

Indigenous Peoples Planning Framework

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Nepal: Third Small Towns Water Supply and Sanitation Sector Project

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CURRENCY EQUIVALENTS

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NPR 1.00	=	\$0.00996
\$1.00	=	97.886

ABBREVIATIONS

ADB	–	Asian Development Bank
AP	–	Affected Persons
BS	–	Bikram Sambat (Nepali Calendar)
BPL	–	Below Poverty Line
CBS	–	Central Bureau of Statistics
CBO	–	Community Based Organization
CDC	–	Compensation Determination Committee
CDO	–	Chief District Officer
CPR	–	Common Property Resource
DDC	–	District Development Committee
DOR	–	Department of Roads
DP	–	Displaced Person(S)
DRTAC	–	Design Review and Technical Audit Consultants
DSMC	–	Design, Supervision and Management Consultants
DWSS	–	Department of Water Supply and Sewerage
EA	–	Executing Agency
EMP	–	Environmental Management Plan
GON	–	Government of Nepal
GESI	–	Gender Equity and Social Inclusion
GRC	–	Grievance Redress Committee
GRM	–	Grievance Redress Mechanism
HA	–	Hectares
HH	–	Households
IA	–	Implementing Agency
IP	–	Indigenous Peoples
IPPF	–	Indigenous Peoples Planning Framework
IPP	–	Indigenous Peoples Plan
IR	–	Involuntary Resettlement
LA	–	Land Acquisition
LAA	–	Land Acquisition Act
LRO	-	Land Revenue Office
MUD	–	Ministry of Urban Development
MPPW	–	Ministry of Physical Planning And Works
NA	–	Not Available
NGO	–	Non-Government Organization
NLSS	–	Nepal Living Standards Survey
NPC	–	National Planning Commission
NPR	–	Nepalese Rupee
NWSC	–	Nepal Water Supply Corporation
PD	–	Project Director
PH	–	Physically Handicapped
PISC	-	Project Implementation Support Unit

PMO	–	Project Management Office
PPTA	–	Project Preparatory Technical Assistance
RF	–	Resettlement Framework
RP	–	Resettlement Plan
R&R	–	Resettlement And Rehabilitation
RS	–	Resettlement Specialist
SSO	–	Social Safeguards Officer
SDSA	–	Social Development And Safeguards Assistant
SPS	–	Safeguard Policy Statement
SSE	–	Social Safeguard Expert
STWSSSP	–	Small Towns Water Supply And Sanitation Sector Project
TA	–	Technical Assistance
TOR	–	Terms of Reference
WHH	–	Women Headed Households
WSSDO	–	Water Supply and Sanitation Division Office
WUSC	–	Water Users and Sanitation Committee
VDC	–	Village Development Committee

WEIGHTS AND MEASURES

km	–	Kilometer
m ²	–	square meter
mm	–	Millimeter
µg/m ³	–	micrograms per cubic meter

NOTES{S}

In this report “\$” refers to US dollars.

“NPR” refers to Nepali Rupee.

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GLOSSARY OF NEPALI TERMS

<i>Ropani</i>	- Size of land parcel; 1 ropani= 16 anna (0.0509 ha)-508.72 sq. m
<i>Anna</i>	Size of land parcel; 1 anna= 16 anna (0.0509 ha)
<i>paisa</i>	Size of land parcel; 1 paisa= 31.80 sq.m
<i>Dam</i>	Size of land parcel; 1 dam=1.99 sq.m
<i>bigha</i>	- size of land parcel; 1 bigha = 20 katha (0.678 ha)
<i>crore</i>	- 10 million (= 100 lakh)
<i>dhur</i>	- size of land parcel; 1 dhur=0.0017 ha
<i>katha</i>	- size of land parcel; 1 katha = 0.0339 ha
<i>kucchi</i>	- temporary structure e.g a rural hut made of wood, bamboo or stone with mud mortar and a thatched roof
<i>lakh, lac</i>	- 100,000
<i>pakki</i>	- structure (house/building) with permanent roofing made of RCC/RBC
<i>ropani</i>	- size of land parcel; 1 ropani =0.0509 ha
<i>semi-pakki</i>	- house or building made of stone with mud mortar and clay, timber, slate or corrugated iron roofing

GLOSSARY OF TERMS

Land Acquisition means the process whereby land and properties are acquired for the purpose of the project construction.

Baseline Socio-economic Sample Survey The purpose of the baseline socioeconomic sample survey is to establish monitoring and evaluation parameters, it will be used as a benchmark for monitoring the socio-economic status of project affected people. The survey will cover 10% of affected people and 20% of vulnerable (severely affected) people. The survey will also collect gender-disaggregated data to address gender issues in resettlement. The survey will carry out the following: (i) preparation of accurate maps of the sub-project area; and (ii) analysis of social structures and income resources of the population.

Census The purpose of the census is to register and document the status of potentially affected persons within the sub-project impact area. The census will cover 100% of APs. The census will provide a demographic overview of the population, and will cover people's assets and main sources of livelihood.

Compensation means payment in cash or in kind of the replacement value of the acquired property.

Displaced Persons (DPs) means those who are physically displaced (relocation, loss of residential land, or loss of shelter) and / or economically displaced (economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of involuntary acquisition of land.

Economic Displacement means those who loss land, assets, access to assets, income sources, or means of livelihoods as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use.

Compensation Determination Committee (CDC) means the committee established under the chair of Chief District Officer as per Land Acquisition Act 2034 (1977) for the determination of amount of compensation.

Grievances Resolution Committee (GRC) means the committee established under each sub-project to resolve the local grievances.

Severely Displaced Person means those DPs who lose 10 percent or more of their total productive assets or physically displaced from their household.

Replacement Cost means the method of valuing assets to replace the loss at market value before the project or dispossession, or its nearest equivalent, plus any transaction costs such as administrative charges, taxes, registration, and titling costs.

Resettlement means all the measures taken to mitigate all or any adverse impacts of the project on the DPs property and/or livelihoods including compensation, relocation (where relevant), and rehabilitation.

Relocation means the physical relocation of DPs from their pre-project place of residence.

Rehabilitation means the measures provided under the resettlement plan other than payment of the compensation of acquired property.

Vulnerable Groups: Social categories whose livelihoods may be particularly vulnerable to disturbances created by the project. This means any people who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement including: female-headed households without economic support, marginalized ethnic groups (*Dalits, Freed Kamaiya*), Muslims/religious minorities, elderly, disabled, indigenous people (marginalized IPs), Poor (living below poverty line—NPR 19,262 person/year (source: Nepal Living Standards Survey 2010/2011)) i.e. an inflation-adjusted figure of NPR 23,307 per person per annum in 2014, landless or households losing 100% of total landholdings (particularly those totally dependent on agriculture for livelihood), as well as remote villages.

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I. PROJECT DESCRIPTION

A. Background

1. ADB-assisted Small Towns Water Supply and Sanitation Sector Project (STWSSSP) aimed at improved water supply and sanitation services in small towns in Nepal. The first STWSSSP commenced in 2001 and was completed in 2009. It provided water supply and sanitation improvement in 29 towns.

2. The second STWSSSP project introduced output based aid (OBA) to assist low-income households obtain water and sanitation connections. It has 21 subprojects under construction from the second project.

