

Indigenous Peoples Planning Framework

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NEP: Urban Water Supply and Sanitation (Sector) Project

CURRENCY EQUIVALENTS

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ABBREVIATIONS

ADB	-	Asian Development Bank
CBO	-	community-based organization
DWSS	-	Department of Water Supply and Sewerage
GRC	-	grievance redress committee
IPPF	-	Indigenous Peoples planning framework
IPP	-	Indigenous Peoples plan
NFDIN	-	National Foundation for Development of Indigenous Nationalities
NGO	-	nongovernment organization
PMO	-	project management office
PMQAC	-	project management and quality assurance consultant
RDSMC	-	regional design supervision and management consultant
RPMO	-	regional project management office
SHG	-	self-help groups
SIA	-	social impact assessment
SSO	-	Social Safeguards Officer
SPS	-	Safeguard Policy Statement
UWSSP	-	Urban Water Supply and Sanitation (Sector) Project
WSS	-	water supply and sanitation
WUSC	-	Water Users and Sanitation Committee

WEIGHTS AND MEASURES

km	-	kilometer
m	-	meter
$\mu\text{g}/\text{m}^3$	-	microgram per cubic meter
mm	-	milliliter
m^2	-	square meter

NOTE

In this report "\$" refers to United States dollars.

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 = 1/16 anna (0.0032 ha)
<i>Paisa</i>	-	Size of land parcel; 1 paisa = 7.96 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>semi-pakki</i>	-	House or building made of stone with mud mortar and clay, timber, slate or corrugated iron roofing

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I. PROJECT DESCRIPTION

A. Background

1. The Urban Water Supply and Sanitation (Sector) Project (UWSSP) will support the Government of Nepal expand access to community managed water supply and sanitation (WSS) in 20 project municipalities by drawing on experiences and lessons from three earlier projects funded by the Asian Development Bank (ADB).¹ The project will fund climate-resilient and inclusive WSS infrastructure in project municipalities and strengthen institutional and community capacity, sustainable service delivery, and project development. Subprojects will be demand driven by Water Users Associations (WUAs) and project municipalities and selected based on transparent criteria² including population growth, poverty index, existing WSS infrastructure, community willingness for cost sharing, and long-term operation and maintenance (O&M) contract.³

2. The project will build upon the on-going efforts of the Government of Nepal in providing water supply and sanitation (WSS) services in urban areas of Nepal. It will help the country to meet Sustainable Development Goal (SDG)-6 to ensure availability and sustainable management of water and sanitation for all by 2030 and it is aligned with sector objectives laid out by the government's Fourteenth Plan, National Urban Development Strategy, and updated 15-year Development Plan for WSS in Small Towns, which is to improve water supply and sanitation service delivery in urban areas across Nepal.

3. The project will have the following impact: quality of life for urban population, including the poor and marginalized, through provision of improved sustainable WSS services.⁴ The project will have the following outcome: Inclusive and sustainable access to water supply and sanitation services in project municipalities improved. The project will have two outputs: (i) water supply and sanitation infrastructure in project municipalities improved; and (ii) institutional and community capacities strengthened.

4. The Ministry of Water Supply (MOWS) is responsible for planning, implementation, regulation, and monitoring of WSS. The Department of Water Supply and Sewerage (DWSS) under the MOWS supports the provision of WSS facilities in municipalities where large utilities do not exist, and these are operated by WUSCs⁵ or municipalities.⁶ Shortage of investment funds, skilled personnel, and inadequate operation and maintenance (O&M) budgets, hinders municipalities from providing adequate, cost-effective services. The Local Governance Operation Act, 2017, established municipalities as autonomous government institution with responsibility for WSS services. While municipalities' capacity is being built, the government and residents have been receptive to the decentralized, participatory, and cost-sharing service provision model by Water Users Associations (WUAs). Development support for municipal WSS has been channeled

¹ ADB. [Nepal: Small Towns Water Supply and Sanitation Sector Project](#) (2000); [Nepal: Second Small Towns Water Supply and Sanitation Sector Project](#) (2009); and [Nepal: Third Small Towns Water Supply and Sanitation Sector Project](#) (2014).

² Subproject selection criteria are detailed in the PAM (footnote 24). Selection of future investments to be designed under the project will follow same criteria, with preference for investments located in Kathmandu Valley, provincial headquarters, and strategic border municipalities.

³ Procurement can only commence after DWSS and municipality sign management agreement with WUSC for 20 years O&M service. The municipality will own the system and the WUSC will be the operator.

⁴ Government of Nepal. 2009. *Urban Water Supply and Sanitation Policy*. Kathmandu.

⁵ The WUSCs, formed under the Nepal Water Resource Act, 1992, are the elected executive bodies of the Water Users Association.

⁶ The DWSS assists in preparation of investment plans, project design, and establishing sustainable service delivery.

through a combination of (i) government grants through DWSS, (ii) loans by the Town Development Fund (TDF),⁷ and (iii) contributions from municipalities and beneficiaries.⁸ The TDF also supports WUAs in institutional and financial management including the introduction of tariffs.

5. The project will be implemented over a five-year period (indicative implementation period is 2018 to 2023) and will be supported through ADB financing using a sector lending approach. The MOWS is the executing agency and DWSS the implementing agency. The project management office (PMO) established under ongoing Third Small Towns Water Supply and Sanitation Sector Project (footnote 1) will be responsible for the overall management, implementation and monitoring of the project. There will be regional PMOs (RPMOs) to manage day-to-day project implementation at the subproject/municipality level. After construction including a one-year O&M period by the contractor, subprojects will be operated by the WUSC or municipality.

6. Five sample subprojects are assessed for involuntary resettlement and indigenous impacts covering water supply, sanitation, storm water drainage and decentralized wastewater treatment.⁹ Potential impacts to Indigenous Peoples are assessed for the Ilam water supply subproject where Indigenous Peoples groups who are traditional users of the proposed water sources are reported; a draft indigenous peoples plan is prepared and is being updated. For the Charikot water supply and sanitation subproject and Charikot DEWATS subproject, benefits to Indigenous Peoples through their inclusion in project benefits (water and sewerage connections) are assessed; however, no adverse impacts are anticipated. The land acquisition and involuntary resettlement due diligence reports for the two Charikot subprojects include actions to be taken and specific requirements related to information disclosure and consultation with indigenous peoples and to ensure inclusion of indigenous peoples in project benefits; no separate Indigenous Peoples plan is prepared. The draft documents will be updated based on detailed measurement surveys and ADB approval obtained prior to start of construction.

7. Based on the study of sample subprojects, the project's Indigenous Peoples category is determined by the category of its most sensitive component (in this case, the proposed water sources for Ilam water supply) in terms of impacts on Indigenous Peoples. The significance of impacts on Indigenous Peoples is determined by assessing (i) the magnitude of impact in terms of (a) customary rights of use and access to land and natural resources; (b) socioeconomic status; (c) cultural and communal integrity; (d) health, education, livelihood, and social security status; and (e) the recognition of indigenous knowledge; and (ii) the level of vulnerability of the affected Indigenous Peoples community. The level of detail and comprehensiveness of the IPP are commensurate with the significance of potential impacts on Indigenous Peoples. Based on a consideration of the above, the project is classified as Category B for Indigenous Peoples safeguards. This Indigenous Peoples Planning Framework provides guidance for the screening and assessment of indigenous peoples impacts and for the preparation of indigenous peoples plans for components that are identified or subprojects that are assessed or any changes in design after Board approval. Any proposed future subproject involving significant impacts to indigenous peoples will not be allowed.

