Indigenous Peoples Planning Framework

Project Number: 53421-001
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Solomon Islands: Land and Maritime Connectivity Project


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CURRENCY EQUIVALENTS
(as of May 2020)
Solomon Island Dollar – (SBD)
SBD 1.00 = USD 0.466
USD = SBD 2.19

ABBREVIATIONS

ADB  Asian Development Bank
AP  Affected Person, usually abbreviated DP
COL  Commissioner of Lands
CPIU  Central Project Implementation Unit
DMS  Detailed Measurement Study
EA  Executing Agency
FTE  Fixed Term Estate
IP  Indigenous People
km  kilometer
LCMP  Land and Maritime Connectivity Project
LTA  Land and Titles Act
MID  Ministry of Infrastructure Development
MLHS  Ministry of Lands, Housing and Survey
MOFT  Ministry of Finance and Treasury
PE  Perpetual Estate
PMU  Project Management Unit
RP  Resettlement Plan
SPS  Safeguard Policy Statement 2009 (ADB)
TOL  Temporary Occupation License
CONTENTS

Abbreviations ........................................................................................................................................... 2

I.  INTRODUCTION .......................................................................................................................... 4

II. OBJECTIVE AND POLICY FRAMEWORK ................................................................................. 5

   A. Solomon Islands Land Tenure and Ownership ........................................................................ 5
   B. Solomon Islands Land Acquisition and Compensation .......................................................... 0
   C. ADB Policy Requirements ........................................................................................................ 0

III. IDENTIFICATION OF AFFECTED INDIGENOUS PEOPLES ...................................................... 1

   A. Distinctiveness ........................................................................................................................... 2
   B. Vulnerability ................................................................................................................................ 3
   C. Categorization ............................................................................................................................. 3
   D. Conclusion .................................................................................................................................... 4

IV. SOCIAL IMPACT ASSESSMENT ................................................................................................. 5

V.  CONSULTATION, DISCLOSURE, AND INSTITUTIONAL FRAMEWORK ..................................... 5

VI. GRIEVANCE REDRESS MECHANISM ..................................................................................... 6

VII. MONITORING AND EVALUATION .......................................................................................... 6

VIII. BUDGET ......................................................................................................................................... 7

Annex 1 .................................................................................................................................................. Error! Bookmark not defined.
INDEGINOUS PEOPLE IMPACT SCREENING CHECKLIST ............................................................... 8
Annex 2 .................................................................................................................................................. Error! Bookmark not defined.
OUTLINE OF AN INDIGENOUS PEOPLES PLAN ............................................................................. 10
I. INTRODUCTION

1. This Indigenous Peoples Planning Framework (IPPF) was prepared to address potential indigenous peoples (IP) impacts of the proposed Solomon Islands Land and Maritime Connectivity Project (the project). It is noted that in preparatory project screening, no IP impacts were envisaged for the project and the project is classified category C for Indigenous peoples safeguards according to the ADB safeguards policy statement (SPS, 2009). The IPPF however was prepared and outlines the IP policy principles, guidelines, procedures and institutional arrangements for identification and management of any unanticipated IP impacts that may arise during implementation.

2. Solomon Islands is an archipelagic state situated in the south-west Pacific Ocean, approximately 2,000 km to the northeast of Australia. Its land mass of 28,400 km² extends over nearly 1,000 islands comprising nine main island groups. The capital, Honiara, is located on Guadalcanal, the largest island. The population of Solomon Islands is predominantly Melanesian (about 95%) although there are also small Polynesian, Micronesian, Chinese, and European communities. It is noted that 80% of the estimated 2018 population of 670,000 live in widely dispersed villages of just a few hundred people each. The average annual population growth rate is 2.2%. There are 63 distinct languages in the country, with numerous local dialects. English is the official language, but Solomons Pidjin is the lingua franca for the majority of the people. The major economic activities of the population are the production or extraction of primary commodities in the agriculture, fishery, and forestry sectors.

3. The project will be financed under an Asian Development Bank (ADB) concessional loan from ADB’s ordinary capital resources and grant from ADB’s Special Funds resources (Asian Development Fund). The executing agency (EA) will be the Ministry of Finance and Treasury (MOFT) and the implementing agency will be the Ministry of Infrastructure Development (MID) and the Solomon Islands Ports Authority.

