

INDIGENOUS PEOPLES DEVELOPMENT FRAMEWORK

I. The Context

1. According to the Census of 2001, the State of Assam in the north-eastern region of India has a total population of 26 million. Of them, nearly 3.5 million are indigenous people called Scheduled Tribes (STs), constituting 12.5 per cent of the total population of the state. In all, there are 23 ST groups in the state. District wise distribution shows that North Cachar Hills District has the highest proportion of the ST's at 68% of its total population. The STs constitute more than half of the total population in Karbi Anglong district (55.7%) whereas Karimganj district with 0.3% and Hailakandi (0.2%) has the lowest proportion of the ST population in the state.

2. Assam is the largest of the eight states in the north-eastern region of India. It is also one of the poorest with 36% of its 26 million people living under poverty line in 2000. The state also lags behind in many other development indicators. Several factors are responsible, including poor infrastructure, remoteness, and inability to minimize the impacts of damages and loss of productivity from frequent flooding. The recent flood of 2004 devastated the rural economy – over 200 people died, 3 million were temporarily displaced - and the flood caused extensive damages to crops, livestock and property in the state.

3. The North-East region remains prone to natural disasters creating an environment of uncertainty and repeated set-backs to any development efforts. Every year flooding and riverbank erosion cause devastating impacts. About 7% of the land in the state's 17 riverine districts has also been lost due to river erosion in the last 50 years. While the Assam State Government (ASG) has constructed flood embankments to protect some 50% of its flood prone areas, their effectiveness is generally limited due to (i) deterioration caused by insufficient maintenance, (ii) failure from riverbank erosion, and (iii) inundation caused by internal rainfall and tributary floods. As a result, the rural populations, including the STs, suffer from loss of crops and property due to annual flood, which affect their income and further increases their vulnerability to endemic poverty. Given that over 90% of its agriculture land and urban areas are located in flood prone areas in the Brahmaputra and Barak valleys, effective flood risk management remains high on the development agenda.

4. Sustainable development and poverty reduction depend on predictability and reduced vulnerability of the population to natural hazards. ASG has adopted a policy of high priority to improvement of existing embankment systems in particular along high value locations such as urban and commercial centers. At the same time, flood proofing and other “non-structural” measures such as flood risk mapping, flood plain zoning, disaster risk management plans and capacity building, including adaptive measures to floods are being explored as a strategy to “holistic” management of flood and erosion in the Brahmaputra floodplains.

II. The Project

5. ASG with assistance from the Asian Development Bank (ADB)¹ has prepared an investment project, namely the North East Integrated Flood and Riverbank Erosion Management Project – Assam (NEIFREMP or the Project) aimed at improving key infrastructure including embankments, riverbank protection and flood proofing works along the Brahmaputra River to protect vital state economic interests and to improve the socio-economic conditions of the

¹ ADB TA 38412–IND: *Preparing the North Eastern Integrated Flood and Riverbank Erosion Management Project (Assam)*, December 2006.

floodplain inhabitants, including poverty reduction of the poorer and vulnerable groups in the project area. Thus, the proposed project aims to enhance the security against floods and riverbank erosion through provision of comprehensive interventions comprising of mitigations, institutional strengthening and capacity building of state and local level agencies of the Water Resources Department (WRD).

6. The scope of the Project works involves (i) construction of riverbank protection in selected high priority/subproject areas; (ii) strengthening and improvements of existing embankments; (iii) nonstructural measures such as forecasting and early warning systems, and preparedness; (iv) alternative measures such as community flood proofing in selected localities; and (iv) project management support.

7. The Project is considered as the first step of a long-term partnership with ASG to put into operation the integrated flood and river erosion mitigation (FRERM) system progressively extending with improved planning and management framework under a multi-tranche financing facility (MFF) with appraised subproject(s) for its first tranche and a program to implement the project over several tranches. The sub-projects under tranche 1 include strengthening flood embankments and anti-erosion protection measures, including “emergency” work, in the form of bank protection as well as retired embankments.