⁷ The TDF is a government-owned entity established under the Town Development Fund Act, 1997. Loans from the government to WUAs or municipalities are generally on-lent by TDF under a subproject financing agreement.

⁸ WUAs contribute 30% of project costs for water supply subprojects (25% from TDF loan and 5% from users' upfront cash contribution) and 15% for sanitation subprojects (subsidy from municipalities).

⁹ These include resettlement plan for W-03 Siddhanath Baijanath WSS, and Due Diligence Reports for (i) W-01 Charikot WSS, (ii) W-19 Charikot Decentralized Wastewater Treatment, (iii) W-05 Ilam WSS, and (iv) W-22 Katahariya Storm Drain.

II. INDIGENOUS PEOPLES IN PROJECT AFFECTED AREA

8. In Nepal, indigenous peoples are popularly known as *adivasi/janajati*. The latest census 2011 revealed that there are 123 languages being spoken in Nepal whereas 125 caste and ethnic groups are residing in a uniquely harmonized Nepalese society. As per Census 2011 data, about 37.2% of the total population of Nepal belongs to five different categories of indigenous communities defined as advantaged, disadvantaged, marginalized, highly marginalized and endangered Indigenous Peoples groups as categorized by the National Foundation for Development of Indigenous Nationalities Act, 2002 (refer para 14 of this Indigenous Peoples Plan Framework for details). Among the 37.2% of Indigenous Peoples, about 5% belongs to advanced groups as Newars and Thakalis. Appendix 1 provides a detailed break-down 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% in the country.

9. Table 1 below presents Government of Nepal data on poverty incidence among different caste and ethnic groups. It is evident that the dalits have the highest poverty incidence, which has been fluctuating greatly over the years as shown by the National Living Standards Survey.

Table 1: Poverty Rate among Different Castes and Ethnic Groups of Nepal

S.N.	Caste and Ethnicity	Poverty Rate		
		1995/1996	2003/2004	2010/2011
	Nepal	41.8	30.8	25.16
1	Newar	19.3	14.0	10.25
2	Brahmin/Chhetri	34.1	18.4	52.35
3	Tarai Middle Caste	28.7	21.3	28.69
4	Tarai Janjati	53.4	35.4	25.93
5	Muslim	43.7	41.3	20.18
6	Hill Janjati	48.7	44.0	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.

10. In the sample towns' project coverage areas, as per socio-economic baseline surveys conducted by the regional design, supervision and management consultants (RDSMCs), Indigenous Peoples populations vary from 0.4% in Bhimdatta municipality (where Siddhanath Baijanath is located), to 41.25% in Charikot, 37% in Ilam and 11.25% in Kathariya. The proportion of dalits in project coverage areas in the sample towns varies from 4.9% to 23.8% (Table 2). The communities of sample town's project coverage area are heterogeneous in terms of caste and ethnic groups living there. Hence, all Indigenous Peoples and minority groups 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 Dalits in Sample Towns of Proposed Urban Water Supply and Sanitation (Sector) Project

S. No	Ethnicity	Siddhanath Baijanath		Charikot Bhimeshwore		Ilam		Kathariya	
1	Brahman/ Chhetri	1213	75.7	1867	48.59	1604	57.3	171	10.46
2	Janajati	7	0.4	1585	41.25	1035	37	184	11.25
3	Dalit	382	23.8	382	9.94	137	4.9	187	11.44
4	Others (Madhesi, Musalman etc.)	1	0.1	8	0.21	22	0.8	1093	67.00
	Total	1603	100	3842	100	2798	100	1635	100

Source: Census 2011 and Socio-economic Baseline survey, 2017.

11. In the absence of town-level data on Indigenous Peoples/ Janjati and Dalits in all proposed towns, district level Census 2011 data on proportion of Indigenous Peoples/Janajati and Dalits to total population is presented in Table 3 below. Impacts on indigenous peoples and dalits in proposed towns for Urban Water Supply and Sanitation (sector) Project will be assessed during preliminary and/or detailed engineering designs and surveys of affected persons conducted, as required.¹⁰

Table 3: Indigenous People/Janajati and Dalits Population in Districts where Proposed Project Towns Located

S. No.	Districts	Total Population	Indigenous People					Minorities/ Dalits	
			Total Indigenous People/ Janajati	%	Man	Woman	Sex Ratio	Total Dalits	%
1	Ilam	290254	188604	65.0	91776	96828	0.95	16080	5.54
2	Sankhuwasabha	158742	76355	48.1	81683	77059	1.06	14366	9.05
3	Bhojpur ^a	201958	131515	65.1	66783	64732	1.03	19368	9.59
4	Khotang	205225	90094	43.9	42172	47922	0.88	17855	8.70
5	Saptari	639284	186032	29.1	91156	94876	0.96	185392	29.00
6	Sarlahi	637328	110449	17.33	53741	56708	0.95	143399	22.50
7	Rautahat	686722	87214	12.7	44670	42543	1.05	100261	14.60
8	Okhaldhunga	147984	72660	49.1	33804	38856	0.87	13615	9.20
9	KavrePalanchok	381937	245967	64.4	183012	198925	0.92	30555	8.00
10	Bhaktapur	304651	202593	66.5	102793	99799	1.03	6093	2.00
11	Tanahu ^b	323288	173282	53.6	77014	96268	0.80	55185	17.07
12	Nawalparasi	643508	307919	47.85	145309	162610	0.89	77414	12.03
13	Palpa	261180	129023	49.4	57225	71798	0.80	36408	13.94
14	Rolpa	224506	124601	55.5	57249	67352	0.85	37380	16.65
15	Kailali	775709	362612	46.7	182555	180067	1.04	105807	13.64
16	Bajhang	195159	8099	4.1	3859	4240	0.91	32065	16.43
17	Kanchanpur	451248	166059	36.8	79570	86489	0.92	46794	10.37
18	Darchula	133274	1376	1.03	656	720	0.91	16779	12.59

^a District Profile, DDC Bhojpur 2072.

^b District Profile, DDC Bajhang 2071.

Source: Based on Census 2011.

III. OBJECTIVES AND POLICY FRAMEWORK

A. Objectives

12. This Indigenous Peoples planning framework (IPPF) is prepared to provide guidance to the Department of Water Supply and Sewerage (DWSS), participating WUSCs, municipalities and project consultants who will be carrying out the investment project, on policy and procedures to screen project impacts on Indigenous Peoples and, when required, to prepare Indigenous Peoples plan (IPP) to safeguard the rights of indigenous peoples in accordance with ADB's Safeguard Policy Statement (SPS), 2009 and domestic laws. In Nepal, *adivasi/janjati* is recognized by domestic law as indigenous / tribal people; and their presence is found in proposed project areas. ADB's safeguard policy requirements pertaining to Indigenous Peoples are

¹⁰ Since no Indigenous Peoples are affected in sample towns and impacts to such peoples in all proposed towns for Urban Water Supply and Sanitation (Sector) Project are not known yet, this IPPF needs to be updated once other town subprojects are appraised for Indigenous Peoples impacts.

triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of Indigenous Peoples or affects the territories or natural or cultural resources that Indigenous Peoples own, use, occupy, or claim as an ancestral domain or asset.

13. Assessment of potential impacts to Indigenous Peoples in the sample subprojects based on in-depth consultations at field level (project areas) reveals that no land acquisition, relocation, physical and/or economic displacement of Indigenous Peoples 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. Wherever Indigenous Peoples are affected by the project, this IPPF provides the steps to be taken in order to comply with ADB's SPS, 2009 requirement.