4. The project supports the Solomon Islands National Development Strategy (NDS) 2016/17-2019/35 and the National Transport Plan (2011-2030) which sets out a strategic and policy framework to maintain and develop physical infrastructure and transport services, improve the capacity of government agencies and the private sector to deliver services particularly in low income and remote regions and in both rural and urban areas, as a strategic priority towards reducing poverty, improving well-being and enabling more sustainable livelihoods. The project will assist the Solomon Islands Government to increase efficiency of major roads, wharves and port transport services in rural areas of east Guadalcanal Province, Makira and Renbell Provinces, and Honiara City, which includes Town Ground to White River, Mendana Avenue, and Honiara Port subproject areas through to 2025. The combined population of the project areas from the latest Census was at least 82,500 people.

5. The project impact will be an efficient and safe transport system in the Solomon Islands particularly in east Guadalcanal, the central business district, and outer islands. The outcome will be improved land transport connectivity in east Guadalcanal province and Honiara city and improved maritime services in the provinces of Makira and Renbell thereby increasing access to basic social services and income opportunities for both urban and rural project communities. Faster and easier travel will improve access to schools, health centers, and markets. The civil works are also expected to create local employment opportunities for men and women from outsourcing unskilled and semi-skilled local labor or related services at the construction sites.

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1 https://data.adb.org/dashboard/solomon-islands-numbers
Road and maritime safety will be key considerations to help reduce risks from road accidents and fatalities and injuries at sea.

6. The project includes six major construction components whilst supplementing the capacity of the Central Project Implementation Unit (CPIU)/MID by financing and implementation support for the high priority transport improvements under the National Transport Plan and Medium-Term Transport Action Plan. The proposed investment program will complement the Solomon Islands Transport Infrastructure Improvement Program by supporting the government in meeting the NDS objectives.

II. OBJECTIVE AND POLICY FRAMEWORK

A. Solomon Islands Land Tenure and Ownership

7. In the Solomon Islands there are no specific laws and policies that pertain to the rights of indigenous peoples except those that govern matters in relation to land tenure and ownership. In this context 87% of the land is under customary resource tenure, and all-natural resources belong to customary landowners. Inheritance of customary land ownership or user rights differs with custom from island to island. Some islands (including those in Guadalcanal, Central and Western provinces) typically practice matrilineal inheritance, and the remaining provinces practice patrilineal inheritance. The remaining land is considered “alienated” and is subject to registration under the Land and Titles Act (LTA, amended 2014). Within Honiara City Council and provincial capital boundaries, the land is owned by the state and is held in the PE title on behalf of the government by COL. The COL enters into 50-year FTE agreements with individuals or shorter-term temporary occupancy licenses (TOL). A TOL is valid for a period of 1 to 2 years, and permanent structures or improvements are not permitted on this land.

8. All people residing on customary land are either landowners or tenants who have the permission of the landowning clan. Residents on customary land have either formalized status through legal lease arrangements with COL or have agreements with the landowning group under the act. The LTA also governs the government's acquisition of both alienated and customary land. Sections 71 through 85 of the Act deals with the compulsory acquisition of land for public purposes. Compulsory acquisition is very rarely used, if at all, and the default government approach in acquiring land for its development projects is through negotiation with customary landowners. The Customary Land Records Act 1994 [Cap 132] encourages voluntary registration of customary land. Land owning groups of customary land can register their primary rights to customary land if they wish to do so. It is a long process which require publication to inform the public and other groups who may wish to express their interest on the land.

9. In summary, land in the Solomon Islands is managed through two systems: customary land, and Crown or State Land. Customary land makes up about 87% of the land resource tenure, and all-natural resources belong to customary landowners. Under the Constitution of Solomon Islands, customary land is not alienable but is available on leasehold basis for up to 75 years. Only indigenous citizens can acquire a perpetual estate in it. Non-Solomon Islanders can only be granted a lease as prescribed by Parliament. Section 2 of the Land and Titles (Amendment) Ordinance 1977 defined a Solomon Islander as a 'person born in Solomon Islands who has two grandparents who were members of a group, tribe, or line indigenous to Solomon Islands.'