3. The third Small Towns Water Supply and Sanitation Sector Project aims to continue to improve water supply and sanitation provision in small towns and emerging urban areas of Nepal. The third STWSSSP builds upon lessons learnt from implementation of the first and second STWSSSP and aims to extend improved water supplies and sanitation to around 20 small towns / subprojects. Ten of these subprojects are newly identified, while others are held over from the previous projects and a few others can be identified later. Remedial or extension works previously covered by the first two projects are also candidate subprojects. The third STWSSSP also aims to strengthen the overall effectiveness of project delivery with a particular focus on technical and financial aspects, at both national and local levels. Its envisaged outputs include: (i) improved water supply and sanitation in up to 20 new small towns; (ii) strengthened sector policy, regulatory and institutional framework and service delivery; and (iii) leveraging local resources to finance environmental infrastructure. The Project will also strengthen Government of Nepal's efforts to meet its millennium development goals.

4. The third STWSSSP uses a sector lending modality. Charali, Chandrouta and Mahendranagar towns are selected as sample towns for the preparation of safeguards documents for project processing purposes. The next five proposed towns are Illam, Janakpur, Nirmal Pokhari, Salyan and Tikhapur, which will be followed by four towns, namely, Rukum, Mirchaiya, Sakhuwa and Bidur. A total of 20 towns are proposed to be covered under the project.

II. INDIGENOUS PEOPLES IN PROJECT SITES

5. In Nepal, indigenous peoples are popularly known as *adivasi/janajati*. A total of 129 ethnic/caste groups are listed by the Central Bureau of Statistics, Nepal in the Census, 2011. As per Census 2011 data, about 30.54 percent of the total population of Nepal belongs to different categories of indigenous communities defined as disadvantaged, marginalized, highly marginalized and endangered IP groups as defined by the National Foundation for Development of Indigenous Nationalities Act, 2002 (refer para 14 of this IPPF for details); while another 5 percent belong to advanced group among IPs. Appendix 1 provides a break-up of Nepal's population by caste and ethnic groups. Dalits are recognized as a minority group by Government of Nepal. As per Census 2011, the proportion of dalits to total population is 14.1 percent in the country.

6. Table 1 presents GoN data on poverty incidence among different ethnic groups; it is evident that dalits have the highest poverty incidence, which has been fluctuating greatly over the years of the National Living Standards Survey.

Table 1: Poverty Headcount Rate among different castes and ethnic groups of Nepal

	Caste and Ethnicity	Poverty Headcount Rate		
		1995/96	2003/04	2010/11
	Nepal	41.8	30.8	25.16
1	Newar	19.3	14	10.25
2	Brahmin/Chhetri	34.1	18.4	52.35
3	Tarai Middle Caste	28.7	21.3	28.69
4	Tarai Janajati	53.4	35.4	25.93
5	Muslim	43.7	41.3	20.18
6	Hill Janajati	48.7	44	28.25
7	Dalits	57.8	45.5	81.79
	Others	46.1	31.3	12.34

Source: Central Bureau of Statistics, 1996, 2004 and 2011.

7. In the sample towns' project coverage areas, as per baseline surveys, IP populations vary from 20.3 percent in Chandrta to 27.9 percent in Charali, and 38.8 percent in Mahendranagar. The proportion of ethnic minorities in project coverage areas in the sample towns varies from 6 percent to 13.6 percent (Table 2). Census surveys of affected persons in project affected areas clearly reveal that there are no IPs among affected persons in the sample towns. Hence, all IPs and minorities present in project coverage areas are potential beneficiaries; efforts and provisions are being made to ensure their inclusion in project benefits.

Table 2: Indigenous Peoples and Ethnic Minorities in Sample Towns of 3rd STWSSP

S.N	Ethnicity	Mahendranagar		Chandrta		Charali	
		Population	Percent	Population	Percent	Population	Percent
1	IP	13,188	38.8	1,527	20.3	2,588	27.9
2	Ethnic Minority	2,993	8.8	526	7.0	557	6.0
3	Other Caste	17,839	52.4	5,468	72.7	6,133	66.1
	Total	34,020	100	7,521	100.0	9,278	100.0

Source: Census 2011 and Baseline Survey, 2012

8. In the absence of town-level data on social groups in 4 of the next 5 proposed towns, district level Census 2011 data on proportion of IPs and minorities to total population is presented in Appendix 1. Impacts on indigenous peoples and minorities in batch 2 towns and towns identified in subsequent batches will be assessed during preliminary and/or detailed engineering designs and surveys of affected persons conducted, as required.¹

Table 3: IP / minority population in districts where batch 2 towns located

S.N	Districts	Total Population	IP				Minorities/dalits		
			Total IP	% of IP	Male	Female	Sex ratio	Total minority	%
1	Kailali	775709	362612	46.7	180067	182555	1.04	105807	13.64
2	Illam	290254	188604	65.0	91776	96828	1.00	16080	5.54
3	Dhanusha	757777	50336	6.7	24703	25633	0.96	167241	22.07
4	Kaski	492098	183731	37.3	86999	96732	0.97	76472	15.54

Source: Based on Census 2011

¹ Since no IPs are affected in sample towns and impacts to IPs in batch 2 towns and subsequent batches are not known yet, this IPPF needs to be updated once batch 2 and subsequent town subprojects are appraised for IP impacts.

III. OBJECTIVES AND POLICY FRAMEWORK

A. Objectives

9. This Indigenous Peoples Planning Framework (IPPF) is prepared to provide guidance to the DWSS, participating WUSCs and project consultants who will be carrying out the investment project, on policy and procedures to screen project impacts on indigenous peoples (IPs) and, when required, to prepare Indigenous Peoples Plans (IPP) to safeguard the rights of indigenous peoples in accordance with ADB's Safeguard Policy Statement (SPS), 2009 and domestic laws. In Nepal, *adivasi/janajati* are recognized by domestic law as indigenous / tribal people; their presence is found in proposed project areas. These indigenous communities trigger ADB's safeguard policy requirements pertaining to IPs.

10. Assessment of potential impacts to IPs in the 3 sample towns based on in-depth consultations at field level (project affected areas) reveals that no land acquisition, relocation, physical and/or economic displacement of IPs is anticipated. This IPPF provides policy guidance in the event of unanticipated impact on indigenous peoples during project implementation or future subproject activities identified after project approval. This IPPF will also provide guidance for preparing subproject components of the Third Small Towns Water Supply and Sewerage Project that are identified in future. Wherever IPs are significantly affected by the project, this IPPF provides the steps to be taken in order to comply with ADB's SPS, 2009 requirement.

11. The IPPF identifies the broad scope of the project and outlines the policy, procedures and institutional requirements for preparing indigenous peoples plans (IPP) for subprojects. IPPs are "active" documents and are therefore subject to being updated during project implementation and detailed design. All required assistance (and compensation) to affected IPs shall be completed before the award of civil works contract of the subproject concerned.

B. Policy Framework: Indigenous Peoples

12. This framework is prepared based on applicable legal frameworks of the government and ADB's Safeguards Policy Statement (SPS), (2009).

13. **Government of Nepal laws:** The Interim Constitution of Nepal (2007) obligates the government for the protection and development of IPs. It recognizes the status of different mother languages of various groups as national languages enabling their use in the state activities (art. 5). Each such community has the right to preserve and promote its own language and cultural heritage as well as to receive basic education in its mother tongue (art. 17). In addition, the Constitution recognizes the rights of Adivasi/Janajati to "participate in State structures on the basis of principles of proportional inclusion" (art. 21), and authorizes the State to implement special measures "for the protection, empowerment and advancement of indigenous nationalities" (art. 13).

14. Specific policy initiatives for the welfare and advancement of IPs (*adivasi/janajati*) were initiated in 1997, when a National Committee for Development of Nationalities (NCDN) was set up. In 2002, the Nepal Parliament passed a bill for the establishment of an autonomous foundation named "National Foundation for Development of Indigenous Nationalities," which came into existence in 2003 replacing the NCDN.