14. 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 Indigenous Peoples shall be completed before the award of civil works contract of the subproject concerned.

B. Policy Framework: Indigenous Peoples

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

16. **Government of Nepal Laws:** The Constitution of Nepal (2015) in preamble obligates the country as multi-ethnic, multi-lingual, multi-religious, multi-cultural and diverse regional characteristics. In part I, Article 3; Nation is defined as 'All the Nepalese people, with multiethnic, multilingual, multi-religious, multicultural characteristics and in geographical diversities'. It recognizes the status of different mother languages as national languages in Article 6. Each individual and community has the right to use, preserve and promote its own language, script, culture and cultural heritage (Article 32). The Article 51 (j) 8 articulates that the state shall pursue policy to make the indigenous nationalities participate in decisions concerning that community by making special provisions for opportunities and benefits in order to ensure the right of these nationalities to live with dignity, along with their identity, and protect and promote traditional knowledge, skill, culture, social tradition and experience of the indigenous nationalities and local communities,

17. In addition, the Constitution has authorized the establishment of an Indigenous Nationalities Commission in part-27, Article 261 to address the issues and concerns of such communities.

18. The provision in Article 42 (1) recognizes the rights of Adivasi/Janajati to "participate in State structures on the basis of principles of proportional participation. Provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or development of the citizens including the socially or culturally backward women, Dalit, indigenous people, indigenous nationalities, Madhesi, Tharu, Muslim, oppressed class, Pichhada class, minorities, the marginalized, farmers, labourers, youths, children, senior citizens, gender and sexual minorities, persons with disabilities, persons in pregnancy, incapacitated or helpless, backward region and indigent Khas Arya in Article 18 (3).

19. Specific policy initiatives for the welfare and advancement of Indigenous Peoples (*adivasi/implementing agencynajati*) 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.

20. The National Foundation for Development of Indigenous Nationalities (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 Indigenous Peoples focusing on 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.

21. 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:

- (i) those who have their own ethnic languages other than Nepali;
- (ii) those who have their own distinct traditional customs other than those of the ruling high castes;
- (iii) those who espouse a culture distinct from that of the Aryan/Hindu culture of dominant groups;
- (iv) those who have distinct social structures that do not fall under the hierarchical varna or caste system;
- (v) 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
- (vi) those who are listed in the schedule of indigenous people/nationalities published by Government of Nepal.

22. The government of Nepal has identified 59 groups as indigenous people or nationalities in Nepal. National Foundation for Development of Indigenous Peoples Act, 2058 (2002 A.D.) has classified and scheduled these 59 Indigenous People/nationalities into five major categories, of which 10 Indigenous Peoples groups are in endangered, 12 are highly marginalized, 20 marginalized, 15 disadvantaged and 2 advantaged. Similarly, these groups are categorized based on ecological region as hill, terai/ madhes and mountain.

23. Tables 4 provides details of 59 Indigenous Peoples/*Janajati* in different ecological regions of Nepal. Table 5 provides a classification of Indigenous Peoples groups as per NEDFIN Act, 2002 in ecological zones hill, terai/madhes and mountain relevant to the project by degree of marginalization as discussed above in five major categories.

Table 4: Indigenous Peoples/Janajati by Ecological Regions

Ecological Region	Indigenous Peoples	No.
Hill	1. Bankariya 2. Kusbadiya 3. Kusunda 4. Lepcha	24

Ecological Region	Indigenous Peoples	No.
	5. Surel 6. Baramu 7. Thami (Thangmi) 8. Chepang 9. Bhujel 10. Dura 11. Hayu 12. Pahari 13. Phree 14. Sunuwar 15. Tamang 16. Chhantyal 17. Gurung (Tamu) 18. Jirel 19. Limbu (Yakthung) 20. Magar 21. Rai 22. Yakkha 23. Hyolmo 24. Newar	
Mountain	1. Chhairotan 2. Tongbe 3. Topkegola 4. Thudam 5. Dolpo 6. Tingaunle Thakali 7. Thakali 8. Bahragaunle 9. Bhote 10. Mugali 11. Lhopa 12. Walung 13. Sherpa 14. Siyar 15. Marphali Thakali 16. Larke 17. Lhomi (Singsawa) 18. Byasi	18
Terai/Madhes	1. Raji 2. Raute 3. Kisan 4. Meche (Bodo) 5. Bote 6. Danuwar, 7. Majhi 8. Dhanuk (Rajbansi) 9. Jhangad 10. Santhal (Satar) 11. Darai 12. Kumal, 13. Dhimal 14. Gangai 15. Rajbanshi 16. Tajpuriya	17

Ecological Region	Indigenous Peoples	No.
	17. Tharu	
Total		59

Source: Nepal Rajpatra (Nepal gazette) February 7, 2000.

Table 5: Indigenous People/Janajati of Nepal and Their Degree of Marginalization

Region	Endangered Group	Highly Marginalized Group	Marginalized Group	Disadvantaged Group	Advantaged Group
Hill	Kusunda, Bankariya, Hayu, Kusbadiya, Lepcha, Surel (6 groups)	Baramu, Thami (Thangmi), Chepang (3 groups)	Bhujel, Dura, Pahari, Phree, Sunuwar, Tamang (6 groups)	Chhantyal, Gurung (Tamu), Jirel, Limbu (Yakthung), Magar, Rai, Yakkha, Hyolmo (8 groups)	Newar (1 group)
Mountain		Thudam, Siyar, Lhomi (Singsawa) (3 groups)	Topkegola, Dolpo, Bhote, Mugali, Lhopa, Walung, Larke (7 groups)	Chhairotan, Tangbe, Tingaunle, Thakali, Bahragaunle, Sherpa, Marphali, Thakali, Byasi (7 groups)	Thakali (1 group)
Terai/Madhes	Raji, Raute, Kisan, Meche (Bodo) (4 groups)	Bote, Danuwar, Majhi, Dhanuk (Rajbanshi), Jhangad, Santhal (Satar) (6 groups)	Darai, Kumal, Dhimal, Gangai, Rajbanshi, Tajpuriya, Tharu (7 groups)		
Total	10	12	20	15	2

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

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

25. 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 Indigenous Peoples 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 Indigenous Peoples, physical relocation from traditional or customary lands.

26. The Indigenous People's safeguards in SPS triggers when a project affects the dignity, human rights, livelihoods systems, or culture of Indigenous Peoples or affects the territories or natural or cultural resources that Indigenous Peoples own, use, occupy, or claim as an ancestral domain or asset.

27. 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)

28. A gap analysis of laws and policies of Government of Nepal and ADB SPS 2009 is undertaken and presented in the table below. Indigenous Peoples will be identified based on the definition of Indigenous Peoples by Government of Nepal in the NFDIN Act, 2002. Level of impact to Indigenous Peoples and process to be followed in case of adverse impacts to Indigenous Peoples, 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 Government of Nepal and ADB Policy on Indigenous Peoples, Gap Analysis and Recommended Measures

Area	Government of Nepal Policy Provision for Indigenous Peoples	ADB Safeguard Policy Statement 2009 Requirements	Gaps between Government of Nepal Law and ADB Safeguard Policy Statement Requirements	Gap Filling Measures
Definition	Only the consideration of identity and provisions by law for protection, empowerment and development of Indigenous Peoples; Clause 18 (3), The Constitution of Nepal	Explores viable Alternatives for protection of identity and vulnerability	Nepal law and policy do not address the issues of vulnerability	Multiple social, economic and project design/ technical alternatives and options will be explored to avoid or minimize adverse impacts to Indigenous Peoples, protect their identity and address the issue of their Vulnerability.

