojects to *veddas* have opportunities to participate in and benefit equally from the Project. In cases where significant impacts on *veddas* are identified, the IPDF will be used in subproject preparation together with ADB's *Indigenous Peoples Policy* (1998).

5. A full Indigenous Peoples Development Plan (IPDP) is required if there exists:

- (i) adverse impacts on IP customary rights of use and access to land and natural resources;
- (ii) negative effects on IP socioeconomic and cultural integrity;
- (iii) effects on health, education, livelihood, and social security status of IPs; and/or
- (iv) other impacts that may alter or undermine indigenous knowledge and customary institutions.

6. If impacts are not significant, specific actions in favor of IPs can be incorporated within the Resettlement Plan (RP) formulated for the subproject. This will include additional assistance for IPs as vulnerable groups. This would ensure appropriate mitigation of adverse project impacts on IPs and enhancement of project benefits for IPs.

7. The IPDP policy framework is based on the overall local and national development strategies and ADB's *Policy on Indigenous Peoples* (1998). The principal objectives are to:

- (i) ensure IPs affected by any subproject will benefit from the Project;
- (ii) ensure IPs inclusion in the entire process of preparation, implementation, and monitoring of Project activities;
- (iii) ensure benefits of subprojects are available to IPs more than or at least equal to other affected groups; this may require giving preference to IPs as vulnerable groups over others on certain benefits under the Project; and
- (iv) provide a base for IPs in the area to receive adequate development attention.

D. Procedures for IPDP Preparation

8. The IPDF seeks to ensure that IPs are informed, consulted, and mobilized to participate in the subprojects. Their participation can either provide them benefits with more certainty, or

protect them from any potential adverse impacts of the subproject. The main features of IPDP will be a preliminary screening process, a social impact assessment to determine the degree and nature of impact of each subproject, and an action plan developed, if warranted. Consultations with and participation of IP communities, their leaders, and local government representatives will be an integral part of the overall IPDP.³

1. Preliminary Screening

9. The LA will study all IP communities and villages within and in the vicinity of the proposed subproject area. The LA will arrange public meetings at selected communities to provide information regarding the proposed subproject. During these meetings, community leaders and other participants will be given an opportunity to present their views and concerns.

An initial screening will check for the following:

- (i) Name(s) of IP community group(s) in the area;
- (ii) Total number of IP community groups in the area;
- (iii) Percentage of IP community population in the area compared with the total population; and
- (iv) Number and percentage of IP households to be affected by the subproject site.

10. The LA will prepare an IP assessment checklist provided by the LLDF Project Appraisal Unit (PAU). The results of the preliminary screening will be reviewed by the Subproject Coordination Unit (SPCU) as part of the Provincial Council's preliminary assessment of the subproject. If the results show that there are IP households in the proposed subproject area, a social impact assessment (SIA) will be conducted to capture IP issues and development opportunities that exist in the area.

2. Social Impact Assessment

11. The LA, with technical assistance from the SPCU, will undertake an SIA as part of the detailed technical feasibility report. The SIA will gather relevant information on demographic data; social, cultural, and economic situation; and both positive and negative social, cultural and economic impacts.

12. Information will be gathered through separate group meetings within the IP community, including IP leaders; group of IP men and women, especially those who live in the zone of influence of the proposed subproject. Discussions will focus on positive and negative impacts of the subproject as well as recommendations on the design of the subproject. The SPCU will be responsible for analyzing the SIA and for leading the development of an action plan with the support of IP community leaders. If the SIA indicates that the potential impact of the proposed subproject will be significantly adverse—threatening the cultural practices and IP sources of livelihood, or that the IP community rejects the Project works—the SPCU in consultation with the LLDF PAU will consider other design options to minimize such adverse impacts. If IP communities support the subproject an IPDP will be formulated.

3. Indigenous Peoples Development Plan

³ The IPDPs components are: preliminary screening, social impact assessment, mitigation measures, development assistance, and project monitoring.