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3 Section 9 Customary Land Records Act [Cap 132].
4 Section 110 Constitution of Solomon Islands.
5 http://www.pacii.org/journals/USPL/vol11no1/pdf/Foukona.pdf
(i) **Crown or State Land.** Crown or state land is alienated land initially held by the Commissioner of Lands (COL) on behalf of the Government. Since the LTA amendment act of 2014, this now falls under the auspices of the Land Board. Crown or State Land can be purchase by individuals or companies through the process of granting, transferring, subleasing, or providing temporary occupation of Government Land;

(ii) **Perpetual Estate.** Perpetual Estate (PE) Title is equivalent to freehold;

(iii) **Fixed-Term Estate (FTE) Title.** COL as holder of PE title grants FTE title to individuals or companies. This is for a certain term of years with certain conditions to abide. These conditions are stipulated in the grant instrument executed by the title holder and COL. Most terms are 50 years and currently 75 years. FTE title is acquired through direct allocation from COL or through the transfer of FTE by an FTE title holder;

(iv) **Sublease Title.** The FTE title holder leases the Land to an individual or company for a period less than the FTE term with conditions agreed by both parties; and

(v) **Temporary Occupation License.** This refers to occupation of land under license conditions for up to three years, renewable.

### B. Solomon Islands Land Acquisition and Compensation

10. The LTA also governs the government's acquisition of both alienated and customary land. Sections 71 through 85 of the Act deal with the compulsory acquisition of land for public purposes. Under the Act, all types of land can be acquired for public purposes (customary and leased lands). The law provides that in cases of land acquired for public purposes, legal titleholders have a right to due process and compensation based on condition of land and current valuation. For customary land, other land can be provided in lieu of monetary compensation. The law also provides for the right of landowners to legal proceedings for solving disputes and grievances. The customary rights of indigenous peoples (IPs) without formal title are also protected.

11. The LTA guarantees compensation to those with recognized legal rights or interests in land. The property can only be acquired for the public good, and with the payment of reasonable compensation. Compensation is paid at market values effective from the date at which notice of the State's intention to acquire the land is given. Structures, however, are compensated only at book/depreciated values. Compensation includes for land, crops, and trees, damage to portions of land not acquired (if any), changes in use and restrictions on use of any non-acquired portions, and any reasonable expenses associated with necessary changes of residence or places of business.

### C. ADB Policy Requirements

12. The objectives of ADB’s Safeguard Policy Statement (SPS) (2009) is to avoid adverse impacts of projects on affected people (AP), where possible; (ii) minimize, mitigate, and/or compensate for adverse project impacts on the APs when avoidance is not possible; and (iii) help borrowers/clients to strengthen their safeguard systems and develop the capacity to manage safeguard risks.

13. The Indigenous Peoples Planning Framework (IPPF) is based on the relevant Solomon Island laws and regulation and ADB’s SPS (2009). The principal objectives are to design and

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Note that since the passing of the Land and Titles Amendment Act 2014, a Land Board has been established with powers and functions in land allocation, removing complete control from the COL.
implement subprojects in a way that promotes full respect for IPs' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by IPs themselves. This is to ensure that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of LMC subprojects, and (iii) can participate actively in subprojects that affect them.

14. The need for an indigenous peoples plan (IPP) will depend on the nature and scale of the subproject impact and vulnerability of IPs. If required a social assessment will identify requirements for preparing an IPP and/or incorporation of IPP elements in other project design documents such as the resettlement plan (RP). An IPP would be required if IPs are found to be distinct and vulnerable and they experience significant impacts, including (i) adverse impacts on customary rights of use and access to land and natural resources; (ii) negative effects on the socioeconomic and cultural integrity; (iii) effects on health, education, livelihood, access to the project benefits, and social security status; and (iv) other impacts that may alter or undermine indigenous knowledge and customary institutions. An IP categorization checklist to be used in the screening exercise during the project preparation stage is provided in INDIGENOUS PEOPLE IMPACT SCREENING CHECKLIST.

15. The IPP will set out the measures whereby the EA will consult with IP communities and ensure that (i) affected IPs receives culturally appropriate social and economic benefits; and (ii) when potential adverse impacts on IPs are identified, these will be avoided to the maximum extent possible. Where this avoidance is proven to be impossible, IPP will outline measures to minimize, mitigate, and compensate for the adverse impacts. The level of detail and comprehensiveness of IPP (OUTLINE OF AN INDIGENOUS PEOPLES PLAN) will vary depending on the specific subproject and the nature of impacts to be addressed. If the impacts are limited to acquisition of customary land, the elements of IPP will be combined to the RP. If IPs are the sole or overwhelming majority of the subproject beneficiaries, the elements of the IPP could be integrated into the subproject design or documents such as community development program to ensure that all ethnic groups participate in and receive culturally appropriate benefits from the subproject. No separate IPP will be prepared in such cases.