Area	Government of Nepal Policy Provision for Indigenous Peoples	ADB Safeguard Policy Statement 2009 Requirements	Gaps between Government of Nepal Law and ADB Safeguard Policy Statement Requirements	Gap Filling Measures
Level of Impact Measurement	Provision of reservation for inclusion of Indigenous Peoples	Provision for social safeguards and assessment of differential impact	Local laws are silent on assessment of differential impact and vulnerability	Detailed assessment will be undertaken to identify different levels of impact on Indigenous Peoples.
Planning	Silent on planning for impact mitigation	Provision for proper and specific planning document to mitigate adverse impacts to Indigenous Peoples	Local laws do not provide for planning for avoidance/ mitigation of adverse impacts to Indigenous Peoples	Indigenous Peoples Plans (IPP) will be prepared wherever ADB SPS safeguards on Indigenous Peoples are triggered. IPPs will explore possible options to avoid or mitigate adverse impacts to Indigenous Peoples. Capacity of stakeholders on planning for impact mitigation will be developed.
Safeguards	Silent about safeguards or protection of Indigenous Peoples from project-related impacts	Clear provisions for Safeguard requirements for Indigenous Peoples in any intervention	Need for protection and safeguards for Indigenous Peoples 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 Indigenous Peoples 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
Consultation, consent and culturally appropriate response	Only mentioned about the ensured participation of Indigenous Peoples in decisions regarding of opportunities and benefits in order to right of these Indigenous Peoples Clause 51(j) 8, The Constitution of Nepal	Emphasis on meaningful consultation, obtaining consent of Indigenous Peoples, and formulation of culturally appropriate responses	Local laws do not address on consultation, consent from Indigenous Peoples and culturally appropriate response	All possible options will be explored to address impacts to Indigenous Peoples through a meaningful consultative process, consent-seeking (broad community support) and culturally sensitive response

D. Objectives of the Indigenous Peoples Planning Framework

29. Following the National Policies on Indigenous Peoples, and incorporating indigenous people's policies of ADB and government, the IPPF has been prepared to guide the formulation of project components, ensuring equal distribution of project benefits between Indigenous Peoples and non-Indigenous Peoples that are affected by the Project. The principal objectives of the IPPF are to:

- (i) screen project components early to assess their impacts on Indigenous Peoples 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 Indigenous Peoples receive culturally appropriate social and economic benefits;
- (v) define the institutional arrangement for screening, planning and implementation of Indigenous Peoples plans for projects; and
- (vi) outline the monitoring and evaluation process.

30. 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/finalization of alternative.

E. Indigenous Peoples Plan

31. 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 Indigenous Peoples or affects the territories or natural or cultural resources that Indigenous Peoples own, use, occupy, or claim as their ancestral domain.

32. In accordance with SPS, in case the physical relocation of Indigenous Peoples results in adverse impacts on their identity, culture and customary livelihoods and if such avoidance is impossible then the executing agency 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.

33. This framework seeks to ensure that Indigenous Peoples are informed, consulted, and mobilized to participate in all the 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 Indigenous Peoples 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

34. 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 will pay special attention to the requirement that Indigenous Peoples 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 Indigenous Plan/Minorities

35. Initial screening of a project components and potential impacts on Indigenous Peoples 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 executing agency and Municipality/ Rural Municipality representatives and District Coordination Committee (DCC) where Indigenous Peoples 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 executing agency will determine whether the affected community is an Indigenous Peoples community. The executing agency will consult DCC and Municipality/ Rural Municipality and hold meetings with social and Indigenous Peoples leaders and/or NGOs/community-based organizations (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.

36. The project or project component needs to be categorized according to the significance of impacts on Indigenous Peoples 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 Indigenous Peoples/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 Indigenous Peoples/minorities and therefore do not require special provision for Indigenous Peoples.

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

38. On application of screening criteria, sample towns are classified as Category B, as limited impacts to Indigenous Peoples are anticipated (para 3).

B. Social Impact Assessment and Preparation of Indigenous Peoples Plan

39. The executing agency 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 Indigenous Peoples have traditionally owned or occupied; (iii) assessment of natural resources on which Indigenous Peoples 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.

40. 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.

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

42. While conducting the SIA, involvement of all Indigenous Peoples 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, Indigenous Peoples organizations and Indigenous Peoples 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 Indigenous Peoples 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 Indigenous Peoples organizations present at project area, 2) consultation with Indigenous Peoples 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 Indigenous Peoples. In case of limited impacts, specific actions for Indigenous Peoples can be spelled out in a Resettlement Plan for the project or project component. If SIA identifies significant differential impacts on Indigenous Peoples from the mainstream population, an IPP will be prepared to ensure that the distribution of project benefits would reach Indigenous Peoples.

43. Local Indigenous Peoples should be involved in facilitation of the consultation process in areas where indigenous peoples are present and in the preparation of preliminary SIA. Such

persons would be familiar with local (Indigenous Peoples) language and communication with the Indigenous Peoples groups should be in their own language.

44. A combination of different methods like posters in prominent locations especially in IP/minority settlements, loudspeaker announcements in Indigenous People/minority neighborhoods etc. and announcements by RDSMC community organizers through key persons identified in the Indigenous Peoples/minority communities should be used to ensure the participation of Indigenous Peoples/minority groups in all venues of consultation. Key stakeholders should be presented in the consultation process. Culturally appropriate and gender sensitive process and suitable time and venue should be arranged for meaningful consultation at each stage of the project cycle. Appropriate mitigation measures and relevant recommendation will be developed based on the meaningful consultations and available baseline information to avoid adverse effects on such Indigenous Peoples.

45. The executing agency should ensure the participation of Indigenous Peoples in project cycle. There should be the clear provision for participation of Indigenous Peoples (percentage among the total participants/beneficiaries) in different stage of project implementation such as labor, general consultation, representation in different activities, amongst others.

46. During the consultation process to prepare this framework, all Indigenous Peoples mentioned that they will help the project implementation process but the project should provide proper compensation and support to the Indigenous Peoples who are potentially likely to be affected by the project, particularly through the provision of project-related jobs.

47. The IPP should include mitigation measures for identified potential negative project impacts. Where there is acquisition of land and/or structures the executing agency should ensure that the rights of the Indigenous Peoples/minority households 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. In addition; the entitlement matrix has specific provisions for Indigenous Peoples and vulnerable affected persons, which will be applicable in case of any Indigenous Peoples impacts.

48. The main components of an IPP includes (i) discussion on aspirations, needs, and preferred options of the affected Indigenous Peoples; (ii) local social organization, cultural beliefs, ancestral territory, and resource use patterns among the affected Indigenous Peoples; (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 executing agency capacity to address their issues; (vii) the possibility of involving local organizations and NGOs with expertise in Indigenous Peoples issues; (viii) their budget allocation; and (ix) Indigenous Peoples monitoring with a time frame. The executing agency will submit the IPP to ADB for review and approval prior to commencement of any civil works.

49. If the Indigenous Peoples impacts are not significant or generally positive, the RPMO in consultation with PMO and Project Management and Quality Assurance Consultant (PMQAC) could decide to prepare a "specific action" plan in a due diligence report detailing required actions to address the Indigenous People issues without preparing a stand-alone IPP. This decision will depend on the severity of impacts. This "specific action" plan can be a community action plan where the Indigenous People groups live with non-indigenous peoples in the same subproject location. Another way is to incorporate Indigenous People issues and their benefits into the

resettlement plan, if any. If the above are not feasible, it is possible to specifically include them in the subproject beneficiary group.