15. The NFDIN Act 2002 established the first comprehensive policy and institutional framework pertaining to *adivasis/janajatis*. The NFDIN is a semi-autonomous body that acts as the State's focal point for indigenous policy, with a mandate to recommend measures to promote the welfare and development of IPs focusing to social, economic, and cultural rights and requirements. The NFDIN Act 2002, National Human Rights Action Plan 2005, the Local Self-Governance Act (1999), Environmental Act 1997, and Forest Act 1993 provide for the protection and promotion of Janajatis' traditional knowledge and cultural heritage.

16. According to the official definition stated by the National Foundation for Development of Indigenous Nationalities Act 2002, "indigenous people/nationalities are those ethnic groups or communities who have their own mother tongue and traditional customs, distinct cultural identity, distinct social structure and written or oral history of their own." The following are the characteristics of the Indigenous peoples:

- those who have their own ethnic languages other than Nepali;
- those who have their own distinct traditional customs other than those of the ruling high castes;
- those who espouse a culture distinct from that of the Aryan/Hindu culture of dominant groups;
- those who have distinct social structures that do not fall under the hierarchical *varna* or caste system;
- those who have a written or oral history that traces their line of descent back to the occupants of the territories before their annexation into the present frontiers of Nepal; and
- those who are listed in the schedule of indigenous people/nationalities published by Government of Nepal.

17. The government of Nepal has identified 59 groups as indigenous people or nationalities in Nepal. Nepal Federation of Indigenous Nationalities has classified these indigenous people /nationalities into five major categories, of which 24 IP groups are found in the hill region, 17 IP groups are found in the terai region and 19 IP groups are in the mountain region: Of the 20 towns shortlisted for the third STWSSSP, none are in the mountain region. Tables 4 and 5 provide details of IP and minority groups present in the hill and terai regions of Nepal, where identified project towns are located. Dalit castes comprise minority groups recognized by government of Nepal; 7 such communities are found in hill regions of Nepal and 19 groups are found in the terai region. Table 5 provides a classification of IP groups as per NEDFIN Act, 2002 in ecological zones relevant to the project by degree of marginalization.

Table 4: Indigenous peoples and disadvantaged minority groups (dalits) recognized by GoN

Geographical region	Indigenous people #	No.	Dalit caste / minority groups##	No.
Hill	1.Bankaria 2. Baramo, 3.Bhujel/Gharti 4. Chepang 5. Chhantyal 6. Dura 7. Fri 8. Gurung 9. Hayu 10. Hyolmo 11. Jirel 12. Kushbadia 13. Kusunda 14. Limbu 15 Lepcha 16. Magar 17. Newar 18. Pahari 19. Ai 20. Sunuwar 21. Surel 22. Tamang 23. Thami 24. Yakkha	24	1,Gandharba (gaine) 2. Pariyar (Damai, Dargee, Suchikar, Nagarchee, Dholee, Hudke) 3.Badi 4. Biswokarma (Kami, Lohar, Sunar, Od, Chunanra, Parki, Tamata) 5.Mijar (Sarki, Charmakar, Bhool) 6. Pode (Deula, Pujari, Jalari) 7. Chyame (Kuchikar, Chyamkhal)	7
Terai	1 Bote 2. Danuwar 3. Darai 4. Kumal 5. Majhi 6. Raji 7. Raute 8. Dhanuk (Rajbansi) 9. Dhimal 10. Gangai 11. Jhangad 12. Kisan 13. Meche 14. Rajbansi (Koch) 15. Sata/Santhal 16. Tajpuria 17. Tharu	17	1.Kalar 2.kakaihiya 3. Kori 4. Khatik 5. Khatwe (mandal, Khang) 6. Chamar (ram, Mochi, Harijan, Ravidas)7.Chidimar 8. Dom (marik) 9. Tatma (Tanti, Das) 10. Dusadh (Paswan, hajara) 11. Dhobhi (rajak, Hindu 12. Pasi 13. Bantar 14. Musahar 15. Mester (Halkhor) 16. Sarbhang 17. Natuwa 18. Dhandi 19. Dharikar/Dhankar	19
	Total	41		26

Source: *Nepal Rajpatra (Nepal gazette) February 7, 2001*

Source: *Government of Nepal, National Dalit Commission (Rastriya dalit ayog)*

Note: Of all the communities in Nepal, dalits (0.59 percent of total population), especially those living in the terai region, are the worst off in terms of most human development indices..²,

Table 5: Indigenous People and their level of marginalization in hill and terai regions of Nepal

Region	Endangered	Highly marginalized	Marginalised	Disadvantaged	Advantaged
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
Terai	Raji, Raute, Kisan, Meche (Bodo)	Bote, Danuwar, Majhi, Dhanuk (Rajbansi), Jhangad, Santhal (Satar)	Darai, Kumal, Dhimal, Gangai, Rajbanshi, Tajpuria, Tharu	-	-

Source: National Foundation for Development of Indigenous Nationalities Act, 2002

18. **ADB Safeguard Policy Statement, 2009 on indigenous peoples.** The objective of ADB SPS (2009) on IPs is to help design and implement projects in a manner that would foster respect for IPs identity, dignity, human rights, livelihoods systems, and cultural uniqueness, as defined by IPs themselves, so that they (i) receive culturally appropriate social and economic

² Gellner, David N, "Caste, ethnicity and inequality in Nepal", *Economic and Political Weekly*, May 19 2007.

benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them. The SPS uses the term 'IPs' in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following 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) Distinct language, often different from the official language of the country or region

19. ADB SPS 2009 recognizes that indigenous peoples and ethnic minorities are often deprived or have had limited access to benefits and opportunities previously, although they are located in resource-rich areas. It recognizes their unique cultural identities and social characteristics and seeks to protect the same. It seeks to ensure that they should be included and should have equal opportunity to participate and gain from the project activities. ADB policy emphasizes that the consent of affected IP is essential for project activities and policy application such as commercial development of the cultural and natural resources on land used with impacts on the livelihood, or cultural, ceremonial or spiritual uses that define the identity and community of IP, physical relocation from traditional or customary lands.

20. The indigenous peoples safeguards in SPS trigger when a project affects the dignity, human rights, livelihoods systems, or culture of IPs or affects the territories or natural or cultural resources that IPs own, use, occupy, or claim as an ancestral domain or asset.

21. ADB policy recognizes the official definition of indigenous peoples as defined by national law. The similarity between national law and ADB policy is that both seek to protect the unique identity and culture of indigenous peoples and ensure their inclusion in a planned development process. In addition, ADB policy describes the process of engagement, consent and consensus building with indigenous peoples.

C. Gap Analysis of Laws and Policies of Government of Nepal and ADB SPS (2009)

22. A gap analysis of laws and policies of Government of Nepal and ADB SPS 2009 is undertaken and presented in the table below. IPs will be identified based on the definition of IPs by Government of Nepal in the NFDIN Act, 2002. Level of impact to IPs and process to be followed in case of adverse impacts to IPs, will be as per ADB SPS 2009. In case of any discrepancy between the policies of ADB and the government, ADB policy will prevail.