16. During project preparation, an Environment Assessment Review Framework and a Land Acquisition and Resettlement Framework were prepared to guide subproject due diligence. These were based on available information about APs or displaced persons. They both outline principles and procedures to address environment and resettlement matters anticipated for the project. From a safeguards perspective the subprojects demonstrated application of the environment assessment review framework, and the resettlement framework. The IP due diligence work, which forms the basis of this report, however, is formulated for any unanticipated IP impacts on distinct and vulnerable people arising from project implementation.

III. IDENTIFICATION OF AFFECTED INDIRECTEOUS PEOPLES

17. Based on ADB SPS (paragraph 6, p. 56), the term “Indigenous Peoples” refers to a distinct, vulnerable, social, and cultural group possessing the following four characteristics in varying degrees:
   (i) Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
   (ii) Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
(iii) Customary, cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
(iv) A distinct language, often different from the official language of the country or region.

A. Distinctiveness

18. Based on the ADB criteria of distinctiveness, all people in the subproject locations where the project will be implemented, possess self-identification recognized by others, have a collective attachment to their territories and have a distinct language or dialects. This pattern of group identification however revolves around a person's island of origin, which is reckoned according to one's kinship affiliations. The clear example is the people on the island of Bellona where the ‘Ahanga wharf subproject will be built whom are of Polynesian decent. They themselves although recognising their Polynesian origins and their island affiliations do not see themselves as distinct from the rest of the people of Solomon Islands. As such none, of the people in the subproject areas are considered distinct indigenous peoples based on this affiliation.

19. The government’s strategic framework, Medium-Term Development Strategy, Solomon Islands Constitution (1978), and numerous laws, particularly relating to land, all recognize and protect the rights of indigenous people of the Solomon Islands, and prohibit sale of their customary land to non-Solomon Islanders. The legal frameworks in Solomon Islands acknowledge the corporate nature of customary groups through the incorporation of customary lands by custom landowners who applied for land registration and proved ownership of the land. Under the LTA, the Registrar General's Office was created to deal with the registration of all types of lands (customary, FTE/Sublease/TOL).

20. Customary landowners who apply for registration of their customary lands submits application to the Ministry of Lands, Housing and Survey. This will trigger a process of public information, survey, and public consultations. Land rights have been in the past the flashpoint of ethnic conflict between the people of Guadalcanal and Malaita.

21. Nonetheless, ADB’s definition above is problematic on the issue of customary, cultural, economic, social, or political institutions being ‘separate’ from the ‘dominant culture’. This definition makes the assumption that IPs are invariably oppressed minorities whose interests are threatened by the mainstream or ‘dominant’ population. While customs, cultures, and some political and social institutions may be separate in the different provinces of Solomon Islands, they all identify as Solomon Islanders remaining the majority indigenous ethnic group, both in population numbers and political power.

22. The recent ethnic tension in Solomon Islands may be interpreted as a response of one group of people to protect its customary land rights from illegal occupation by another group. All ethnic groups are increasingly incorporated into a national economic system and speak pidgin as a national lingua franca and increasingly speaks English as universal form of communication. Given this backdrop, there are no indigenous or ethnic minority peoples that fit the ADB definition of “those with a social or cultural identity distinct from the dominant or mainstream society, which makes them vulnerable to being disadvantaged in the processes of development.”

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B. Vulnerability

23. To be considered IPs in the context of ADB-supported projects, a sociocultural group or community also needs to be deemed vulnerable. Vulnerability in the context of the IP means any group who might suffer disproportionately or face the risk of being marginalized from the effects of a development project, such as the LMC Project. As opposed to the mainstream groups, such IP groups are typically socially excluded, frequently disadvantaged by discriminatory practices, and limited in their capacity to access or take advantage of development opportunities because of their social characteristics.

24. As explained above, the mainstream or ‘dominant’ group in Solomon Islands is indeed the IPs. In the Solomons, none of the people in the subproject sites are socially excluded nor discriminated against and have equal rights. There is a Ministry of Lands, Housing and Survey that is responsible for the protection of all indigenous and non-indigenous land rights around the country. The Ministry, together with the Ministry of Justice and Legal Affairs and Ministry of Women, Youth, Children and Family Affairs, has offices in nine provinces and provides a high level of safeguards for customary people. All Ministries are responsible for implementing programs for the welfare of all Solomon Islanders people including providing legal assistance and judiciary for all disputes over land and advocating for Solomon Island languages and cultures.