V. CONSULTATION, INFORMATION DISCLOSURE AND GRIEVANCES

A. Consultation

50. The executive agency/implementing agency should undertake meaningful consultation with affected Indigenous Peoples to ensure their informed participation. The meaningful consultation in culturally and gender sensitive manner with and adequate participation of Indigenous Peoples 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. Indigenous Peoples should be provided relevant project information in language(s) and manner suitable to them. Separate focus group discussions needs to be held with Indigenous Peoples 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 Indigenous Peoples, 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 Indigenous Peoples 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.

51. In the case of project activities with significant Indigenous Peoples impacts and requiring **broad community support (BCS)**, the implementing agency 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

52. When the borrower/client and the affected Indigenous Peoples have serious differences and disagreements in relation to the project, its components, or the IPP, the executing agency/implementing agency will undertake good faith negotiations to resolve such differences and disagreements.

53. Required information to affected persons and key stakeholders, and process about the project in affected Municipality/Rural Municipality and districts will be disseminated.

54. 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; ii) being open to the challenge of learning through others' points of view; iii) building empowered and interdependent relationships with people one

regards as different; iv) demonstrating the willingness and ability to adapt in diverse cultural situations.

55. 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.

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

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

C. Grievance Redress

58. A project-specific grievance redress mechanism (GRM) will be established to receive, evaluate and facilitate resolution of affected persons' concerns, complaints, and grievances related to social, environmental and other concerns on the project. Grievances may be channeled through letters, emails, text messages (SMS), verbal narration, grievance box and registers. The GRM will aim to provide a time-bound and transparent mechanism to resolve such concerns.

59. A common GRM will be in place for social, environmental or any other grievances related to the project. The GRM will provide an accessible forum for receiving and facilitating resolution of affected persons' grievances related to the project. Project will publish the sample grievance registration form on its website and publish it in local language and/or indigenous peoples dialect, at the hoarding board of each of the participating WUA or municipalities' office. Every grievance shall be registered with careful documentation of process adopted for each of the grievance handled, as explained below. The environmental and social safeguards officer (ESO/SSO) at the project management office (PMO) will have the overall responsibility for timely grievance redress on environmental and social safeguards issues. The Social Safeguards Officer at the Regional Project Management Office (RPMO) will be the focal person for facilitating the grievance redress at the local level.

60. A municipal-level public awareness campaign will be conducted on a regular basis as per the communication strategy of the project to ensure awareness on the project and its GRM. The social and environmental safeguards experts of the PMQAC and RDSMCs will support the WUA or municipalities in conducting municipality-wide awareness campaigns, which will ensure that all stakeholders including poor and vulnerable are aware of the GRM and project's entitlements.

61. A grievance redress committee (GRC) will be formed at the Municipality level, comprising the Mayor as Chairperson of GRC, and Regional Project Manager RPMO as Secretary. The GRC members will comprise of (1) WUSC Secretary; (2) RPMO Engineer; (3) RPMO social /environmental (as relevant) officer, (4) representative of affected persons, (5) RDSMC's safeguards specialist (social/environment as relevant), (6) a representative of reputable and

relevant CBO/self-helped group (SHG)/organization working in the project area as invitee¹¹, and (7) contractor's representative. The secretary of the GRC will be responsible for convening timely meetings and maintaining minutes of meetings. The concerned social safeguards expert of RDSMC will support the RPMO safeguard's officer and Project Manager of RPMO to ensure that grievances, including those of the poor and vulnerable are addressed. All GRCs shall have at least two women committee members. Along with representatives of the affected persons, civil society and eminent citizens can be invited as observers in GRC meetings. In case of any indigenous people impacts and in areas where Indigenous Peoples are present, the GRC must have representation of the affected indigenous people community, including at least one female indigenous person, leaders of the tribe(s) or a member of the tribal council as traditional arbitrator (to ensure that traditional grievance redress systems are integrated) and an NGO working with indigenous people groups. A representative of the District Coordination Council will be invited to attend any GRC meetings where coordination between government departments is required, particularly to address indigenous peoples' issues.

62. The functions of the local GRC are as follows: (i) provide support to affected persons on problems arising from environmental or social disruption; asset acquisition (if necessary); and eligibility for entitlements, compensation and assistance; (ii) record grievances of affected persons, categorize and prioritize them and provide solutions within 15 days of receipt of complaint by WUA or local bodies; and (iii) ensure feedback to the aggrieved parties about developments regarding their grievances and decisions of the GRC. The GRM procedure is depicted in Figure 1, and is outlined below in detail, with each step having time-bound schedules and responsible persons to address grievances and indicating appropriate persons whose advice is to be sought at each stage, as required:

- (i) **First Level of GRM (WUA level):** The first-level, which is also the most accessible and immediate venue for quick resolution of grievances will be the contractors, RDSMC field engineers and RPMO supervision personnel, who will immediately inform the WUA. Any person with a grievance related to the project works can contact the Project to file a complaint. The municipal-level field office of the RPMO, in WUA's building, will document the complaint within 24 hours of receipt of complaint in the field, and WUA or local bodies will immediately address and resolve the issue at field-level with the contractor, supervision personnel of RPMO and RDSMC field engineers within 5 days of receipt of a complaint/grievance. The assigned RDSMC's Social Mobilizer will be responsible to fully document: (i) name of the person, (ii) date of complaint received, (iii) nature of complaint, (iv) location and (v) how the complaint was resolved as well as to provide feedback to the complainant. If the complaint remains unresolved at the local level within 5 days, the WUA will forward the complaint to the municipality level GRM.
- (ii) **Second Level of GRM (Municipality level):** The complainant will be notified by the WUA that the grievance is forwarded to the Municipality-level GRC. The M level GRC will be called for a meeting, called and chaired by the Mayor. The GRC will recommend corrective measures at the field level and assign clear responsibilities for implementing its decision within 10 days of receipt of complaint by WUA. If the grievance remains unresolved within 10 days of receipt of complaint by WUA, the matter will be referred to the third level. The RPMO Engineer will be responsible for processing and placing all papers before the GRC, recording decisions, issuing

¹¹ If the complaints are related with Indigenous Peoples/Dalits/other vulnerable groups, specific NGO/CBO that actively involved in development of these communities should be involved.

minutes of the meetings, providing feedback to complainants and taking follow up actions so that formal orders are issued and decisions are carried out.