Table 6: Comparison of GoN and ADB policy on IPs, gap analysis and recommended measures

Area	GoN policy provision for IPs	ADB SPS 2009 requirements	Gaps between GoN law and ADB SPS requirements	Gap filling measures
Definition	Consideration of identity only	Explores viable alternatives for protection of identity and vulnerability	Nepal law and policy do not address the issue of vulnerability	Multiple social, economic and project design/ technical alternatives and options will be explored to avoid or minimize adverse

				impacts to IPs, protect their identity and address the issue of their vulnerability.
Level of impact measurement	Provision for reservation for inclusion of IPs	Provision for social safeguards and assessment of differential impacts and vulnerability	Local laws are silent on assessment of differential impact and vulnerability	Detailed assessment will be undertaken to identify different levels of impact on IPs
Planning	Silent on planning for impact mitigation	Provision for proper and specific planning document to mitigate adverse impacts to IPs	Local laws do not provide for planning for avoidance/ mitigation of adverse impacts to IPs	Indigenous Peoples Plans (IPP) will be prepared wherever ADB SPS safeguards on IPs are triggered. IPPs will explore possible options to avoid or mitigate adverse impacts to IPs. Capacity of stakeholders on planning for impact mitigation will be developed.
Safeguards	Silent about safeguards or protection of IPs from project-related impacts	Clear provisions for safeguard requirements for IPs in any intervention	Need for protection and safeguards for IPs in case of adverse impacts as a result of planned interventions/projects is not recognized in Nepal's laws and policies	Possible measures will be explored for protection of IPs and their inclusion in project benefits, both direct and indirect. This will be detailed in the stand alone document (IPP) or incorporated into resettlement plan (RP)
Consultation, consent and culturally appropriate response	No mention of need for consultation with affected IP groups and formulation of culturally appropriate response	Emphasis on meaningful consultation, obtaining consent of IPs, and formulation of culturally appropriate responses	Local laws do not talk about consultation, consent from IPs and culturally appropriate response.	All possible options will be explored to address impacts to IPs through a meaningful consultative process, consent-seeking (broad community support) and culturally-sensitive response.

D. Objectives of the IPPF

23. Following the National Policies on IPs, and incorporating indigenous peoples policies of ADB and government, the IPPF has been prepared to guide the formulation of project components, ensuring equal distribution of project benefits between IPs and non- IPs who are affected by the Project. The principal objectives of the IPPF are to:

- (i) screen project components early to assess their impacts on IPs households;
- (ii) ensure meaningful participation and consultation with affected *adivasi/janajati* persons in the process of preparation, implementation, and monitoring of project activities;
- (iii) prepare an IPP to mitigate any adverse impacts found;
- (iv) ensure that IPs receive culturally appropriate social and economic benefits;
- (v) define the institutional arrangement for screening, planning and implementation of IP plans for projects; and
- (vi) outline the monitoring and evaluation process.

24. Every effort would be made during sub-project design and preparation to avoid or minimize adverse impacts to indigenous peoples by exploring all possible alternatives and obtain their consent prior to selection/finalisation of alternative.

E. Indigenous Peoples Plan (IPP)

25. An indigenous peoples plan (IPP) is required for all the projects if a project directly or indirectly cause significant impacts/affects the dignity, human rights, livelihood systems, or culture of the IPs or affects the territories or natural or cultural resources that IPs own, use, occupy, or claim as their ancestral domain.

26. In accordance with SPS, in case the physical relocation of IPs results in adverse impacts on their identity, culture and customary livelihoods and if such avoidance is impossible then the EA in consultation with ADB could formulate a combined Indigenous Peoples Plan and Resettlement Plan to address both involuntary resettlement and Indigenous Peoples issues. If indigenous people are the majority of the direct project beneficiaries and when only positive impacts are identified, the elements of the IPP could be included in the overall project design in lieu of preparing a separate IPP. In such cases the project documents should explain the requirements of meaningful consultations are fulfilled in accordance with the requirements of SPS.

27. This framework seeks to ensure that IPs are informed, consulted, and mobilized to participate in the additional subprojects. Their participation can either provide benefits with more certainty, or protect them from any potential adverse impacts of the additional subproject. The main features of the IPP will be a preliminary screening process, a social impact assessment to determine the degree and nature of impact of each additional project, and an action plan developed if needed. Meaningful consultations with and participation of IP communities, their leaders, and local government representatives will be an integral part of the overall IPP. An outline of IPP is given in Appendix 3.

IV. PROCEDURES FOR PROJECT PLANNING

28. This section provides detailed procedures for screening, potential social impact assessment, meaningful consultation, and the formulation of IPP for the project and project components. In preparing IPP, the executing agency (EA) will pay special attention to the requirement that IPs are informed, consulted, and provided opportunities to participate in project planning, implementation and monitoring and benefit sharing in a meaningful and culturally appropriate manner.

A. Screening and Categorization of Impacts on IP/minorities

29. Initial screening of a project components and potential impacts on IPs needs to be conducted to categorize the significance of impacts as well as to ascertain the resource requirements to address potential impacts. The screening should be done by the EA and Village Development Committees (VDCs) representatives and a District Development Committee (DDC) where IPs are residing. In case there are any changes in the scope and design of the project or project component, a fresh screening of potential impacts needs to be conducted. The EA will determine whether the affected community is an IP community. The EA will consult DDC and VDC and hold meetings with social and IPs leaders and/or NGOs/CBOs representing the affected communities in the project or project component area in order to prepare a census of the affected population and the likely impacts of the project or project component on them.

30. The project or project component needs to be categorized according to the significance of impacts on IPs communities. The significance of project impacts can be determined by the type, location, scale, nature, and magnitude of potential impacts. Appendix 2 provides the checklist for screening of indigenous peoples/ethnic minorities impacts. The project or project component will be categorized into one of the following:

- (i) **Category A:** expected to have significant impacts on IPs/minorities that require IPP;
- (ii) **Category B:** expected to have limited impacts that require specific action for IP/minorities in resettlement plans and/or a social action plan; and
- (iii) **Category C:** not expected to have impacts on IPs/minorities and therefore do not require special provision for IPs.

31. The impacts on IPs should be considered significant, if the project or project component positively or negatively: (i) affect their customary rights of use and access to land and natural resources; (ii) change their socio-economic status and livelihoods; (iii) affect their cultural and communal integrity; (iv) affect their health, education, sources of income and social security status; and/or (v) alter or undermine the recognition of indigenous knowledge.

32. On application of screening criteria, sample towns are classified as Category C, as no impacts to IPs / minorities are anticipated. Potential temporary impacts on access to residences and shops will be mitigated through provision of access by the Contractor during implementation and ensured through appropriate contract provisions. Hence, no income losses – temporary or permanent, are anticipated to IPs, minorities or other groups during construction in the sample towns.

B. Social Impact Assessment and Preparation of Indigenous Peoples Plan (IPP)

33. The EA needs to undertake a social impact assessment (SIA) as part of the detailed study of the project or project component. The SIA should gather relevant information on demographic data (sex, caste/ethnic groups, vulnerable groups, socially excluded groups - disaggregated); social, cultural and economic situation; and social, cultural and economic impacts of the project or project component. The information to be gathered for the SIA should include (i) a baseline demographic, socioeconomic, cultural, and political profile of the affected indigenous groups in the project area and project impact zone; (ii) assessment of land and territories that IPs have traditionally owned or occupied; (iii) assessment of natural resources on which IPs depend; (iv) assessment on their access to and opportunities they can avail of the basic and socio-economic services; v) assessment of the short and long term, direct and indirect, positive and negative impacts of the project on each group's social, cultural and economic status; (vi) assessing and validating which indigenous groups will trigger the Indigenous peoples policy principles; and (vii) assessing the subsequent approaches and resource requirements for addressing the various concerns and issues of projects that affect them. The information can be gathered through meaningful consultation process. Indicative checklist for SIA (not exhaustive) is given in Appendix 4.

34. The SIA should be conducted by using standard and accepted study methodology adopted in social study. Combination of quantitative and qualitative methods will be undertaken to verify the information and data collected. Either census or sampling method can be used. While taking the sample, universally accepted sample methodology and statistically representative and significant sample size should be taken.

