

INDIGENOUS PEOPLES ASSESSMENT AND MEASURES INDIGENOUS PEOPLES PLANNING FRAMEWORK

A. The Program, Background and Context

1. The Program

1. The Community Irrigation Project (the project) aims to benefit small scale irrigation sub-projects targeted to marginal and poor farmers having less than 0.5 to 1 hectare land holdings. It will ensure proportionate participation and benefit for women and socially excluded caste and ethnic groups. The project will form and strengthen the water users associations (WUAs), facilitate micro credit schemes for poor farmers, and provide agricultural extension with market linkages. The project will have components for irrigation construction, agricultural services, capacity building that can address the issues of poor and vulnerable groups. The potential irrigation schemes for this project include (i) rehabilitation and upgrading of traditional surface irrigation and development and upgrading of irrigation schemes incorporating water storage where water supplies are limited, (ii) developing lift irrigation schemes on rivers, (iii) providing groundwater irrigation systems in the Terai, and (iv) promoting non-conventional micro-scale irrigation for high value crops in areas short of water. The project will be implemented by a decentralized structure under District Development Committees (DDCs) with a management structure that includes district and central government line agencies, NGOs and the private sector.

2. This Indigenous Peoples Planning Framework (IPPF) provides policy, strategy, process and procedures to understand project impacts on Indigenous Peoples (IPs) and prepare relevant strategies in full compliance with Government of Nepal (GON) and ADB Safeguard Policies for the implementation of sub-projects. Moreover, it ensures that there are no adverse effects on IPs, that interventions are designed with greatest possible reduction of poverty among IPs and that the concerns of IPs are integrated in each cycle of the project.

2. Indigenous Peoples/Ethnic Minorities (IP/EM) in Nepal

Table 1: Poverty Incidence by Caste and Ethnicity in Nepal

Caste and ethnicity	Poverty headcount rate		
	1995/96	2003/04	Change in Percent
Nepal	41.8	30.8	-26
Brahman/Chhetri	34.1	18.4	-46
Dalits	57.8	45.5	-21
Newar	19.3	14.0	-28
Hill Janajati	48.7	44.0	-10
Terai Janajati	53.4	35.4	-34
Muslim	43.7	41.3	-6
Terai middle caste	28.7	21.3	-26
Others	46.1	31.3	-32

Source: CBS 2005.

3. Nepal's complex social structure makes it challenging to define IPs in Nepal. Nepal is a multi-ethnic, multi-lingual, multi-religious and, multi-cultural country, dominated by Hindu caste groups (Brahmin-Chhetri). The 2001 census has identified 100 different social groups in the country with over 92 languages and a mix of Hindu, Buddhist, Kirat, Animism, Christian and Muslim religions. The 2001 Census reports 8.4 million populations of 43 ethnic nationalities. The IPs are known as *adivasi* or *janajati* in the Nepalese context. Some of the key characteristics of IPs are defined as: (i) distinct collective identity; (ii) own language, religion, tradition, and culture; (iii) own traditional relatively egalitarian social structure; (iv) traditional homeland and geographical area; and (v) written or oral history that traces their line of descent back to the occupants of territories before they were integrated in to Nepal within the present Nepali frontiers.

4. Based on these characteristics, the National Foundation of Indigenous Nationalities (NFDIN), a Government founded institution, has recognized 59 different nationalities as IPs/ethnic groups of Nepal who comprise about 37.2% of the country's population of over 25 million. The majority of these IPs are socially, economically, politically and educationally marginalized. The Human Development Index shows considerable disparities among various nationalities/ethnicities and castes and communities, which in some cases are still widening as can be seen in Table 1 above (CBS National Living Standard Survey data comparing 1995/96 with 2003/04).

5. IPs in Nepal are a very heterogeneous group and in the context of this project and framework it is important to distinguish the vulnerable and poor IP from the others. The NFDIN-affiliated National Federation of Indigenous Nationalities (NEFIN) has classified IP into five different categories based on socio economic variables that include literacy, housing, occupation, language, area of residence and population size. This is given in the following table (Table 2). The project has followed this categorization, distinguishing between impacts on the different categories of IPs. The subproject selection criteria for CIP screens out areas where impacts would be felt by IPs in the Endangered category.