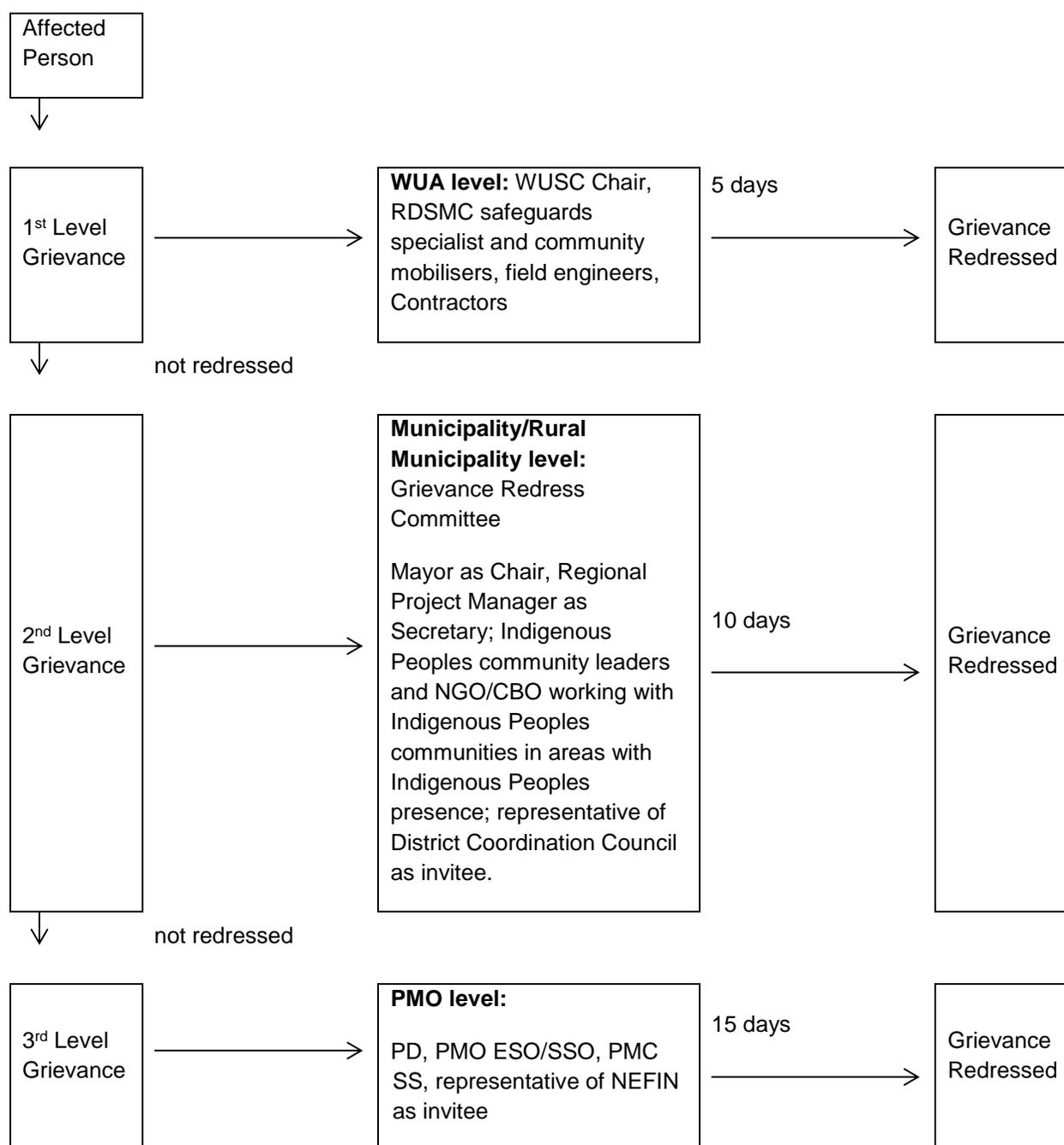
- (iii) **Third Level of GRM (PMO Level):** Any unresolved or major issues at Municipality level will be referred to the PMO for final solution. The PMO's Project Director (PD) will have special meeting to find solutions. A representative of the Nepal Federation of Indigenous Nationalities (NEFIN) will be invited to attend any meetings related to resolution of Indigenous Peoples grievances. Decision has to be made within 15 days of receipt of complaint by WUA. The PD will sign off on all grievances received by the PMO. The concerned Deputy Project Director (DPD) and environmental and social safeguards officers (ESO & SSO) of PMO will be involved with support from the PMQAC's social/environment safeguards experts. The SSO will be responsible to convey the final decision to the complainant.

63. All paperwork (details of grievances) needs to be completed by the WUA member secretary and circulated to the WUA Chairperson and members. At Municipality level, the Municipality SDO will be responsible for circulation of grievances to the Regional Project Manager, DWSS and other GRC members, prior to the scheduled meetings. The RPMO's Engineer will be responsible for follow-through of all escalated grievances. All decisions taken by the GRC will be communicated to the affected persons by the RPMO's SSO.

64. Despite the project GRM, an aggrieved person shall have access to the country's legal system at any stage and accessing the country's legal system can run parallel to accessing the GRM and is not dependent on the negative outcome of the GRM.

65. In the event that the established GRM is not in a position to resolve the issue, the affected person also can use ADB's Accountability Mechanism through directly contacting (in writing) the Complaint Receiving Officer (CRO) at ADB headquarters or the ADB Nepal Resident Mission. The complaint can be submitted in any of the official languages of ADB's developing member countries (DMCs). The ADB's Accountability Mechanism information will be included in the Project Information Datasheet (PID), to be published in web and distributed to the affected communities, as part of the project GRM.

Figure 1: Grievance Redress Process



RDSMC=regional design, supervision and management consultant; ESO=environmental safeguards officer, SDO=social development officer, SSO=social safeguards officer, GRC = grievance redress committee; PD = project director; PMC = project management consultant; PMO = project management office, NEFIN = Nepal Federation of Indigenous Nationalities.

66. **Record Keeping and Disclosure.** Records at the municipal-level will be kept by the concerned WUA or local bodies member secretary, of all grievances received, including contact details of complainant, date the complaint was received, nature of grievance, agreed corrective actions and the date of the incident and final outcome. The number of grievances recorded and resolved and the outcomes will be displayed/disclosed in the PMO office, WUA, and on the web, as well as reported in the safeguards monitoring reports submitted to ADB on a semi-annual

basis. For any grievance escalated to RPMO/ Municipality level, the RPMO's Engineer assigned as GRM focal person will be responsible for record-keeping, calling of GRC meetings and timely sharing of information with WUA or municipalities. For grievances escalated to PMO and above, the PMO's SSO will be responsible for maintenance of records, sending copies to RPMO and WUA for timely sharing of information with the person filing complaint.

67. **Periodic Review and Documentation of Lessons Learned.** The PMO's SSO will periodically review the functioning of the GRM at municipality or WUA level and field level and record information on the effectiveness of the mechanism, especially on the project's ability to prevent and address grievances. Indicators pertaining to grievance redress (no. of grievances received, no. redressed/resolved to be reported by Member Secretary, WUA to RPMO SDO, and by RPMO to PMO SSO) in monthly and quarterly progress reports.

68. **Costs.** All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) at local (field/ward/municipal) level will be borne by the concerned focal organizations at each level: WUA at local level, and municipality at municipal level; and PMO at central level. Cost estimates for grievance redress are included in resettlement cost estimates.

VI. INSTITUTIONAL ARRANGEMENTS

69. The Ministry of Water Supply (MOWS) is the executing agency and the Department of Water Supply and Sewerage (DWSS) the implementing agency. The project management office (PMO) established under ongoing Third Small Towns Water Supply and Sanitation Sector Project (footnote 1) will be responsible for the overall management, implementation and monitoring of the project. There will be regional PMOs (RPMOs) to manage day-to-day project implementation at the subproject/municipality level. The PMO will be assisted by Project Management and Quality Assurance Consultant (PMQAC). The participating municipalities and Water Users Associations will be supported by the regional design supervision and management consultant (RDSMC) social safeguards specialist and RDSMC social mobilizer. At the local level, WUSCs will function as the executive body of the WUAs.

70. PMO within DWSS will have overall responsibility for safeguards activities under the Project, which includes ensuring compensation paid to all affected persons prior to the award of civil contracts. PMO also will have to manage and ensure RP/IPP implementation.