25. Visits to the project areas and household assessments conducted during field visits revealed that households and communities from Bellona, one of the smallest Polynesian communities in mainly Melanesian Island of Solomons—experience the same social problems, levels of poverty and opportunities, as has been confirmed by recent Household Income and Expenditure Surveys and associated analyses of the poverty situation in the country. By comparison, Chinese and European communities tend to be wealthier, while i-Kiribati communities tend to be disadvantaged particularly in economic aspect. Overall, however, social divisions are more pronounced between urban and rural areas and between educated and uneducated people than between different ethnic groups. Disadvantage in Solomons is often spatial and determined by the relative isolation of residents from government services, and their access to good land or economic opportunities, particularly paid work.

26. People of all ethnicities within the urban and rural project sites will receive the full benefits of the LMC Project. For the reasons given above, no special safeguards for IP are triggered by the project since it will not adversely affect their dignity, human rights, livelihood systems, culture, ancestral domains, and communal assets, territorial, natural or cultural resources.

C. Categorization

27. Categorization is determined by measuring both the
   (i) magnitude of the project impacts on IPs’ customary rights of use and access to land and natural resources; socioeconomic status; cultural and communal integrity; health, education, livelihood systems, and social security status; or indigenous knowledge; and
   (ii) level of vulnerability of the IP communities to the following:
       (a) Customary rights of use and access to land and natural resources. The project outputs will not need acquisition of any customary land. Instead minor strips of private lands under FTE leaseholds arrangement that extended their legal boundaries on the gazetted road in Town Ground to White River, will be purchased by the government for the 2-lane to 4-lane urban road expansion.
Throughout the project it is anticipated that no one will be resettled, and all affected landowners, leaseholders, and residents will receive full compensation for any damage to their property, economic displacement, or interrupted access.

(b) **Socioeconomic status.** There will be no group of people (indigenous or non-indigenous) in the project site whose socio-economic status will change for the worse. The project is committed to ensuring standards of living will improve, not decline, with construction of the new infrastructure.

(c) **Cultural and communal integrity.** The lands within the project area will remain largely intact. The cultural and spiritual values that Solomon Island people attribute to their land and resources (e.g. burial grounds) will be respected. All lands to be re-purchased in the project site will be compensated at market value. People will be fully compensated for any temporary or permanent loss of property, economic activity or access to their land or dwelling. The project will ensure that meaningful consultation, following ADB principles is adhered to, before any construction begins. The consultation will be gender inclusive and all beneficiaries will be able to participate in an active and meaningful way.

(d) **Health, education, livelihood, and social security status.** The subprojects are not expected to bring any adverse health or educational impacts to the APs. On the contrary, the subprojects will improve access to basic services such as health and education through improved land and maritime transport connectivity enhancement in east Guadalacanal, Renbell and Makira provinces, and Honiara city.

(e) **Recognition of indigenous knowledge.** The project will preserve and respect indigenous knowledge, where possible. The subprojects will encourage use of local knowledge, skills, and techniques, strengthening these wherever possible through employment on construction sites.

28. The benefits of the project will accrue to people of all ethnicity in the project locations and the Solomon Islands in general. IPs cannot be considered a vulnerable group in the context of Solomon Islands, and this project is categorized ‘C’ in terms of IP safeguards.

D. **Conclusion**

29. According to ADB’s policy context, sociocultural groups need to be both distinct and vulnerable to trigger the application of safeguards requirements for “Indigenous Peoples” in the SPS for ADB-financed projects. Based on the explanation above, while the Bellonnese population belongs to Polynesian ethnic group, their institutions are not separate from mainstream society. In terms of the ADB requirement that vulnerability be considered, Bellonnese people are not vulnerable or particularly disadvantaged by virtue of their ethnicity. The impact of the project and all of its subprojects will be mainly positive, benefiting people of all ethnicities without posing disproportionate risks for any particular group of people.

30. The two requirements to trigger the IP safeguards—namely, distinctiveness and vulnerability of sociocultural groups in the project areas—therefore do not apply. There will be no impacts on the dignity of people of any ethnic group, nor loss of human rights, land, livelihoods, culture, or assets. No special action is needed to protect beneficiaries’ interests in regard to their status as IP.