Table 2: Indigenous People and their Level of Marginalization

Region	Endangered	Highly Marginalized	Marginalized	Disadvantaged	Advantaged
Mountain	--	Shiyar, Shingsawa (Lhomi), Thudam	Bhote, Dolpo, Larke, Lhopa, Mugali, Topkegola, Walung	Bara Gaunle, Byansi (Sauka), Chhairotan, Marphali Thakali, Sherpa, Tangbe, Tingaule Thakali	Thakali
Hill	Bankariya, Hayu, Kusbadiya, Kusunda, Lepcha, Surel	Baramu, Thami (Thangmi), Chepang	Bhujel, Dura, Pahari, Phree, Sunuwar, Tamang	Chhantyal, Gurung(Tamu), Jirel, Limbu (Yakthung), Magar, Rai, Yakkha, Hyolmo	Newar
Inner Terai	Raji, Raute	Bote, Danuwar, Majhi	Darai, Kumal	-----	-----
Terai	Kisan, Meche (Bodo)	Dhanuk(Rajbansi), Jhangad, Santhal(Satar)	Dhimal, Gangai, Rajbanshi, Tajpuriya, Tharu	-----	-----
Total Number	10	12	20	15	2

Source: NEFIN

6. Advantaged IP, i.e. the Newar (5.5%) and Thakali (0.1%), have sizeable trade communities and presence in the towns resulting in economic clout and integration in the power structures of the country. Their status, interests and issues, notably those of the Newar, are often quite similar to those of the dominant Hindu castes. No special assessments or measures are required for this category.

7. Disadvantaged IP include major ethnic groups like the *Magar* (7.1%), *Rai* (2.8%), *Gurung* (2.4%), *Limbu* (1.6%) and *Sherpa* (0.7%). Most of these hill and mountain groups tended to have in the distant past animal husbandry-based livelihoods, but over the centuries crop farming has become more important. They gradually integrated with the Hindu caste outsiders that entered the hills often with support of kings and armies and became the dominant community in their areas. At present most are marginal farmers with low socio-economic status, and low levels of literacy and access to services and opportunities. Some groups have raised their social or economic status through tourism (*Sherpa*), service in foreign armies (*Magar, Rai, Gurung, Limbu*) and migration. In mixed societies their participation in organizations and decision making structures tends to be low. The project will address barriers to participation through a Consultation and Participation (C&P) plan.

8. Marginalized IP include two major ethnic groups, the *Tamang* (5.6%) in the hills and the *Tharu* (6.8%) in the Terai, and several minor groups. Compared to the disadvantaged group category, these groups did not have opportunities like service in foreign armies and other services, while the minor groups are extra disadvantaged because of their small numbers and subsequent under-representation in decision making and sharing of development benefits. Their literacy and other social development indicators are generally low, and even today many in these groups are in subservient relationships with their dominant patron neighbors, who through their linkages to rulers, economic status and higher education levels, dominate these groups. Many *Tharu*, who lived in bonded labour on land they previously owned, have been freed, and now live as freed *Kamaiya* on small plots of government-donated or illegally occupied land in town neighborhoods and forests and depend on the available on farm and off farm labour. The project will address any barriers to participation through a C&P plan.

9. Highly marginalized and endangered IP concerns groups that are either very small in size (e.g. *Lepcha and Meche*) or are small in size and live far away from any town and did not integrate with the larger society through e.g. schooling and service (e.g. *Raute, Chepang*). All these groups have problems in maintaining their language and their cultural identity as they are too few in numbers or have to give up essential elements of their lives in order to benefit from educational, health and development services. More than 90 % of the population of this group lives in rural areas and their economy is based on agriculture or in the case of *Rautes* on hunting and gathering. The subproject selection criteria will screen out subprojects in areas where endangered IPs live. Participation barriers of highly marginalized IPs will be addressed through the C&P plan.

3. Relevant Legal Framework

10. The legal framework for this IPPF is based on the Interim Constitution of Nepal, the Three Year Interim Plan (2007-2010), sections of the NFDIN Act 2002, National Human Rights Action Plan 2005, Environmental Act 1997, Forest Act 1993 and Community Forestry Guideline; and the ADB Indigenous People's Policy (1998) and ADB Safeguards Policy Statement (2009).

4. Key Positive and Negative Project Impacts on IP

11. Impacts on IPs, whether positive or negative, are generally not different from those on others with the same socio-economic status and land size, like *Dalits* or poor *Chhetris*, because most IPs do not have different types of livelihoods from those other groups. This has been verified by preparation of the first three sample subprojects in Patana, Budhi and Majkot, which had respectively 69%, 24% and 79% socially excluded groups including Dalits and IPs. Inclusion of IPs in the subprojects is expected to be high, as the project targets geographically marginal rural areas where IPs dominate in terms of community population. The subprojects are also community-driven, that is, a subproject will not be prepared unless it has been requested by the community, and it meets screening criteria which includes a requirement that the community is able to form a community mechanism for subproject implementation which has a fair system of grievance redressal, as well as a system for project monitoring and reporting (CIP Resettlement Framework).