71. The PMO will be staffed with an Indigenous Peoples Safeguard Officer (IPSO) who will be recruited in the PMO, with the specific responsibility of overseeing, monitoring and reporting on indigenous peoples' safeguards. The RPMOs will have a Social and Indigenous Peoples development officer (SIPDO), who will be responsible for involuntary resettlement and Indigenous Peoples safeguards including IPP updating and implementation, as well as gender. The Indigenous Peoples in PMO and SIPDO in RPMOs will be assisted by the PMQAC and RDSMC in IPP preparation, updating, consultation, information dissemination to Indigenous Peoples/minorities and support for grievance redress. They will be supported at town/field level by the RDSMC social mobilisers.

72. Substantial social, cultural and gender awareness and capacity will be required for all staff, especially safeguards personnel. Staff with any relevant Indigenous Peoples language capability will be given preference in appointment. While hiring RDSMC social mobilisers, preference will be given to hiring Indigenous Peoples in the team, to facilitate preparation and implementation of IPP. Training of trainers (PMQAC SSS and RDSMC SSS) and capacity building of PMO, RPMO

and WUSCs on Indigenous Peoples issues should be explored in detail soon after appointment of PMC and RDSMC, to meet ADB SPS requirements.

73. **Project Management Office.** The involuntary resettlement safeguards officer of the PMO will receive support from the social safeguards expert of the PMQAC to conduct the following activities:

- (i) ensure that the resettlement framework provisions are adhered to and the RPs are updated based on detailed designs, and that new resettlement plans or DDRs, as required, are prepared in accordance with the resettlement framework and government policies;
- (ii) review, approve, RPs or DDRs for new subprojects with support from the social safeguards expert of PMC;
- (iii) provide oversight on social safeguards policy compliance of subprojects and ensure timely implementation of resettlement plans by regional project management offices (Eastern, Central, and Western RPMO) prior to the start of civil works;
- (iv) supervise and provide guidance to the RPMOs to properly carry out the monitoring and assessments as per the resettlement framework;
- (v) consolidate quarterly social monitoring reports from RPMOs and submit semi-annual monitoring reports to ADB. The monitoring reports should record the progress of resettlement activities and any compliance issues, grievances, corrective actions taken, follow-up actions required and status of compliance with relevant loan covenants.
- (vi) ensure timely disclosure of final resettlement plans in project locations and in a form accessible to the public; and
- (vii) ensure any grievances brought about through the GRM are addressed in a timely manner.

74. Indigenous Peoples safeguard officer (IPSO) will be recruited in the PMO, with the specific responsibility of overseeing, monitoring and reporting on Indigenous Peoples safeguards. The Indigenous Peoples safeguards officer of the PMO will receive support from the social safeguards expert of the PMQAC to conduct the following activities:

- (i) ensure that the IPPF provisions are adhered to and the indigenous people plans (IPPs) are updated based on detailed designs, and that new IPPs or social safeguards DDRs, as required, are prepared in accordance with the IPPF and government policies;
- (ii) review, approve, IPPs or social safeguards DDRs for new subprojects with support from the social safeguards expert of PMC;
- (iii) provide oversight on indigenous peoples safeguards policy compliance of subprojects and ensure timely implementation of IPPs by regional project management offices (Eastern, Central, and Western RPMO) prior to the start of civil works;
- (iv) supervise and provide guidance to the RPMOs to properly carry out the monitoring and assessments as per the IPPF;
- (v) consolidate quarterly social monitoring reports from RPMOs on indigenous peoples safeguards and consolidate inputs on indigenous peoples safeguards for the semi-annual monitoring reports to ADB. The monitoring reports should record the progress of IPP activities and any compliance issues, grievances, corrective

actions taken, follow-up actions required and status of compliance with relevant loan covenants.

- (vi) ensure timely disclosure of final IPPs in project locations and in a form accessible to the public; and
- (vii) ensure any grievances brought about through the GRM are addressed in a timely manner.

75. **Regional Project Management Offices.** The social and Indigenous Peoples development officer appointed and deputed by DWSS to the RPMOs will receive support from; (i) the PMO social safeguards officer; and (ii) the social specialist and the social mobilizers of the RDSMC teams to carry out the following:

- (i) review, update prepared draft resettlement plans/IPP's upon completion of detail design;
- (ii) screen impacts and prepare new resettlement plans and IPP's in accordance with resettlement framework/IPPF and government rules;
- (iii) engage in ongoing meaningful consultations with stakeholders and affected persons particularly through implementation of the consultation and participation;
- (iv) ensure provision of timely payments to the affected persons by the WUA before displacement/impact occurs in project sites ready for construction;
- (v) oversee implementation of resettlement plans and/or IPP's by WUAs;
- (vi) advise and take corrective actions when necessary to minimize/avoid social safeguards impacts;
- (vii) submit monthly social safeguards monitoring reports to PMO;
- (viii) assist in establishment of grievance redress committee (GRC) at Municipality level and assist in redressal of grievances brought about through the GRM in a timely manner.

VII. MONITORING AND REPORTING

A. Monitoring

76. The executing agency will monitor and measure the progress of implementation of the IPP. The executing agency/implementing agency should use dynamic mechanisms, such as inspections and audits, to verify compliance with requirements and progress toward achieving the desired outcomes. Subprojects with some indigenous plan issues will be regularly monitored by the Social Safeguards Specialist of RDSMC and reported in the semi-annual safeguards monitoring report (para 76). For any subproject with significant impacts on Indigenous Peoples, the executing agency/implementing agency will retain qualified and experienced external experts to verify monitoring information. The external experts engaged by the executing agency/implementing agency will advise on compliance issues, and if any significant Indigenous Peoples issues are found, the executing agency/implementing agency 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 executing agency and the executing agency will be responsible for submitting the reports to ADB.

77. The executing agency/implementing agency will establish detailed implementation and monitoring plan, and establish management information system (MIS) for rigorous monitoring of project implementation and ensuring fulfillment and implementation of the IPP. Baseline for monitoring will be developed during detailed 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 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 executing agency/implementing agency should prepare periodic monitoring reports as agreed, and submits to ADB for review, and feedback/comment.

78. Participatory monitoring system will also be used with the involvement of Indigenous Peoples, Indigenous Peoples institutions, Indigenous Peoples leader and other concerned stakeholders. If required, third party monitoring of IPP implementation will be recommended. The independent third party/external monitor will be without any direct interest in the project and its outcomes. The third party will constitute a fact-finding committee for verification and action with janajati leaders or elders as members. The third party will conduct surveys and consultations as necessary to report on IPP implementation status, effectiveness of grievance redress, levels of participation and satisfaction among Indigenous Peoples/Dalits, and changes in their socio-economic status post-IPP implementation. The report(s) of the third party will identify hurdles to implementation if any, and course correction required.

79. The UWSSP does not envisage any significant negative impact on indigenous peoples. Any subproject with significant adverse impacts on indigenous peoples should be avoided for financing under the program.

B. Reporting

80. The semiannual safeguards monitoring report should include the implementation of the IPP or specific action plan of the identified indigenous peoples in a DDR. The external agency, as required, will submit biannual monitoring reports to the ADB. Broadly, monitoring and evaluation systems will involve:

- (i) administrative monitoring: daily planning, implementation, troubleshooting, feedback, individual village file maintenance, and progress reports;
- (ii) socioeconomic monitoring: case studies, using baseline information for comparing the socioeconomic conditions, morbidity and mortality, communal harmony, dates for consultations, employment opportunities, etc.; and
- (iii) impact evaluation monitoring: improved living standards; access to natural resources; better bargaining power in the society, etc.