III. ST Groups in the Project Area

8. Out of 23 ST groups in Assam, Bodo is the most populous tribe having a population of 1.35 million or 41% of the total ST population of the State. Miri (Mishing), Mikir and Rabha, are the next largest tribes constituting 18%, 11% and 8% respectively. Four other tribes, Kachari, Lalung, Dimsa and Deori are the other major tribes contributing to 20% the total scheduled tribe population. In Assam, Mishings are inhabiting the districts of Dhemaji, North Lakhimpur, Sonitpur, Tinsukia, Dibrugarh, Sibsagar, Jorhat and Golaghat of Assam. A few live in and around Pasighat of East Siang district of Arunachal Pradesh. They were earlier called Miris, to which they take offence now. However the Constitution of India still refers them as Miris. The Mishings are closely associated with the Adi people of Arunachal Pradesh.

9. The Mishing tribe is the second largest tribe in Assam after the Bodo tribe. Amongst Palasbari and Kaziranga, the presence of ST groups was noted in Kaziranga only during the SES study. The yearly floods make the Mishings live a life of abject poverty and misery. Agriculture being their main occupation, floods affects them in many ways. Nonetheless, close to 90% of them still continue to live along the banks of Brahmaputra and its tributaries, unfazed by the disasters striking them.

10. In sum, the ST population in Assam is predominantly rural with 95% - only 5 % living in urban areas. Of the eight major STs, Dimasa have recorded the highest 10 per cent urban population, followed by Mikir (8.3 per cent). On the other hand, Miri (Mishing) at 2% have recorded the lowest percentage of urban population.

IV. National and State-Level Safeguards for STs

11. India has close to 600 ST groups. The Constitution of India provides for specific safeguards of the STs and confers entitlements to affirmative action programs including reserved seats in legislatures, various subsidies, separate educational facilities, and welfare measures to promote and develop the ST communities. Despite this, a large majority of tribal communities continue to be vulnerable even today – nearly 46% of the ST populations are under the below

poverty line (BPL) nationally. To further enhance the socio-economic conditions of the STs, the central government has recently made a major shift in the approach from 'welfare' to 'development' and to 'empowerment' of the St population by setting up an exclusive Ministry of Tribal Affairs (1999) and instituting a separate National Scheduled Tribes Finance and Development Corporation (2001).

12. A national tribal policy (A Policy for Scheduled Tribes in India, 2006) has also been adopted as a guide to involve the ST populations in the processes of development as well as to protection their rights and cultural heritage. A key objective of the 2006 Policy is to provide an environment conducive to the preservation of traditional and customary systems and regime of rights and concessions enjoyed by different ST communities. The Policy further aims at empowerment of tribal communities to promote self governance and self-rule as per the provisions and spirit of the *Panchayat* (Extension to the Scheduled Areas) Act, 1996.

13. At the state-level, illiteracy, poor health, poverty, malnutrition, marginalization and vulnerability are the major problems faced by the STs in Assam. In 1983, ASG established the Assam Tribal development Authority (ADTA) to provide enabling environment through capacity building and vocational training for development of livelihood programs. Recently, the Assam Plains Tribal Development Corporation has been formed for the plain tribes to mainly look after socio-economic development of the ST population under BPL.

V. Objectives of the IPDF

14. This draft Indigenous Peoples Development Framework (IPDF or the Framework) is intended to guide the preparation of additional subprojects under the MFF having adverse impacts on ST populations or groups in the project area. The Framework has been prepared in the light of the requirements by the Tribal Policy of India (2006) and following the ADB Policy on Indigenous Peoples (1998) and the OM F3/OP (2006).

15. A key objective of the Framework is to ensure and safeguard the benefits of the ST people in project planning and development of the indigenous peoples in the project areas. The Framework also seeks to ensure that the affected STs informed, consulted and mobilized to participate in the subproject preparation and implementation for better distribution of project benefits. The IPDF should be read with the Resettlement Framework (RF) for the Project, which describes eligibility and entitlements within the context of impacts and losses.