35. Human resources, funds and time resources are required for the SIA, for which each required IPP or RP covering IPP aspects will be provided adequate budget.

36. While conducting the SIA, involvement of all IPs groups in consultation process should be ensured by informing, inviting and participating during consultation process in each step of project cycle - assessment, planning, implementation and monitoring and evaluation. Additionally, IPs organizations and IPs leaders should also be involved in consultation process to understand their prevailing situations including socio-economic, access to information, and understanding and interpretation capacity. Consultation process should be conducted in culturally sensitive manner through involving in the SIA team, people who have through knowledge and respect on diversity and IPs cultures, systems, norms and values. Consultation process should be wider, process oriented, inclusive, meaningful and in-depth. Potential mechanism of consultation (not exhaustive) could be 1) in-depth consultation with IPs organizations present at project area, 2) consultation with IPs communities, 3) institutional consultation (government, civil society organizations). Methods of consultations could be (not exhaustive) focus group discussions, in-depth meetings, mass meeting/consultation, key informant interviews, household survey, observation, institutional interview, consultation with government authority and agencies, etc. Discussions should focus on potential positive and negative impacts of the project or project component; measures to enhancing positive impacts on them; and strategies/options to minimize and/or mitigate negative impacts on them. Based on the SIA findings, the project or project component can develop appropriate mitigation measures including socio-economic and livelihoods enhancement activities for IPs. In case of limited impacts, specific actions for IPs can be spelled out in a Resettlement Plan for the project or project component. If SIA identifies significant differential impacts on IPs from the mainstream population, an IPP will be prepared to ensure that the distribution of project benefits would reach IPs.

37. Local IPs can be involved in facilitation of the consultation process; such persons would be familiar with local (IPs) language (local IPs were used in consultation process while preparing the preliminary SIA for this facility including the consultation with IPs groups).

38. A combination of different methods like posters in prominent locations especially in IP/minority settlements, loudspeaker announcements in IP/minority neighbourhoods etc. and announcements by DSC community organisers through key persons identified in the IP/minority communities in should be used to ensure the participation of IP/minority groups in all venues of consultation. Key stakeholders should be presented in the consultation process and culturally appropriate and gender sensitive process and suitable time and venue should be arranged for meaningful consultation at each stage of the project cycle. process. Based on the meaningful consultation, baseline information, mitigation measures to avoid adverse effects and recommendation will be developed.

39. The EA should ensure the participation of IPs in project cycle. There should be the clear provision of participation of IPs (percentage among the total participants / beneficiaries) in different stage of project implementation such as labor, general consultation, representation in different activities, amongst other.

40. During the consultation process to prepare this framework, all IPs mentioned that they will help the project implementation process but project should provide proper compensation and support to the IPs who are potentially to be affected by the project.

41. The IPP should include mitigation measures for identified potential negative project impacts. Where there is acquisition of land and/or structures the EA should ensure that the rights of the IP/minority HHs are not violated, and that they are compensated for the losses in a manner that is culturally acceptable to them. The compensation measures should be as per the Resettlement Framework of this Project.

42. The main components of an IPP includes (i) discussion on aspirations, needs, and preferred options of the affected IPs; (ii) local social organization, cultural beliefs, ancestral territory, and resource use patterns among the affected IPs; (iii) potential positive and negative project impacts on them; (iv) measures to avoid, mitigate, or compensate for the adverse project effects on them; (v) measures to ensure project benefits will accrue to them; (vi) measures to strengthen EA capacity to address their issues; (vii) the possibility of involving local organizations and NGOs with expertise in IPs issues; (viii) their budget allocation; and (ix) IPs monitoring with a time frame. The EA will submit the IPP to ADB for review and approval prior to commencement of any civil works.

V. CONSULTATION, INFORMATION DISCLOSURE AND GRIEVANCES

A. Consultation

43. The EA/Implementing agency (IA) should undertake meaningful consultation with affected IPs to ensure their informed participation. The meaningful consultation in culturally and gender sensitive manner with and adequate participation of IPs should be ensured in formulation of the project or project component to ensure that it adequately deal with their needs, priorities, and preference. Proper records of consultation should be maintained in IPP. IPs should be provided relevant project information in language(s) and manner suitable to them. Separate focus group discussions needs to be held with IPs groups and their organizations to assess the project impacts and benefits to these groups. Accordingly, the project plans, including IPP, can be prepared in consultation with IPs, who will be informed or provided with appropriate information on the project and project development process, especially matters that may affect their way of life, quality of life and livelihoods. They will be consulted on issues related to project impacts and their inputs considered in selection of preferred alternatives, design of mitigation measures and their ideas and concerns taken into account. A formal, ongoing engagement process with the IP community through consultation and participation throughout the project cycle (planning, implementation and post-project review) will be designed to ensure that their concerns are heard and addressed. Consultative groups, working groups and liaison groups can be used for the purpose.

In the case of project activities with significant IP impacts and requiring **broad community support (BCS)**, the IA has to document the process and outcome of consultations with affected Indigenous Peoples communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities

B. Information Disclosure

44. When the borrower/client and the affected IPs have serious differences and disagreements in relation to the project, its components, or the IPP, the EA/IA will undertake good faith negotiations to resolve such differences and disagreements.

45. Required information to APs and key stakeholders, and process about the project in affected VDCs and districts will be disseminated.

46. Information disclosure should be made in a cultural sensitivity manner considering the social culture and diversity among the same cultural groups. Cultural sensitivity manner permits to respond with respect and empathy to people of all nationalities, classes, races, religions, ethnic backgrounds and other groups in a manner that recognizes, affirms, and values their worth. Cultural sensitivity means being aware that cultural differences and similarities exist and have an effect on values, learning, and behavior. Minimum requirements for disclosure of information through culturally sensitive manner are i) treating people as individuals, not as stereotypes; ii) examining one's assumptions about difference; iii) being open to the challenge of learning through others' points of view; iv) building empowered and interdependent relationships with people one regards as different; v) demonstrating the willingness and ability to adapt in diverse cultural situations.

47. For information disclosure in a cultural sensitivity manner, Consultant's team should have thorough knowledge, understanding, skills, and protocols to provide services across cultural lines in the best possible way considering the cultures and diversity, and they should have open to the cultural experiences of others and to new information about cultures. Facilitators should have willingness and skills that enables him/her to learn about and get to know people who are different from them, thereby coming to understand how to serve them better within their own communities.

48. The EA shall share the outcomes of SIA, draft IPP, final IPP, revised IPP (in case of technical design change), and monitoring reports.

49. The project information leaflets and IPPs will be made available to affected IPs in Nepali language and will be placed in easily accessible locations to the affected IPs. The EA shall also post the summaries of approved documents on ADB website. During project implementation, The EA will prepare monitoring reports on the application of the IPP and submit the same to ADB for reviews.

C. Grievance Redress

50. The Grievance Redress Mechanism for IPs will be the same as set out in the RF. The MUD, as the Project executing agency, will establish the GRM. A Grievance Redress Committee (GRC) will be formed at VDC/Municipality level, comprising District Chief WSS as Chairperson and Member of Secretary of concerned WUSC as the GRC secretary. The GRC members will be comprise of (1) RPMO social development officer, (2) representatives of affected persons, (3) DSMC's safeguards specialist (social/environment as relevant), (4) a representative of reputable CBO/SHG/organisation working in the project area³, and (5) contractor's representative. The secretary of the GRC, who will be responsible for convening timely meetings and maintaining minutes of meetings. The concerned social safeguards expert of DSMC will support the RPMO SDO and Regional Director DWSS to ensure that grievances, including those of the poor and vulnerable are addressed. All GRCs shall have at least two women committee members. Representatives of APs, civil society and eminent citizens are to be invited as observers in GRC meetings.