12. The project will improve for all beneficiaries, including IPs, the access to irrigation, increase yields and agricultural productivity, and improve food security, incomes and livelihoods.

13. IPs are not expected to be affected seriously or at all by the project whether it is through loss of livelihoods, displacement or impacts on their social and cultural identity. The feasibility study raised the following impacts that might be IP specific, which were addressed through changes to project design or introduction of relevant safeguards:

(i) Traditional rights to water sources. Rights are generally not formalized, but villages normally recognize traditionally held water rights by the various communities in their area. It is however possible that seemingly underused water sources are tapped for a subproject on which unknowingly downstream IP communities depend. Once a subproject is built, the beneficiaries, if from a more dominant caste or ethnic group will probably be able to impose their new rights on the downstream IP communities. Subproject selection criteria screens out any water resources which are the subject of an on-going dispute, and assures no negative downstream impacts.

(ii) Traditional rights to land and forest resources. Especially vulnerable IP like *Raute* or *Chepang* depend for livelihoods on forests. An irrigation canal might cross those forests thereby increasing access and competition for forest produce from other groups or it might enable other groups to convert forest land to irrigated land. Selection criteria screens out such subprojects on environmental grounds.

(iii) Benefit gap. Compared to dominant caste groups, IPs generally have less land, are poorer, less aware and educated and have less access to services and opportunities. As a result IPs will be less able to benefit from any development intervention than the advantaged groups. This issue is basically a socio-economic issue that will be dealt with in the C&P plan.

14. All these concerns are very similar to those of non-indigenous vulnerable groups, notably *Dalits*, other ultra poor and to less extent women. As such the ensuing project is therefore not expected to impact IPs differently than those other vulnerable groups, and issues of gender, land acquisition and participation can be dealt with under the project Gender, RF and

C&P plans. Each subproject will be screened against the subproject selection criteria once it is nominated by the beneficiaries themselves. This process ensures that no IP plans or specific actions will be required for any subproject.

5. Objectives of the Indigenous Peoples Framework

15. The IPPF is prepared to guide the preparation of subprojects under the project to ensure equitable distribution of project benefits for and promote development of the IP/EM along with other disadvantaged groups. The IPPF is developed based on GON national policies/strategies as well as ADB's Indigenous Peoples Policy, and utilizing the findings of the project feasibility study (project preparatory technical assistance). The principal objectives of the IPPF are to:

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

B. Strategy for IP/EM Participation and Realization of Benefits

1. Enhancing Participation

16. Once a community has proposed themselves for a CIP subproject, the District Coordinator and Village-Based Field Team (along with technical specialists related to irrigation and agriculture) will visit the community and collect, along with technical data, basic socio-economic data of the potential project beneficiaries. During this process they will flag any households who may find it more difficult to meaningfully participate relative to local elites. The project Consultation and Participation Plan outlines additional activities for these households, who may be IPs, including coaching and social preparation, to enhance participation.

2. Screening for Negative Impacts and Ensuring Benefits

17. During project reconnaissance by the village-based field team (VBFT) and the District Coordinator, initial screening against the subproject criteria will be undertaken. The subproject screening criteria have been designed to screen out any potential subproject with potential for IP issues, as discussed in Section 4 above.

3. Institutional Arrangement

18. Ultimately IP issues and activities, along with other project safeguards which are inter-related, including capacity building to enhance outcomes for IPs, will be the responsibility of the Monitoring and Evaluation (M&E) Specialist in the Project Coordination Unit (PCU) under the Department of Local Infrastructure Development and Agricultural Roads Executing Agency. The M&E specialist will plan for and train district level implementation staff (district coordinators) in implementation modalities, provide the necessary checklists and design participation measures. VBFTs will undertake subproject screening under the management of district coordinators. IP participation enhancement activities will be carried out by VBFTs.

4. Monitoring and Evaluation

19. The M&E specialist will design the M&E tools and system in order to capture project impacts on all categories of stakeholders. The results of M&E reviews will be captured in quarterly reports as well as specialized M&E reports. The M&E process will take in consultations with other relevant organizations as well as feedback from stakeholders themselves, such as general bodies at district, Village Development Committee (VDC) and subproject level indigenous people issues: e.g. WUA, community-based organizations, NGOs, VDCs, NEFIN's district representatives and District Coordination Committee of IP at DDCs. VDC and subproject data will be complemented by secondary sources such as VDC profiles and Central Bureau of Statistics data for the project areas. For specialized M&E studies, the IP Empowerment Project Report, District Development Profile, VDC and Ward level information will be consulted, and meetings will be held with leaders and NGOs/CBOs representing causes of IPs to assess issues, impacts and options.