VI. IPDP Policy Framework

16. ADB's *Policy on Indigenous Peoples* aims to protect tribal/ethnic minorities from the adverse impact of development, and to ensure that affected tribal/ethnic minorities benefit from development projects and programs. The need for a full IPDP will depend on the nature and magnitude of the project impacts and sensitivity of IP issues. The following criteria set out in the ADB Policy to determine if project impacts are "significant": (i) adverse impacts on customary rights of use and access to land & natural resources; (ii) negative impacts on socio-economic status and cultural identity; (iii) impacts on health, education, livelihood and social security status; and (iv) any other impacts that may alter or undermine indigenous knowledge and customary institutions.

17. The IPDP will ensure that project affected IPs is as well off with the project as without it after the implementation of the plan. This plan will also aim to identify measures towards satisfying the needs and developmental aspirations of IPs. If, the impacts on IP's are

insignificant², then specific actions in favour of the indigenous people will need to be integrated in the Resettlement Plan for the subprojects or a community/tribal development plan. This would ensure appropriate mitigations and benefits for the indigenous people.

18. Based on both India's legal, constitutional, tribal and developmental strategies and ADB's policy on indigenous people, the objectives of IPDP will be as follows:

- (i) Ensure that tribal/ST people affected by any subproject will benefit from the subproject;
- (ii) Ensure tribal inclusion in the entire process of planning, implementation and monitoring of the subproject;
- (iii) Ensure that the benefits of the subprojects are available to STs more than or at least at par with other affected groups; this may require giving preference to tribal people as vulnerable groups over others on certain benefits under the subprojects; and
- (iv) Provide a base for the tribal groups in the area to receive adequate development focus and attention.

VII. Procedure for Preparing an IPDP

19. In order to prepare an IPDP the following steps will be undertaken:

- (i) Based on the social assessment, establish baseline data on the tribal people (subsistence, employment, community networks) affected by the project (use the criteria in the section above to determine project impacts);
- (ii) Review policy guidelines both at national and state level regarding STs;
- (iii) If the impacts are considered significant as defined above, prepare an IPDP based on ADB's *Policy on Indigenous People (1998)*;
- (iv) Submit IPDP to ADB for review and approval.

20. As enumerated above, the main features of the IPDP will thus comprise of a preliminary screening process, followed by a social impact assessment to determine the degree and nature of impact of each subproject, and an action plan will be developed if warranted. Each of these steps is detailed as follows:

A. Screening

21. The Executing Agency (EA) and Consultants responsible for subproject preparation and implementation will visit all tribal settlements near the subproject areas or in likelihood of being affected and influenced by the subproject components. Public meetings will be arranged in selected communities by the EA/Consultants with the tribal communities and their leaders to provide them information about the subproject and take their views on the subproject.

² Impacts are insignificant when the fewer than 100 Indigenous People are affected, a full Indigenous Peoples Development Plan (IPDP) is not required but impacts and mitigation measures can be dealt through the RP. Impacts are considered to be 'significant' when more than 100 Indigenous People are affected by the Project thereby requiring a separate IPDP.

22. During this visit, the Consultants will undertake a screening of the tribal communities with the help of the community leaders and local authorities. The screening will cover the following aspects:

- (i) Potential adverse impacts of the subproject in terms of acquisition and displacement;
- (ii) Likely benefits of the subprojects;
- (iii) Name(s) of tribal community group(s) in the area;
- (iv) Percentage of tribal community population to that of total area/locality population;
- (v) Number and percentage of tribal community households along the zone of influence of the proposed subproject.

23. If the results of the screening bring forth the presence of tribal community households in the zone of influence of the proposed subproject, a social impact assessment will be planned for those areas.

B. Social Impact Assessment

24. The EA/Consultant will undertake a social impact assessment (SIA). The SIA will gather relevant information on demographic data; social, cultural and economic situation; and social, cultural and economic impacts – positive and negative on the tribal communities in the subproject area.