The social development officer of RPMO will oversee the implementation/observance of the mechanism. Representation of a member of the IP community along with the concerned social mobiliser designated to the community/concerned area is expected to help the affected persons

³ If the complaints are related to IP/dalits/other vulnerable groups, specific NGO/CBO that actively involved in development of these communities should be involved.

from IP/minority groups to voice their concerns effectively in the GRC forum. Social mobilizers will also enable greater and fairer negotiations with the project over minor compensation arrangements

51. Existing indigenous people's institutions and other organizations e.g. SHGs and CBOs will be involved in the planning and implementation of any required IPP. This will help in resolution of the dispute or grievances arising during the implementation. The IA will ensure that there will be sufficient budget available for the implementation of any required IPP.

52. The affected persons (APs), including IPs, may submit their concerns or grievances verbally or in writing to this Committee. All complaints/grievances will be documented properly by the Committee. The Committee shall make field-based assessment to verify/examine the grievances, if necessary. After proper examination/verification of the grievances, the Committee shall facilitate displaced persons, and other concerned parties to agree on a time-bound action plan to resolve the grievance if found to be genuine.

VI. INSTITUTIONAL ARRANGEMENT

1 At the national level, the Ministry of Urban Development (MUD) will be the Executing Agency (EA) with responsibility for subproject execution delegated to Department of Water Supply and Sewerage (DWSS). A PMO will be established in DWSS.

2 DWSS will have overall responsibility for safeguards activity under the Project, which includes ensuring compensation paid to all APs prior to the award of civil contracts. Actual responsibilities for safeguards will lie in the Project Management Office (PMO) within DWSS to manage and ensure RP implementation.

53. The PMO will be staffed with a social safeguards officer (SSO) who will receive support from social safeguard expert on the DRTAC as well as the social safeguards specialist of the DSMC for any issues related to indigenous peoples/ethnic minorities, including IPP preparation, updation, consultation, information dissemination to IPs/minorities and support for grievance redressal. They will be supported at town/field level by the DSMC social mobilisers. Substantial social, cultural and gender awareness and capacity will be required for all staff, especially safeguards personnel. Staff with any relevant IP language capability will be given preference in appointment. While hiring DSMC social mobilisers, preference will be given to hiring IPs in the team, to facilitate preparation and implementation of IPP. Training of trainers (PMC SSE and DSMC SSS) and capacity building of PMO, RPMO and WUSCs on IP issues should be explored in detail soon after appointment of PMC and DSC, to meet ADB SPS requirements.

VII. MONITORING AND REPORTING

54. The EA will monitor and measure the progress of implementation of the IPP. The EA/IA should use dynamic mechanisms, such as inspections and audits, to verify compliance with requirements and progress toward achieving the desired outcomes. Subprojects with some IP issues will be regularly monitored by the Social Safeguards Specialist of DSMC and reported in the semi-annual safeguards monitoring report. For any subproject with significant impacts on IP, the EA/IA will retain qualified and experienced external experts to verify monitoring information. The external experts engaged by the EA/IA will advise on compliance issues, and if any significant IPs issues are found, the EA/IA will prepare a corrective action plan, and implement the corrective actions and follow up on these actions to ensure their effectiveness. The external

monitor will submit semi-annual reports to EA and the EA will be responsible for submitting the reports to ADB.

55. The EA/IA will establish detail implementation and monitoring plan, and establishes management information system (MIS) for rigorous monitoring of project implementation and ensuring fulfilment and implementation of the IPP. Baseline for monitoring will be developed during detail study (SIA). A set of monitoring indicators (specific, measurable and time bound) will be developed based on findings of detail SIA and IPP. Monitoring indicators will be designed to achieve IPP's objectives and desired outcomes in comparison to baseline indicators. In general, result of social impact assessment will be the baseline indicators for monitoring. A list of guiding monitoring indicators (not exhaustive) is given in Appendix 5 and they will be finalized during detailed study and IPP preparation period. Result of detailed SIA will be used for IPP preparation. The negative and positive impacts of the projects will be clearly mentioned in monitoring indicators. The IPP will also specify how monitoring data will be collected. The EA/IA should prepare periodic monitoring reports as agreed, and submits to ADB for review, and feedback/comment.

56. Participatory monitoring system will also be used with the involvement of IP, IPs institutions, IPs leader and other concerned stakeholders.

VIII. BUDGET AND FINANCING

57. The EA will have the primary responsibility for the preparation of the IPP. The EA will also prepare a detailed itemized budget taking into account all the activities associated with the formulation and implementation of the IPP and recruitment of external experts when required. The IPP will have its own budget and will form an integral part of the overall project cost and will be prepared by the DSMC. The responsibility of financing, implementation and monitoring of the IPP will rest with the EA. Any grievances under IPP will be redressed as per the same procedure prescribed under RF.

67. Human resources, survey costs, information dissemination, consultation and participation and grievance redress costs for IPP preparation, implementation and monitoring are estimated in the Resettlement Framework for the third STWSSSP. Government will be responsible for provision of counterpart funds to prepare and implement IPPs.

APPENDIX 1: POPULATION DISTRIBUTION OF NEPAL BY CASTE/ETHNICITY, 2011

S.N	Caste/Ethnic group	Population	Percent
	All Castes	2,64,94,504	100
1	Chhetri *	43,98,053	16.60
2	Brahmin/Hill *	32,26,903	12.18
3	Magar	18,87,733	7.12
4	Tharu *	17,37,470	6.56
5	Tamang	15,39,830	5.81
6	Newar	13,21,933	4.99
7	Muslim	11,64,255	4.39
8	Kami	12,58,554	4.75
9	Yadav	10,54,458	3.98
10	Rai *	6,20,004	2.34
11	Gurung *	5,22,641	1.97
12	Damai/Dholi	4,72,862	1.78
13	Limbu *	3,87,300	1.46
14	Thakuri	4,25,623	1.61
15	Sarki	3,74,816	1.41
16	Teli	3,69,688	1.40
17	Chamar/Harijan/Ram	3,35,893	1.27
18	Koiri/Kushwoha	3,06,393	1.16
19	Kurmi	2,31,129	0.87
20	Sanyasi/dasnami	2,27,822	0.86
21	Dhanuk	2,19,808	0.83
22	Mushar	2,34,490	0.89
23	Dusadh/Paswan/Pasi	2,08,910	0.79
24	Sherpa	1,12,946	0.43
25	Sonar	64,335	0.24
26	Kewat	1,53,772	0.58
27	Brahmin/Tarai *	1,34,106	0.51
28	Kathabanjyan	1,38,637	0.52
29	Ghart/Bhujel	1,18,650	0.45
30	Medah	1,73,261	0.65
31	Kalwar	1,28,232	0.48
32	Kumal	1,21,196	0.46
33	Hajam/Thakur	1,17,758	0.44
34	Kanu	1,25,184	0.47
35	Rajbansi	1,15,242	0.43
36	Sunwar	55,712	0.21
37	Sudhi	93,115	0.35
38	Lohar	1,01,421	0.38
39	Tamta/tatwa	1,04,865	0.40
40	Katwe	1,00,921	0.38
41	Dhobi	1,09,079	0.41