31. Hence, the IP safeguards in the SPS are not be triggered in the project but this IPPF has been prepared in the case that there may be unanticipated impacts that may arise over the
IV. SOCIAL IMPACT ASSESSMENT

32. In conjunction with its other due diligence procedures, the project will implement the following process:

(i) In conjunction with project frameworks, conduct a field-based social impact assessment (SIA). The SIA will (i) review legal and institutional framework applicable to Solomon Islands people and all other ethnic groups in the subproject context; (ii) provide socioeconomic baseline information of AP including their land ownership and use of natural resources; (iii) identify key project stakeholders and appropriate processes for consultation; (iv) assess potential adverse and positive effects; (v) assess APs’ perceptions about the project and its impacts; and (vi) recommend measures to avoid, minimize, mitigate, and/or compensate for adverse effects and to ensure that all people receive culturally appropriate benefits;

(ii) Review policy/guidelines regarding IPs and undertake meaningful consultation with the APs and provide them the opportunity to participate in all aspects of the project;

(iii) Prepare and disclose documents that combine IP elements (e.g., RP), including documentation of the consultation process in accordance with the ADB’s SPS (2009);

(iv) Prepare beneficial, mitigation and capacity building measures as relevant, based on the SIA results;

(v) Ensure full legal recognition of customary rights and territories for project activities that involve customary land acquisition;

(vi) Establish a grievance redress mechanism;

(vii) Prepare an appropriate budget and a mechanism for monitoring, reporting and evaluating all other documents that make and reference to indigenous Solomon Islanders’ issues or those of other ethnic groups;

(viii) Publicly disclose and post on ADB website, all relevant documents prior to the appraisal of the respective subproject; and

(ix) Ensure that any reference to issues involving ethnicity fully complies with ADB policy.

V. CONSULTATION, DISCLOSURE, AND INSTITUTIONAL FRAMEWORK

33. The EA for the project will be the Ministry of Finance and Treasury (MOFT). The implementing agency will be the Ministry of Infrastructure Development (MID) and the Solomon Islands Ports Authority. The Project Management Unit (PMU) of the Central Project Implementation Unit (CPIU)/MID will include an international Resettlement Specialist for a period of 12 months intermittently and they will be responsible for institutional capacity building in regard to resettlement and any matters referring to ethnic groups.

34. The project has a stakeholder communication strategy and community consultation plan that will be employed by the CPIU/MID to consult meaningfully with project stakeholders and disclose information in a timely fashion.

35. The CPIU/MID in this context will be responsible for ensuring that all relevant safeguard plans are implemented so as to meet their intended requirements. This also entails following the requirements set out in this IPPF and the formulation of an Indigenous People Plan (IPP) should unanticipated impacts arise during implementation. An outline of an IPP is in Annex 2. The Project Manager, assisted by safeguard consultants, will undertake the following activities to fulfill this
role:

(i) prepare and update safeguard plans (IPP if required) for subprojects as needed to meet the program's requirements, according to the safeguard policies of ADB and the government;

(ii) undertake adequate consultations with and dissemination of relevant information to affected communities, including public disclosure of draft and final safeguard plans, in accordance with ADB's safeguard policies and the government’s legal requirements;

(iii) ensure that the PMU’s design engineers take into account safeguard issues and try to avoid or minimize social impacts through appropriate design. The social safeguard team will brief PMU technical design team in this regard;

(iv) address any project-related grievances of any APs, including any matters related to ethnic groups, and facilitate evolving disputes on land ownership.

(v) undertake public consultation to inform affected communities of the subproject scope and schedule of the relevant subproject activities;

(vi) following the award of the civil works contract, the safeguard team will arrange a briefing to the contractors to raise their awareness on safeguard requirements;

(vii) coordinate with local authorities including the provincial government, as relevant;

(viii) implement any relevant safeguard plans; and

(ix) undertake regular monitoring and reporting on progress in implementation of safeguard plans.

VI. GRIEVANCE REDRESS MECHANISM

36. As part of the overall GRM developed for the project, attention will be given to addressing the grievances from any APs. The procedures will be the same as for other elements of grievance redress and will be incorporated in the project information pamphlet to be distributed prior to implementation. Participatory consultation with APs and households will be undertaken during project planning and implementation stages.