81. Reporting and monitoring formats will be prepared by the monitoring experts for effective internal and external monitoring. The reports will be submitted to ADB for review and comments. Each IPP monitoring report will be submitted by executing agency to ADB for review and disclosure on the ADB website. Particularly, if land acquisition issues and packages for payment of compensation are involved, the monitoring reports will consist of details of the payment, and whether these are in conjunction with the project's civil work implementation.

VIII. BUDGET AND FINANCING

82. The executing agency will have the primary responsibility for the preparation of the IPP. The executing agency 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 RDSMC. The responsibility of financing, implementation and monitoring of the IPP will rest with the executing agency. Any grievances under IPP will be redressed as per the same procedure prescribed under resettlement framework.

83. 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 proposed Urban Water Supply and Sanitation (Sector) Project. Government will be responsible for provision of counterpart funds to prepare and implement IPPs.

POPULATION DISTRIBUTION OF NEPAL BY CASTE/ETHNICITY, 2011

S.N.	Caste/ Ethnic Group	Population	Percentage
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	Gharti/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	Khatwe	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

S.N.	Caste/ Ethnic Group	Population	Percentage
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	H Yolmo	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

S.N.	Caste/ Ethnic Group	Population	Percentage
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	Dolpo	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			

Legend

* Ethnic/Caste identified living in the sample project sites

	Disadvantaged, marginalized, highly marginalized and endangered Indigenous Peoples groups
	Advanced Indigenous Peoples groups
	Other (non-IP and/or minority) groups

INDIGENOUS PEOPLES IMPACT CATEGORIZATION

Date: _____

<p>A. Instructions</p> <p>(i) The project team completes and submits the form to the Environment and Safeguards Division (RSES) for endorsement by RSES Director, and for approval by the Chief Compliance Officer (CCO).</p> <p>(ii) The classification of a project is a continuing process. If there is a change in the project components or/and site that may result in category change, the Sector Division submits a new form and requests for re-categorization, and endorsement by RSES Director and by the CCO. The old form is attached for reference.</p> <p>(iii) The project team indicates if the project requires broad community support (BCS) of Indigenous Peoples communities. BCS is required when project activities involve (a) commercial development of the cultural resources and knowledge of indigenous peoples, (b) physical displacement from traditional or customary lands; and (c) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual use that define the identity and community of indigenous peoples.</p> <p>(iv) In addition, the project team may propose in the comments section that the project is highly complex and sensitive (HCS), for approval by the CCO. HCS projects are a subset of category A projects that ADB deems to be highly risky or contentious or involve serious and multidimensional and generally interrelated potential social and/or environmental impacts.</p>					
<p>B. Project Data</p> <p>Country/Project No./Project Title : _____</p> <p>Department/ Division : _____</p> <p>Processing Stage : _____</p> <p>Modality : _____</p> <p>[] Project Loan [] Program Loan [] Financial Intermediary [] General Corporate Finance</p> <p>[] Sector Loan [] MFF [] Emergency Assistance [] Grant</p> <p>[] Other financing modalities:</p>					
<p>C. Indigenous Peoples Category</p> <p style="text-align: center;">[] New [] Re-categorization — Previous Category []</p>					
[] Category A	[] Category B	[] Category C	[] Category FI		
<p>D. Project requires the broad community support of affected Indigenous Peoples communities.</p> <p style="text-align: right;">[] Yes [] No</p>					
<p>E. Comments</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; height: 50px; vertical-align: top;">Project Team Comments:</td> <td style="width: 50%; height: 50px; vertical-align: top;">RSES Comments:</td> </tr> </table>				Project Team Comments:	RSES Comments:
Project Team Comments:	RSES Comments:				
<p>F. Approval</p> <p>Proposed by: _____ Reviewed by: _____</p>					

Project Team Leader, {Department/Division}	Social Safeguard Specialist, RSDD/RSES	
Date:	Date:	
Endorsed by:		
Social Development Specialist, {Department/Division}	Director, RSES	
Date:	Date:	
Endorsed by:	Approved by:	<input type="checkbox"/> Highly Complex and Sensitive Project
Director, {Division}	Chief Compliance Officer	
Date:	Date:	

Indigenous Peoples Impact Screening Checklist

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?				

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
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?				
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?				

D. Anticipated project impacts on Indigenous Peoples

Project component/ activity/ output	Anticipated positive effect	Anticipated negative effect
--	------------------------------------	------------------------------------

1. LIST ALL PROJECT COMPONENT / ACTIVITY / OUTPUTS HERE	---- INDICATE EFFECTS TO Indigenous Peoples OR PUT N/A AS NECESSARY	
2.		
3.		
4.		
5.		

Note: The project team may attach additional information on the project, as necessary.

OUTLINE OF INDIGENOUS PEOPLE PLAN

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.

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 Indigenous Peoples 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 Indigenous Peoples 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 old 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 Indigenous Peoples**
 - 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 Indigenous Peoples groups,
 - Impact of the project on Indigenous Peoples social system, cultures and traditions,
 - Mitigation measures for negative impact on cultures and social systems, etc.
- 5. Assessment of land and territories that Indigenous Peoples have traditionally owned or occupied**
- Land size of the Indigenous Peoples groups,
 - Cost of land,
 - Squatter and tenant Indigenous Peoples group wise population,
 - Project impact on land and territories of Indigenous Peoples groups, etc.
- 6. Assessment of natural resources on which Indigenous Peoples depend**
- Assess the types and area/volume of natural resources used by Indigenous Peoples groups,
 - Assess the area/volume of the natural resources where access will be denied by Indigenous Peoples,
 - Mitigation measures for impact on natural resources, etc.
- 7. Assessment of the project's impacts on Indigenous Peoples 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 Indigenous Peoples groups will trigger the Indigenous Peoples policy principles**
- List of Indigenous Peoples groups affected by project,
 - Assessment of degree of impact to each Indigenous Peoples groups, etc.
- 9. Assess the history of the relationships of Indigenous Peoples with the neighboring cultures (of the area of possible relocation/resettlement), and analysis the understanding of the conflicts of the cultures with neighboring cultures**
- How is the status of indigenous people in the community?
 - How is the relation of Indigenous Peoples culture with other neighboring cultures in potential area of relocation/resettlement?
 - Did any Indigenous Peoples 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 labor/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?

SAMPLE MONITORING TEMPLATE FOR IMPACTS ON INDIGENOUS PEOPLES/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 Indigenous Peoples/minority groups; project impact on land/territories of IP/minority groups;
4. Type and area of natural resources used by Indigenous Peoples 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 Indigenous Peoples/minority have legal title to land/structure occupied/used; if not, how many are squatters, encroachers, bonded labors, sharecroppers or tenants - before and after situation;
12. Indigenous Peoples 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 labors 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 Indigenous Peoples in politics, NGOs/CBOs, community forest groups, SHGs etc.;
17. Level of Indigenous Peoples 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 mobilization;
19. Status of Indigenous Peoples cultures, identity, traditional safety net system;
20. Situation of Indigenous Peoples access to natural resources;
21. Social status of Indigenous Peoples or feeling of Indigenous Peoples on their social status - before and after project;
22. IP/minority groups cultures, relationship with neighboring cultures;
23. Impact of project on Indigenous Peoples social networks, cultures and traditions;
24. Gender role/division of labor within household and status of women – before and after project;
25. Women's ownership of households 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 Indigenous Peoples (men and women)

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