42	Majhi	83,727	0.32
43	Nuriya	70,540	0.27
44	Kumhar	62,399	0.24
45	Danuwar	84,115	0.32
46	Chepang/Praja	68,399	0.26
47	Halwai	83,869	0.32
48	Rajput	41,972	0.16
49	Kayastha	44,304	0.17
50	Badhaee	28,932	0.11
51	Marwadi	51,443	0.19
52	Satar/Santhal	51,735	0.20
53	Jhangad/Jatar	37,424	0.14
54	Bantar/sardar	55,104	0.21
55	Baraee	80,597	0.30
56	Kahar	53,159	0.20
57	Gangai	36,988	0.14
58	Lodh	32,837	0.12
59	Rajbhar	9,542	0.04
60	Thami	28,671	0.11
61	Dhimal *	26,298	0.10
62	Bhote	13,397	0.05
63	Bin	75,195	0.28
64	Gadari/Bhadihar	26,375	0.10
65	Nurang	278	0.00
66	Yakkha	24,336	0.09
67	Darai	16,789	0.06
68	Tajpuria	19,213	0.07
69	Thakali	13,215	0.05
70	Chidimar	1,254	0.00
71	Pahari	13,615	0.05
72	Mali	14,995	0.06
73	Bangali	26,582	0.10
74	Chhantyal/Chhantel	11,810	0.04
75	Dom	13,268	0.05
76	Kamar	1,787	0.01
77	Bote	10,397	0.04
78	Brahmu/Baramo	8,140	0.03
79	Gaine	6,791	0.03
80	Jirel	5,774	0.02
81	Dura	5,394	0.02
82	Badi	38,603	0.15
83	Meche *	4,867	0.02
84	Lepcha	3,445	0.01
85	Halkhor	4,003	0.02
86	Punjabi/Sikh	7,176	0.03

87	Kisan	1,739	0.01
88	Raji	4,235	0.02
89	Byasi/Sauka	3,895	0.01
90	Hayu	2,925	0.01
91	Koche	1,635	0.01
92	Dhunia	14,846	0.06
93	Walung	1,249	0.00
94	Munda	2,350	0.01
95	Raute	618	0.00
96	Hyolmo	10,752	0.04
97	Pattharkata/Kushwadia	3,182	0.01
98	Kusunda	273	0.00
99	Lomi	1,614	0.01
100	Kalar	1,077	0.00
101	Natuwa	3,062	0.01
102	Dhandi	1,982	0.01
103	Dhankar/Dharikar	2,681	0.01
104	Kulung	28,613	0.11
105	Ghale	22,881	0.09
106	Khawas	18,513	0.07
107	Rajdhob	13,422	0.05
108	Kori	12,276	0.05
109	Nachhiring	7,154	0.03
110	Yamphu	6,933	0.03
111	Chamling	6,688	0.03
112	Aathpariya	5,977	0.02
113	Sarbaria	4,906	0.02
114	Bantaba	4,604	0.02
115	Dolopo	4,107	0.02
116	Amat	3,830	0.01
117	Thulung	3,535	0.01
118	Mewahangbala	3,100	0.01
119	Bahing	3,096	0.01
120	Lhopa	2,624	0.01
121	Dev	2,147	0.01
122	Samgpang	1,681	0.01
123	Khaling	1,571	0.01
124	Topkegola	1,523	0.01
125	Loharung	1,153	0.00
126	Dalit Others *	1,55,354	0.59
127	Janajati Others	1,128	0.00
128	Tarai Others	1,03,811	0.39
129	Unidentified Others	15,357	0.06
130	Foreigner	6,651	0.03
	Grand Total	2,64,94,504	100.00

Source: Census 2011

Legend

*	Ethnic/Caste identified living in the sample project sites
	Disadvantaged, marginalised, highly marginalised and endangered IP groups
	Advanced IP groups
	Other (non IP and/or minority) groups

APPENDIX 2: INDIGENOUS PEOPLES IMPACTS SCREENING CHECKLIST

A. Introduction

1. Each subproject/component needs to be screened for any impacts on indigenous peoples which will occur or have already occurred. This screening determines the necessary action to be taken by the project team/ design consultants.

B. Information on subsection/section:

- a. District/administrative name: _____
- b. Location (km): _____
- c. Civil work dates (proposed): _____
- d. Technical description: _____

A. Screening Questions for Indigenous People Impact

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
A. Indigenous Peoples Identification				
1. Are there socio-cultural groups present in or use the project area who may be considered as "tribes" (hill tribes, schedules tribes, tribal peoples), "minorities" (ethnic or national minorities), or "indigenous communities" in the project area?				
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 "ethnic minorities", scheduled tribes, tribal peoples, national minorities, or cultural communities?				
3. Do such groups self-identify as being part of a distinct social and cultural group?				
4. Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?				
5. Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?				
6. Do such groups speak a distinct language or dialect?				
7. Has such groups been historically, socially and economically marginalized, disempowered, excluded, and/or discriminated against?				
8. Are such groups represented as "Indigenous Peoples" or as "ethnic minorities" or "scheduled tribes" or "tribal populations" in any formal decision-making bodies at the national or local levels?				

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
B. Identification of Potential Impacts				
9. Will the project directly or indirectly benefit or target Indigenous Peoples?				
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)				
11. Will the project affect the livelihood systems of Indigenous Peoples? (e.g., food production system, natural resource management, crafts and trade, employment status)				
12. Will the project be in an area (land or territory) occupied, owned, or used by Indigenous Peoples, and/or claimed as ancestral domain?				
C. Identification of Special Requirements <i>Will the project activities include:</i>				
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?				

B. Indigenous People Impact

2. After reviewing the answers above, EA/ Safeguard Team confirms that the proposed subsection/ section/ subproject/component (tick as appropriate):

- Has Indigenous People (IP) impact, an indigenous people plan (IPP) (or specific IP action plan) is required
- Has No IP impact, no IPP/specific action plan is required.

Prepared By:	Verified by:
Signature:	Signature:
Name:	Name:
Position:	Position:
Date:	Date:

APPENDIX 3: OUTLINE OF INDIGENOUS PEOPLE PLAN⁴

A. Executive Summary of the Indigenous Peoples Plan

1. This section concisely describes the critical facts, significant findings, and recommended actions.

B. Description of the Project

2. This section provides a general description of the project; discusses project components and activities that may bring impacts on Indigenous Peoples; and identify project area.

C. Social Impact Assessment

3. This section:

- (i) reviews the legal and institutional framework applicable to Indigenous Peoples in project context.
 - (ii) provides baseline information on the demographic, social, cultural, and political characteristics of the affected Indigenous Peoples communities; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend.
 - (iii) identifies key project stakeholders and elaborate a culturally appropriate and gender-sensitive process for meaningful consultation with Indigenous Peoples at each stage of project preparation and implementation, taking the review and baseline information into account.
 - (iv) assesses, based on meaningful consultation with the affected Indigenous Peoples communities, the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is a gender-sensitive analysis of the relative vulnerability of, and risks to, the affected Indigenous Peoples communities given their particular circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to those available to other social groups in the communities, regions, or national societies in which they live.
 - (v) includes a gender-sensitive assessment of the affected Indigenous Peoples' perceptions about the project and its impact on their social, economic, and cultural status.
 - (vi) identifies and recommends, based on meaningful consultation with the affected Indigenous Peoples communities, the measures necessary to avoid adverse effects or, if such measures are not possible, identifies measures to minimize, mitigate, and/or compensate for such effects and to ensure that the Indigenous Peoples receive culturally appropriate benefits under the project
-

D. Information Disclosure, Consultation and Participation

4. This section:

- (i) describes the information disclosure, consultation and participation process with the affected Indigenous Peoples communities that was carried out during project preparation;
- (ii) summarizes their comments on the results of the social impact assessment and identifies concerns raised during consultation and how these have been addressed in project design;
- (iii) in the case of project activities requiring broad community support, documents the process and outcome of consultations with affected Indigenous Peoples communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities;
- (iv) describes consultation and participation mechanisms to be used during implementation to ensure Indigenous Peoples participation during implementation; and
- (v) confirms disclosure of the draft and final IPP to the affected Indigenous Peoples communities.