37. The key features of grievance redress and resolution of disputes are as follows:

(i) APs can first lodge a complaint with the contractor or PMU office at the subproject site. The safeguard staff and consultants will assist APs in registering their complaints with contractor/PMU. The PMU project manager will consider the complaint and within one week will convey a decision to the APs. The safeguard staff as well as local government officials with assistance from the local stakeholders committee— the Community Advisory Committee, as required under the MID Safeguards Procedures Manual, will assist the project manager in reviewing and addressing the complaint.

(ii) If the APs are not satisfied with the PMU’s decision, they may then take the grievance to the Director of the CPIU. The Director has two weeks to consider the complaint and following this (s)he will either instruct the PMU to rectify the situation or dismiss the complaint. Should APs remain unsatisfied with the decision of the CPIU Director, they may take the grievance to the SIG legal system.

VII. MONITORING AND EVALUATION

38. Implementation of any IP plans will be monitored as part of the due diligence procedures of the project. CPIU will establish a monitoring system through project monitoring groups involving CPIU safeguards staff, local governments, and community groups (or CAC), and a set of monitoring indicators will be determined. The CPIU support consultants will carry out the activities
monitoring. Appropriate monitoring formats will be prepared for monitoring and reporting requirements.

39. Key indicators and topics for the monitoring and evaluation of the IPP are (i) process of consultation activities; (ii) appropriateness of affected assets valuation and compensation disbursement; (iii) implementation of relevant safeguard activities; (iv) current condition of social, cultural, political, and economic status of people of all ethnic groups in comparison with pre-project condition; (v) status of vulnerable people as identified in the SIA; (vi) any disadvantaged conditions to APs that were not anticipated during the preparation of the IPP that required corrective actions; and (vii) grievance redress issues.

VIII. BUDGET

40. All costs for implementation of the IPP will be financed by the MID using counterpart funds. The costs will be estimated during feasibility based on interviews with community members and relevant government officials. This will be updated after the detailed survey and investigation as well as further consultations with APs. The budget will also include costs for the implementation of the IPP, such as salaries and travel costs of the relevant PMU staff.
## INDIGENOUS PEOPLE IMPACT SCREENING CHECKLIST

<table>
<thead>
<tr>
<th>KEY CONCERNS (Please provide elaborations on the Remarks column)</th>
<th>YES</th>
<th>NO</th>
<th>NOT KNOWN</th>
<th>Remarks</th>
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<tbody>
<tr>
<td><strong>A. Indigenous Peoples Identification</strong></td>
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<tr>
<td>1. Are there socio-cultural groups present in or use the project area who may be considered as &quot;tribes&quot; (hill tribes, schedules tribes, tribal peoples), &quot;minorities&quot; (ethnic or national minorities), or &quot;indigenous communities&quot; in the project area?</td>
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<tr>
<td>2. Are there national or local laws or policies as well as anthropological researches/studies that consider these groups present in or using the project area as belonging to &quot;ethnic minorities&quot;, scheduled tribes, tribal peoples, national minorities, or cultural communities?</td>
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<td>3. Do such groups self-identity as being part of a distinct social and cultural group?</td>
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<td>4. Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?</td>
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<td>5. Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?</td>
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<td>6. Do such groups speak a distinct language or dialect?</td>
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<td>7. Has such groups been historically, socially and economically marginalized, disempowered, excluded, and/or discriminated against?</td>
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<td>8. Are such groups represented as &quot;Indigenous Peoples&quot; or as &quot;ethnic minorities&quot; or &quot;scheduled tribes&quot; or &quot;tribal populations&quot; in any formal decision-making bodies at the national or local levels?</td>
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<tr>
<td><strong>B. Identification of Potential Impacts</strong></td>
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<td>9. Will the project directly or indirectly benefit or target Indigenous Peoples?</td>
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<td>10. Will the project directly or indirectly affect Indigenous Peoples' traditional socio-cultural and belief practices? (e.g. child-rearing, health, education, arts, and governance)</td>
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</tbody>
</table>
### Annex 1

<table>
<thead>
<tr>
<th>KEY CONCERNS</th>
<th>YES</th>
<th>NO</th>
<th>NOT KNOWN</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>11. Will the project affect the livelihood systems of Indigenous Peoples? (e.g., food production system, natural resource management, crafts and trade, employment status)</td>
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<td>12. Will the project be in an area (land or territory) occupied, owned, or used by Indigenous Peoples, and/or claimed as ancestral domain?</td>
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</table>

**C. Identification of Special Requirements**

*Will the project activities include:*

13. Commercial development of the cultural resources and knowledge of Indigenous Peoples?

14. Physical displacement from traditional or customary lands?

15. Commercial development of natural resources (such as minerals, hydrocarbons, forests, water, hunting or fishing grounds) within customary lands under use that would impact the livelihoods or the cultural, ceremonial, spiritual uses that define the identity and community of Indigenous Peoples?