13. The IPDP will consist of a number of activities and will include mitigation measures of potentially negative impacts, modification of project design, and development assistance. Where there is land acquisition in IP communities, the Project will ensure their rights will not be violated and that they will be compensated for the use of any part of their land in a manner that is culturally acceptable to the affected IPs.⁴ The IPDP will include:

- (i) Baseline data,
- (ii) Land tenure information,
- (iii) Local participation,
- (iv) Technical identification of development or mitigation activities,
- (v) Institutional arrangement,
- (vi) Implementation schedule,
- (vii) Monitoring and evaluation, and
- (viii) Cost estimate and financing plan.

14. Each IPDP will be developed by the LA with assistance from the SPCU, and each IPDP will form part of the final feasibility report for the subproject. The SPCU will then review and approve the IPDP and forward it to the LLDF PAU and ADB for review and approval before the selection of specific subprojects. The IPDP policy and measures must comply with ADB's *Policy on Indigenous Peoples* (1998).

E. Consultation and Information Disclosure

15. The IPDP will be formulated in consultation with affected IP groups. The mitigation measures and strategies will be presented to them by the LA, SPCU and consultants during community-level workshops. Inputs from the community-level workshops will be considered in subproject design and formulating the final IPDP. The IPDP will be translated into local IP language(s) and discussed with IPs.

16. NGO will be engaged in implementing the IPDP and resolving any dispute arising out of the project implementation process. The Executing Agency (EA) will further ensure that adequate budget will be available to implement the IPDP.

F. Institutional Framework

17. The EA of the Project is MPCLG. A PCU under the EA will manage and coordinate project implementation. The LLDF PAU will provide guidelines in undertaking social assessments in identifying IP issues. SPCUs will be set up as units within the Provincial Councils in each province. The SPCU will assist LAs in undertaking required social assessments (including IP issues) for subprojects. With technical assistance from the SPCU, the LAs, where required, will be responsible for preparing IPDPs for subprojects, and will submit IPDPs to SPCUs for review and approval. Approved IPDPs will be provided to LLDF PAU and ADB's Sri Lanka Resident Mission (SLRM) for review and approval prior to implementation.

18. The LA in coordination and with guidance from the SPCU will prepare, implement, and monitor the IPDP. Since IP issues are sensitive, the EA will ensure that a consultant with knowledge and experience of working among IP groups is available to assist in the planning and implementation of an IPDP. The EA will ensure that the consultant hired to assist in planning and implementation of IPDPs is familiar with ADB's *Policy on Indigenous Peoples* (1998).

⁴ Compensation will be consistent with the Resettlement Policy Framework for the Project.

G. IPDP Budget

19. Each IPDP will have its own budget. The EA will provide sufficient resources to formulate an IPDP for each subproject which will have impacts on IPs. It will implement the IPDP through SPCU with inputs from the LA. A detailed budget will be prepared by the SPCU taking into account all activities associated with the formulation and implementation of the IPDP. Such budgets will be an integral part of the project cost, and will be made available during project implementation.

H. Monitoring and Evaluation

20. Implementation of the IPDP will be monitored regularly. The SPCU will establish a quarterly monitoring system involving the staff of the LAs, representative of affected IP groups, NGOs and CBOs to ensure participatory monitoring arrangements are followed. A set of monitoring indicators will be determined during IPDP implementation. The LLDF PAU will prepare appropriate monitoring formats for effective internal and external monitoring and reporting requirements. Independent monitoring will be undertaken through NGOs and CBOs engaged by the EA in consultation with ADB to carry out external monitoring of the IPDP operations for the whole Project. Monitoring reports will be prepared twice a year during project implementation. These reports will be submitted to the EA and ADB for review. The EA through the SPCUs will be responsible for determining if any follow-up actions are necessary and ensuring any necessary actions are taken regarding the implementation of IPDPs.