25. Information will be gathered from separate group meetings within the tribal community, including tribal leaders; group of tribal men and women, especially those who live in the zone of influence of the proposed subproject under the Project. Discussions will focus on the positive and negative impacts of the subproject as well as recommendations on the design of the subproject.

26. The EA will be responsible for analyzing the SIA and based on it developing an action plan with the tribal community leaders. If the SIA indicates that the potential impact of the proposed Project will be significantly adverse threatening the cultural practices and their source of livelihood, the EA will consider other design options to minimize such adverse impacts and will prepare an Indigenous Peoples Development Plan (IPDP).

C. Indigenous People Development Plan (IPDP)

27. IPDP will consist of a number of activities and will include mitigation measures of potentially negative impacts by means of modification of subproject design and development assistance. Where there is land acquisition in tribal communities, the Project will ensure that their rights will not be violated and that they will be compensated for the use of any part of their land in a manner that is culturally acceptable to them. The compensation will be in keeping with Entitlement Matrix as provided in the Resettlement Framework of the Project. The IPDP will include: (i) Baseline data; (ii) Land tenure information; (iii) Local participation; (iv) Technical identification of development or mitigation activities; (v) Institutional arrangement; (vi) Implementation schedule; (vii) Monitoring and evaluation; and (viii) Cost estimate and financing plan. The EA will submit the IPDP to ADB for review and approval prior to the selection of specific subprojects. The IPDP policy and measures must comply with ADB's *Policy on Indigenous Peoples*.

D. *Indigenous People Specific Action Plan*

28. If the impacts of the sub project are not significant, the EA will prepare a 'specific action' to address IP issues without preparing an IPDP. A 'specific action' will include a community action plan where the indigenous peoples groups live with non-indigenous peoples in the same subproject location. This will be in addition with the provisions in the Resettlement Plan, if any. The main objective of specific action is to address developmental needs of tribal community and households and ensure their social cultural ethnicity remains unaffected.

E. *Mitigation Measures and Strategies*

29. The mitigation measures and strategies will be described either in IPDP or Specific Action Plan. The main objective will be to ensure all affected indigenous households are provided with assistance, which would help them to improve their living standards without exposing their communities to disintegration. As vulnerable groups, they are entitled to receive special assistance not only to restore and improve their income and livelihood, but also to maintain their distinct cultural identity

VIII. Consultation & Disclosure

30. The tribal groups/IPs will be consulted during the preparation of the IPDP. They will be informed of the mitigation measures proposed and their views will be taken into account in finalizing the plan. The Plan will be translated into the tribal language and made available to the affected people before implementation. The disclosure will be in a manner accessible to APs where there are differing levels of literacy skills. The tribal institutions and organizations in the affected area will also be involved in implementing the IPDP and in resolving any disputes that may arise.

IX. Institutional Framework and Budget

31. The EA will have the primary responsibility for the preparation of the IPDP. The EA will also prepare a detailed budget taking into account all the activities associated with the formulation and implementation of the IPDP. Each IPDP will have its own budget and will form an integral part of the overall project cost. The responsibility of financing, implementation and monitoring of the IPDP will rest with the EA. A local NGO/agency with the relevant experience will be hired to assist the EA in planning and implementing the IPDP. The NGO/agency will be fully oriented on ADB's *Policy on Indigenous People*.

X. Monitoring and Evaluation

32. The EA will set up an internal monitoring system comprising the Consultant/Specialist, NGO/agency, tribal people/IP and their institutions to encourage participatory monitoring of the IPDP implementation. Monitoring indicators will be established during implementation. In addition, an external independent monitoring agency will be engaged by the EA with ADB concurrence to undertake independent external monitoring of all IPDP/RPs. The EA will submit quarterly reports on IPDP implementation. External monitoring will be carried out annually. The monitoring reports will be posted in WRD and ADB websites. The EA will take appropriate actions on the monitoring reports, including those by the external monitors.