16. Establishing legal recognition of rights to lands and territories that are traditionally owned or customarily used, occupied or claimed by indigenous peoples?

17. Acquisition of lands that are traditionally owned or customarily used, occupied or claimed by indigenous peoples?

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### D. Anticipated project impacts on Indigenous Peoples

<table>
<thead>
<tr>
<th>Project component/ activity/output</th>
<th>Anticipated positive effect</th>
<th>Anticipated negative effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
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<td>2.</td>
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<td>4.</td>
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<td>5.</td>
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</table>

Note: The project team may attach additional information on the project, as necessary.
OUTLINE OF AN INDIGENOUS PEOPLES PLAN

1. The level of detail and comprehensiveness of an IPP will be commensurate with the significance of potential impacts on Indigenous peoples (IPs). The substantive aspects of this outline will guide the preparation of IPPs, although not necessarily in the order shown.

(i) Executive Summary. This section concisely describes the critical facts, significant findings, and recommended actions.

(ii) Description of the Project. This section provides a description of the project; discusses project components and activities that may impact IPs; and identify projects area.

(iii) Social Impact Assessment. This section
   (a) reviews the legal and institutional framework applicable to IPs in project context;
   (b) provides baseline information on the demographic, social, cultural, and political characteristics of the affected IP communities; the land that they have traditionally owned or used or occupied; and the natural resources on which they depend;
   (c) identifies key projects stakeholders and elaborate a process for meaningful consultation with IPs at each stage of project cycle;
   (d) assesses the potential adverse and positive effects of the project. A gender-sensitive analysis of the relative vulnerability of, and risks to, the affected IPs, as well as their lack of access to opportunities;
   (e) includes a gender-sensitive assessment of the affected IPs’ perceptions about the project and its impact on their social, economic, and cultural status; and
   (f) identifies and recommends the measures necessary to avoid adverse effects of, if such measure are not possible, identifies measures to minimize, mitigate, and /or compensate for such effects and to ensure that the IPs receive culturally appropriate benefits under the project.

(iv) Information Disclosure, Consultation and Participation. This section
   (a) describes the information disclosure, consultation and participation process with the affected IP communities that was carried out during project preparation;
   (b) summarizes their comments on the results of the SIA and identifies concerns raised during consultation and how these have been addressed in project design;
   (c) in the case of project activities requiring the broad community support, documents the process and outcome of consultations with affected IPs and any agreement for the project activities and safeguard measures for impacts of such activities;
   (d) describes consultation and participation mechanisms to be used during implementation to ensure IPs participation during implementation; and
   (e) confirms disclosure of the draft and final IPP to the IPs communities.

(v) Beneficial Measures. This section specifies the measures to ensure that the IP receive social and economic benefits that are culturally appropriate, and gender responsive.

(vi) Mitigation Measures. This section specifies the measures to avoid adverse impacts on IPs; and where the avoidance is impossible, specifies the measures to minimize
mitigate and compensate for identified unavoidable adverse impacts for each affected IP groups.

(vii) **Capacity Building.** This section provides measures to strengthen the social, legal, and technical capabilities of
(a) government institutions to address IP issues in the project area; and
(b) IP organizations in the project area to enable them to represent the affected IPs.

(viii) **Grievance Redress Mechanism.** This section describes procedures to redress grievances by affected IPs. It also explains how the procedures are accessible to IPs and culturally appropriate and gender sensitive.

(ix) **Monitoring, Reporting and Evaluation.** This section describes the mechanisms for monitoring, evaluating the implementation of the IPP. It also specifies arrangements for participation of affected IPs in the preparation and validation of monitoring and evaluation reports.

(x) **Institutional Arrangement.** This section describes institutional arrangement responsibilities and mechanisms for carrying out the various measures of the IPP. It also describes the process of including relevant local organizations and NGOs in carrying out the measures of the IPP.

(xi) **Budget and Financing.** This section provides an itemized budget for all activities described in the IP.