E. Beneficial Measures

5. This section specifies the measures to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate, and gender responsive.

F. Mitigative Measures

6. This section specifies the measures to avoid adverse impacts on Indigenous Peoples; and where the avoidance is impossible, specifies the measures to minimize, mitigate and compensate for identified unavoidable adverse impacts for each affected Indigenous Peoples groups.

G. Capacity Building

7. This section provides measures to strengthen the social, legal, and technical capabilities of (a) government institutions to address Indigenous Peoples issues in the project area; and (b) Indigenous Peoples organizations in the project area to enable them to represent the affected Indigenous Peoples more effectively.

H. Grievance Redress Mechanism

8. This section describes the procedures to redress grievances by affected Indigenous Peoples communities. It also explains how the procedures are accessible to Indigenous Peoples and culturally appropriate and gender sensitive.

I. Monitoring, Reporting and Evaluation

9. This section describes the mechanisms and benchmarks appropriate to the project for monitoring, and evaluating the implementation of the IPP. It also specifies arrangements for participation of affected Indigenous Peoples in the preparation and validation of monitoring, and evaluation reports.

APPENDIX 4: INDICATIVE CHECKLIST FOR SOCIAL IMPACT ASSESSMENT (NOT EXHAUSTIVE)

A general checklist of information (not exhaustive) to be collected in SIA is given below for quick reference for designing the study methodology.

1. Baseline demographic data (sex disaggregated information):

- age –sex composition,
- caste/ethnic groups,
- vulnerable groups,
- disability,
- socially excluded groups, etc.

2. Baseline socioeconomic information:

- Source of income,
- Means of livelihoods,
- Assess/estimate the areas of cultivated and grazing lands used by IPs with annual agricultural outputs and value of production
- Types of land, irrigation facility, ownership of land, etc.,
- Livestock, small cattle and poultry information,
- Employment information including foreign employment,
- Situation of remittances,
- Knowledge and skills level for farming, income generation, enterprises, etc.
- Food security situation and coping mechanism of food insecurity,
- Food habit,
- Annual income and expenditures,
- Household assets like radio, TV, etc.,
- Literacy level,
- Housing structures,
- Source of lighting and fuel,
- Assessment of IPs access to and opportunities they can avail of the basic services like health, water, etc. and socio-economic services,
- Information of economic infrastructures,
- Health situation including major epidemics, disease trend, nutritional situation of under five year children and lactating mothers,
- Situation of social safety net,
- Gender and social inclusion situation,
- Situation of climate change and disaster and mitigation measures and practices, etc.

3. Existing political profile of IPs:

- Membership in NGO/CBOs like mother groups, community forestry groups, saving and credit groups, Cooperative, etc.,
- Registration situation of NGOs/CBOs in which they have membership,
- Peoples participation,
- Types of project implementation by NGOs/CBOs and source of funding,
- Partnership with external organizations,

- Capacity of institutional development including funding, leadership, project management, community mobilization, etc.
 - What types of activities they are doing?
 - What are the measures for strengthening community structures?
- 4. Assessment of cultural information covering:**
- Major cultures of the IPs groups,
 - Impact of the project on IPs social system, cultures and traditions,
 - Mitigation measures for negative impact on cultures and social systems, etc.
- 5. Assessment of land and territories that IPs have traditionally owned or occupied:**
- Land size of the IPs groups,
 - Cost of land,
 - Squatter and tenant IPs group wise population,
 - Project impact on land and territories of IPs groups, etc.
- 6. Assessment of natural resources on which IPs depend:**
- Assess the types and area/volume of natural resources used by IPs groups,
 - Assess the area/volume of the natural resources where access will be denied by IPs,
 - Mitigation measures for impact on natural resources, etc.
- 7. Assessment of the project's impacts on IPs group's social, cultural and economic status:**
- Assessment of the short and long term impact,
 - Assessment of direct and indirect impact, and
 - Assessment of positive and negative impacts.
- 8. Assessment and validation of which IPs groups will trigger the IP policy principles**
- List of IPs groups affected by project,
 - Assessment of degree of impact to each IPs groups, etc.
- 9. Assess the history of the relationships of IPs with the neighboring cultures (of the area of possible relocation/resettlement), and analysis the understanding of the conflicts of the cultures with neighbouring cultures:**
- How is the status of indigenous people in the community?
 - How is the relation of IPs culture with other neighboring cultures in potential area of relocation/resettlement?
 - Did any IPs were relocated/resettlement due to conflict with other ethnic groups? If so what was the reason and where did they went?
 - What is the feeling of indigenous people on their situation, status, etc.?
 - How is the situation of relationship, social harmony in community from culture, caste/ethnicity, etc., aspects?

10. Assess/estimate the Socio-cultural norms regarding the gender division of labour, rights, and responsibilities, access to and control over resources:

- Difference between men and women on labour/employment and wage rate? Describe
- How many HHs have land and other property in the name of women? Situation of access to and control over resources
- Difference in different caste/ethnic groups in decisions making process, and access to and control over resources?

APPENDIX 5: SAMPLE MONITORING TEMPLATE FOR IMPACTS ON IP/MINORITIES (NOT EXHAUSTIVE)

A list of monitoring indicators (not exhaustive) is given below:

1. Annual income and expenditures (increased, constant or decreased);
2. Means of livelihood and employment opportunities (diversified, constant or decreased);
3. Land size, type/quality held by IP/minority groups; project impact on land/territories of IP/minority groups;
4. Type and area of natural resources used by IP groups; affected area / volume of natural resources access as a result of project;
5. Change in productive skills (farm and off farm) before and after compensation and economic development interventions;
6. Food security situation (increased, constant or decreased) – before and after situation;
7. Changes in coping mechanisms of household – food insecurity, natural hazards, overall economic downturns (negative or positive);
8. Household ownership of assets like TV, vehicle, etc. – before and after situation;
9. Housing – type of structure;
10. Source of lighting and fuel;
11. Whether IP/minority have legal title to land / structure occupied/used; if not, how many are squatters, encroachers, bonded labours, sharecroppers or tenants – before and after situation;
12. IPs access to basic services like health, education, water, sanitation, economic infrastructure e.g. banks, access to formal credit etc. – before and after situation;
13. Whether any child labour or school dropouts in IP/minority households – before and after situation
14. Strength of social networks, social capital;
15. Gender and social inclusion situation;
16. Status of representation of IPs in politics, NGOs/CBOs, community forest groups, SHGs etc.;
17. Level of IP participation in local level decision-making process and control over resources; differences between levels of participation by different caste/ethnic groups;
18. Capacity for leadership, project management, community mobilisation;
19. Status of IP cultures, identity, traditional safety net system;
20. Situation of IPs access to natural resources;
21. Social status of IPs or feeling of IPs on their social status – before and after project;
22. IP/minority groups cultures, relationship with neighbouring cultures;
23. Impact of project on IP social networks, cultures and traditions;
24. Gender role/division of labour within household and status of women – before and after project;
25. Women's ownership of HHs property and assets;
26. Differences in wage rates for men and women (for project-related and other employment – before, during and after project implementation);
27. Situation of women's access to and control over resources, etc.
28. IPs/minorities' access to project-related employment (sex-disaggregated data); equal work for equal pay received by IPs (men and women)

29. IPs/minorities' access to project-related benefits and subsidies / barriers to access, if any
30. Consultations with IPs/minorities; evidence of meaningful consultations (minutes of meetings) having been conducted, with documentation of issues and concerns
31. Evidence of information dissemination to IPs/minorities
32. Grievances of IPs/minorities received / registered and redressed